

Meeting of Council

Tuesday 19 May 2015

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Tuesday 19 May 2015 at 6.30 pm, and you are hereby summoned to attend.



Sue Smith
Chief Executive

Monday 11 May 2015

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 - 2)

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 3 - 16)

To confirm as a correct record the Minutes of Council held on 23 February 2015.

6 Election of Chairman for the Municipal Year 2015/16

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 2015/16

12 Investiture of Vice-Chairman

Council Business Reports

13 Annual Council Business Report (Pages 17 - 22)

** Appendix 1 and 2 to this report will follow as Political Groups are considering appointments to Committees **

Report of Chief Executive

Purpose of report

To note the results of the 7 May 2015 district elections, the constitution of Political Groups, to note the appointment of the Deputy Leader and Executive for the Municipal Year 2015/16 and to consider and agree the suggested constitution of Committees for the Municipal year 2015/2016.

Recommendations

The meeting is recommended:

- 1.1 To note the results of the District elections held on 7 May 2015.

- 1.2 To note the constitution of Political Groups and notification of Group Leaders.
- 1.3 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2015/16 (Appendix 1 – to follow).
- 1.4 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- 1.5 To agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.
- 1.6 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 (Appendix 2 - to follow).
- 1.7 To appoint a representative to the County Council Health Overview and Scrutiny Committee.
- 1.8 To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

14 Joint Councils Employee Engagement Committee (Pages 23 - 30)

Report of Chief Executive

Purpose of report

This report recommends the implementation of the Joint Councils Employee Engagement Committee to undertake consultation and engagement with employees on behalf of Cherwell District Council and South Northamptonshire Council as set out in the final business case for joint working agreed by both authorities at their Council Meetings in February 2015.

Recommendations

- 1.1 Following adoption of the final business case for joint working by Council in February 2015 and a period of consultation with the relevant Trade Union Representatives Members are recommended, subject to South Northamptonshire Council resolving in similar terms, to:
 - 1) Establish the Joint Councils Employee Engagement Committee with the terms of reference as set out in the Final Business Case 'Developing the Approach to Joint Working and the Delivery of Local Authority Services' agreed by Council in February 2015 (see appendix 1 for the terms of reference endorsed as part of the final business case)
 - 2) Disband the existing arrangements for employee consultation (the Council and Employee Joint Committee at Cherwell District Council and the Council and Employee Local Joint Committee at South Northamptonshire Council).

15 **Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 - Mandatory Standing Orders re Dismissal of Statutory Officers**
(Pages 31 - 38)

Report of Head of Law and Governance

Purpose of report

To enable the Council to comply with the legal obligation imposed upon it to incorporate new constitutional provisions dealing with the dismissal of statutory officers for alleged misconduct, to approve the composition of the required Panel to be introduced as part of the process and to delegate authority to appropriate officers to appoint the Panel and arrange meetings (if necessary).

Recommendations

The meeting is recommended:

- 1.1 To approve the inclusion of the procedure at Appendix 1 as part of the Officer Employment Procedure Rules in the Council's constitution and note that the Head of Law and Governance has exercised his delegated authority to make consequential amendments to the constitution as necessary to reflect the requirements contained in the Local Authorities (Standing Order) (England) (Amendment) Regulations 2015 ("the 2015 Regulations).
- 1.2 To approve the constitution of the Panel as solely comprising the independent persons appointed by this Council and South Northamptonshire Council pursuant to section 28(7) of the Localism Act 2011.
- 1.3 To delegate authority to the Head of Law and Governance (or one of the Deputy Monitoring Officers should the Head of Law and Governance be the subject of the relevant disciplinary action) to appoint the Panel and convene meetings of it in the event that this ever becomes necessary.
- 1.4 To note that the Head of Transformation will automatically amend the Joint Local Discipline and Dismissal Guide for Statutory Officers and that she has already taken steps to amend the contracts of employment of the statutory officers as necessary to reflect the changes introduced by the 2015 Regulations.

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 or 01295 221589 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 Natasha Clark, Democratic and Elections
natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

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Agenda Item 3

CHAIRMAN'S ENGAGEMENTS

24 February – 19 May 2015

Date	Event
28 February	The Chairman and his wife attended the Finals of the 25 th Banbury Young Musicians Competition which was held at Sibford School. The event was organised by the Rotary Club of Banbury and showcased the many talented musicians from the Banbury area.
5 March	The Chairman and his wife attended one of the two Crocus Concerts organised by the Rotary Club of Banbury. The concerts were held at St. Mary's Church in Banbury and involved pupils from local secondary schools. Pupils from each school have planted a total of 6,500 Ruby Giant Crocuses, symbols of the Polio Eradication Campaign. The target was to raise £1 per crocus which, when double-match-funded by the Bill and Melissa Gates Foundation, will mean that almost £20,000 can be donated to the cause.
6 March	The Chairman attended the Women's World Day of Prayer Service at Marlborough Road Methodist Church. The service was prepared by the women of the Bahamas and was organised by the Banbury Branch Committee.
16 and 17 March	The Chairman attended Banbury's 4 th Youth Arts Festival. This consisted of two concerts held at St. Mary's Church, Banbury in which 350 children and young people from local schools celebrated their talents. The event was organised by the Oxfordshire County Music Service.
20 March	At the invitation of the Chairman of South Oxfordshire District Council, the Chairman and his wife attended her Charity Dinner in aid of the Royal British Legion Women's Section and SeeSaw (a local children's charity). The event was held at The Oxford Belfry Hotel.
27 March	The Chairman attended one of a series of Open Days for Civic Leaders' which were held at RAF Croughton. The purpose of the day was to explain the current mission at the base and to highlight where new facilities are planned to be built.
10 April	The Chairman and his wife attending a dinner at Walton Hall, Wellesbourne, hosted by the Chairman of Stratford on Avon District Council. The event was held to raise funds for the Chairman's 3 chosen charities.
18 April	The Chairman and his wife attended a Roaring 20's Dance Night at the Carrdus School, Overthorpe. The event was organised by the Rotary Club of Banbury and featured a live jazz band and Lindy Hop Dancers.
24 April	The Vice Chairman attended the Mayor of Carterton's St. George's Day Dinner which was held at the Officers' Mess, RAF Brize Norton. Proceeds from the event went to SSAFA and local Carterton Organisations.
12 May	Both the Chairman and his wife and the Vice Chairman and her husband attended one of the LGA Royal Garden Parties at Buckingham Palace.
15 May	The Vice Chairman attended the fourth Cherwell Business Awards, a celebration of North Oxfordshire's best businesses. This was held in a marquee set in the grounds of Sibford School. The Vice Chairman presented the award for the Charity and Community Category. The winner of the Award was Bicester Green, followed by Katharine House Hospice and ARCh.

15 May The Chairman and his wife attended a charity dinner organised by the Chairman of Oxfordshire County Council to raise funds for her chosen charity. The event was held at the Oxford Spires Hotel.

18 May The Vice Chairman attended the Bicester Annual Meeting and Mayor Making.

- **Correct at time of printing**

Agenda Item 5

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 23 February 2015 at 6.30 pm

Present: Councillor Melanie Magee (Vice-Chairman, in the Chair)

Councillor Ken Atack
Councillor Andrew Beere
Councillor Claire Bell
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Diana Edwards
Councillor Andrew Fulljames
Councillor Michael Gibbard
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Ray Jelf
Councillor Matt Johnstone
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor D M Pickford
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Nicholas Turner
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence: Councillor Alastair Milne Home
Councillor Ann Bonner
Councillor Mike Kerford-Byrnes
Councillor Jon O'Neill
Councillor Alaric Rose
Councillor Douglas Williamson

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Ian Davies, Director of Community and Environment
Martin Henry, Director of Resources / Section 151 Officer
Paul Sutton, Head of Finance and Procurement
James Doble, Democratic and Elections Manager
Natasha Clark, Team Leader, Democratic and Elections

64 **Declarations of Interest**

There were no declarations of interest.

65 **Communications**

Recording at meetings

The Vice-Chairman advised councillors and members of the public that under the Openness of Local Government Bodies Regulations 2014 members of the public are permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

Chairman's Engagements

The Vice-Chairman advised Council that a list of engagements that she, or the Chairman, had attended since the last meeting of Council was included in the agenda pack.

Chairman's Dinner

The Vice-Chairman reported that the Chairman had held his Chairman's dinner on 31 January 2015. It raised in the region of £1500.

Food Hygiene Enforcement

The Vice-Chairman reported that Cherwell District Council had topped a Which? Magazine survey for food hygiene enforcement for the second year running. Of the 398 councils across the country CDC was rated top for ensuring that businesses comply with food hygiene rules.

Post

The Vice-Chairman reminded Members to collect post from pigeon holes

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

There were no petitions or requests to address the meeting.

67 **Urgent Business**

There were no items of urgent business.

68 **Minutes of Council**

The minutes of meeting of Council held on 15 December 2014 and the Special Meeting of Council held on 27 January 2015 were agreed as correct records and signed by the Chairman.

69 **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, three decisions have been taken by the Executive which were not included in the 28 day notice relating to Landscape Management Contract Re-tender, Negotiations with Parkwood Leisure Limited Regarding Benchmarking and Contract Structure and Bicester Leisure Centre.

b) **Minutes of Committees**

Resolved

That the minutes of Committees as set out in the Minute Book be received.

70 **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:

Franklin Car Park Closure: Councillor Sibley
Parking Scheme at Bicester Hospital: Councillor Sibley
Retail development at Kingsmere: Councillor Sibley
MOD logistics contract: Councillor Sibley

Performance Monitoring 2014/15 Quarter 3 report – domestic burglaries in Banbury and processing of minor applications within 8 weeks – Councillor Dhesi

Deferral of applications at Planning Committee – Councillor Beere

Potential for closure of London Road railway station – Councillor Mawer

c) Questions to Committee Chairmen on the minutes

Councillor Lawrie Stratford asked a question to the Chairman of the Overview and Scrutiny Committee relating to Minute 52, 2015-16 Business Plan, of the 13 January 2015 minutes of the Overview and Scrutiny Committee whereby the Committee had sought clarification as to whether self-build projects attracted S106 funding.

The Lead Member for Planning agreed to provide a written response.

71 **Motions**

Councillor Sibley advised that he had withdrawn his motion in light of the Leader's response to his earlier question under agenda item 8.

72 **Members Allowances 2015/16**

The Head of Law and Governance submitted a report to determine the levels of the allowances to be paid to Members for the forthcoming 2015/2016 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 2015/2016 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 2015.
- (3) That the Head of Law and Governance be authorised to take all necessary action to revoke the current (2014/2015) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members's Allowances)(England) Regulations 2003 (as amended).
- (4) That the Independent Remuneration Panel be thanked for its report and a fee of £300 for Panel Members for the work carried out in 2014/2015 and the same level of fee for 2015/2016 be agreed.

73 **Corporate Plan, Revenue and Capital Budgets and Treasury Strategy 2015/16**

The Head of Finance and Procurement and Head of Transformation submitted a report to set the Council's General Fund Budget and to seek formal adoption of all parts of the Council's financial plans for the 2015-16 budget year.

The report also detailed the proposed strategic priorities, the underpinning key objectives and outcomes for 2015-16 which have now been converted into a proposed business plan for the Council. The proposed business plan sits alongside the proposed budget for 2015-16 so as to demonstrate that the Council adopts a strategic and integrated approach to managing all of its resources by aligning the development and delivery of the Council's strategic business priorities and key outcomes to the proposed budget.

Councillor Atack introduced and proposed the Corporate Plan, Revenue and Capital Budgets and Treasury Strategy 2015/16.

Councillor Wood seconded the adoption of the budget. Councillor Woodcock, on behalf of the Labour Group, addressed Council in response to the budget.

Councillor Wood paid tribute to the Lead Member for Finance, the Director of Resources, Head of Finance and Procurement and the finance team who had worked hard on the budget process and submitted a balanced budget to Council.

A recorded vote was taken and members voted as follows:

Councillor Ken Atack – For
Councillor Andrew Beere – Against
Councillor Claire Bell - Against
Councillor Maurice Billington – For
Councillor Fred Blackwell – For
Councillor Norman Bolster – For
Councillor Mark Cherry – Against
Councillor Colin Clarke - For
Councillor Surinder Dhesi – Against
Councillor John Donaldson – For
Councillor Diana Edwards - For
Councillor Andrew Fulljames – For
Councillor Michael Gibbard – For
Councillor Carmen Griffiths - For
Councillor Tim Hallchurch MBE – For
Councillor Chris Heath - For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Russell Hurle – For
Councillor Tony Ilott – For
Councillor Ray Jelf – For
Councillor Matt Johnstone - Against
Councillor James Macnamara – For
Councillor Melanie Magee – For

Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Nigel Morris – For
Councillor D M Pickford – For
Councillor Lynn Pratt – For
Councillor Neil Prestidge - For
Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Barry Richards - Against
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Trevor Stevens - For
Councillor Lawrie Stratford – For
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Nicholas Turner – For
Councillor Douglas Webb – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – Against

Resolved

- (1) That the contents of this report in approving the General Fund Revenue Budget and Capital Programme for 2015-16 be noted and that consideration be formally recorded.
- (2) That the 2015-16 General Fund Budget and 2015-16 Capital Programme (contained in the annexes to the Minutes as set out in the Minute Book) proposed by the Executive on 2 February 2015 be approved.
- (3) That the Collection Fund Estimates (annex to the minutes as set out in the Minute Book) be approved.
- (4) That the proposed 5 year business strategy, 2015-16 business plan and public pledges (annexes to the Minutes as set out in the Minute Book) be approved and authority delegated to the Head of Transformation in consultation with the Leader of the Council and the Lead Member for Banbury Developments, Communications and Performance to make any minor amendments to the plan or pledges as required before final publication in March 2015.
- (5) That the contents of the section 25 statement from the Director of Resources in relation to the robustness of the estimates and the adequacy of reserves be noted
- (6) That the Treasury Management Strategy (annex to the minutes as set out in the Minute Book) be approved.
- (7) That the statement of pay policy for 2015-16 as required by the Localism Act (annex to the minutes as set out in the Minute Book) be approved.

- (8) That the proposed Transitional Relief and Retail Relief Policies (annexes to the minutes as set out in the Minute Book) be approved.

74 **Adjournment of Council Meeting**

The Leader of the Council confirmed that she did not require Council to adjourn to allow Cabinet to meet discuss any issues arising from the budget.

75 **Calculating the amounts of Council Tax for 2015-2016 and setting the Council Tax for 2015-2016**

The Chief Finance Officer and Head of Finance and Procurement submitted a report to detail the Calculations for the amounts of Council Tax for 2015-16 and the setting of Council Tax for 2015-2016.

Councillor Atack introduced and proposed the Council Tax for 2015-16, which was duly seconded by Councillor Wood.

A recorded vote was taken and members voted as follows:

Councillor Ken Atack – For
Councillor Andrew Beere – Abstain
Councillor Claire Bell - Abstain
Councillor Maurice Billington – For
Councillor Fred Blackwell – For
Councillor Norman Bolster – For
Councillor Mark Cherry – Abstain
Councillor Colin Clarke - For
Councillor Surinder Dhesi – Abstain
Councillor John Donaldson – For
Councillor Diana Edwards - For
Councillor Andrew Fulljames – For
Councillor Michael Gibbard – For
Councillor Carmen Griffiths - For
Councillor Tim Hallchurch MBE – For
Councillor Chris Heath - For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Russell Hurle – For
Councillor Tony Ilott – For
Councillor Ray Jelf – For
Councillor Matt Johnstone - Abstain
Councillor James Macnamara – For
Councillor Melanie Magee – For
Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Nigel Morris – For
Councillor D M Pickford – For
Councillor Lynn Pratt – For
Councillor Neil Prestidge - For

Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Barry Richards - Abstain
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Trevor Stevens - For
Councillor Lawrie Stratford – For
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Nicholas Turner – For
Councillor Douglas Webb – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – Abstain

Resolved

- (1) That it be noted that at the Executive meeting held on 5 January 2015 the Council calculated the Council Tax Base 2015-16:
 - a) for the whole Council area as 48,253 [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 the attached annex to the Minutes (as set out in the Minute Book).
- (2) That the Council Tax requirement for the Council’s own purposes for 2015-16 (excluding Parish Precepts and Special Expenses) is £5,959,246.
- (3) That the following amounts be calculated for the year 2015-16 in accordance with Sections 31 to 36 of the Act:-
 - a) £70,480,648 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) £60,437,491 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
 - c) £10,043,157 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(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) £208.14 being the amount at 3(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) £4,083,911 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 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(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 2015-16 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	821.64	109.13
B	958.58	127.32
C	1095.52	145.51
D	1232.46	163.70
E	1506.34	200.08
F	1780.22	236.46
G	2054.10	272.83
H	2464.92	327.40

- (5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts shown in the annex to the Minutes (as set out in the Minute Book) as the amounts of Council Tax for the year 2015-16 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 2015-16 not be excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

Developing the approach to Joint Working and the Delivery of Local Authority Services Final Business Case

The Chief Executive submitted a report which presented the final business case for a shared service and/or confederated approach to joint working and the delivery of local authority services following consideration of the draft business case by Council on the 15 of December 2014 and a period of public consultation.

Councillor Woodcock proposed that a recorded vote be taken. Councillor Beere seconded the proposal. Members voted as follows:

Councillor Ken Atack – For
Councillor Andrew Beere – Against
Councillor Claire Bell - Against
Councillor Maurice Billington – For
Councillor Fred Blackwell – For
Councillor Norman Bolster – For
Councillor Mark Cherry – Against
Councillor Colin Clarke - For
Councillor Surinder Dhesi – Against
Councillor John Donaldson – For
Councillor Diana Edwards - For
Councillor Andrew Fulljames – For
Councillor Michael Gibbard – For
Councillor Carmen Griffiths - For
Councillor Tim Hallchurch MBE – For
Councillor Chris Heath - For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Russell Hurle – For
Councillor Tony Ilott – For
Councillor Ray Jelf – For
Councillor Matt Johnstone - Against
Councillor James Macnamara – For
Councillor Melanie Magee – For
Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Nigel Morris – For
Councillor D M Pickford – For
Councillor Lynn Pratt – For
Councillor Neil Prestidge - For
Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Barry Richards - Against
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Trevor Stevens - For
Councillor Lawrie Stratford – For
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Nicholas Turner – For
Councillor Douglas Webb – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – Against

Resolved

- (1) That following consideration by Council in December 2014 and a period of public consultation Members, subject to South Northamptonshire Council resolving in similar terms:

- 1) That the responses received to the public consultation exercise as outlined in section 3.2 of the final business case (annex to the Minutes as set out in the Minute Book) be noted.
- 2) That the implementation of scenario 5, moving towards shared services in all service areas between Cherwell District and South Northamptonshire Councils be agreed. This option should be underpinned by a planned programme of change which should commence as soon as practicable in order to contribute towards the savings required by the councils' medium term financial strategies.
- 3) That the establishment of shared service or joint working arrangements in any service area (subject to the approval of service specific business cases via the executive arrangements and the necessary employee consultation) be added to the Council's adopted policy framework.
- 4) That that the implementation costs associated with scenario 5 (as set out in part 3 of the appended business case) be funded by general fund or earmarked reserves to be determined at year end by the Director of Resources in consultation with the Lead Member of for Financial Management at Cherwell District Council (CDC) and the Resources and Change Management Portfolio Holder at South Northamptonshire Council (SNC).
- 5) That the draft workforce development plan (annex to the Minutes as set out in the Minute Book) as a framework to support the implementation of joint working and a full organisational development strategy be agreed.
- 6) That the principles set out in the management arrangements (annex to the Minutes as set out in the Minute Book) be agreed, and the Chief Executive be requested to prepare a management structure for the future consideration of the Joint Commissioning Committee to ensure the effective implementation of the transformation programme and on-going frontline service delivery.
- 7) That the additional technical information provided on the feasibility of alternative models of service delivery be received and a move towards a 'confederation approach' (scenario 6) between Cherwell District and South Northamptonshire as founding councils be agreed. Any decisions to implement a confederation or alternative service delivery models will still be subject to specific business cases to be considered by Members. Development will be incremental and focused on business support services in the first instance.
- 8) That a Joint Commissioning Committee and Joint Scrutiny Committee (annex to the Minutes as set out in the Minute Book) be established and the current Joint Personnel Committee be disestablished with effect from the annual council meeting on 19 May 2015 to enhance the governance arrangements associated

with the implementation of scenarios 5 (two way joint working between CDC and SNC) and further development of scenario 6, including the opportunity for additional partners to join the governance arrangements if appropriate.

- 9) That staff and trade union consultation be commenced on the proposal to establish a Joint Councils Employee Engagement Committee (annex to the Minutes as set out in the Minute Book) with effect from the annual council meeting on 19 May 2015 to replace the current separate Cherwell and South Northamptonshire Committees.
- 10) That the Head of Law and Governance be authorised to amend the constitution and complete a deed of variation to the Section 113 agreement with South Northamptonshire Council in order to facilitate the governance changes as set out in this report.
- 11) That opportunities continue to be developed to extend the collaborative partnership to include like-minded councils and organisations to explore opportunities for shared services, collaboration and the commissioning of alternative service delivery models.

77

Proposed changes to the Scheme of Delegation to the Head of Development Management

The Head of Development Management submitted a report to seek the agreement of Council to proposed revisions to the current scheme of delegation to the Head of Development Management as set out in the council's Constitution.

Resolved

- (1) That the proposed changes to the Scheme of Delegation to the Head of Development Management (annex to the Minutes as set out in the Minute Book) be agreed.
- (2) That authority be delegated to the Head of Law and Governance to produce a composite version of the scheme of delegation with the equivalent for South Northamptonshire Council so that there is one point of reference for both Councils, as at present.

78

Public Speaking at Planning Committee and Members' Planning Code of Conduct

The Head of Law and Governance submitted a report to agree the recommendations of the Planning Committee to approve minor amendments to the procedure for requests by the public to address the Planning and to consider a proposed Members' Planning Code of Conduct to replace the current Good Practice Guidance on Planning Matters contained in Part 3 of the Constitution.

Resolved

- (1) That the minor amendments to the procedure for requests by the public to address the Planning Committee (annexes to the Minutes as set out in the Minute Book) be approved.
- (2) That the Members' Planning Code of Conduct and Bias and Predetermination: A Guidance Note for Members (annexes to the Minutes as set out in the Minute Book) be adopted.
- (3) That authority be delegated to the Head of Law and Governance, in consultation with the Lead Member for Planning and Chairman of Planning Committee, to make any necessary typographical amendments to the procedure for requests by the public to address the Planning Committee and the Members' Planning Code of Conduct prior to publication.

79 **Calendar of Meetings 2015/16 and 2016/17**

The Head of Law and Governance submitted a report to consider the calendar of meetings for the municipal year 2015/16 and the municipal year 2016/17.

Resolved

- (1) That the calendar of meetings for Cherwell District Council (CDC) for the municipal years 2015/16 and 2016/17 (Annexes to the Minutes as set out in the Minute Book) be approved.
- (2) That authority be delegated to the Head of Law and Governance to amend the calendars of meetings to take account of the Joint Commissioning Committee, Joint Scrutiny Committee and Joint Councils' Employee Engagement Committee following the approval of their establishment.

80 **Exclusion of the Press and Public**

As there were no questions arising on the exempt appendices to agenda item 14, Developing the Approach to Joint Working and the Delivery of Local Authority Service Final Business Case, it was not necessary to resolve to exclude the press and public.

81 **Developing the approach to Joint Working and the Delivery of Local Authority Services Final Business Case - Exempt appendices**

Resolved

- (1) That the exempt appendices to agenda item 14, Developing the approach to Joint Working and the Delivery of Local Authority Service Final Business Case, be noted.

82 **Questions on Exempt Minutes**

There were no questions on exempt minutes.

The meeting ended at 9.15 pm

Chairman:

Date:

Cherwell District Council

Council

19 May 2015

Annual Council Business Report

Report of Chief Executive

This report is public

Purpose of report

To note the results of the 7 May 2015 district elections, the constitution of Political Groups, to note the appointment of the Deputy Leader and Executive for the Municipal Year 2015/16 and to consider and agree the suggested constitution of Committees for the Municipal year 2015/2016.

1.0 Recommendations

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

The meeting is recommended:

- 1.1 To note the results of the District elections held on 7 May 2015.
- 1.2 To note the constitution of Political Groups and notification of Group Leaders.
- 1.3 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2015/16 (Appendix 1 – to follow).
- 1.4 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- 1.5 To agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.
- 1.6 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 (Appendix 2 - to follow).
- 1.7 To appoint a representative to the County Council Health Overview and Scrutiny Committee.
- 1.8 To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

2.0 Introduction

- 2.1 The Council's Constitution requires that at the annual meeting, Council shall:
- Note the results of the District Elections, if held, and the constitution of Political Groups and Group Leaders and elect the Leader of the Council if required
 - Conduct any business concerning the establishment of and appointments to the Executive, including the appointment of Deputy Leader and the allocation of functions to Lead Members
 - Conduct any business concerning the establishment of, and appointment to:
 - The Overview and Scrutiny Committee
 - The Standards Committee
 - Such other Committees as the Council consider appropriate

3.0 Report Details

District Election Results

- 3.1 The following were elected for the Wards shown at the district elections held on 7 May 2015:

Ambrosden and Chesterton – Councillor Lynn Pratt
Banbury Easington – Councillor Nigel Morris
Banbury Grimsbury and Castle – Councillor Andrew Beere
Banbury Hardwick - Councillor Nicholas Turner
Banbury Ruscote – Councillor Mark Cherry
Bicester East – Councillor Rose Stratford
Bicester North – Councillor Melanie Magee
Bicester South – Councillor James Porter
Bicester Town – Councillor Richard Mould
Bicester West – Councillor Les Sibley
Caversfield (By-election) – Councillor Ian Corkin
Cropredy – Councillor Ken Atack
Hook Norton – Councillor Ray Jelf
Kidlington North – Councillor Sandra Rhodes
Kidlington South – Councillor Neil Prestidge
The Astons and Heyfords – Councillor Mike Kerford-Byrnes
Yarnton, Gosford and Water Eaton - Councillor Michael Gibbard

Recommendation

- 1.1 To note the results of the District Elections held on 7 May 2015.

Constitution of Political Groups

- 3.2 The Chief Executive will report on the notifications of the constitution of Political Groups received prior to the meeting.

3.3 Group Leaders have been appointed as follows:

Conservative Group: To be advised

Labour Group: To be advised

Recommendation

1.2 To note the constitution of Political Groups and notification of Group Leaders.

Deputy Leader of the Council and Executive 2014/15

3.4 The Leader of the Council will table a report (Appendix 1) appointing a Deputy Leader and setting out the Executive Portfolios for the Municipal Year 2015/16.

Recommendation

1.3 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2015/16.

Committee Appointments 2015/16

3.5 The current constitution of the Council is 41 (82%) Conservative, 7 (14%) Labour, 1 (2%) Liberal Democrat and 1 (2%) Independent.

3.6 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 Table 1 below, all group percentage allocations have been rounded up. The figures marked by an asterisk take account of this adjustment.

3.7 The proportionality calculations require the Labour Group to release three seats to the Labour Group. The Labour Group have yet to advise which seats will be released. Once known, this will be published in an addendum to this report.

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

	TOTAL	CON	LAB
Accounts, Audit & Risk Committee	8	7	1
Appeals Panel	10	8	2
Budget Planning Committee	12	10	2
Joint Appeals Panel	3	2	1
Joint Commissioning Committee	4	3	1
Joint Scrutiny Committee	5	4	1
Licensing Committee	12	10	2
Overview & Scrutiny	12	10	2

Personnel Committee	12	10	2
Planning Committee	18	15	3
Standards Committee	8	7	1
Proportional Total by Committee	100	86	18
Aggregate Entitlement	100	89*	15*
Adjustment Required	-	+3	-3

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

	TOTAL	CON	LAB	LD
Council and Employee Joint	12	10	2	0
Joint Arrangements Steering Group	5	4	1	0

3.10 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 Commissioning 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.

3.14 Appendix 2 (to follow) sets out 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.

Recommendations

1.4 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1 (or the addendum, should one follow).

1.5 To agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.

1.6 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 (Appendix 2 - to follow).

Appointment of Representatives

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

3.16 The 2014/15 representative on the County Council Health Overview and Scrutiny Committee was Councillor Rose Stratford and on Police and Crime Commissioner Scrutiny Panel was Councillor George Reynolds.

Recommendations

1.7 To appoint a representative to the County Council Health Overview and Scrutiny Committee.

1.8 To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

4.0 Conclusion and Reasons for Recommendations

4.1 The Council is required to note the results of the District Council elections, appoint a Leader (if required), agree the allocation of seats on committees that are subject to the political balance requirements and also on committees not subject to political balance requirements and to agree the appointments to each of the Committees in accordance with the nominations made by political groups.

5.0 Consultation

Group Leaders

Nominations and information from group leaders has been included in the report and appendices

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To amend the appointments to Committee.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from the report.

Comments checked by: Paul Sutton, Head of Finance and Procurement, 0300 003 0106, paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 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, kevin.lane@cherwellandsouthnorthants.gov.uk

Risk Implications

7.3 In ensuring the legal requirements are met, risk to the authority is mitigated.

Comments checked by: James Doble, Democratic and Elections Manager, 01295 221587, james.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

All

Lead Councillor

None

Document Information

Appendix No	Title
One	Executive Portfolios 2015/16 – to follow
Two	Committee Membership – to follow
Background Papers	
None	
Report Author	Natasha Clark, Team Leader, Democratic and Elections
Contact Information	01295 221589 natasha.clark@cherwellandsouthnorthants.gov.uk

Cherwell District Council

Council

19 May 2015

Joint Councils Employee Engagement Committee

Report of Chief Executive

This report is public

Purpose of report

This report recommends the implementation of the Joint Councils Employee Engagement Committee to undertake consultation and engagement with employees on behalf of Cherwell District Council and South Northamptonshire Council as set out in the final business case for joint working agreed by both authorities at their Council Meetings in February 2015.

1.0 Recommendations

1.1 Following adoption of the final business case for joint working by Council in February 2015 and a period of consultation with the relevant Trade Union Representatives Members are recommended, subject to South Northamptonshire Council resolving in similar terms, to:

- 1) Establish the Joint Councils Employee Engagement Committee with the terms of reference as set out in the Final Business Case 'Developing the Approach to Joint Working and the Delivery of Local Authority Services' agreed by Council in February 2015 (see appendix 1 for the terms of reference endorsed as part of the final business case)
- 2) Disband the existing arrangements for employee consultation (the Council and Employee Joint Committee at Cherwell District Council and the Council and Employee Local Joint Committee at South Northamptonshire Council).

2.0 Introduction

2.1 As part of the Final Business Case 'Developing the Approach to Joint Working and the Delivery of Local Authority Services' adopted by both Cherwell District Council (CDC) and South Northamptonshire Council (SNC) in February 2015, new joint arrangements for employee engagement and consultation were set out with a proposed terms of reference for a Joint Councils Employee Engagement Committee.

- 2.2 The business case outlined how this committee would replace the two separate consultative committees currently in place at CDC and SNC enabling employee consultation and engagement to be undertaken in a more coherent and effective fashion with one joint committee undertaking the role.
- 2.3 Following a period of public consultation the Final Business Case for Joint Working was agreed by CDC and SNC in February 2015. Following this endorsement consultation with the Trade Unions has been undertaken regarding the implementation of the new Joint Councils Employee Engagement Committee.

3.0 Report Details

- 3.1 The consultation with Trade Union representatives has been completed regarding the implementation of the new Joint Councils Employee Engagement Committee.
- 3.2 Following minor points of clarification no objections or concerns were raised. As such implementation of the proposals (see Appendix 1) is recommended including the disbandment of the current consultative committee arrangements.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Final Business Case 'Developing the Approach to Joint Working and the Delivery of Local Authority Services' agreed by Council at their meeting in February 2015 included proposals and terms of reference for the Joint Councils Employee Engagement Committee. Following positive consultation with the Trade Unions it is recommended this committee is established and the existing arrangements for employee consultation are disbanded.

5.0 Consultation

- 5.1 Consultation regarding the proposed establishment of a Joint Councils Employee Engagement Committee to replace the existing arrangements (the Council and Employee Joint Committee at Cherwell and the Council and Employee Local Joint Committee at South Northamptonshire) has been undertaken with the Trade Union representatives from both Cherwell District and South Northamptonshire Councils.
- 5.2 There were no objections to the proposed terms of reference, the implementation of the new Joint Councils Employee Engagement Committee, or the disbanding of the previous arrangements.

6.0 Alternative Options and Reasons for Rejection

- 6.1 Alternative options would be based on either continuing with the current consultative arrangements or exploring alternative consultation and engagement options. It is not recommended that either of these alternatives is pursued as Council in February 2015 endorsed the approach outlined subject to consultation.

This consultation has now been completed with no objections or alternative proposals received.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from the recommendations in this report.

Comments checked by: Martin Henry, Director of Resources, Cherwell and South Northants Councils, 0300 0030102, martin.henry@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 There are no legal implications arising from the recommendations in this report.

Comments checked by: Kevin Lane, Head of Law and Governance, Cherwell and South Northants Councils, 0300 0030107, kevin.lane@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

None

Links to Corporate Plan and Policy Framework

Links to all themes within the councils' corporate plans/strategies.

Document Information

Appendix No	Title
1	Terms of Reference - Joint Councils Employee Engagement Committee
Background Papers	
None	
Report Author	Claire Taylor- Business Transformation Manager
Contact Information	claire.taylor@cherwellandsouthnorthants.gov.uk Tel: 0300 0030113

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Appendix 1: Terms of Reference - Joint Councils Employee Engagement Committee

Joint Councils Employee Engagement Committee

The Joint Councils Employee Consultative Committee is established pursuant to the Section 113 agreement between Cherwell District Council and South Northamptonshire Council dated 9 December 2010 as amended by Deeds of Variation dated 28 July 2011 and xxxxx 2015 and the final shared services and confederation business case approved by both Councils on 23 February and 25 February 2015.

Preamble

The Councils recognise the need to ensure that their employees (in shared teams and otherwise) are consulted and have the opportunity raise issues in a timely manner on matters which concern them including:

- Recent and probable developments within the Councils
- The Councils' activities and economic situation
- The situation, structure and probable development of employment within the Councils and any anticipatory measures
- Information and consultation on decisions likely to lead to substantial changes in organisation or contractual relations between the Councils and their employees.

Representation

Cherwell District Council

Council side

3 members of the Council appointed annually by Council

Employee side

3 employee representatives (currently 3 trade union representatives), appointed annually and re appointed on a four yearly basis.

South Northamptonshire Council

Council side

3 members of the Council appointed annually by Council

Employee side

3 employee representatives (currently 3 trade union representatives), appointed annually and are appointed on a four yearly basis.

Substitutes and Casual Vacancies

The Council and Employee sides may appoint substitute representatives to act in the place of members unable to attend any meeting. For the Council side the normal substitution rules shall apply and all substitutes shall be notified to the Head of Law and Governance before the start of the meeting.

Casual vacancies may be filled by either side as and when they occur during the year.

Officer Attendance

The committee shall be supported by the Chief Executive and other officers as he/she deems appropriate. The committee shall be administered by democratic services.

Chairman and Vice-Chairman

A Chairman and Vice Chairman shall be appointed by the committee at the first meeting each year. If the Chairman appointed is a member of the Council side, then the Vice-Chairman shall be appointed from the Employee side and Vice versa. By convention the Chairmanship shall rotate between sides and councils each year.

Functions

To provide a formal opportunity for the Councils to inform and consult their employees on those matters that concern them including the matters set out in the preamble above.

To establish regular methods of negotiation and consultation between the Councils and their employees in order to prevent differences and disputes and to negotiate on any differences and disputes. No question of individual discipline, capability, promotion or efficiency shall be within the scope of the committee.

To consider any relevant matter referred to it by the Joint Commissioning Committee, a committee of either of the Councils, the Chief Executive, employee side or by any of the recognised staff organisations.

To make recommendations to the Chief Executive, committees and Councils as required.

To act as the joint consultation body on all matters relating to health, safety and welfare of employees in accordance with the Health and Safety Policy Statement.

To discharge such other functions as may be specifically assigned to the committee by the Councils.

Rules and Regulations

Provision shall be made within the council diary for meetings of the committee prior to meetings of the Joint Commissioning Committee, Appointments and Personnel Committee (SNC) and Personnel Committee (CDC) respectively.

The Chairman or Vice-Chairman may require the Chief Executive to call a special meeting at any time. A special meeting may also be called on receipt of a requisition to the Chief Executive, signed by not less than two members of either side. When a special meeting is called it shall be convened as soon as practicable.

The quorum shall be three representatives of the council side of which 1 must be from CDC and 1 from SNC, and three representatives from the employee side of which 1 must be from CDC and 1 from SNC, substitute representatives will be permitted.

No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the committee.

The agenda shall be drawn up following consultation with the Chief Executive and the Council and Employee sides on potential agenda items.

The constitution of the committee may be amended by the councils on the recommendation of the committee.

In recognition of the fact that some issues under discussion are likely to be of a confidential or commercially sensitive nature, all those attending committee meetings are expected to respect the confidential nature of such issues and to confine their comments and discussion to within the meeting itself. This restriction does not preclude staff side representatives from consulting their members or paid officers (if any) on appropriate issues.

Reasonable facilities, including time with full pay, shall be made available to employee side members to:

- Consult with management, including the Chief Executive
- Consult with employees and trade union officials as part of the consultation process and in preparation for meetings.

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Cherwell District Council

Council

19 May 2015

<p>Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 – Mandatory Standing Orders re Dismissal of Statutory Officers</p>

Report of Head of Law and Governance

This report is public

Purpose of report

To enable the Council to comply with the legal obligation imposed upon it to incorporate new constitutional provisions dealing with the dismissal of statutory officers for alleged misconduct, to approve the composition of the required Panel to be introduced as part of the process and to delegate authority to appropriate officers to appoint the Panel and arrange meetings (if necessary).

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the inclusion of the procedure at Appendix 1 as part of the Officer Employment Procedure Rules in the Council's constitution and note that the Head of Law and Governance has exercised his delegated authority to make consequential amendments to the constitution as necessary to reflect the requirements contained in the Local Authorities (Standing Order) (England) (Amendment) Regulations 2015 ("the 2015 Regulations).
- 1.2 To approve the constitution of the Panel as solely comprising the independent persons appointed by this Council and South Northamptonshire Council pursuant to section 28(7) of the Localism Act 2011.
- 1.3 To delegate authority to the Head of Law and Governance (or one of the Deputy Monitoring Officers should the Head of Law and Governance be the subject of the relevant disciplinary action) to appoint the Panel and convene meetings of it in the event that this ever becomes necessary.
- 1.4 To note that the Head of Transformation will automatically amend the Joint Local Discipline and Dismissal Guide for Statutory Officers and that she has already taken steps to amend the contracts of employment of the statutory officers as necessary to reflect the changes introduced by the 2015 Regulations.

2.0 Introduction

- 2.1 The 2015 Regulations repeal the previous statutory requirement, when the Council is taking disciplinary proceedings against any of the statutory officers (the Head of Paid Service, the Section 151 Officer and the Monitoring Officer), to appoint a Designated Independent Person to conduct an investigation and make a binding recommendation to the Council on the action to be taken. They require each principal council to adopt standing orders as part of their constitution which reflect the provisions set out in the Schedule to the Regulations.
- 2.2 Those provisions include the mandatory appointment of a Panel whose role is to give advice, views and recommendations to Full Council which must be taken into account before a decision is taken. The Council must appoint to the Panel at least two independent persons who have been appointed by it or any other Council as part of the member standards regime introduced by the Localism Act 2011.
- 2.3 The 2015 Regulations necessitate changes to other parts of the constitution and to the relevant HR policy i.e. the Joint Local Discipline and Dismissal Guide for Statutory Officers and the contracts of employment of the three statutory officers..

3.0 Report Details

- 3.1 Prior to the enactment of the 2015 Regulations it was not possible for the Council to take disciplinary action against one of the statutory officers without the prior appointment of a Designated Independent Person to investigate and make a binding recommendation on the disciplinary sanction (if any) to be taken.
- 3.2 It is a requirement of the 2015 Regulations that, at the first meeting of each principal council following 11 May 2015, the current standing orders relating to disciplinary action against statutory officers are modified so that they refer to the new procedure introduced by the Regulations.
- 3.3 That procedure, drafted to reflect the fact that the statutory officers are employed by either this Council or South Northamptonshire Council and placed at the disposal of the non-employing authority under the section 113 agreement between the two Councils (and in respect of the Monitoring Officer only also placed at the disposal of Stratford on Avon District Council), is at Appendix 1 and Council is recommended to adopt it as part of the Officer Employment Procedure Rules in the constitution..
- 3.4 The Head of Law and Governance has delegated authority to amend the constitution to reflect legislative changes and has accordingly made a number of consequential amendments to the constitution to reflect the 2015 Regulations.
- 3.5 The 2015 Regulations introduce a Panel as part of the disciplinary process. Its role is to offer advice, views and recommendations to Full Council which it must take into account before determining what course of action to take against the relevant statutory officer. This Panel must comprise at least two of the independent persons appointed by the Council or any other council as part of the member standards process pursuant to section 28(4) of the Localism Act 2011. The Panel comprises a committee of the Council but, as it is only advisory in nature, it does not have to include elected members.

- 3.6 It is evident from the Government's explanatory memorandum to the 2015 Regulations that the Panel is meant to be an independent check on the overall process to replace the previous more stringent check provided via the role of the Designated Independent Person. Taking this, and the fact that the Joint Commissioning Committee will have the role of investigating or overseeing any disciplinary investigation that might arise, into account it is recommended that there is no elected member representation on the Panel and that it solely comprises the independent persons appointed by both this Council and South Northamptonshire Council (currently three in number, one being appointed by this Council, one by South Northamptonshire Council and one by both). Appendix 1 is drafted on the assumption that this recommendation is accepted.
- 3.7 Clearly it is anticipated that the need for the Panel to meet would be ad hoc and, hopefully, rare. Accordingly it is recommended that the Head of Law and Governance is given delegated authority to appoint and convene the Panel should it ever become necessary. In the event that the Head of Law and Governance is the subject of the disciplinary action this power would be exercised by one of the deputy monitoring officers.
- 3.8 The current relevant HR policy (the Joint Local Discipline and Dismissal Guide for Statutory Officers) is drafted on the basis of the now repealed process involving the appointment of a Designated Independent Person. Accordingly it will be necessary to amend this policy to reflect the requirements of the 2015 Regulations. Therefore by virtue of the fact that this is a regulatory change and neither Council has any discretion around whether or not to adopt it, members of Full Council are asked to note that the Head of Transformation will automatically be making the necessary consequential changes to this policy. For the same reason she has also implemented the necessary changes to the contracts of employment of the three statutory officers, the information relating to which can be found on the personal files of the respective employees.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is necessary for the Council to adopt amended standing orders to reflect the 2015 Regulations. It is appropriate for the required Panel to comprise independent persons only for the reasons set out in paragraph 3.6 above. Consequential changes are necessary to other parts of the constitution, the relevant HR policy and the employment contracts of the three statutory officers.

5.0 Consultation

None

This is a mandatory legal requirement.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the recommendations.

Option 2: To reject the recommendations – this is not recommended as the first recommendation reflects a legal requirement and the remainder are considered sound for the reasons stated in section 3 above.

Option 3: To amend the recommendations – this is not recommended as the first recommendation reflects a legal requirement and the remainder are considered sound for the reasons stated in section 3 above.

7.0 Implications

Financial and Resource Implications

- 7.1 The removal of the requirement to appoint a Designated Independent Person means that, should disciplinary action ever be taken against a statutory officer, the Council would avoid the expense involved which could have been considerable. In the event that the Panel is convened the Council would be limited to paying each independent person no more than the amount currently paid to them for their standards role. This is £708 pa and would be met from existing democratic budgets.

Comments checked by:

Martin Henry, Director of Resources 0300 0030102
martin.henry@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 These are fully set out in the detail of the report.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107,
kevin.lane@cherwellandsouthnorthants.gov.uk

Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Sound budgets and a customer focused Council

Lead Councillor

Councillor Barry Wood, Leader of the Council

Document Information

Appendix No	Title
1	Appendix to Officer Employment Procedure Rules
Background Papers	
None	
Report Author	Kevin Lane, Head of Law and Governance
Contact Information	0300 0030107 kevin.lane@cherwellandsouthnorthants.gov.uk

1. In the following paragraphs—
 - (a) “*the 2011 Act*” means the Localism Act 2011
;
 - (b) “*chief finance officer*”, “*disciplinary action*”, “*head of the Council’s paid service*” and “*monitoring officer*” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
 - (c) “*independent person*” means a person appointed under section 28(7) of the 2011 Act;
 - (d) “*local government elector*” means a person registered as a local government elector in the register of electors in the Council’s area in accordance with the Representation of the People Acts;
 - (e) “*the Panel*” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council;
 - (f) “*relevant meeting*” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (g) “*relevant officer*” means the chief finance officer, head of the Council’s paid service or monitoring officer, as the case may be.
2. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
3. The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. In paragraph 3 “*relevant independent person*” means any independent person who has been appointed by the Council or, South Northamptonshire Council or where there are fewer than two such persons, such independent persons as have been appointed by another council or councils as the Council considers appropriate.
5. Subject to paragraph 6, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—
 - (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the Council;
 - (c) a relevant independent person who has been appointed by another council or councils.
6. The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.

7. The Council must appoint any Panel at least 20 working days before the relevant meeting.
8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular—
 - (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
9. Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

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Committee: First Meetings of Committees
Date: Monday 19 May 2015
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 2014/15, 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. Budget 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.

4. Licensing Committee

- b) 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. Overview and Scrutiny 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. 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.

7. 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.

8. 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 Natasha Clark, 01295 221589
democracy@cherwellandsouthnorthants.gov.uk 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

Sue Smith
Chief Executive

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