

# Meeting of Council

**Monday 20 February 2017**

**Members of Cherwell District Council,**

**A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 20 February 2017 at 6.30 pm, and you are hereby summoned to attend.**



**Sue Smith  
Chief Executive**

**Friday 10 February  
2017**

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

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

#### **5 Urgent Business**

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

#### **6 Minutes of Council (Pages 3 - 12)**

To confirm as a correct record the Minutes of Council held on 19 December 2016.

#### **7 Minutes**

- a) Minutes of Executive, Lead Member Decisions and Executive Decisions not included in the 28 day notice

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Lead Member Decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting of Council held on 19 December 2016, one decision has been taken by the Executive which was not included in the 28 day notice relating to

- Build! Award of Contract

- b) Minutes of Committees

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

#### **8 Questions**

- a) Written Questions

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

- b) Questions to the Leader of the Council

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

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

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

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

**9 Motions**

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

**Council Business Reports**

**10 Members Allowances 2017/2018 (Pages 13 - 32)**

Report of Head of Law and Governance

**Purpose of report**

To determine the levels of the allowances to be paid to Members for the forthcoming 2017/2018 financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP)

**Recommendations**

The meeting is recommended to:

- 1.1 Consider the levels of allowances to be included in the 2017/2018 Members' Allowances Scheme, and whether the Panel's recommendations should be adopted or modified in any way
- 1.2 Authorise the Head of Law and Governance to prepare an amended Members' Allowances Scheme, in accordance with the decisions of the Council for implementation with effect from 1 April 2017.
- 1.3 Authorise the Head of Law and Governance to take all necessary action to revoke the current (2016/2017) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).
- 1.4 Thank the Independent Remuneration Panel (IRP) for its report and note that in accordance with the fees for IRP Members agreed at the 8 November 2016 Special Council meeting, a fee of £300 would be paid to Panel Members for the work carried out on this consultation.

**11 Budget, Corporate Business Plan and Cycle of Growth 2017/18 (Pages 33 - 166)**

Report of Chief Finance Officer

## **Purpose of report**

The purpose of this report is to set the Council's General Fund Budget and to seek formal adoption of all parts of the Council's financial plans for the 2017/18 budget year.

The report also details the proposed strategic priorities, the underpinning key objectives and outcomes for 2017/18 which have now been converted into a proposed business plan for the Council, and the proposed new cycle of growth strategies.

The proposed business plan and cycle of growth strategies sit alongside the proposed budget for 2017/18 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.

## **Recommendations**

The meeting is recommended:

- 1.1 To consider the contents of this report in approving the General Fund Revenue Budget and Capital Programme for 2017/18 and to formally record that consideration.
- 1.2 To approve the 2017/18 General Fund Budget (table 1) and 2017/18 Capital Programme (in Appendices 2 and 3).
- 1.3 To approve the Collection Fund Estimates contained in Appendix 4
- 1.4 To approve 2017/18 business plan, public pledges and joint cycle of growth strategies (detailed in Appendices 7 and 8) and to delegate authority to the Director of Operational Delivery, in consultation with the Leader of the Council to make any minor amendments to the strategies and corporate values as required before final publication in March 2017.
- 1.5 To note the contents of the section 25 statement from the Chief Finance Officer contained in paragraphs 2.1 to 2.7 in relation to the robustness of the estimates and the adequacy of reserves.
- 1.6 To note the impact of the proposed budget on reserves, including the use of reserves to fund a one-off pension fund contribution, and approve the list of reserves, Appendix 5
- 1.7 To approve the Treasury Management Strategy as detailed in Appendix 6 including the Capital Prudential Indicators 2017/18 – 2019/20
- 1.8 To approve the appended statement of pay policy for 2017/18 as required by the Localism Act and detailed in Appendix 9.
- 1.9 To note that there is no change to the level of Empty Homes Premium for 2017/18 as set out in table 4, which will form a recommendation in the Council Tax Setting report.

- 1.10 To note that there is no change to the council tax discounts for 2017/18 set out in table 4 below, which will form part of the Council Tax setting report.
- 1.11 To Opt-in to the LGA national Sector Led Body in order to negotiate a new External Audit Contract as detailed in Appendix 10
- 1.12 To approve the Business Rates 100% Rural Rate Relief Policy as set out at Appendix 11 and the formal resolutions that underpin the policy:
- The Council award 100% rural rate relief to eligible ratepayers from 1 April 2017.
  - The Council through the National Non-Domestic Rate return process seeks full reimbursement of the actual cost under the rates retention scheme of granting this relief.
- 1.13 To approve the Local Newspapers Policy as set out in Appendix 12 and the formal resolutions that underpin the policy:
- The Council award a £1,500 business rates discount for office space occupied by local newspapers, up to a maximum of one discount per local newspaper title and per hereditament, up to state aid limits for 2 years from 1 April 2017.
  - The Council through the National Non-Domestic Rate return process seeks full reimbursement of the actual cost under the rates retention scheme of granting this relief.
- 1.14 To approve the Discretionary Rate Relief Policy, effective from 1 April 2017, as set out in Appendix 13.

## **12 Adjournment of Council Meeting**

The Council to adjourn, if necessary to allow the Executive to meet to consider any proposals which do not accord with the Executive's recommendations.

## **13 Calculating the amounts of Council Tax for 2017/18 and setting the Council Tax for 2017/18 (Pages 167 - 172)**

**\*\* Please note that the appendices to this report will follow as they are currently being reviewed and finalised \*\***

Report of Chief Finance Officer

### **Purpose of report**

To detail the Calculations for the amounts of Council Tax for 2017/18 and the setting of Council Tax for 2017/18.

### **Recommendations**

It is recommended that the Council resolves:-

- (1) That it be noted that at the Executive meeting held on 9 January 2017 the Council calculated the Council Tax Base 2017/18:

- a) for the whole Council area as 51,639.5 [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 Appendix 1.
- (2) That the Council Tax requirement for the Council’s own purposes for 2017/18 (excluding Parish Precepts and Special Expenses) is £6,377,478.
- (3) That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Act:-
  - a) £79,667,229 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) £68,589,401 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.

£11,077,828 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).

  - c) £214.52 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);
  - d) £4,700,350 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.
  - e) £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) It be noted that for the year 2017/18 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>	<u>Oxfordshire County Council</u> £	<u>Police and Crime Commissioner for Thames Valley</u> £
<b>A</b>	897.06	113.52
<b>B</b>	1,046.57	132.44
<b>C</b>	1,196.08	151.36
<b>D</b>	1,345.59	170.28
<b>E</b>	1,644.61	208.12
<b>F</b>	1,943.63	245.96
<b>G</b>	2,242.65	283.80
<b>H</b>	2,691.18	340.56

- (5) The Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts shown in Appendix 2 as the amounts of Council Tax for the year 2017/18 for each part of its area and for each of the categories of dwellings.
- (6) The Council's basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.
- (7) To approve the discounts and exemption set out below:
- 1 Agree that in respect of properties within Class A and B as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (furnished chargeable dwelling that are not the sole or a main residence of an individual) the discount provided by Section 11a of the Local Government Finance Act 1992 shall be zero.
  - 2 Agree that in respect of properties within Class C as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (a property that is unoccupied and substantially unfurnished) the discount provided by the Section 11A of the said Act shall be 25% for a period of 6 months and thereafter zero.
  - 3 Agree that in respect of properties within Class D as defined by the said Regulations (chargeable dwellings that are vacant and undergoing major repair work to render them habitable) the discount provided by Section 11A of the said Act shall be 25%
  - 4 Agree no council tax discount shall be applied to dwellings that are unoccupied and unfurnished for more than two years and that council tax payable on such properties is 150% (except for those properties which fall into prescribed Classes E and F).

**14 Appointment of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer (Pages 173 - 178)**

Report of Chief Executive

## **Purpose of report**

To appoint an Interim Head of Paid Service, Interim Returning Officer and Interim Electoral Registration Officer.

## **Recommendations**

The meeting is recommended:

- 1.1 That in accordance with Section 4 of the Local Government and Housing Act 1989 Ian Davies be appointed as Interim Head of Paid Service for Cherwell District and South Northamptonshire Councils with effect from 13 March 2017.
- 1.2 That, in accordance with Section 8 of the Representation of the People Act 1983 and all related legislation, and with effect from 13 March 2017, Paul Sutton be appointed as Interim Electoral Registration Officer for Cherwell District and South Northamptonshire Councils;
- 1.3 That, in accordance with Section 35 of the Representation of the People Act 1983 and all related legislation, and with effect from 13 March 2017, Paul Sutton be appointed as Interim Returning Officer for Cherwell District and South Northamptonshire Councils with authority to act in that capacity for elections to the Council and all parish and town councils within the area of both councils;
- 1.4 That Paul Sutton be also appointed or authorised to act in respect of all related electoral, polling or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referendums and be authorised to exercise all delegated powers of the Returning Officer and Electoral Registration Officer as set out in the constitution;
- 1.5 That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved from time to time by Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums;
- 1.6 That in all cases where it is a legal requirement or normal practice to do so, the Returning Officer may elect for such fees to be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done;
- 1.7 That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Councils are entitled by law to do so, they shall take out and maintain in force insurance indemnifying the Councils, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Councils, Electoral Registration Officer or the Returning Officer and/or the cost of holding another election in the event of the original



election being declared invalid (provided that such proceedings or invalidation are the result of the inadvertent contravention of the Representation of the People Acts or other legislation governing the electoral process, and ( provided that, in the case of the Electoral Registration Officer and the Returning Officer, such proceedings or invalidation arise from an act or omission which the Officer reasonably believes is within the Officer's powers).

- 1.8 That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Councils, through their internal insurance fund or otherwise, will indemnify the Electoral Registration Officer and Returning Officer up to the value of such excess.
- 1.9 That the Councils note their duty to provide support to the Electoral Registration Officer and Returning Officer
- 1.10 That the Joint Commissioning Committee be asked to consider the payment of an honorarium to the interim Chief Executive, in recognition of the additional responsibilities and duties of the role.

## **15 Community Governance Review Update (Pages 179 - 182)**

Report of Chief Executive

### **Purpose of report**

To provide an update on the Community Governance Review (CGR) being undertaken.

### **Recommendations**

The meeting is recommended:

- 1.1 To note the update.

## **16 Exclusion of the Press and Public**

The following items contain exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider it in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to make decisions in public, they are recommended to pass the following recommendation:

“That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraphs 3 and 5 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

## **17 Questions on Exempt Minutes**

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

## **18 Castle Quay Phase Two Redevelopment - Funding Requirements (Pages 183 - 328)**

**\*\* Please note that one of the annexes to the appendix will follow \*\***

Exempt report of Chief Finance Officer

## **19 Responding to Local Healthcare Changes (Pages 329 - 332)**

Exempt report of Director of Operational Delivery

**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 [natasha.clark@cherwellandsouthnorthants.gov.uk](mailto:natasha.clark@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