



Annual Meeting of Council

Wednesday 21 May 2025

Members of Cherwell District Council,

The Annual Council Meeting will be held at 39 Castle Quay, Banbury, OX16 5FD on Wednesday 21 May 2025 at 6.30 pm, and you are hereby summoned to attend.

**Monitoring Officer
Tuesday 13 May 2025**

AGENDA

1 Apologies for Absence

2 Declarations of Interest

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

3 Communications

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

4 Election of Chairman for the Municipal Year 2025/2026

5 Investiture of Chairman

6 Vote of Thanks to Immediate Past Chairman

7 Immediate Past Chairman's Address

8 Election of Vice-Chairman for the Municipal Year 2025/2026

9 Investiture of Vice-Chairman

10 Minutes of Council (Pages 7 - 30)

To confirm as correct records the Minutes of Council held on 16 December 2024 and 24 February 2024.

Council Business Reports

11 Annual Business Report 2025/2026 (Pages 31 - 46)

Report of Monitoring Officer

Purpose of report

To note the results of the by-elections 1 May 2025 district elections and to consider the appointments and allocation of seats on Committees for municipal year 2025/2026 in accordance with the duty under Section 15 Local Government Housing Act 1989, to ensure that this reflects the political make-up of the Council following the elections. The political representation of members on committees needs to be considered on an annual basis.

Recommendations

Council resolves:

- 1.1 To note the results of the District by-elections held on 1 May 2025.
- 1.2 To note the constitution of Political Groups and notification of Group Leaders which has been notified in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990.
- 1.3 To note the appointment of the Deputy Leader of the Council, the membership of the Executive and Executive portfolios for the municipal year 2025/2026.
- 1.4 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Appendix 2.
- 1.5 To agree that the allocation of seats on the Licensing Acts Committee reflects the General Licensing Committee.

- 1.6 To appoint members (and where required, substitute members) to serve on each of the committees in accordance with the nominations made by political groups (Appendix 3 – to follow).
- 1.7 To appoint a non-Executive representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.
- 1.8 To appoint a representative and named substitute to the Health and Wellbeing Board.
- 1.9 To appoint a representative and named substitute to the Police and Crime Commissioner Scrutiny Panel.
- 1.10 To appoint an Executive member representative and an Executive member substitute to the Oxfordshire Leaders Joint Committee.
- 1.11 That authority be delegated to the Monitoring Officer to make changes required to the Constitution as a result of the changes referred to in this report.

12 Updates to the Constitution (Pages 47 - 112)

Report of Monitoring Officer

Purpose of report

The Constitution is the document by which, in accordance with the law, the Council exercises all its powers and duties. It is essential that it is reviewed to ensure it remains fit for purpose. This is to update members with the latest changes following meetings of the Constitution Review Group (CRG).

Recommendations

Council resolves:

- 1.1 To approve the changes to Part 20 Contract Procedure Rules (Appendix 1).
- 1.2 To approve the changes to the Motions Process 4.18 (Appendix 2).
- 1.3 To approve the changes to Part 4a Overview and Scrutiny Committee Procedure Rules (Appendix 3) and the associated Overview and Scrutiny Reference Guide (Appendix 4)
- 1.4 To approve the updated terminology to reflect the preference of the Chairman as outlined in paragraph 4.18 below.

13 Member Development Framework and Programme 2025-2026 (Pages 113 - 124)

Report of Monitoring Officer

Purpose of report

To consider and agree the Member Development Framework and Programme for 2025-2026.

Recommendations

Council resolves:

- 1.1 To approve the Member Development Framework for 2025-2026.
- 1.2 To approve the Member Development Programme for 2025-2026.

14 Annual Report of the Accounts, Audit and Risk Committee 2024-25 (Pages 125 - 138)

Report of Assistant Director of Finance (Section 151 Officer)

Purpose of report

This report presents the annual report of the Accounts, Audit and Risk Committee for the year 2024/25. It has been prepared to enable the committee to demonstrate to Council how it has fulfilled its terms of reference.

Recommendations

Council resolves:

- 1.1 To note the contents of the Annual Report of the Accounts, Audit & Risk Committee 2024/25.

15 Urgent Business

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

For information

Please note:

Members are advised that written questions and motions for the next scheduled Council meeting on 21 July 2025 must be submitted to the Assistant Director Law and Governance & Monitoring Officer, democracy@cherwell-dc.gov.uk, by noon on Wednesday 9 July.

FIRST MEETINGS OF COMMITTEES

Appointments of Chairmen and Vice-Chairmen of Committees for the Municipal Year 2025/2026

At the conclusion of the Council's proceedings all Members are asked to remain in their seats in the Council Chamber while Committees meet for the purpose of electing their Chairmen and Vice-Chairmen for the 2025/2026 municipal year.

The Monitoring Officer will ask the Members on each Committee to stand in turn and those Members are asked to stand (where able)/sit as appropriate:

- Accounts, Audit and Risk Committee
- Appeals Panel
- Budget Planning Committee
- General Licensing Committee
- Licensing Acts Committee
- Personnel Committee
- Planning Committee
- Standards Committee

The Monitoring Officer will seek nominations for Chairman. Once appointed, the Chairman of each Committee will seek nominations for Vice-Chairman.

The Overview and Scrutiny Committee will appoint its Chairman and Vice-Chairman at its meeting on Tuesday 3 June 2025.

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 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

If you hear the fire alarm, please leave the building via the nearest available exit. The fire assembly point is outside the Premier Inn, adjacent to the canal.

Access to Meetings

If you have any special requirements, such as a large print version of these papers or special access facilities to view a meeting online or attend a meeting in person, 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.

Webcasting and Broadcasting Notice

The meeting will be recorded by the council for live and/or subsequent broadcast on the council's website. The whole of the meeting will be recorded, except when confidential or exempt items are being considered. The webcast will be retained on the website for 6 months.

If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber or joining virtually, you are consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

The council is obliged, by law, to allow members of the public to take photographs, film, audio-record, and report on proceedings. The council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

Queries Regarding this Agenda

Please contact Natasha Clark, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221534

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 16 December 2024 at 6.30 pm

Present:

Councillor Dr Chukwudi Okeke (Chairman)
Councillor Dorothy Walker (Vice-Chairman)
Councillor Tom Beckett
Councillor Rebecca Biegel
Councillor Gordon Blakeway
Councillor Chris Brant
Councillor Besmira Brasha
Councillor John Broad
Councillor Phil Chapman
Councillor Mark Cherry
Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Grace Conway-Murray
Councillor Gemma Coton
Councillor Nick Cotter
Councillor Dr Isabel Creed
Councillor Andrew Crichton
Councillor Donna Ford
Councillor Ian Harwood
Councillor David Hingley
Councillor Matt Hodgson
Councillor Frank Ideh
Councillor Harry Knight
Councillor Simon Lytton
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Fiona Mawson
Councillor Andrew McHugh
Councillor Lesley McLean
Councillor Ian Middleton
Councillor Julian Nedelcu
Councillor Rob Parkinson
Councillor Lynne Parsons
Councillor Rob Pattenden
Councillor Chris Pruden
Councillor Edward Fraser Reeves
Councillor David Rogers
Councillor Alisa Russell
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Dr Kerrie Thornhill
Councillor Dom Vaitkus

Councillor Linda Ward
Councillor Amanda Watkins
Councillor John Willett
Councillor Douglas Webb
Councillor Barry Wood

Apologies for absence:

Councillor Sean Woodcock

Officers:

Ian Boll, Corporate Director Communities
Stephen Hinds, Corporate Director Resources and Transformation
Michael Furness, Assistant Director Finance & S151 Officer
Shiraz Sheikh, Assistant Director Law & Governance and Monitoring Officer
Natasha Clark, Governance and Elections Manager

Officers Attending Virtually:

Gordon Stewart, Chief Executive

38 **Declarations of Interest**

There were no declarations of interest.

39 **Communications**

Councillor Barry Wood

The Chairman advised that on 20 November, Councillor Wood had attended the prestigious 2024 LGUI & CCLA Cllr Awards at the Guildhall, London. Councillor Wood had been short listed for the 'Lifetime Legend' award.

Whilst Councillor Wood had sadly not won the award, on behalf of Council, the Chairman congratulated Councillor Wood on the phenomenal achievement of being a finalist for prestigious award.

Chairman's Engagements

A copy of the events attended by the Chairman was published with the agenda. The Chairman thanked all Members who had attended or made a donation to his Charity Dinner which had been held on 16 November.

Meeting Etiquette

The Chairman asked councillors to be respectful of each other when addressing the meeting and out of courtesy, to remain in their seat during items. If necessary, the Chairman would adjourn the meeting to allow for a comfort break at a suitable point.

Members' Pigeon Holes

The Chairman reminded Members to check their pigeon hole and take any post with them.

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

There were no petitions or requests to address the meeting.

41 **Urgent Business**

There were no items of urgent business.

42 **Minutes of Council**

The minutes of the meeting held on 21 October 2024 were agreed as a correct record and signed by the Chairman.

43 **Minutes**

a) Minutes of the Executive, Portfolio Holder Decisions and Executive Decisions made under Special Urgency

Resolved

That the minutes of the meeting of the Executive and Portfolio Holder decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council on 21 October 2024, no decisions have been taken by the Executive which were not included in the 28 day notice.

b) Minutes of Committees

Resolved

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

44 **Questions**

a) Written Questions

The Chairman advised that three written questions, addressed to the Leader, had been submitted with advance notice in accordance with the Constitution and had been published with the agenda. Responses to the questions had been published as a supplement to the agenda (and as an annex to the Minutes as set out in the Minute Book).

The first question was from Councillor Reeves, in relation to a small business Champion. By way of a supplementary question, Councillor Reeves asked how many small businesses the Deputy Leader had met with in the past month. The Leader undertook to respond in writing.

The second question was from Councillor Ford, in relation to local banking facilities. By way of a supplementary question, Councillor Ford asked if the Leader would agree for Executive to take more positive steps. The Leader advised Executive would review and update Councillor Ford in due course.

The third question was from Councillor Ford, in relation to Oxfordshire County recycling centres. By way of a supplementary question, Councillor Ford asked if the Leader was concerned that the County Council policy change would result in more flytipping in the Cherwell District. The Leader undertook to respond in writing.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Cherry: CCTV at the Sunshine Centre and Edmonds Road near Bretch Hill

Councillor Watkins: Banbury Community Insight Steering Group amalgamation with the Brighter Futures in Banbury (BFiB) partnership

Councillor Wood: Bollards in Kidlington

Councillor Rogers: Update on motion agreed at October Council regarding a response to letter requesting a meeting with Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System Board ('BOBICS') and

c) Questions to Committee Chairmen on the Minutes

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

45

Polling District and Polling Places Review 2024

The (Acting) Returning Officer submitted a report to agree the recommendations of the council's Polling District and Polling Place Review 2024.

Resolved

- (1) That the recommendations for Polling Districts and Polling Places within Cherwell (Annex to the Minutes as set out in the Minute Book) be agreed.
- (2) That it be noted that the Polling District codes will be updated for inclusion in the Electoral Register being published on 1 February 2025.

- (3) That it be noted that the Constitution gives delegated to the Returning Officer "To amend the Council's Polling Districts and Polling Places Order as necessary".

46 **Treasury Management Report - Mid-year review 2024-25 (September 2024)**

The Assistant Director of Finance (Section 151 Officer) submitted a report to provide information on treasury management performance and compliance with treasury management strategy for 2024-25 as required by the Treasury Management Code of Practice. The report demonstrated that all treasury management activities undertaken during the reporting period complied with the CIPFA Code of Practice and the council's approved Treasury Management Strategy.

Resolved

- (1) That the contents of the Treasury Management mid-year review, as recommended by the Accounts, Audit and Risk Committee on the 20 November 2024, be noted.

47 **Council Tax Reduction Scheme 2025/2026**

The Assistant Director Finance (Section 151 Officer) submitted a report to enable Members to consider the proposed banded scheme for Council Tax Reduction (CTR) for 2025/26.

Resolved

- (1) That the report and the financial implications for the council be noted.
- (2) That the option of no change to the Council Tax Reduction Income Banded Scheme for Working Age Applicants for 2025/26 be approved and it be approved to amend Working Age Regulations in line with annual uprating and to amend the Council Tax Regulations for pensioners in line with uprating announced by the Ministry for Housing, Communities and Local Government.

48 **Updates to the Constitution**

The Monitoring Officer submitted a report to update members with the latest changes agreed by the Constitution Review Group (CRG) and to propose: an additional ordinary meeting of Council in March 2025 and in March each municipal year; that the meeting of Council scheduled to take place on 25 February 2025 (and in February going forward) would deal only with the Council budget and any associated reports and no other business; and, certain changes to the Constitution regarding the Licensing Committee to comply with the Law.

The Constitution was the document by which, in accordance with the law, the Council exercised all its powers and duties. It was essential that it was reviewed to ensure it remained fit for purpose.

Resolved

- (1) That it be agreed that the meeting of Council scheduled to take place on 24 February 2025 and in February each municipal year will be regarded as the Budget Council.
- (2) That it be agreed that an additional ordinary meeting of Council take place on Monday 17 March 2025 and that a March Council meeting be included each municipal year in future calendars of meetings.
- (3) That the Budget Council Procedure Rules be approved.
- (4) That the separation of the Licensing Committee to a Licensing Acts Committee and General Licensing Committee with the proposed functions be agreed.
- (5) That authority be delegated to the Monitoring Officer to make the amendments to the Constitution following (i) these changes, and (ii) organisational changes.

49

Calendar of Meetings 2025/2026

The Monitoring Officer submitted a report which asked Council to consider and agree the proposed calendar of meetings for the municipal year 2025/2026.

Resolved

- (1) That, subject to a review of the start time for All Member Briefings, the calendar of meetings for Cherwell District Council for the municipal year 2025/2026 be approved.

50

Amendment to Committee Membership

The Chairman referred to the agenda which set out that the Liberal Democrat Group Leader, Councillor Hingley, had notified the Proper Officer of a change to the Liberal Democrat Group committee membership.

Resolved

- (1) That the following Liberal Democrat Group committee membership amendment be noted:

Accounts, Audit and Risk Committee

Remove: Councillor Jean Conway and Councillor Nick Cotter

Add: Councillor Frank Ideh and Councillor Rob Parkinson

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Motions

The Chairman advised that three motions had been submitted. An amendment to the “Flooding” had been submitted. In line with the Constitution, no further amendments were now permitted.

Motion One: Flooding

It was proposed by Councillor Mallon and seconded by Councillor McHugh that the following motion be adopted:

“Storm Bert brought significant flooding across the district. The flooding brought with it contamination of groundwater with sewage which then spilt onto roads and property across the district.

It is accepted that, in many cases, the sewage and drainage infrastructure is not able to cope with the new and increasing volumes of rainwater. However, the problems of flooding with inadequate infrastructure are compounded by a lack of routine maintenance. In the face of increased volumes of rainwater. We note that the number of gully’s cleaned by Oxfordshire County Council each year has dropped significantly over the last five years. It becomes more urgent for the county council, who have the primary responsibility for this, to increase their routine maintenance of drainage gullies, and where necessary, install drainage sumps to cope with increased water flows.

We call on the Leader of the Council to write to the Leader and Chief Executive of Oxfordshire County Council to urge Oxfordshire County Council to do more to alleviate the misery caused to Cherwell residents by increasing their flood prevention activities such as gulley clearance. Furthermore, we call on the county council to initiate a program of proactive gulley clearance, and any other prophylactic measures that may be deemed necessary, at known flooding hotspots on receipt of severe weather warnings.”

Councillor McLean proposed the following amendment (amendments struck through and revised text in italics), which was duly seconded by Councillor Brant.

“Storm Bert brought significant flooding across the district. The flooding brought with it contamination of groundwater with sewage which then spilt onto roads and property across the district.

~~It is accepted that, in many cases, the sewage and drainage infrastructure is not able to cope with the new and increasing volumes of rainwater. However, the problems of flooding with inadequate infrastructure are compounded by a lack of routine maintenance~~ *The recent flood events have illustrated that our existing infrastructure is inadequate* in the face of increased volumes of rainwater. We note that the number of gully’s cleaned by Oxfordshire County Council each year has dropped significantly over the last five years. It

becomes more urgent for the county council, who have the primary responsibility for this *and flood mitigation plans*, to ~~increase~~ review their ~~routine-maintenance routine of drainage gullies~~, and, where necessary, install drainage sumps to cope with increased water flows.

We call on the Leader of the Council to write to the Leader and Chief Executive of Oxfordshire County Council to urge Oxfordshire County Council to do more to alleviate the ~~miser~~ *caused risk* to Cherwell residents by increasing their flood prevention activities such as gulley clearance.

Furthermore, we call on the county council to initiate a program of proactive gulley clearance, and any other ~~prophylactic~~ measures that may be deemed necessary *to protect our residents at known flooding hotspots on receipt of severe weather warnings.*"

The amendment was debated. On being put to the vote, the amendment was lost and therefore fell.

The motion as submitted was debated. On being put to the vote the motion was carried.

Motion Two: Oxfordshire County Council expenditure of development monies

It was proposed by Councillor Reeves and seconded by Councillor Mawer that the following motion be adopted:

"Recalling its motion of 21 October 2024, this Council further regrets that Oxfordshire has not historically managed the expenditure of development agreements well. It also recognises that the law in this area must be more flexible to ensure that communities receive the improvements in infrastructure that are right for them as circumstances change.

Despite this District having taken its fair share of new homes in recent years, too often, development monies have gone unspent with elected members and parish colleagues forced to make circuitous enquiries of Council officers and developers to establish what local funds exist and when they might reasonably be spent.

Following work undertaken by Oxfordshire County Council's Performance & Corporate Services and Place Overview & Scrutiny Committees, and research conducted by the Homebuilders' Federation, £8 billion of developers' contributions stand to be spent nationwide with Oxfordshire the worst-performing county in the country, holding £287.5 million.

This Council requests the Leader to write to:

1. The Leader of Oxfordshire County Council to agree a more effective mechanism for ensuring that development monies are spent; and
2. The Secretary of State for Housing, Communities and Local Government to request that the law be updated to introduce a presumption of

reasonable expenditure on the part of local authorities or such other device as would enable Councils to spend money on improving local facilities that could not otherwise be envisaged when development agreements are signed.”

No amendments to the motion having been proposed, the motion was debated as submitted. On being put to the vote the motion was carried.

Motion Three: Government change to Inheritance Tax treatment of farmland

It was proposed by Councillor Reeves and seconded by Councillor Webb that the following motion be adopted:

“This Council considers that the government’s changes in its Autumn budget to Inheritance Tax treatment of farmland, increases to employers’ National Insurance and introduction of a new fertiliser tax on key agricultural imports will have a detrimental cumulative impact on family farms across North Oxfordshire.

This Council notes with concern that these family farm taxes risk:

- Adversely affecting local farmers’ potential to employ people across North Oxfordshire’s rural economy;
- Damaging the ability for family farmers to pass on their farms to their children; and,
- Making food production at competitive prices more difficult for us as a district.

This Council resolves

1. to ask Executive to review that its policies are as supportive of local farmers as reasonably possible.
2. to ask the Leader to write to the Leader of Oxfordshire County Council to request that the newly integrated Oxfordshire Local Enterprise Partnership (‘OxLEP’) prioritises the local rural economy in its governance structure and ongoing development of its strategic plan, both of which are now under active consideration.
3. to ask the Leader to write to the Chancellor of the Exchequer and Secretary of State for the Environment, Food and Rural Affairs to ask that introduction of these family farm taxes be reconsidered for the sake of environmental protection and food security.”

No amendments to the motion having been proposed, the motion was debated as submitted. On being put to the vote the motion was carried.

Resolved

- (1) That the following motion be adopted:

“Storm Bert brought significant flooding across the district. The flooding brought with it contamination of groundwater with sewage which then spilt onto roads and property across the district.

It is accepted that, in many cases, the sewage and drainage infrastructure is not able to cope with the new and increasing volumes of rainwater. However, the problems of flooding with inadequate infrastructure are compounded by a lack of routine maintenance. In the face of increased volumes of rainwater. We note that the number of gully’s cleaned by Oxfordshire County Council each year has dropped significantly over the last five years. It becomes more urgent for the county council, who have the primary responsibility for this, to increase their routine maintenance of drainage gullies, and where necessary, install drainage sumps to cope with increased water flows.

We call on the leader of the Council to write to The Leader and Chief Executive Oxfordshire County Council to urge Oxfordshire County Council to do more to alleviate the misery caused to Cherwell residents by increasing their flood prevention activities such as gulley clearance.

Furthermore, we call on the county council to initiate a program of proactive gulley clearance, and any other prophylactic measures that may be deemed necessary, at known flooding hot spots on receipt of severe weather warnings.”

- (2) That the following motion be agreed:

“Recalling its motion of 21 October 2024, this Council further regrets that Oxfordshire has not historically managed the expenditure of development agreements well. It also recognises that the law in this area must be more flexible to ensure that communities receive the improvements in infrastructure that are right for them as circumstances change.

Despite this District having taken its fair share of new homes in recent years, too often, development monies have gone unspent with elected members and parish colleagues forced to make circuitous enquiries of Council officers and developers to establish what local funds exist and when they might reasonably be spent.

Following work undertaken by Oxfordshire County Council’s Performance & Corporate Services and Place Overview & Scrutiny Committees, and research conducted by the Homebuilders’ Federation, £8 billion of developers’ contributions stand to be spent nationwide with Oxfordshire the worst-performing county in the country, holding £287.5 million.

This Council requests the Leader to write to:

1. The Leader of Oxfordshire County Council to agree a more effective mechanism for ensuring that development monies are spent; and

2. The Secretary of State for Housing, Communities and Local Government to request that the law be updated to introduce a presumption of reasonable expenditure on the part of local authorities or such other device as would enable Councils to spend money on improving local facilities that could not otherwise be envisaged when development agreements are signed.”

(3) That the following motion be agreed:

“This Council considers that the government’s changes in its Autumn budget to Inheritance Tax treatment of farmland, increases to employers’ National Insurance and introduction of a new fertiliser tax on key agricultural imports will have detrimental cumulative impact on family farms across North Oxfordshire.

This Council notes with concern that these family farm taxes risk:

- Adversely affecting local farmers’ potential to employ people across North Oxfordshire’s rural economy;
- Damaging the ability for family farmers to pass on their farms to their children; and,
- Making food production at competitive prices more difficult for us as a district.

This Council resolves:

1. to ask Executive to review that its policies are as supportive of local farmers as reasonably possible.
2. to ask the Leader to write to the Leader of Oxfordshire County Council to request that the newly integrated Oxfordshire Local Enterprise Partnership (‘OxLEP’) prioritises the local rural economy in its governance structure Andon going development of its strategic plan, both of which are now under active consideration.
3. to ask the Leader to write to the Chancellor of the Exchequer and Secretary of State for the Environment, Food and Rural Affairs to ask that introduction of these family farm taxes be reconsidered for the sake of environmental protection and food security.”

The meeting ended at 9.20 pm

Chairman:

Date:

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Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 24 February 2025 at 6.30 pm

Present:

Councillor Dr Chukwudi Okeke (Chairman)

Councillor Dorothy Walker (Vice-Chairman)

Councillor Tom Beckett

Councillor Rebecca Biegel

Councillor Gordon Blakeway

Councillor Chris Brant

Councillor Besmira Brasha

Councillor John Broad

Councillor Phil Chapman

Councillor Mark Cherry

Councillor Becky Clarke MBE

Councillor Jean Conway

Councillor Gemma Coton

Councillor Donna Ford

Councillor Ian Harwood

Councillor David Hingley

Councillor Matt Hodgson

Councillor Frank Ideh

Councillor Harry Knight

Councillor Simon Lytton

Councillor Kieron Mallon

Councillor Fiona Mawson

Councillor Andrew McHugh

Councillor Lesley McLean

Councillor Ian Middleton

Councillor Robert Parkinson

Councillor Lynne Parsons

Councillor Rob Pattenden

Councillor Chris Pruden

Councillor Edward Fraser Reeves

Councillor David Rogers

Councillor Alisa Russell

Councillor Les Sibley

Councillor Nigel Simpson

Councillor Dr Kerrie Thornhill

Councillor Dom Vaitkus

Councillor Linda Ward

Councillor Amanda Watkins

Councillor John Willett

Councillor Douglas Webb

Councillor Barry Wood

Councillor Sean Woodcock

Apologies for absence:

Councillor Grace Conway-Murray
Councillor Nick Cotter
Councillor Dr Isabel Creed
Councillor Andrew Crichton
Councillor Nicholas Mawer
Councillor Julian Nedelcu

Officers:

Gordon Stewart, Chief Executive
Ian Boll, Corporate Director Communities
Stephen Hinds, Corporate Director Resources and Transformation
Michael Furness, Assistant Director Finance & S151 Officer
Shiraz Sheikh, Assistant Director Law & Governance and Monitoring Officer
Joanne Kaye, Head of Finance and Deputy Section 151 Officer
Nicola Riley, Assistant Director Housing and Wellbeing
Lynsey Parkinson, Strategic Business Partner – Corporate
Natasha Clark, Governance and Elections Manager

52 **Declarations of Interest**

There were no declarations of interest.

53 **Communications**

Meeting Length and Etiquette

The Chairman referred to the email sent by the Monitoring Officer to all Members regarding budget setting at the Council meeting. It was the responsibility of all Members to ensure that the district council set a lawful budget at the meeting this evening.

The Chairman asked Councillors to be respectful of each other when addressing the meeting and out of courtesy, to remain in their seat during items. If necessary, the Chairman would adjourn the meeting to allow for a comfort break at a suitable point.

17 March Council meeting

The Chairman advised that the next scheduled Council meeting was on Monday 17 March. This meeting would include questions and motions. The submission deadlines were set out in the agenda.

All Member Briefing – Local Government Reform update

The Chairman reminded Members that a briefing on Local Government Reform was taking place the following day at 5.30pm.

Members' Pigeon Holes

Members were reminded to check their pigeon hole and take any post.

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

There were no petitions or requests to address the meeting.

55 **Urgent Business**

There were no items of urgent business.

56 **Members' Allowance Scheme 2025/2026**

The Assistant Director Law and Governance and Monitoring Officer for Council to determine the levels of the allowances to be paid to Members for the forthcoming 2025/2026 financial year and proposed changes to the Members Allowance Scheme, following the consideration of the report of the Council's Independent Remuneration Panel.

Resolved

- (1) That, having given due consideration, the following levels of allowance be included in the 2025/2026 Members' Allowances Scheme:
 - That the Basic Allowance be increased in in line with the 2025/2026 staff pay award (3.5%), rounded up to give 12 equal payments from 1 April 2025.
 - That all Special Responsibility Allowances be increased in in line with the 2025/2026 staff pay award (3.5%), rounded up to give 12 equal payments from 1 April 2025.
 - That the co-optees allowance be increased in in line with the 2025/2026 staff pay award (3.5%), rounded up to give 12 equal payments from 1 April 2025.
 - That the Independent Persons allowance be increased in in line with the 2025/2026 staff pay award (3.5%), rounded up to give 12 equal payments from 1 April 2025.
 - That Dependents' Carers' and Childcare Allowances remain at the current level, are paid on the basis of the actual costs incurred up to the maximum hourly rate set out below and to a maximum cap of 40 hours per month, subject to production of receipts and cannot be paid to a member of the claimant's household:
 - Childcare: £10 per hour
 - Dependent Relative care - £20 per hour
 - That mileage remain at the current level in line with HMRC approved mileage rates, and if any adjustments are implemented by

HMRC then the revised rates should be applied to Members' travel allowances effective from the date of implementation by HMRC.

- That, having regard to the detailed review of staff subsistence, the rates for subsistence allowance be aligned with the revised maximum staff subsistence levels, with claims permitted on approved duties of over 5 hours outside the district* subject to the submission of receipts (*subsistence allowances cannot be claimed for any duties within the district as the basic allowance is deemed to cover all within district expenses).
 - Breakfast: £7.50
 - Lunch: £10.50
 - Tea / coffee: £4.00
 - Evening Meal: £12.50
 - That Democratic Services continue to book overnight accommodation if required.
 - That there be no change to the list of approved duties for which claims may be made.
 - That Non-Executive Director allowances be increased in line with the 2025/2026 staff pay award (3.5%), rounded up to give 12 equal payments from 1 April 2025 and costs recharged to the relevant company.
 - That an in-depth "root and branches" review of the Members' Allowance Scheme be undertaken with implementation to be determined when further information on local government reorganisation, devolution and the Cherwell boundary review is known.
- (2) That the Assistant Director Law and Governance be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of Council for implementation with effect from 1 April 2025.
- (3) That the Assistant Director of Law and Governance be authorised to take all necessary action to revoke the current (2024/2025) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members' Allowances)(England) Regulations 2003 (as amended).
- (4) That the Independent Remuneration Panel be thanked for its report and a fee of £300 be set for each Panel Member for the work carried out on this review and it be agreed the level of fee be applied for any reviews carried out in 2025/2026 capped at a maximum of £1200 per person, which can be funded from existing budgets.

Budget 2025/2026 and Medium Term Financial Strategy (MTFS)

Prior to consideration of the item, the Chairman advised that the Conservative Group had proposed amendments to the budget which had been published as a supplement to the agenda. There were no amendments proposed by any other Political Group.

The Chairman explained that once the budget had been proposed and seconded, the Leader of the Conservative Group, Councillor Reeves, would respond to the budget and propose the Group's amendment. Once seconded, the amendment would be debated and voted on.

The Chairman reminded Members that the arrangements for debating the budget were set out in the meeting procedure rules. The proposer, when presenting the budget, and Group Leaders, when responding to the budget, may speak for up to 10 minutes. All other speakers had a three-minute time limit.

The Chairman further reminded Members that it was required in legislation that the vote on any motion on or amendment to the budget and council tax setting reports must be a recorded vote. This would be taken at the appropriate time.

The Assistant Director of Finance (Section 151 Officer) submitted a report for Council to consider and approve the Budget Setting for 2025/26 and MTFS 2029/30 as per the recommendations.

In introducing the report, the Portfolio Holder for Finance, Property and Regeneration, Councillor McLean, explained that the report was the culmination of the Budget and Business Planning process for 2025/26 to 2029/30 and sets out the Executive's proposed Corporate Plan and related revenue budget for 2025/26, medium term financial strategy to 2029/30, capital programme to 2029/30 and all supporting policies, strategies, and information being recommended to Council.

The Portfolio Holder for Finance, Property and Regeneration, Councillor McLean, paid tribute to the Assistant Director of Finance and the finance team for their hard work on the budget process.

Having presented the report, Councillor McLean proposed the recommendations. Councillor Hingley seconded the proposal.

Councillor Reeves, Leader of the Conservative Group, addressed Council in response to the budget and proposed the Group's amendments to the budget. Councillor Simpson seconded the amendment.

The amendment having been proposed and seconded was debated by Council. As required in legislation, a recorded vote on the amendment was taken. Members voted as follows:

Councillor Tom Beckett	For
Councillor Rebecca Biegel	For
Councillor Gordon Blakeway	For
Councillor Chris Brant	For
Councillor Besmira Brasha	For
Councillor John Broad	Against
Councillor Phil Chapman	For
Councillor Mark Cherry	For

Councillor Becky Clarke MBE	For
Councillor Jean Conway	For
Councillor Gemma Coton	For
Councillor Donna Ford	For
Councillor Ian Harwood	For
Councillor David Hingley	For
Councillor Matt Hodgson	For
Councillor Frank Ideh	For
Councillor Harry Knight	Abstain
Councillor Simon Lytton	For
Councillor Kieron Mallon	For
Councillor Fiona Mawson	For
Councillor Andrew McHugh	For
Councillor Lesley McLean	For
Councillor Ian Middleton	For
Councillor Dr Chukwudi Okeke	For
Councillor Rob Parkinson	For
Councillor Lynne Parsons	For
Councillor Rob Pattenden	For
Councillor Chris Pruden	For
Councillor Edward F Reeves	For
Councillor David Rogers	For
Councillor Alisa Russell	For
Councillor Les Sibley	For
Councillor Nigel Simpson	For
Councillor Dr Kerrie Thornhill	For
Councillor Dom Vaitkus	For
Councillor Dorothy Walker	For
Councillor Linda Ward	For
Councillor Amanda Watkins	For
Councillor Douglas Webb	For
Councillor John Willett	For
Councillor Barry Wood	For
Councillor Sean Woodcock	For

The vote on the amendment was carried with 40 votes in favour, 1 vote against and 1 abstention.

The Chairman reminded Members that the amendment having been agreed, it became the substantive motion and Council was debating the recommendations as amended.

Councillor Watkins, on behalf of the Labour Group, addressed Council in response to the budget.

Councillor Middleton, on behalf of the Green and Independent Alliance Group, address Council in response to the budget.

Councillor Sibley, on of behalf of the Independent Group, addressed Council in response to the budget.

The substantive motion having been debated, as required in legislation, a recorded vote was taken, and Members voted as follows

Councillor Tom Beckett	For
Councillor Rebecca Biegel	For
Councillor Gordon Blakeway	For
Councillor Chris Brant	For
Councillor Besmira Brasha	For
Councillor John Broad	For
Councillor Phil Chapman	For
Councillor Mark Cherry	For
Councillor Becky Clarke MBE	For
Councillor Jean Conway	For
Councillor Gemma Coton	For
Councillor Donna Ford	For
Councillor Ian Harwood	For
Councillor David Hingley	For
Councillor Matt Hodgson	For
Councillor Frank Ideh	For
Councillor Harry Knight	For
Councillor Simon Lytton	For
Councillor Kieron Mallon	For
Councillor Fiona Mawson	For
Councillor Andrew McHugh	For
Councillor Lesley McLean	For
Councillor Ian Middleton	For
Councillor Dr Chukwudi Okeke	For
Councillor Rob Parkinson	For
Councillor Lynne Parsons	For
Councillor Rob Pattenden	For
Councillor Chris Pruden	For
Councillor Edward F Reeves	For
Councillor David Rogers	For
Councillor Alisa Russell	For
Councillor Les Sibley	For
Councillor Nigel Simpson	For
Councillor Dr Kerrie Thornhill	For
Councillor Dom Vaitkus	For
Councillor Dorothy Walker	For
Councillor Linda Ward	For
Councillor Amanda Watkins	For
Councillor Douglas Webb	For
Councillor John Willett	For
Councillor Barry Wood	For
Councillor Sean Woodcock	For

The vote on the substantive motion was carried unanimously with all 42 councillors present voting in favour.

Resolved

- (1) That, having due regard, the statutory report of the Chief Finance Officer and the comments of the Chief Finance Officer in respect of the proposed amendments, be noted.
- (2) That, subject to the following amendment, with authority delegated to the Section 151 Officer to update the budget papers to reflect the amendment, the proposed Fees and Charges schedule for 2025/26 be approved and it be noted that statutory notices would be placed where required.
 - That the proposed increase of £6 in garden waste charges in 2025/26 be delayed by one year and this increase be applied in 2026/27 as well as other planned changes and it be noted that this will reduce income in 2025/26 by £0.143m.
- (3) That, having given due consideration, the Equality Impact Assessments of the Budget be noted.
- (4) That the Corporate Plan be approved and the Internal Perspectives be noted.
- (5) That, in relation to the Revenue Budget Strategy and Medium-Term Financial Strategy, the following net directorate budgets, as amended, be agreed, with authority delegated to the Section 151 Officer to update the budget papers to reflect the amendments.

Directorate	Net budget 2025/26 £m	Proposal £m	Revised Net Budget 2025/26 £m	2026/27 £m	2027/28 £m	2028/29 £m	2029/30 £m
Communities	12.120	0.339	12.459	(0.333)	(0.079)	(0.015)	(0.015)
Resources	7.528	0.00	7.528	(0.163)	(0.026)	(0.090)	(0.100)
Service Sub-total	19.650	0.337	19.985	(0.496)	(0.105)	(0.105)	(0.115)
Corporate Costs	3.926	(0.189)	3.737	1.889	1.163	1.314	0.324
Policy Contingency	2.620	(0.150)	2.470	0.611	0.799	0.799	0.799
Net Cost of Services	26.194	0.000	26.194	2.004	1.857	2.008	1.008
Funding	(26.194)	0.000	(26.194)	2.993	3.305	3.318	(0.071)
Funding Gap / (Surplus)	0.000	0.000	0.000	4.997	5.162	5.326	0.937

- (6) That, subject to the following amendments with authority delegated to the Section 151 Officer to amend the budget papers to reflect the amendments, the Medium-Term Financial Strategy and Revenue Budget 2025/2026, including Savings Proposals and Investments be approved:
 - To introduce the following service investments:

- Heating Hardship Fund of £0.100m to support pensioners who are struggling during the cost-of-living crisis
 - Additional Homelessness Prevention Support of £0.065m.
 - £0.051m to fund a Land Drainage Officer to provide additional flood support
 - To delay service investment DPD2504 – Conservation Areas by one year, reducing costs in 2025/2026 only, by £0.020m.
 - To remove the proposed investment in the Waste Collection Partnership Working Fund of £0.150m.
- (7) That an increase in the Basic Amount of Council Tax for Cherwell District Council for the financial year beginning on 1 April 2025 of £5, resulting in a Band D charge of £158.50 per annum, be agreed.
- (8) That it be agreed for long term empty properties, from 1 April 2025 an additional council tax premium will be charged of 100 per cent for properties empty for one year or more, replacing the current 100 per cent premium that begins after 2 years of a property being empty, and that all other empty property premiums will remain.
- (9) That it be noted that the Council Tax Base 2025/26 was determined at the Executive meeting held on 6 January 2025:
- a) for the whole Council area as 59,853.6 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (“the 1992 Act”)]; and
 - b) For dwellings in those parts of its area to which a Parish Precept relates, (annex to the Minutes as set out in the Minute Book)
- (10) That it be agreed the Council Tax requirement for the Council’s own purposes for 2025/26 (excluding Parish Precepts and Special Expenses) is £9,486,796.
- (11) That, subject to delegation to the Section 151 Officer to update the budget papers to reflect the agreed amendments to a) to reduce expenditure by £0.413m and b) to reduce income by £0.413m, the following amounts be calculated for the year 2025/26 in accordance with Sections 31 to 36 of the 1992 Act:
- a) £140,304,768 (subject to recalculation with a reduction of £0.413m) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the 1992 Act, taking into account all precepts issued to it by Parish Councils and any additional special expenses.
 - b) £124,192,690 (subject to recalculation with a reduction of £0.413m) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the 1992 Act.

- c) £16,112,078 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 1992 Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the 1992 Act).
- d) £269.19 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the 1992 Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses).
- e) £6,625,282 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the 1992 Act as set out in the annex to the Minutes as set out in the Minute Book.
- f) £158.50 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 Cherwell District Council the Council, in accordance with Section 34(2) of the 1992 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. 1.6.6 It be noted that for the year 2025/26 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 1992 Act, for each category of dwellings in the Council's area as indicated below:

Valuation Band	Oxfordshire County Council	Police and Crime Commissioner for Thames Valley
	£	£
A	1,274.27	188.85
B	1,486.64	220.33
C	1,699.02	251.80
D	1,911.40	283.28
E	2,336.16	346.23
F	2,760.91	409.18
G	3,185.67	472.13
H	3,822.80	566.56

- (12) That the Council, in accordance with Sections 30 and 36 of the 1992 Act, 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 2025/26 for each part of its area and for each of the categories of dwellings.

- (13) That the Council has determined that its relevant basic amount of Council Tax for 2025/26 is not excessive in accordance with principles approved under Section 52ZB of the 1992 Act.
- (14) That the Capital Bids and Capital Programme (annexes to the Minutes as set out in the Minute Book) be approved.
- (15) That the Capital and Investment Strategy 2025/26 (annex to the Minutes as set out in the Minute Book), including the Minimum Revenue Provision (MRP) Policy, be approved.
- (16) That the Treasury Management Strategy, including the Prudential Indicators, and Affordable Borrowing Limit for 2025/26 (annex to the Minutes as set out in the Minute Book) be approved.
- (17) That a minimum level of General Balances of £7.8m (as supported by the annex to the Minutes as set out in the Minute Book) be approved.
- (18) That the Reserves Policy ((annex to the Minutes as set out in the Minute Book)) be approved.
- (19) That, subject to the following amendment, with authority delegated to the Section 151 Officer to update the budget papers to reflect the amendment, the Medium-Term Reserves Plan ((annex to the Minutes as set out in the Minute Book) be approved:
 - Reduce the contribution to reserves by £0.189m
- (20) That the Pay Policy Statement, as required by the Localism Act 2010, be approved.

The meeting ended at 8.20 pm

Chairman:

Date:

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This report is public	
Annual Council Business Report 2025/2026	
Committee	Council
Date of Committee	21 May 2025
Portfolio Holder presenting the report	Not applicable
Date Portfolio Holder agreed report	Not applicable
Report of	Monitoring Officer, Shiraz Sheikh

Purpose of report

To note the results of the by-elections 1 May 2025 district elections and to consider the appointments and allocation of seats on Committees for municipal year 2025/2026 in accordance with the duty under Section 15 Local Government Housing Act 1989, to ensure that this reflects the political make-up of the Council following the elections. The political representation of members on committees needs to be considered on an annual basis.

1. Recommendations

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

Council resolves:

- 1.1 To note the results of the District by-elections held on 1 May 2025.
- 1.2 To note the constitution of Political Groups and notification of Group Leaders which has been notified in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990.
- 1.3 To note the appointment of the Deputy Leader of the Council, the membership of the Executive and Executive portfolios for the municipal year 2025/2026.
- 1.4 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Appendix 2.
- 1.5 To agree that the allocation of seats on the Licensing Acts Committee reflects the General Licensing Committee.
- 1.6 To appoint members (and where required, substitute members) to serve on each of the committees in accordance with the nominations made by political groups (Appendix 3).

- 1.7 To appoint a non-Executive representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.
- 1.8 To appoint a representative and named substitute to the Health and Wellbeing Board.
- 1.9 To appoint a representative and named substitute to the Police and Crime Commissioner Scrutiny Panel.
- 1.10 To appoint an Executive member representative and an Executive member substitute to the Oxfordshire Leaders Joint Committee.
- 1.11 That authority be delegated to the Monitoring Officer to make changes required to the Constitution as a result of the changes referred to in this report.

2. Executive Summary

- 2.1 This report sets out the results of the District Elections, the membership of the Political Groups and Group Leaders and appointment of the Leader of the Council.
- 2.2 The Council is required to appoint Committees and other members bodies that are not part of the Executive. Membership of the Council's Committees is agreed annually at the Annual Council Meeting.
- 2.3. The appointment of the Deputy Leader and the Executive are a matter reserved to the Leader of the Council

Implications & Impact Assessments

Implications	Commentary			
Finance	There are no financial implications arising directly from this report. Michael Furness, Assistant Director Finance & S151 Officer, 12 May 2025			
Legal	The allocation of seats to the Political Groups is in accordance with section 15(5) of the Local Government Act 1989 and related regulations mentioned in the report. It is a legal requirement for Council to appoint a Leader, agree proportionality after an election and make appointments to committees. It is for the Council Leader to appoint the Deputy Leader and the other Executive members, and to allocate Lead Member responsibilities. Shiraz Sheikh, Monitoring Officer, 12 May 2025			
Risk Management	None			
Impact Assessments	Positive	Neutral	Negative	Commentary

Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Climate & Environmental Impact				N/A
ICT & Digital Impact				N/A
Data Impact				N/A
Procurement & subsidy				N/A
Council Priorities	N/A, this report is pursuant to a statutory requirement			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	The political groups have been consulted on aspects of this report.			

Supporting Information

3. Background

- 3.1 Principal Councils are required to hold in every year an annual meeting of the full council. In an election year, this must be held on the eighth day after the retirement of councillors or such other day within 21 days immediately following the day of retirement as the council may fix.

- 3.2 This meeting fulfills that requirement and ensures that the council has conducted the business required in legislation and the Council's Constitution to ensure governance arrangements are in place for the forthcoming municipal year.

4. Details

1 May 2025 District By-election Results

- 4.1 Following the resignations of councillors in the Banbury Cross and Neithrop, Banbury Grimsbury and Hightown and Deddington wards, by-elections were held on 1 May 2025. Councillors were elected as set out below. As the councillors were elected in a by-election, their term of office is for the remainder of the term of the councillor they have replaced as set out below.

Ward	Elected	Party	Term of office
Banbury Cross and Neithrop	Fiaz Ahmed	Conservative	Three years
Banbury Grimsbury and Hightown	Henry Elugwu	Labour	Two years
Deddington	Zoe McLernon	Conservative	Two years

Recommendation

- 1.1 To note the results of the District by-elections held on 1 May 2025.

Constitution of the Council and Constitution of Political Groups and Political Group Leaders

- 4.2 The current constitution of the Council (48 Members) is:
- 17 Liberal Democrat (35.42%)
 - 12 Labour / Labour & co-operative party (25.00%)
 - 11 Conservative (22.92%)
 - 4 Green (8.33%)
 - 4 Independent¹ (8.33%)
- 4.3 The constitution of Political Groups and Group Leaders as notified to the Proper Officer is:
- Liberal Democrat (17 Members, all Liberal Democrat party members)
 - Group Leader: Councillor David Hingley
 - Labour (12 Members, all Labour and Labour & Co-operative party members)
 - Group Leader: Councillor Amanda Watkins
 - Cherwell Conservative and Independent Alliance (12 Members, all Conservative Group members and 1 Independent Member, Councillor Ford)
 - Group Leader: Councillor Eddie Reeves

¹ Councillor Donna Ford has advised the Proper Officer that she has stood down from Conservative Party and is now an Independent.

- Green and Independent Alliance (5 Members, comprising 4 Green members and 1 Independent Member, Councillor Broad)
 - Group Leader: Councillor Ian Middleton
- Independent (2 Members, comprising 2 Independent Members)
 - Group Leader: Councillor Les Sibley

4.4 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, Members have given notice of their wish to be regarded as Members of the Political Groups as set out below.

Liberal Democrat Group	Labour Group	Cherwell Conservative and Independent Alliance	Green and Independent Alliance	Independent Group
Cllr David Hingley (Group Leader)	Cllr Amanda Watkins (Group Leader)	Cllr Edward Fraser Reeves (Group Leader)	Cllr Ian Middleton (Group Leader)	Cllr Les Sibley (Leader)
Cllr Lesley McLean (Deputy Group Leader)	Cllr Dr Chukwudi Okeke (Deputy Group Leader)	Cllr Nigel Simpson (Deputy Group Leader)	Cllr Tom Beckett (Deputy Group Leader)	Cllr Harry Knight
Cllr Gordon Blakeway	Cllr Rebecca Biegel	Cllr Fiaz Ahmed	Cllr John Broad	
Cllr Chris Brant	Cllr Besmira Brasha	Cllr Phil Chapman	Cllr Fiona Mawson	
Cllr Jean Conway	Cllr Mark Cherry	Cllr Donna Ford	Cllr Linda Ward	
Cllr Grace Conway-Murray	Cllr Becky Clarke MBE	Cllr Ian Harwood		
Cllr Gemma Coton	Cllr Dr Isabel Creed	Cllr Kieron Mallon		
Cllr Nick Cotter	Cllr Andrew Crichton	Cllr Nicholas Mawer		
Cllr Frank Ideh	Cllr Henry Elugwu	Cllr Zoe McLernon		
Cllr Simon Lytton	Cllr Lynne Parsons	Cllr David Rogers		
Cllr Julian Nedelcu	Cllr Kerrie Thornhill	Cllr Douglas Webb		
Cllr Robert Parkinson	Cllr Dom Vaitkus	Cllr Barry Wood		
Cllr Rob Pattenden				
Cllr Chris Pruden				
Cllr Alisa Russell				
Cllr Dorothy Walker				
Cllr John Willett				

- 4.5 The Labour Group and Cherwell Conservative and Independent Alliance have the same number of members. The respective Group Leaders have agreed that they will jointly be referred to as the official opposition.

Recommendation

- 1.2 To note the constitution of Political Groups and notification of Group Leaders which has been notified in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990.

Leader of the Council

- 4.6 The appointment of the Leader of the Council is a Council function in accordance with provisions of the Local Government Act 2000 as amended. The Leader of the Council comes from the majority political grouping.
- 4.7 In accordance with the provisions of the Local Government Act 2000 as amended and the Council's Constitution, the Leader of the Council will hold office for a four-year term until:
- they resign from the office
 - (following local elections) their successor becomes entitled to act as Leader
 - they are removed from office by resolution of the council,
- 4.8 Councillor David Hingley was appointed Leader of the Council at the Annual Council meeting on 22 May 2024 and, as none of the bullets above are applicable, continues in this capacity.
- 4.9 The Leader of the Council shall be the Chairman of the Executive. It is their responsibility to determine the size and membership of the Executive (providing the membership comprises between two and nine members, not including the Leader). The Leader shall also determine the remit of each portfolio. Council does not have any decision-making in this regard.
- 4.10 All executive functions are vested in the Leader and it is the Leader's responsibility to determine how such functions shall be delegated. This responsibility can be a simple re-affirmation of the existing delegation of executive functions to Executive, and Officers. The Council does not have any decision-making role in this regard.

Deputy Leader of the Council and Executive 2025/2026

- 4.11 The Leader of the Council, Councillor David Hingley, will advise Council of their appointment of Deputy Leader and the Executive Portfolios for the Municipal Year 2025/2026.

Recommendation

- 1.3 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2025/2026.

Committee Appointments 2025/2026

- 4.12 The current constitution of the Council is set out at paragraph 4.2. The current constitution of Political Groups is set out at paragraph 4.3.

- 4.13 The Council is required by the Local Government and Housing Act 1989 to review the political balance on its committees on an annual basis. Appendix 1 summarises how the rules operate.
- 4.14 Appendix 2 sets out the arithmetical product of the rules for the Council's Committees. The figures in Appendix 2 show the adjustments which are necessary to achieve the balance across and within committees to comply with the rules.
- 4.15 To achieve balance on Planning Committee and the Appeals Panel, the Labour Group Leader and Conservative and Independent Alliance Group Leader have agreed that the Labour Group will have five seats on Planning Committee and two seats on Appeals Panel with the Conservative and Independent Alliance having four seats on Planning Committee and three on Appeals Panel until the October Council meeting. The allocation will then be switched and committee memberships amended at the October Council meeting.
- 4.16 The Licensing Acts Committee allocation of seats is not subject to the political balance requirements. Due to the crossover with the functions of the General Licensing Committee, it is recommended that the make-up of the Licensing Acts Committee reflect the make-up of the General Licensing Committee, and the same Members are appointed to both Committees.
- 4.17 Appendix 3 (to follow) sets out Group nominations to serve on each of the committees in accordance with the political balance requirements.
- 4.18 Members appointed to Committees shall hold office until no later than the next Annual Council meeting, unless appointments are amended by Group Leaders and notified to the Proper Officer or a Member ceases to hold office.

Recommendations

- 1.4 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Appendix 2.
- 1.5 To agree that the allocation of seats on the Licensing Acts Committee reflects the General Licensing Committee.
- 1.6 To appoint members (and where required, substitute members) to serve on each of the committees in accordance with the nominations made by political groups (Appendix 3).

Appointment of Representatives to Joint Bodies

- 4.19 Council is required to agree at its Annual Meeting appointments to the joint bodies of which the Council is a member and has a seat/seats in line with the Terms of Reference of that joint body. Appointments are made for the municipal year and the Members appointed hold office until no later than the next Annual Council meeting, unless the nomination is amended or they cease to hold office.

Oxfordshire Joint Health Overview and Scrutiny Committee

- 4.20 Oxfordshire County Council (OCC) has responsibility to “review and scrutinise any matter relating to the planning, provision and operation of the health services in its area” and to make referrals to the Secretary of State about proposals where it considers proposals for service change, or consultations, have been inadequate. It discharges that responsibility to the Oxfordshire Joint Health Overview and Scrutiny Committee (‘the Committee’).
- 4.21 OCC, Cherwell District Council (CDC), Oxford City Council, South Oxfordshire District Council, The Vale of White Horse District Council and West Oxfordshire District Council (“the Constituent Councils”) have under powers in Section 8(2)(a) of the Health and Social Care Act 2001 and associated Regulations, formed a joint committee between the Councils to discharge the functions of Oxfordshire County Council given to it under that Act.
- 4.22 The voting membership of the Committee comprises 12 non-executive members of the Constituent Councils, including 1 Member from each district/city Council.
- 4.23 Council is asked to appoint a (CDC) representative to the Oxfordshire Joint Health Overview and Scrutiny Committee for the municipal year 2025/2026. The representative cannot be a member of the Executive.

Health and Wellbeing Board

- 4.24 Oxfordshire County Council and the NHS have a duty to establish a Health and Wellbeing Board. The Board is the principal structure in Oxfordshire with responsibility for promoting the health and wellbeing of the people of the county.
- 4.25 The rules on political proportionality do not apply to the Health and Wellbeing Board not to any sub-committees set up by it.
- 4.26 The membership of the Board includes elected Member representatives and officers from the Oxfordshire local authorities, local GPs and Healthwatch Oxfordshire. The Board’s Terms of Reference set out that the representative from each district/city Council must either be the Leader or the relevant Executive/Cabinet member.
- 4.27 Council is asked to appoint a representative and named substitute to the Health and Wellbeing Board for the municipal year 2025/2026.

Thames Valley Police and Crime Panel

- 4.28 The Thames Valley Police and Crime Panel examines and reviews how the Police and Crime Commissioner for Thames Valley carries out their responsibilities of ensuring that Thames Valley Police runs effectively and supports the Police and Crime Commissioner in their work.
- 4.29 The Panel’s Terms of Reference set out that the membership included 14 elected Members, including one from each of the Oxfordshire district/city Councils.
- 4.30 The Panel’s Terms of References state: “Appointments of elected Members to the Panel shall be made by each of the Authorities in accordance with their own procedures and in making their appointments to the Panel each individual authority shall have regard to the requirement in the Act that appointments shall be made

with a view to ensuring that the 'balanced appointment objective' is met so far as is reasonably practicable. It is recognised that each Authority may choose to appoint from within the membership of the majority group."

- 4.31 Council is asked to appoint a representative and named substitute to the Police and Crime Commissioner Scrutiny Panel for the municipal year 2025/2026.

Oxfordshire Leaders Joint Committee (OLJC)

- 4.32 In early 2025 the Oxfordshire Leaders Joint Committee (OLJC) replaced the Future Oxfordshire Partnership.
- 4.33 The Oxfordshire Leaders Joint Committee is a joint committee of the six councils of Oxfordshire ("constituent authorities") formed to enable and facilitate the Constituent members working together to deliver the aims of the Oxfordshire Strategic Vision for Long Term Sustainable Development.
- 4.34 As the Joint Committee is constituted to be able to discharge executive functions if delegated to it by the constituent authorities, then the appointed person must be from the Cabinet/Executive of the constituent authorities. There should be one member from each constituent authority. It is custom and practice for this person to be the Leader of the Council.
- 4.35 Each constituent authority shall appoint a substitute (also being an Executive member). The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made. It is permissible to appoint a specific individual substitute or any Cabinet/Executive member.
- 4.34 Council is asked to appoint an Executive member as the council's representative and named substitute (also an Executive member) to the Oxfordshire Leaders Joint Committee for the municipal year 2025/2026.
- 4.36 The former Future Oxfordshire Partnership Advisory Groups for planning, housing, infrastructure, and environment have been disbanded and do not need to be appointed to. There is provision within the OLJC Terms of Reference for the establishment of Task and Finish Groups, but none have been established to date.
- 4.37 In the event that decisions delegated to this OLJC require it, a Joint Scrutiny Committee consisting of each Constituent Authority's Chair of its Scrutiny Committee, may be convened. Notwithstanding, decisions of the OLJC may be scrutinised by each Constituent Authority as part of its own arrangements.

Recommendations

- 1.7 To appoint a non-Executive representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.
- 1.8 To appoint a representative and named substitute to the Health and Wellbeing Board.
- 1.9 To appoint a representative and named substitute to the Police and Crime Commissioner Scrutiny Panel.

- 1.10 To appoint an Executive member representative and an Executive member substitute to the Oxfordshire Leaders Joint Committee.

5. Alternative Options and Reasons for Rejection

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

Option 1: To amend the appointments. This is not recommended as nominations have been submitted by Group Leaders following consultation with their Groups and in accordance with the proportionality calculations.

6 Conclusion and Reasons for Recommendations

- 6.1 The Council is required to note the results of the District Council by-election note the appointment of the Executive and portfolio allocation, agree the allocation of seats on committees that are subject to the political balance requirements and not subject to political balance requirements, to agree the appointments to each of the Committees in accordance with the nominations made by political groups and agree appointments to joint committees.

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Local Government & Housing Act 1989 – Political Balance
Appendix 2	Allocation of seats on committees subject to political balance requirements and not subject to political balance requirements 2025/2026
Appendix 3	Committee appointments 2025/2026
Background Papers	None
Reference Papers	None
Report Author	Natasha Clark, Governance and Elections Manager

Report Author contact details	democracy@cherwell-dc.gov.uk 01295 221534
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Appendix 1: Local Government & Housing Act 1989 - Political Balance

General Description of the Rules

1. For most local authority committees and sub-committees and for certain other appointments, the 1989 Act requires the Council to allocate seats to political groups in accordance with the groups' proportionate strength on the Council as a whole.
2. The political balance requirement applies only where political groups have been set up, but where it does apply the allocation to committees has to be reviewed annually. A review is also required on the formation of a new political group or if requested by a member newly joining a group.
3. A committee must review the allocation of seats on its sub-committees following any change in the committee's membership as a result of a 1989 Act review.

The Allocation

4. The allocation process depends on the proportionate strengths of the political groups and the nature of the committee, sub-committee or other body concerned. The following rules apply:
 - (i) Where a group has an overall majority on the Council, that group is entitled to a majority of the seats on each committee and sub-committee.
 - (ii) Each political group is entitled to its proportion of the total number of seats on all the committees added together, according to the ratio of the number of members of the group to the number of members of the Council.
 - (iii) Subject to (i) and (ii) above, each group is entitled to its proportion of the number of seats on each individual committee.
 - (iv) For sub-committees and some other bodies, a group is entitled to its proportion of the number of seats regardless of the total number of seats involved (but still subject to the majority rule in (i) above).
 - (v) The allocations of seats to political groups are rounded up or down to the nearest whole number. Where the allocations leave a seat or seats unfilled on a committee, sub-committee or other body those seats must be allocated to any independent members of the Council.
5. Except where a "no dissent" alternative (as described below) is adopted, application of these principles, "so far as reasonably practicable", is mandatory. Once the allocations have been agreed under this procedure, the appointment of individual members must then be made in accordance with the wishes of the respective groups.

Alternatives where "No Dissent"

6. The requirement to allocate seats according to political groups' proportionate strengths can be overridden by some other arrangement, either in relation to all committees, sub-committees and other bodies or in relation to any individual committee, sub-committee or other body, provided that no councillor votes against the alternative arrangement when it is proposed.

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Appendix 2 - Proportionality Calculations

1.1 Under the Local Government (Committees and Political Groups) Regulations 1990 made pursuant to the Local Government and Housing Act 1989, allocations of committee seats are made to political groups and any member not in a political group is consequently not automatically entitled to seats on committees. There are no such members currently and the committee allocations take account of the Groups notified to the Chief Executive as set out below.

- Liberal Democrat (17 Members)
 - Group Leader: Councillor David Hingley
- Labour (12 Members)
 - Group Leader: Councillor Amanda Watkins
- Cherwell Conservative and Independent Alliance (12 Members)
 - Group Leader: Councillor Eddie Reeves
- Green & Independent Alliance (5 Members)
 - Group Leader: Councillor Ian Middleton
- Independent (2 Members)
 - Group Leader: Councillor Les Sibley

1.2 Allocation of Seats to Proportional Committees (*adjustments shown in italics*¹)

	Liberal Democrat	Labour	Cherwell Conservative and Independent Alliance	Green and Independent Alliance	Independent	Total
% entitlement	35.4%	25.0%	25.0%	10.4%	4.2%	100%
Accounts, Audit & Risk Committee	3	2	2	1	0	8
Appeals Panel	4	2 (-1)	3	1	0	10
Budget Planning Committee	4	3	3	1	1	12
Licensing Committee	5 (+1)	3	3	1	0 (-1)	12
Overview & Scrutiny Committee	4	3	3	1	1	12
Personnel Committee	4	3	3	1	1	12
Planning Committee	6	5	4 (-1)	2	1	18
Standards Committee	3	2	2	1	0	8
Proportional Entitlement by Committee	32	24	24	9	5	94
Aggregate Entitlement	33	23	23	9	4	92
Adjustment Required	+1	-1	-1	0	-1	-2

¹ The Labour Group Leader and Cherwell Conservative and Independent Alliance Group Leader have agreed that the adjustments will be effective until the October 2025 Council meeting, when the adjustment will be switched.

- 1.3 The Constitution sets out that the Planning Committee has 12 named substitutes. These appointments are not included in the main committee proportionality calculations above but the number of substitutes per Group should reflect the political makeup of the Committee with the adjustment to ensure each Group has a named substitute. Groups should appoint the number of named substitutes as set out below:
- Liberal Democrat Group - 4
 - Labour Group - 3
 - Conservative Group - 3
 - Green / Independent Group - 1
 - Independent Group - 1
- 1.4 Political Groups must have regard to the following when nominating Committee members:
- Overview and Scrutiny Committee must not include any members of the Executive
 - Personnel Committee members 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 of the Personnel Committee
- 1.5 Allocation of seats to Non-Proportional Committees.

	Liberal Democrat	Labour	Cherwell Conservative and Independent Alliance	Green and Independent Alliance	Independent	Total
Licensing Acts Committee	5	3	3	1	0	12

- 1.6 Due to the crossover of functions, the allocation of seats for the General Licensing Committee has been applied to the Licencing Acts Committee. To facilitate arrangements for the Committees, the same allocation of seats for the Political Groups are asked to nominate the same members to both Committees.

This report is public	
Updates to the Constitution	
Committee	Council
Date of Committee	21 May 2025
Portfolio Holder presenting the report	Councillor Chris Brant, Portfolio Holder for Corporate Services
Date Portfolio Holder agreed report	13 May 2025
Report of	Monitoring Officer, Shiraz Sheikh

Purpose of report

The Constitution is the document by which, in accordance with the law, the Council exercises all its powers and duties. It is essential that it is reviewed to ensure it remains fit for purpose. This is to update members with the latest changes following meetings of the Constitution Review Group (CRG).

1. Recommendations

Council resolves:

- 1.1 To approve the changes to Part 20 Contract Procedure Rules (Appendix 1).
- 1.2 To approve the changes to the Motions Process 4.18 (Appendix 2).
- 1.3 To approve the changes to Part 4a Overview and Scrutiny Committee Procedure Rules (Appendix 3) and the associated Overview and Scrutiny Reference Guide (Appendix 4)
- 1.4 To approve the updated terminology to reflect the preference of the Chairman as outlined in paragraph 4.18 below.

2. Executive Summary

- 2.1 Amongst the duties of the Monitoring Officer is responsibility for monitoring and reviewing the operation of the Constitution, and for recommending ways in which it can be amended.
- 2.2 Changes to the Constitution may only be made with the approval of the Council and/or by the Monitoring Officer arising from decisions of the Council or the Executive; where legislation requires a change in wording or terminology; or to make minor or consequential amendments.

Implications & Impact Assessments

Implications		Commentary		
Finance		There are no financial implications associated with this report Michael Furness, Section 151 Officer 9 May 2025		
Legal		Every local authority is under a duty to prepare and keep up to date its Constitution under s.9P of the Local Government Act 2000 Shiraz Sheikh, Monitoring Officer, 12 May 2025		
Risk Management		There is no Risk implications associated with this report Julie Miles, Performance Analyst and Developer, 12 May 2025		
Impact Assessments		Positive	Neutral	Negative
Equality Impact			X	
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			X	
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?			X	
Climate & Environmental Impact				
ICT & Digital Impact				
Data Impact				
Procurement & subsidy				
Council Priorities		Not applicable		
Human Resources		Not applicable		
Property		Not applicable		

Consultation & Engagement	Constitution Review Group
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Supporting Information

3. Background

- 3.1 A full review of the Constitution started in December 2023. A Constitution Review Group (CRG) was subsequently established, comprising the Monitoring Officer and his deputy, officers from Democratic and Elections and five members representing the political groups of the Council. The members of the political groups were selected by the Group Leaders.
- 3.2 The CRG's work has continued in the 2024/2025 municipal year with Group Leaders again appointing members of their political groups to the CRG.

4. Details

Contract Procedure Rules Update (Part 20)

- 4.1 Contract Procedure Rules establish the regulatory framework governing the Council's procurement of goods, services, and works, and the disposal of specified assets. The summary of the changes is below and are highlighted in yellow in Appendix 1.
- 4.2 Section 1 (*Introduction*) has been amended to include expanded guidance on applicable Procurement Rules and reference points for locating supporting documentation. has been updated to add more information around Procurement Rules and where the information can be found.
- 4.3 Section 2 (*Scope*) has been revised to incorporate provisions from the Procurement Act 2023, reflecting procedural updates and compliance requirements.
- 4.4 The Section 6 (*Tender Evaluation*) now adopts the MAT (Most Advantageous Tender) methodology, superseding MEAT, to enable broader evaluation criteria aligned with lifecycle cost analysis and strategic value.
- 4.5 The *Record Retention* protocol has been updated to mandate enhanced documentation practices and define retention periods in line with governance and audit standards.

Changes to the Motion Process (Part 4.18)

- 4.6 The changes to the Motion Process have been introduced to reflect the amendments as agreed with the Constitution Review Group. The proposed changes are summarised below and are highlighted in yellow in Appendix 2.

- 4.7 It is proposed that if the motion does not fall into the relevant meetings remit (for example it is not a Council function) then as agreed, it will stand referred to the relevant body (for example Executive). However, the proposer will have 5 minutes to speak to the motion and the Leader or relevant Portfolio Holder will have 5 mins to respond. This ensures that full council is sighted.
- 4.8 There is a report to the referred meeting on the issue and the proposer is entitled to attend and be part of the debate.
- 4.9 It also includes the convention of the motion being amended for clarification or withdrawn but with the relevant member being consulted.
- 4.10 For clarification it is now included that the meeting chairman can also move items of business necessary for the effective administration of the business on the agenda reflecting the proper convention.

Overview and Scrutiny Procedure Rules Update (Part 4a)

- 4.11 The Overview and Scrutiny procedure rules and terms of reference are currently provided at Part 4a of the Cherwell District Council Constitution and were originally approved by Council at the meeting of the 26 February 2024. The proposed updates included in this report reflect a review carried out by the Interim Principal Officer Scrutiny and Democratic Lead and are highlighted in yellow.
- 4.12 These procedure rules provide for how the Council will carry out the functions conferred by Section 21 of the Local Government Act 2000, which provide for Executive decision making arrangements, which have been adopted by Cherwell District Council. Executive arrangements by a local authority must include provision for the appointment by the Council of one or more overview and scrutiny committees
- 4.13 The Statutory Scrutiny Guidance was published last year by the Ministry of Housing, Communities and Local Government. This presents an opportunity time to review the Council's Overview and Scrutiny procedure rules. The Statutory Scrutiny Guidance is available for reference below.
- 4.14 The Government recognises that all authorities have democratic mandates, are ultimately accountable to local people and that authorities themselves are best placed to know which scrutiny arrangements are most appropriate for their own individual circumstances. The Statutory Guidance does however strongly urge all councils to cast a "critical eye" over their existing arrangements and ensure they embed a culture that allows overview and scrutiny to flourish.
- 4.15 In addition, the Council's Overview and Scrutiny procedure rules state that Members and Officers must have regard to the Council's Scrutiny Guidance (or any replacement of such guidance) from time to time. It may also be a good time to review the Council's Scrutiny Guidance in conjunction with the review of the Council Constitution.

Draft Overview and Scrutiny Reference Guide

- 4.16 This document is designed to be used as a reference guide alongside the detailed section of the Constitution Part 4a and builds upon the Cherwell Council Scrutiny Guide February 2025
- 4.17 The changes made to the guide are highlighted and reflect the current practices.

Terminology

- 4.18 The Constitution Review Group have proposed a clarification to the terminology for Committee “Chairs”. It will be up to the member elected as the Chairman to decide on whether they want to be known as a Chairman, Chairwoman, Chairperson or Chair as their preference.

Formatting of the Constitution & further updates

- 4.19 To make the Constitution easier to follow and for it be user friendly we are working to re-format and produce it digitally. This work is ongoing under the delegation afforded to the Monitoring Officer.
- 4.20 The CRG will continue to meet to consider further amendments to the Constitution with reports submitted to Council as required.

5. Alternative Options and Reasons for Rejection

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

Option 1: Not to agree the recommendations. This is not recommended as it is important that the Constitution is kept up to date.

6 Conclusion and Reasons for Recommendations

- 6.1 The Constitution is the document by which, in accordance with the law, the Council exercises all its powers and duties. It is essential that it is reviewed to ensure it remains fit for purpose.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Proposed updated Contract Procedure Rules
Appendix 2	Proposed changes to the Motions Process
Appendix 3	Proposed changes to the Overview and Scrutiny Committee Procedure Rules
Appendix 4	Proposed Overview and Scrutiny Committee Reference Guide
Background Papers	None
Reference Papers	None
Report Author	Patrick Davis, Democratic and Elections Officer
Report Author contact details	democracy@Cherwell-dc.gov uk; 01295 221534
Corporate Director Approval (unless Corporate Director or Statutory Officer report)	Report of Statutory Officer, Monitoring Officer

CHERWELL DISTRICT COUNCIL
CONTRACT PROCEDURE RULES
(2025)

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1. INTRODUCTION

- 1.1 This part of the Constitution sets out the Council's ('Council') rules for buying goods, services and works on behalf of the Council and disposing of some types of property ("Contract Procedure Rules"). The Council must have contract procedure rules under section 135 of the Local Government Act 1972 and S1-29 of Local Government Act (1999). The Contract Procedure Rules must be read in conjunction with relevant laws, regulations and policies/procedures including the Council's Financial Procedure Rules, the Officer Scheme of Delegation, English law, the CDC Commercial Playbook and the Provider Section Regime (PSR) Guide.
- 1.2 Officers must have regard to the Council's Procurement Guidance or any replacement of such guidance from time to time in force ("the Guidance"). Officers involved in procurement and contract management activities and making procurement/contract management decisions must be fully aware of and comply with the Rules as they form part of the Council's Constitution and have regard to Procurement guidance including the CDC Commercial Playbook.
- 1.3 All procurements and contracts must realise value for money through the optimum combination of whole life costs and quality of outcome.
- 1.4 The Rules seek to protect the Council's reputation by minimising the risk of allegations of corruption, dishonesty and failure to meet legal obligations. As these Rules are required by law, failure to comply with them could lead to disciplinary action. If in doubt and/or if advice on compliance with legislative requirements is required, this may be obtained from Legal Services and/or the Procurement and Contracts Unit.
- 1.5 The Commercial Playbook is an invaluable sources of operational guidance to support any procurement activity and the correct application of these rules. Guidance (including the Commercial Playbook) can be found via the Council's intranet page.
- 1.6 Should a conflict be found between these Rules, the law and Procurement & Contracts Guidance, the order of precedence shall be the law, the Rules and then the Guidance.
- 1.7 The Rules apply to contracts or agreements with external organisations where the Council pays for:
- Goods and/or services
 - Works of any kind
 - Hire, rental or lease of equipment, material and/or plant.
- 1.8 In order to apply these Rules, it is necessary to estimate the value of the contract. Further guidance is available in the Commercial Playbook but in summary, the estimate must include all proposed expenditure under the contract over its maximum term including any extension periods. All thresholds referred to in these Rules are inclusive of VAT. Where the estimated value cannot be determined, the procurement must be managed as though it was over the relevant UK

Procurement Threshold. Requirements should not be split to avoid thresholds in these Rules.

In practice, this means Officers must not split a single contract requirement up into separate contracts with the intention of avoiding the thresholds and related tendering, invoice administration or internal approval requirements.

1.9 The Monitoring Officer in consultation with the Procurement & Contracts Unit shall have the power to make incidental amendments from time to time to the Rules, for example when updates are required from changes to legislation, job titles and roles.

1.10 Members have a key role in providing oversight to the Rules set out below, in making key decisions on major projects, considering the risks and ensuring that the Council takes best advantage of public procurement rules. Full details of the role that Members play in procurement activity can be found in the LGA's A Councillor's Guide to Procurement, 2019 edition (local.gov.uk).

1.11 In the case of a breach to these Rules, the Responsible Officer must make an immediate report to the Procurement & Contracts Unit detailing the nature of the breach and any management action taken to address the issues arising from the breach. The Procurement & Contracts Unit will maintain a record of all such breaches which will be reported to the relevant Committee periodically.

2. SCOPE OF CONTRACT PROCEDURE RULES

These Rules (and those complementary rules in the Council's Constitution, including its Financial Procedure Rules) apply to all spending on works, supplies and services by the Council. They also apply to the disposal of all Council assets.

The Rules also apply whether the Council is dealing on a commercial basis with entities in the private sector or the public sector.

These Rules must also be followed where the Council decides to accept an expression of interest received from a relevant body under the community right to challenge.

Further, the Rules apply to arrangements which the Council wishes to enter into in consequence of its having received grant funding from an outside body to procure a service, or to receive an income in return for giving another body the right (a concession) to run a service.

The Rules do not apply, however, to:

- contracts of employment
- contracts with Counsel and specialist legal advice
- grant/funding agreements

The Monitoring Officer may amend these Rules where required by statutory change, updates in government procurement policy, managerial adjustment or administrative error.

The Council's procurements, apart from those for health care services, are regulated by the Procurement Act 2023 and the Procurement Regulations 2024. Procurement of health care services is regulated by the Provider Selection Regime.

There is a raft of other legislation, such as the Social Value Act 2012 and the Transparency Code 2015, which also impacts on procurement and it is important that officers are aware of the wider legislative framework.

Where a procurement was started under the Public Contract Regulations (2015) or the Provider Selection Regime, governance for that procurement or contract continues to be those Regulations rather than the Procurement Act (2023). In the case of procurements/contracts started under the Public Contract Regulations (2015) they are governed by those Regulations until either:

- The end of the contract in question.
- For a framework/DPS, the end of the last call off contract.

Relevant Officers must ensure they provide the Procurement & Contracts Unit with accurate and timely information as required in respect of periodic updates and publication of the Council's procurement pipeline and contract register.

3. COMMENCING A PROCUREMENT

No procurement shall commence without there being sufficient budget available to cover the estimated cost of the Works, Supplies or Services being procured, or an outside body providing grant for the procurement of Works, Supplies or Services having given a binding commitment to the Council to provide those funds.

Further, for all procurements above £50,000 (inclusive of VAT) the relevant Officer shall first consider and agree with the Procurement and Contracts Manager agree a procurement strategy that:

- (a) has regard to the following Procurement Objectives and related government policy aims :
- Delivering value for money
 - Maximising public benefit
 - Sharing information for the purposes of allowing suppliers and others to understand the Council's policies and decisions.
 - Acting, and being seen to act, with integrity
 - whether the contract could be allocated into lots, including with regards to SMEs

- the National Procurement Policy Statement which sets out national priorities for procurement

(b) is most likely to achieve the procurement's intended outcomes and objectives, having regard, therefore, to such matters as:

- the likely total cost of the project;
- the amount and source of the money earmarked for it;
- the length of the proposed arrangement;
- the procedure to be adopted for achieving effective competition;
- the proposed procurement timetable;
- whether procurement jointly with another public body would be of benefit;
- how Value for Money and/or Service improvements may be achieved;
- how Social Value might be secured for the Council's area by the procurement;
- details as to whether TUPE is likely to apply; and
- any risk to the Council in undertaking (or not undertaking) the procurement.

4. ROLE OF THE PROCUREMENT & CONTRACTS GROUP

The Procurement and Contracts Group (PCG) is an officer-member board with its terms and reference set out at Appendix 1.

5. REQUIREMENTS IN RELATION TO TUPE

TUPE, and the interpretation of it, changes frequently, and only a brief reference to it is therefore contained within these Rules. Officers should consult Human Resources and Legal for further TUPE guidance and advice as necessary or appropriate.

Whenever a new supplier is appointed to take over the provision of an existing Service, employees of the original supplier engaged in the provision of that Service (or the Council, if the Service was provided in-house) may be affected by transferring that Service to another provider. If so, it will be necessary to form a view as to whether TUPE applies, and advice from Legal and HR must therefore be obtained by the Project Officer before commencing a procurement.

6. FINANCIAL THRESHOLDS AND PROCUREMENT PROCESS

Where a Relevant Contract is being procured the minimum procurement process and rules for inviting tenders are as follows.

Estimated Total Contract Value (inclusive of VAT)	Minimum Process	Method of Invitation & Transparency /VFM Obligation	Authority to award	Authority to sign
Less than £10,000	At least one quote must be sought from an appropriate source via the procurement portal (or alternative method with prior approval of the Procurement and Contracts Unit)	None mandated	Relevant Assistant Director	Relevant Assistant Director
£10,000 to £100,000	Invitation to quote or tender must be sent via the procurement portal to at least three	Method to be approved by the Procurement and Contracts Unit.	Relevant Assistant Director and if over £50,000 in value with the prior approval of	Authorised Signatory (Legal Services)

	suppliers - including at least one SME* or VCSE* organisation - where appropriate and possible		Procurement & Contracts Group Manager.	
Over £100,000 to the relevant FTS (Find a Tender Service) threshold.	Tender process via the procurement portal, with at least five written tenders sought, where appropriate and possible	Advertise open invitation to tender (ITT) on the Council's portal and Contracts Finder	Relevant Assistant Director with the approval of 151 and Monitoring Officer. If over £200,000 approval of Procurement & Contracts Group.	Executed as Deed under Seal (Legal Services) or alternative method approved by the Monitoring Officer
Over Relevant FTS threshold	Full competitive tender process applies via the procurement portal.	Advertise relevant Procurement Procedure by on the Council's portal. Advertise on Contracts Finder and Find a Tender system Other media may also be used	Relevant Assistant Director with the approval of Procurement & Contracts Group If over £500,000 Executive decision is required	Executed as Deed under Seal (Legal Services) or alternative method approved by the Monitoring Officer

Prior approval from the Procurement & Contracts Unit must be obtained prior to use of the Open or Competitive Flexible Procedure under the Procurement Act 2023.

Purchasing Schemes

An officer responsible for the procurement exercise may use Purchasing Schemes subject to the following conditions:-

An officer responsible for the procurement must seek advice in advance that:

- the Council is legally entitled to use the Purchasing Scheme;
- the purchases to be made do properly fall within the coverage of the Purchasing Scheme;
- the establishment and operation of each Purchasing Scheme is in compliance with the Procurement Legislation and meets the Council's own requirements.

A "Purchasing Scheme" may include:

- Framework arrangements (including those set up by the Crown Commercial Services);
- Purchasing arrangements set up by central purchasing bodies and commercial

- organizations; Consortium purchasing;
- Collaborative working arrangements;
- [Formal agency arrangements];
- E-procurement / purchasing schemes and methods;
- Other similar arrangements.

Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Rules of Procedures in respect of the choice and conduct of procedures. Advice should be sought from the Procurement and Contracts Unit prior to entering into such arrangements.

Getting Tenders and Quotations

Where quotations or Tenders are required, the documentation comprising the ITT or the RFQ/RFP shall be based on relevant model documents available from the Procurement and Contracts Unit.

Evaluation Criteria

Any ITT or RFQ/RFP must contain details as to the criteria for awarding the Contract to which it relates. Those criteria must be robust, fair, auditable, compliant with any relevant Public Procurement Legislation and, for any ITT, weighted wherever possible.

The award criteria may be based on price alone or on that which represents the Most Advantageous Tender received. In relation to Contracts above the FTS Threshold, any award *must* be based on the Most Advantageous Tender.

Lowest Price

Awards based on price alone will usually only be suitable for Supply Contracts where the Supplies required can be specified in significant detail at the outset and no after sales service or other special requirements are needed in connection with that Supply. Where appropriate, guidance should be sought on price assessment and **lifecycle costs** from the Procurement and Contracts Unit.

Most Advantageous [Tender]

Where the Council intends to award a Contract on the basis of the proposal which is the Most Advantageous Tender received, the criteria (and any sub-criteria) to be used in the evaluation shall, as a minimum:

- be pre-determined,
- have relevant weightings set out with applicable criteria
- be strictly observed at all times throughout the competition for the Contract,
- include (with any relevant weightings) criteria where appropriate in respect of Social Value
- reflect value for money, including price and quality criteria,

- be capable of objective assessment, and
- have regard to environmental impact and sustainability considerations relevant to the Works, Supplies or Services being procured.

Where a contract award is to be made following the above approach, it should be awarded to the tenderer obtaining the highest overall score (i.e., the Most Advantageous Tender) from the evaluation process with a compliant tender.

Conflicts of Interest

Officers must take all reasonable steps to identify and keep under review any conflicts of interest or potential conflicts of interest.

Any person who influences a decision must be included in the conflict of interest review.

Officers must take all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage. If the officer deems that the advantage or disadvantage cannot be avoided, they should contact the Procurement and Contracts Unit before progressing further with the procurement. This obligation starts when the need for the procurement is first identified and continues until the termination of the contract.

Where the procurement is valued over £100,000 inclusive of VAT, a conflicts assessment must be prepared by the Responsible Officer in conjunction with the Procurement and Contracts Unit before the procurement is published. This should include details of all conflicts or potential conflicts of interest and any steps that the Council has taken or will take to mitigate that conflict of interest. This may include any steps taken to demonstrate that there is no conflict of interest where one might be perceived.

This conflicts assessment must be kept under review and revised as necessary during the procurement and contract term.

Any Officer or Member who fails to declare a conflict of interest may be subject to disciplinary proceedings and risks being prosecuted under the Bribery Act 2010.

Officers and Members involved in a procurement will, at all times, act in a way that is consistent with their Code of Conduct.

Market Engagement

Market engagement is permitted for the purposes of:

- Developing the Council's requirements and approach to the procurement
- Designing a procedure, conditions of participation or award criteria
- Preparing the tender notice and associated tender documents
- Identifying suppliers that may be able to supply the requirement (understanding the market).
- Identifying likely contractual terms
- Building capacity amongst suppliers in relation to the contract.

The Procurement and Contracts Unit should be notified of any planned – and actual – market engagement. Market engagement must not have the effect that suppliers participating are put at an unfair advantage or that competition is otherwise distorted. If an officer deems that a supplier has been put at an unfair advantage, they must contact the Procurement and Contracts Unit or Legal Services before progressing further with the procurement.

If the procurement is valued over the relevant UK procurement threshold, a preliminary market engagement notice must be published on the government's Central Digital Platform/Find a Tender.

Key Performance Indicators

Any contract with a value of over £5million must include at least three Key Performance Indicators (unless the council considers that the supplier's performance could not appropriately be assessed by reference to KPIs) which must be published on the [council's website]/.

Where the Council has set KPIs in accordance with the above, it must assess performance against these KPIs and publish information as specified under the Procurement Act (and related Regulations) in relation to that assessment. The Council must do this at least once in every period of 12 months during the lifecycle of the contract and on termination of the contract.

7. INSURANCE

At the commencement of any procurement exercise, the relevant Officer and the Assistant Director of Finance (or nominated officer) shall together determine the type and level of insurance cover required in relation to a particular procurement. The appropriate Officer shall ensure the successful bidder has any required insurance cover in place before performance of the Contract begins, and shall further ensure, at appropriate intervals, that such cover is maintained by the supplier throughout the Contract period.

8. PARENT COMPANY GUARANTEES AND PERFORMANCE BONDS

Before commencing any tendering exercise for a Contract exceeding £150,000 in value of amount, the relevant Officer and the Assistant Director of Finance (or nominated officer) shall together determine the need for, and value of, any parent company guarantee and/or performance bond necessary in relation to that procurement.

The Assistant Director of Finance (or nominated officer) may also require any Contract below £150,000 to be supported by a parent company guarantee and/or performance bond for such amount as the Assistant Director of Finance (or nominated officer) may consider necessary or appropriate in all the circumstances.

In determining the need for appropriate guarantees, regard should be had to using performance bond and/or a parent company guarantee only in specific

and justified circumstances where the contract is judged to be at high risk of supplier or performance failure. Key points include: is the contract with the ultimate parent company; is the balance sheet commensurate with the liabilities in the contract; what proportion of the net assets are represented by the maximum liability under the contract; and to what extent are the assets are tied to the contracting party?

The appropriate Officer shall ensure the successful tenderer has any required parent company guarantee and/or performance bond in place before the Contract is commenced.

9. TENDER ADMINISTRATION: PROCEDURE FOR ISSUING AND RECEIVING TENDERS

An electronic Invitation to Tender shall be issued by the Council for all contracts with an estimated value of £100,000, or more and tenders shall be submitted electronically via the Council's Procurement Portal (and where applicable under the Procurement Act 2023, advertised on the UK Central Digital Platform).

The Council Procurement Portal and the Invitation to Tender must specify the format in which an electronic tender is submitted by tenderers and such tenders shall be stored in a secure portal account which is locked until the date and time specified for its opening.

No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Monitoring Officer is satisfied that there are exceptional circumstances and the other tenders have not been opened.

The electronic opening of tenders submitted on the Procurement Portal shall be conducted by a Procurement or Legal Officer and the relevant Assistant Director or their nominated representative.

Only in limited circumstances a tender process should be undertaken by hard copy submissions. In such cases written approval of the Monitoring Officer is required.

All Tenders must be returned strictly in accordance with the instructions prescribed in the ITT and must not be returned directly to the Officer, a Council Member or to any consultant acting on the Council's behalf.

10. EXCLUSIONS

The requirement to conduct a competitive procurement process is excluded in the following circumstances:

	Type of circumstance	Written record and approval

a)	the proposed contract is excluded under the Procurement Legislation; or	Prior written approval from the Monitoring Officer is required.
b)	the proposed contract is being awarded under a Purchasing Scheme of a type where a competition has already been undertaken on behalf of the Council or other public sector organisation; or	Prior written approval from the Monitoring Officer is required.
c)	the proposed contract is an extension to or a variation of the scope of an existing contract where the existing contract provides for such extension or a variation or where the variation is a modification permitted under the Procurement Legislation.	For contract extension or variation where annual value is greater than £200,000, approval of the Procurement & Contracts Group.

11.EXCEPTIONS

The Council does not have the power to waive the applicability of Public Procurement Legislation.

Subject to Public Procurement Legislation the requirement to seek Tenders or Quotations may be waived as follows:

Value	Authority to Waive
Up to £200,000 (inc. VAT)	Monitoring Officer and Section 151 Officer
Above £200,000 (inc. VAT)	Monitoring Officer and Section 151 Officer with a report approved by Procurement & Contracts Group

All exceptions or waivers to these Contract Rules of Procedure must be:

fully documented with a record noting the reasons for the waiver and that the circumstance are genuinely exceptional; and

noted on the waiver register to be kept by the Procurement and Contracts Unit.

12.CONTRACT FORMALITIES

12.1 The Form of Contract

- 12.1.1. All contracts should be made in writing and on the Council's standard written terms unless Legal Services approves otherwise. Contracts made on the supplier's written terms must be reviewed and approved by Legal Services. In advance of the tender process, the procuring Officer must seek advice from Legal Services on the form of contract to be used.
- 12.1.2. Advice from the Finance team must be obtained where the contract involves a finance leasing arrangement.
- 12.1.3. Every contract shall specify the goods, materials or services to be supplied and the work to be executed; the price to be paid together with a statement as to the amount of any discount(s) or other deduction(s); the period(s) within which the contract is to be performed and such other conditions and terms as may be agreed between the parties and are required by law.
- 12.1.4. Consideration must be given as to whether or not a performance bond, parent company guarantee, or other form of security acceptable to the S151 officer and Legal Services, is required from the supplier.

12.2 Required Terms

- 12.2.1 **Boilerplate Clauses** - The Council is required to include statutory terms which include non-exhaustively: Anti Bribery; Anti-Money Laundering; Freedom of Information; Data Protection; Safeguarding of Vulnerable Adults and Children; Transparency; Prevention of Terrorism; Audit; Anti-Discrimination Equality and Diversity; Payment of Subcontractors; Termination and Exit of Above Threshold Contracts; Compliance with Anti-Slavery and Human Trafficking laws; Force Majeure; Health and Safety.

If Officers consider one of the above clauses is more appropriate to their contract, they must notify Legal Services when asking them to consider the contract terms. For example, where personal data is being controlled or processed by a third party on the Council's behalf, an additional data sharing agreement may be required.

- 12.2.2 **Liquidated Damages** - Officers must consider the effect on the Council of any delay in performance of the contract, and whether that delay is likely to cause the Council financial loss which requires protection. If so, the Officer must estimate the reasonable and genuine loss that the Council is likely to suffer as a result of the delay and that would fairly compensate the Council, usually at a daily or weekly rate for that loss.
- 12.2.3 **Standards** - Where an appropriate British Standard or code of practice (or other applicable standard) applies to the procurement, the relevant Officers are required to the relevant standard is included in the contract or specification.

12.2.4 Implied Terms – Procurement Act. Applicable contracts awarded under the Procurement Act 2023 must contain any implied terms required under the relevant legislation.

12.3 Execution of Contracts

12.3.1. Where a contract is required as a result of any legal procedure or legal proceedings on behalf of the Council, it shall be signed by the Monitoring Officer or another person authorised by them, unless any enactment provides otherwise.

12.3.2. Contracts with a value of £10,000 or less (inclusive of VAT) may be signed by the relevant Assistant Director. Contracts with a value of more than £10,000 (inclusive of VAT) must be signed or executed, as appropriate, by Legal Services.

12.3.3. Any contract with a value of £100,000 or more (inclusive of VAT) must be executed as a deed using the common seal of the Council, signed by an authorised signatory, and witnessed in accordance with the required formalities.

12.4 Electronic Signatures & Seals

12.4.1. The Council may execute, seal, or sign any agreement by electronic means, to be approved by Legal Services.

12.4.2. For contracts that require a seal, the Monitoring Officer may adopt such means of sealing as from time to time they consider appropriate. This may include allowing electronic sealing in accordance with section 7A(1) of the Electronic Communications Act 2000 (or other subsequent legislation). Affixing of an electronic seal approved in this way shall be of the same legal effect as affixing the common seal of the Council. Any additional formality relating to the witnessing of such contracts are complied with.

13. ENGAGEMENT OF CONSULTANTS

13.1 The financial limits in these Contract Rules apply to the engagement of consultants and the appointment must be based on approved evaluation. If a consultant is to provide services over the lifetime of a project then the whole lifetime cost should be taken into account when procuring the consultant.

13.2 External legal consultants must be appointed through Legal Services in accordance with the Council's Constitution.

13.3 Prior to the engagement of the consultant the Officer must:

- a) Prepare a business case in advance of the appointment which as a minimum, should detail the reason for seeking external expertise, for example, lack of internal capacity or capability due to the specialist nature of services;
- b) This business case should be approved by either the Director or the Head of Service or their delegated nominee;

- c) Financial checks of lead consultants' financial stability and professional indemnity insurance should be made (which should also include any sub-consultants);
 - d) Insurance expiry date should be monitored by project managers except in those cases where the insurance Section is directly responsible for such insurance. Ongoing checks of valid insurance renewals should be undertaken during the lifetime of contracts;
 - e) Where the consultant is an individual, check with Payroll and Procurement to find out if the consultant is acting in the capacity of an employee and therefore subject to IR35 (tax and national insurance payments at source)
- 13.4 The terms of engagement of a consultant (not being an Officer of the Council) shall be set down in a form approved by Legal Service.
- 13.5 Previous employees should not be engaged as consultants until a period of at least 6 months has elapsed since they ended their employment with the Council.

14. CONTRACT PERFORMANCE MONITORING

- 14.1 The relevant Officer should ensure that the contractor's performance is monitored against the contractually agreed terms, by an appropriate Officer responsible for contract management in their department. The extent of the monitoring should be proportionate to the nature, duration and associated cost of the contract. Assistant Directors and managers are required to ensure Officers carry out proper contract management and that any issues in contract performance are brought to their attention. PCG may also require an updating report on contract performance.
- 14.2 Contract managers are to periodically revise how delivery and processes under ongoing contracts might be improved and to ensure that those improvements are implemented by the supplier and monitored by the contract manager.
- 14.3 Where further goods, works, or services will be required at the end of an existing contract term, contract managers must consult with the Procurement and Contracts Service prior to the expiration of the existing contract in sufficient time to plan the re-procurement to avoid disruption to Council services.

15. CONTRACT COMMENCEMENT

As a general rule, the Project Officer shall not authorise performance of any Contract, nor raise any Purchase Order in connection with it, unless and until all of the documents comprising the Contract have been executed by all of the

parties to it, unless the Purchase Order itself comprises the Contract

However, where there are exceptional circumstances requiring a successful tenderer to commence performance of a Contract prior to its execution as a matter of urgency (to avoid delay and increased costs on the Contract), the relevant Officer must satisfy the Monitoring Officer and the Section 151 Officer before authorising such commencement that:

- a. the supplier has confirmed in writing its unequivocal commitment to:
 - perform the Contract in accordance with the established terms, and
 - execute the document comprising those terms when it is available and to indemnify the Council against any breach of such undertakings;
- b. any performance bond or parent company guarantee required under the terms of the Contract has been received from the supplier's surety or parent company or the surety or parent company has written to the Project Officer confirming the relevant organisation's agreement to be bound by the terms of such performance bond or parent company guarantee from the date of such communication;
- c. a certificate of insurance has been received from the supplier's insurers to confirm all requisite insurance cover is in place; and
- d. the Section 151 Officer has undertaken appropriate financial checks on the supplier to establish its financial capability to undertake the Contract.

16.RECORD RETENTION

All Contracts executed under seal (including the winning Tender and any documentation supplementary thereto) shall be held by the Assistant Director Law and Governance for safe keeping and copy to be kept by relevant Assistant Director.

All other procurement documentation, including all expressions of interest, selection questionnaires, ITTs, unsuccessful Tenders, Quotations, clarification responses, internal deliberations and recorded decisions shall be kept safe and secure by the relevant Assistant Director for a period of at least 3 years from the date of Contract award whereupon such documents shall be destroyed.

Contracts executed under hand shall be held by the relevant Assistant Director and Procurement and Contracts Service for a period of 6 years from the date it is signed.

For applicable procurement exercises conducted under the Procurement Act 2023, per Section 98 of the Act:

- (1) the Council (contracting authority) must keep such records as the authority considers sufficient to explain a material decision made for the purpose of awarding or entering into a public contract.
- (2) For the purposes of subsection (1), a decision is “material” if, under this Act, a contracting authority is required—
 - (a) to publish or provide a notice, document or other information in relation to the decision, or
 - (b) to make the decision.
- (3) A contracting authority must keep records of any communication between the authority and a supplier that is made—
 - (a) in relation to the award or entry into of a public contract, and
 - (b) before the contract is entered into.
- (4) A record under this section must be kept until—
 - (a) the day on which the contracting authority gives notice of a decision not to award the contract (see section 55), or
 - (b) the end of the period of three years beginning with the day on which the contract is entered into or, if the contract is awarded but not entered into, awarded.
- (5) This section does not apply in relation to defence and security contracts.
- (6) This section does not affect any other obligation under any enactment or rule of law by virtue of which a contracting authority must retain documents or keep records, including for a longer period

17. PROCEDURE FOR THE DISPOSAL OF COUNCIL ASSETS

Where the estimated value of an asset is £50,000 or more, or where the Executive so determines, disposal of that asset shall, unless a valuer with relevant qualifications has certified that an alternative method of disposal would better achieve the Council's aims and objectives, be conducted in one of the following ways using approved agents if appropriate:-

- Sale by Tender
 - Ad-hoc Tenders - At least 14 days' notice to be given in such local newspapers circulating in the Council's area and/or in such national journals as the relevant Assistant Director considers desirable stating the nature of the asset and inviting tenders for its purchase and stating the last date when tenders will be accepted; or
 - Approved List - Public notice to be given in respect of a particular transaction in the same manner as that described in *Ad-hoc Tenders* above inviting applications from interested persons to be placed on a list to be approved by the Executive from which prospective purchasers shall be selected and invited to submit tenders.

- Sale at a Named Figure

An assessment of the value of the asset shall be made by a valuer with relevant qualifications. The relevant Assistant Director shall issue particulars of the asset and the price to all enquiring persons. Details of the asset shall be publicly advertised on at least one occasion and, in the case of land or property, a sign board erected upon the site.

- Invited Offers

The asset shall be advertised in accordance with the rules for Sale by Tender but no figure shall be placed in the particulars and interested parties shall be asked to make offers for consideration by the Council. In order to give guidance to prospective purchasers a minimum figure may be quoted where appropriate.

- Sale by Public Auction

Properly qualified and experienced auctioneers shall be commissioned to act on behalf of the Council in offering for sale by auction assets in the Council's ownership.

In any event, prior advice must be sought from Legal Services prior to entering into any negotiation or contract for a land development or concession agreement.

COMPLIANCE

18. STANDARDS OF CONDUCT AND OBSERVANCE OF RULES

All employees involved in the award or the potential award of any Contract or the disposal or potential disposal of any asset shall:

- act with integrity and honesty; and
- exercise all fairness and impartiality; and
- comply with the Rules; and
- respect the Officer's Code of Conduct; and
- observe any policy adopted by the Council on measures to combat bribery and corruption

and shall report instances of suspected fraud and other irregular activity connected with such award or disposal under any whistleblowing policy adopted by the Council.

ANY MANIFEST OR MATERIAL DEPARTURE FROM THESE RULES OR THE OFFICER'S CODE OF CONDUCT OR ADOPTED ANTI-BRIBERY POLICY IS A DISCIPLINARY OFFENCE.

PROCUREMENT & CONTRACTS GROUP TERMS OF REFERENCE

1. INTRODUCTION

1.1 PCG means the Procurement & Contracts Group comprising of:

- Section 151 Officer or nominee
- Monitoring Officer or nominee
- Procurement & Contracts Manager
- Representative from each of the Directorates (where their procurement is under consideration).

For non-operational matters

- The portfolio holder responsible for Procurement and/or Governance; and
- Such other Council Members may be invited on a case by case basis or their nominees

1.2 The PCG shall meet as required or where urgent transact its business electronically.

2. TERMS OF REFERENCE OF THE PCG

2.1 approve the contract strategy report, extension, exception and award reports of all Contracts above £200,000 (inclusive of VAT):

- Perform a strategic and overview role in relation to the Council's procurement and contract management.
- Provide a forum for Officers to discuss policy development, seek strategic advice and raise questions, issues and problems with procurement and contract management.
- Define and spread best-practice as it relates to contracting and Contract management and monitoring.
- Provide advice to Officers as appropriate on contracting issues.

3. PROCEDURES FOR THE PCG

3.1 The PCG shall both be chaired by the Monitoring Officer or their nominee.

3.2 The Procurement and Contract Manager shall convene all meetings of the PCG, and at least two working days before such meeting shall send to every member an agenda and copies of all reports.

3.3 Members of the PCG, or their nominees, shall attend any meeting of them when requested to do so.

3.4 Action shall be made by the Procurement and Contract Manager of the proceedings of the PCG.

3.5 Additional procedures and related arrangements may be issued in Guidance from time to time by the Monitoring Officer.

Changes to the Motions process 4.18

Motions

1. Motions may be submitted by Members for debate at a Council meeting on any issue over which the meeting has power or which affects the District.
2. Motions must be received in writing, including from a known or recognised e-mail address, by the **Monitoring Officer** by noon on the eighth working day before the meeting.
3. Notwithstanding the deadline for motions, Members are encouraged to submit motions early and to discuss potential motions with officers to enable a review in case of any budgetary implications.
4. Motion may be:
 - 4.1. amended by the Monitoring Officer for the purpose of clarification, in consultation with the Member(s) who submitted it; or
 - 4.2. amended or withdrawn by the Monitoring Officer, after informing the Member who submitted it, if it appears the wording is not in order or is framed in improper or unbecoming language.
5. Motions will be published on the agenda for which they have been submitted.
6. If a submitted motion is not proposed either by the Member who has given the notice or by some other Member with their written authority it shall be abandoned and must be submitted afresh if it is to be considered at any future meeting.
7. Once a submitted motion is moved and seconded, the Chairman and/or the Monitoring Officer will indicate that the Motion will be dealt with in one of the following ways:
 - 7.1. be referred without debate to a relevant Body for decision because the subject matter falls within their remit for such (for the avoidance of doubt, except in respect of the Council Budget Meeting, any Motion that would materially increase expenditure, involve capital expenditure, materially reduce the revenue of the Council, or involve the disposal of a significant asset, falls within the remit of the Executive);
 - 7.2. stand adjourned and be referred without debate to a relevant Body for initial consideration and report back because the subject matter falls within their remit for such;
 - 7.3. be debated at the Meeting in accordance with the Rules of Debate; or
 - 7.4. stand adjourned to a future Meeting.
8. ~~If a motion is referred to the Executive or any Committee or Sub-Committee of which the proposer is not a Member, they shall be given notice of the meeting at which it is proposed to~~

~~consider the motion and shall have an opportunity of explaining it, but shall not have a right to vote on it.~~

9. Motions will be dealt with at the meeting in the order that they are received. The Chairman will determine whether motions can be considered consecutively where they cover similar matters.
10. The Chairman will have absolute discretion during the meeting to move from the item of business considering Motions to the next item of business on the Agenda, where the Chairman considers that to be necessary for the effective administration of the business on the Agenda.
11. Where a Motion has been moved and seconded but is not to be considered at the Meeting:
 - 11.1. the mover of the Motion shall be entitled to speak to the Motion for a five minute period;
 - 11.2. the Leader or relevant Executive Member shall be entitled to speak in response for a five minute period;
 - 11.3. the Motion shall be referred to the next appropriate Meeting of the relevant Body;
and
 - 11.4. the Mover of the Motion, the Leader and the relevant Executive Member shall receive a copy of the Agenda for that Meeting and shall be invited to attend that Meeting;
and:
 - 11.5. the Mover of the Motion shall be entitled to speak to the Motion in accordance with the Rules of Debate; and
 - 11.6. the Leader or relevant Executive Member shall be entitled to speak in response in accordance with the Rules of Debate; and
 - 11.6.1. if the Motion has been referred to the relevant Body for decision, a Report as to the outcome will be included in the Agenda of the next appropriate meeting of the referring Body; or
 - 11.6.2. if the Motion has been stood adjourned and referred to the relevant Body for initial consideration, a Report as to the outcome will be included in the Agenda of the next practical/appropriate Meeting of the referring Body and the Motion shall be debated at that Meeting in accordance with the Rules of Debate.

4 (a) Overview and Scrutiny Committee

1. Preamble

- 1.1 The Meeting Procedure Rules set out the rules and procedures that apply to all of the Council meetings.
- 1.2 If there is any conflict between the wording of the Meeting Procedure Rules and this Appendix will prevail.

2. Scope of Role

- 2.1 The Overview and Scrutiny Committee will be appointed to discharge the functions conferred by Section 21 of the Local Government Act 2000.
- 2.2 Members and Officers must have regard to the Council's Scrutiny Guidance for Members or any replacement of such guidance from time to time in force ("the Guidance").

3. Membership

- 3.1 12 members based on proportional representation with unnamed substitutes. However, no Member may be involved in scrutinising a decision in which they have been directly involved. Executive members may not sit on or substitute on Overview and Scrutiny Committee.
- 3.2 Unnamed substitutes are permitted (excluding Task and Finish/*Working* Groups). Substitutes will have all the powers and duties of any ordinary member of the meeting.

4. Appointment of the Chairman

- 4.1 The Chairman of the Overview and Scrutiny Committee will be appointed by the Committee *and may be from any political group*. The election of the Chairman will take place **at the first meeting of the municipal year which, unlike other Committees, will not be held at the conclusion of the Annual Council Meeting**. The Guidance sets out the process to assist members in the appointment of Chairman and Vice Chairman.

5. Terms of Reference

5.1 Functions

The Overview and Scrutiny Committee may:

- (a) review and monitor the performance of the Council's services;
- (b) review and/or scrutinise policies, proposals, decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (c) make reports and/or recommendations to the Council and/or the Executive in connection with the discharge of any functions;
- (d) consider any matter affecting the area or its inhabitants;
- (e) exercise the right to Call-in, for reconsideration, decisions made, but not yet implemented by the Executive.
- (f) consider matters arising from a Councillor Call for Action (CCfA) under Section 119 of the Local Government and Public Involvement in Health Act 2007 and Regulations thereunder; and
- (g) undertake the functions of the Council's crime and disorder committee for the purposes of Section 19 of the Police and Justice Act 2006, including CCfA relating to crime and disorder matters.

5.2 Specific Functions

- (a) **Scrutiny** - Within its scope and terms of reference Scrutiny may:
 - (i) review and scrutinise the decisions made by and performance of the Executive and/or Committees and the appropriate Officers both in relation to individual decisions and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service area;
 - (iii) question Members of the Executive and/or Committees and appropriate Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (iv) make recommendations to the Executive and/or appropriate Committees and/or Council and/or any external bodies arising from the outcome of the scrutiny process;

- (v) review and scrutinise the performance of major partnerships and other public bodies in the area and invite written reports and/or request them to address the Committee and local people about their activities and performance;
 - (vi) require Members of the Executive, the Chief Executive, Corporate Directors, Directors and Assistant Directors to attend to answer questions and give evidence on receipt of at least 5 days' written notice.
 - (vii) question and gather evidence from any person *who is* not a Member or an Officer of the Council;
- (b) **Advisory and Review** – Within its scope and terms of reference the Overview and Scrutiny Committee may:
- (i) assist the Council and the Executive in the development of its Policy Framework through in-depth analysis of policy issues,
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options,
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options,
 - (iv) make recommendations to Executive and/or appropriate Committees and/or Council and/or any external bodies arising from the outcome of the scrutiny process.
 - (v) review and scrutinise the performance of major partnerships and other public bodies in the area and invite written reports and/or request them to address Councillors and local people about their activities and performance.
- (c) **Annual Scrutiny Report** – The Overview and Scrutiny Committee will report annually to Council on **its work through the preceding municipal year.**
- (d) **Work Programme** – The Overview and Scrutiny Committee will exercise overall responsibility for the Overview and Scrutiny Work Programme and for ensuring that this is **deliverable** with regard to the support and resources that are available to it and that is considered in

conjunction with other committees of the Council and their respective work programmes in order to minimise duplication of effort.

6. Proceedings

- 6.1** In these procedure rules the terms 'overview and scrutiny' and 'overview and scrutiny meeting' shall be used to refer to the Overview and Scrutiny Committee and **Scrutiny** Working Groups collectively.
- 6.2** **The** Overview and Scrutiny Committee shall, as a general principle, meet in public, unless considering information described as 'exempt' as **set out** in the meeting procedure rules of this Constitution. This does not preclude, but encourages, flexible and innovative working such as the delegation of tasks to a Member or a small informal working group of Members meeting out of the public arena, consultations or any other form of working. Such working will be reported back to the relevant overview and scrutiny meeting.
- 6.3** Overview and Scrutiny members, in the performance of Overview and Scrutiny duties, should not be subject to a party whip. Where an overview and scrutiny member is subject to a party whip, they must declare this at the beginning of the meeting and it will be recorded in the minutes.
- 6.4** The Overview and Scrutiny Committee will meet regularly on dates to be determined by Council on an annual basis.

They may agree to hold additional meetings as required.

Scrutiny **Working Groups**

- 6.5** The Overview and Scrutiny Committee may appoint **Scrutiny Working** Groups (each of a maximum 12 members) for a fixed period, on the expiry of which they shall cease to exist. The number of **Scrutiny Working** Groups active at any one time will be kept under review by the Overview and Scrutiny Committee.
- 6.6** **The Overview and Scrutiny Committee will decide whether a Scrutiny Working Group should be formal (subject to proportionality and Access to Information rules) or, informal – a Working Group (not subject to proportionality and Access to Information rules) and report back to the Overview and Scrutiny Committee and whether it should report directly to the Executive, Full Council or Overview and Scrutiny Committee.**

- 6.7 On the establishment of a new Scrutiny Working Group, the Overview and Scrutiny Committee shall appoint the members of the Scrutiny Working Group, which may be made up of any Members of the Council who are not Members of the Executive. At least one member of each Scrutiny Working Group should be a Member of the Overview and Scrutiny Committee.
- 6.8 The Chairmen of Scrutiny Working Groups will be appointed by the Scrutiny Working Groups, from amongst their number and may be from any political group.
- 6.9 The Chair of each group will act as the designated link member, who will:
- Liaise with the Chair~~man~~ and Vice-Chair~~man~~ of the Overview and Scrutiny Committee on progress
 - Keep the Overview and Scrutiny Committee updated on progress.
 - Help facilitate the smooth running of the overview and scrutiny function.

Scrutiny Working Groups should generally have regard to these Overview and Scrutiny Procedure rules. Substitutes will not be permitted.

Scrutiny Working Groups may be established to undertake specific project work, policy development, a specific task, consultation, review investigation or similar activity. Groups will normally only make one final report during their lifetime.

At the first meeting of each new Scrutiny Working Group, they will carry out a stakeholder analysis exercise to determine who should be involved with their work and who should give evidence and who should be consulted. It will also highlight potential co-optees.

Scrutiny Working Groups may appoint any number of people (excluding members of staff or other Councillors) as non-voting co-optees to assist in any item of business, as they deem appropriate.

Each Scrutiny Working Group will also be required to agree a detailed work plan to enable them to complete their task within the agreed timescale.

Each Group shall determine the frequency, times and venues of their own meetings, in accordance with the timetable for the completion of their task as set out in their terms of reference.

7. Evidence - Documents

- 7.1 Overview and scrutiny members will be entitled to copies of any document which is in the possession or control of the Executive (or its committees) or individual Portfolio Holders and which contains material relating to:

- any business transacted at a meeting of the Executive (or its Committees); or
- any decision taken by an individual member of the Executive
- any decision made by an officer of the authority under the Executive arrangements

7.2 Overview and scrutiny members will not be entitled to:

- any document that is in draft form;
- any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- the advice of a political adviser.

Nothing prevents more detailed liaison between the Executive and overview and scrutiny as appropriate depending on the particular matter under consideration.

8. Evidence - Verbal

8.1 Any person, including Members and Officers, may be invited to attend, present evidence or share their expertise with any overview and scrutiny meeting in accordance with these rules. Requests for Officers to attend should be made through the Head of Paid Service.

8.2 The Overview and Scrutiny Committee may require any member(s) of the Executive, Chairman of a Committee, Ward Member and/or *Corporate* Leadership Team to attend to explain, answer questions, or give evidence in relation to matters within their remit regarding:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy; and/or
- the performance of any Council service within their remit; and it is the duty

of those persons to attend if so required.

Where any member of the Executive, Chairman of a Committee, Ward Member and/or Corporate Leadership Team is required to attend an overview and scrutiny meeting under this provision, the Chairman of that meeting will inform the Head of Paid Service.

This power may be exercised by the Chairman of the Overview and Scrutiny Committee in advance of a meeting.

The Head of Paid Service shall inform the Executive Member, Ward Member and/or appropriate Officer in writing, giving reasonable notice of the meeting at which, they are required to attend.

The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced.

Where papers are required to be produced then the Executive Member, Ward Member or appropriate Officer concerned, will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Executive Member, Chairman of a Committee, Ward Member and/or appropriate Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Executive Member, Ward Member or appropriate officer, arrange an alternative date for attendance, or in the case of officers, request a suitable replacement to be agreed by the Head of Paid Service.

8.3 The Overview and Scrutiny Committee may invite any person to address it, to discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and representatives from other parts of the public sector and shall invite such people to attend..

- Power to issue an invitation may be exercised by the Chairman of the Overview and Scrutiny Committee in advance of a meeting.
- As a general principle, overview and scrutiny meetings, including Call-in meetings, should be open to any interested Councillor or group of Councillors such as a relevant Task and Finish / Working Group and their attendance encouraged and contributions welcomed at the discretion of the Chairman.

9. Scrutiny Work Programme

9.1 The Overview and Scrutiny Committee will be responsible for setting its own annual work programme within the terms of reference set out in this Constitution.

All Councillors, the Chief Executive, Corporate Directors, Directors, Assistant Directors and the public may put forward issues for inclusion in the overview and scrutiny work programme. Issues will be assessed by the Committee to determine the salience of the issue based on risk management, corporate priorities and other relevant factors.

- 9.2** Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the Committee terms of reference at the first available meeting. The meeting will determine whether the issue should be included in its work programme based on its relevance as compared to the priorities as set out in the overview and scrutiny work programme.

Any elected Member of the Council may give written notice to the Monitoring Officer that they wish a local matter relating to the work of the authority to be considered for inclusion in the overview and scrutiny work programme. If the Monitoring Officer receives such a notification, then they will refer the request to the first available meeting of the Overview and Scrutiny Committee who will determine if, when and how the item will be considered based on its relevance as compared to the priorities as set out in the overview and scrutiny work programme and inform the Democratic and Elections team accordingly so that it can be included in the overview and scrutiny work programme.

The Overview and Scrutiny Committee is not obliged to pursue a matter referred by a Member but it must let that Member know the reasons for its decision. When deciding how to proceed, the Overview and Scrutiny Committee may consider representations from the Member who referred the matter, and to take into account the extent to which that Member has exercised their function as a Ward Member to resolve it. Where the Overview and Scrutiny Committee does pursue a matter, it shall report its findings and any recommendations back to the Member who raised the matter.

The Overview and Scrutiny Committee shall respond, as soon as its work programme permits, to requests from the Council and Executive to undertake a piece of work in line with the procedure above. Where the Overview and Scrutiny Committee does so, it shall report its findings and any recommendations back to the Executive or Council. Council or Executive shall consider the report of the Overview and Scrutiny Committee at its first available meeting.

Scrutiny Reports and Recommendations

- 9.3** Once the Overview and Scrutiny Committee has completed its deliberations on any matter, it will forward a copy of its final report **and/or recommendations** to the Monitoring Officer who will allocate it either to the Executive, Council, relevant committee, relevant partner authority or external body according to the contents of the report, **with a copy notice the Chief Executive.**

The Overview and Scrutiny Committee must give the Executive, Council, relevant committee, relevant partner authority or external body notice of its report and/or recommendations in writing, which should specify the steps which must be taken to respond to the scrutiny report and/or recommendations.

The notice should require the Executive to:

- (a) consider the scrutiny report or recommendations,
- (b) respond to the scrutiny committee indicating what (if any) action the authority, or the Executive, proposes to take,
- (c) if the Overview and Scrutiny Committee has published the report or recommendations, publish the Executive response¹.

Executive Response

The Executive must respond within two months of receiving the report or recommendations or, if later, the notice.

The Executive response must include responding to the scrutiny report and recommendations and set out what actions (if any) the Executive will take in respect of these. Where the report of the Overview and Scrutiny Committee has been published, the Executive must also, publish the response.

The Executive, Council, relevant committee, relevant partner authority or external body must comply with the notice where it is legally obliged to do so.

10. Report to Council- Key Decision

10.1 If the Overview and Scrutiny Committee thinks that a key decision has been taken which is outside of the Council's budget and policy framework or was not included in the

- Executive Work Programme (including the 28 day notice); or
- the subject of the general exception procedure; or
- the subject of an agreement with the Overview and Scrutiny Committee Chairman, or the Chairman of the Council under the special urgency rules;

the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies.

The power to require a report rests with the committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the

¹ Local Government Act 2000 www.legislation.gov.uk/ukpga/2000/22/section/9FE

committee when so requested by the Chairman. Alternatively, the requirement may be raised by resolution passed at a meeting.

- 10.2 In relation to the development of the Council's approach to other matters not forming part of the Budget and Policy Framework, the overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations, subject to **resources** being available. They may invite witnesses to attend to address them on any matter under consideration.

Once it has formed recommendations on proposals for policy development, the Overview and Scrutiny Committee will prepare a formal report for consideration by the Executive or Council.

Executive or Council shall consider the report of the Overview and Scrutiny Committee at their first available meeting.

The Overview and Scrutiny Committee will have access to the Executive Work Programme (including the 28 day notice) and timetable for decisions.

11. Decisions of the Executive

- 11.1 A summary notice of decisions made under the Executive arrangements shall generally be published on the next working day (or in any event as soon as possible) after the decision has been made and shall be circulated to all Members of the Council. This shall include a record of the decision and the date it was made, the reasons for the decision, any alternative options considered and rejected by members in making the decision, a record of any conflict declared by the decision maker or member of the decision making body and any dispensations granted.
- 11.2 Details of any decision made, decisions taken at meetings of the Executive, or a committee of the Executive, and any decisions taken by individual Portfolio Holders or any key decisions taken by officers will normally be published by 5pm on the next working day after they have been made. This decision notice will be made publicly available and all Members of the Council will receive notification (normally by e-mail) of the decisions taken.

The notice will specify that the decision will come into force and take effect at noon on the fourth working day following publication of the decision, unless it is called-in.

12. Non-Implementation of Decisions Pending Possible Call-in

Except where the Call-In procedure does not apply, Executive Decisions shall not be capable of implementation until either:

- the time for a Call-In request has expired without such a request being made; or
- the Call-In procedure in the following rules has been followed.

13. Call-in – Application and Process

- 13.1** The Chief Executive shall call in a decision for scrutiny if so requested in writing, by e-mail from a known or recognised source by any 5 non-executive members of the Council within the specified timescale.

However, if at any point during a municipal year the total number of opposition Councillors is 5 or less, the total number of non-executive members required to call in a decision shall be the total number of opposition Councillors less two. This reduced number will apply to any call-in request, regardless of the political affiliation of the members concerned.

In all cases the request for call-in must set out the reasons for the request.

A request to call-in a decision may only be nullified by agreement of all the call-in signatories.

On receipt of a call-in request, the Chief Executive shall call-in the decision and notify the decision taker and Chairman of the Overview and Scrutiny Committee of the call-in.

The call-in procedures set out below shall not apply where the decision being taken by the Executive, individual Portfolio Holder, Committee, SubCommittee or officer is urgent. A decision is urgent if any delay is likely seriously to prejudice the Council's or the public's interest.

The record of the decision and the notice by which it is made public shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one and therefore not subject to call-in. In all cases, the Chief Executive must agree both that the decision proposed is reasonable and to it being treated as a matter of urgency and, if agreed, shall circulate

the decision electronically to members of Executive and overview and scrutiny.

The Chief Executive shall then ask the Chairman of the Overview and Scrutiny Committee to agree to call-in being waived. In the absence of the Chairman, the Vice-Chairman's consent shall be required, and in the absence of the Vice-Chairman, the Chairman of Council.

14. Call-in - Review

- 14.1 The Overview and Scrutiny Committee must consider the decision within 10 days of the to call-in being made. If necessary, it may be dealt with as an item of urgent business at a scheduled meeting of the Overview and Scrutiny Committee within that period. If the Overview and Scrutiny Committee does not meet within 10 days and consider the matter, the decision shall take effect on the expiry of that period.

15. Call-in - Procedure

- 15.1 In considering a Call-in decision the Overview and Scrutiny Committee will follow this protocol:

Before Receipt of Call-In

Overview and scrutiny support officers will work with the call-in request signatories to complete the reasons for call-in. Completed reasons for call-in will be provided to the Chief Executive in conjunction with the Call In request, who will then consider whether to call-in the decision.

After Receipt of Call-In and before the meeting

The Chief Executive will assess the validity of the call-in request and (unless there is a good reason to reject the Call In request), confirm that the Executive decision has been called in. They will then advise all Councillors and the Corporate Leadership Team of the call-in.

The Chief Executive will determine which Portfolio Holder should attend the Overview and Scrutiny Committee meeting for the consideration of review of the decision subject to call-in, which officer should accompany them and which officer they appoint to advise the Overview and Scrutiny Committee on the call-in procedure.

The Members who requested the Executive decision to be called in will be invited to attend the meeting of the Overview and Scrutiny Committee for the consideration of the matter. One of these signatories should be identified to request to address the Committee as spokesman for the signatories to

present the reasons for the request to call in the decision and answer any questions from the Committee.

Overview and scrutiny support officers will meet with the call-in signatories, to clarify the procedure, consider how they will present the call-in.. Overview and scrutiny support officers will also brief the Chairman on the call-in.

Documents

The agenda will contain:

- This call-in Protocol
- The call-in request
- The Portfolio Holders' decision statement or minutes
- The original report(s) upon which the decision was made
- (In the case that either the minutes or report are exempt a public summary of information will be provided as far as is possible).

Any other document that the Chief Executive, Portfolio Holder or call-in signatories feel would assist the Committee in considering the call-in.

At the start of the meeting

The Chairman will outline the procedure for the meeting, setting the tone and approach that will be taken.

The meeting

The spokesperson(s) for the Councillors who have made the call-in request (who shall be seated together) should outline the reasons for the call-in. Each speaker will be time limited to 5 minutes.

The relevant Portfolio Holder **is then invited to** explain the rationale for the decision and may be supported by officers and the Leader of the Council as appropriate. They shall also be seated together. Each speaker will be time limited to 5 minutes.

Councillors who have made the call-in request shall have the opportunity to question the Portfolio Holder.

Other members of the Overview and Scrutiny Committee shall then have the opportunity to question the Portfolio Holder.

At the discretion of the Chairman, other Members present may have the opportunity to question the Portfolio Holder or make a brief statement.

At the discretion of the Chairman, anyone else present may have the opportunity to make a statement (limited to 5 minutes) on the issue.

The Portfolio Holder will have a right of reply to any brief statement made on the issue.

Before forming a decision, the Chairman may decide to adjourn the meeting in order to allow the **Members of the Overview and Scrutiny Committee** to reflect on the evidence received and to consider any proposals they wish the Committee to consider.

The Overview and Scrutiny Committee will then debate the issue.

If there is no proposal the Chairman or another Member may propose a motion which can be voted on in the normal way.

Options available to the Overview & Scrutiny Committee

There are three options available to the Overview and Scrutiny Committee when they are considering a call-in:

- Let the decision stand
- Refer the decision back to the decision taker, stating their **views on the matter**.
- Refer the decision to full Council if the decision is contrary to the policy framework or contrary to or not wholly consistent with the budget.

Additionally the Overview and Scrutiny Committee may make other recommendations as a result of the call-in to relevant bodies, which shall be considered after a decision has been reached on the call-in.

16. Outcomes from the Meeting

- 16.1** The Overview and Scrutiny Committee upon hearing a call-in may decide to let the decision stand, refer the decision back to the decision maker for reconsideration or, exceptionally, refer the decision to full Council if it is of the view that the decision is contrary to the Council or policy framework, or not wholly consistent with the budget.

If the Overview and Scrutiny Committee refers a decision back to the decision maker for reconsideration, they must set out in writing the reasons for their concerns and their preferred course of action.

If, for any reason, either the Overview and Scrutiny Committee or the decision maker fails to meet and carry out their obligations under this process or in the event of any situation not foreseen in this procedure, the issue will be referred to full Council for the process to be resolved. Implementation of the decision will be postponed until Council has determined how it shall be resolved.

If the Overview and Scrutiny Committee decides not to refer a decision back to the decision maker or to Council, the decision shall take effect immediately at the conclusion of the meeting at which the call-in **decision** has been considered.

The call-in procedure is not intended to be used to challenge decisions as a matter of course, and should not be abused in order, for example, simply to cause delay in implementing decisions.

17. Referral back to Executive/Decision Maker

- 17.1** Reconsideration by the decision maker shall take place at the next scheduled meeting of the Executive or a Committee of the Executive. In the case of decisions taken by individual Portfolio Holders, the date of reconsideration will be set by the relevant Portfolio Holder in consultation with the Chief Executive and the Leader of the Council. In the case of delegated decisions taken by officers, the decision shall be referred back to the Portfolio Holder in the first instance for reconsideration. Portfolio Holders have the option of forwarding any decision referred to them to the full Executive for reconsideration.

If, on reconsideration by the decision maker, the original decision is upheld or the recommendations of the Overview and Scrutiny Committee are accepted then the decision shall take effect immediately and shall not be subject to a further call-in period.

If the Overview and Scrutiny Committee is considering a called-in matter where the decision taker is recommending to Council, it may formulate alternative proposals for Council to consider.

In the case of a called-in decision being referred to Council, if Council decides that the called-in decision was contrary to the policy framework or not wholly consistent with the budget it shall decide on the issue in question.

If the Council decide that the called-in decision was not contrary to the policy framework or **inconsistent** with the budget then no further action is necessary and the decision will take effect on the date of the Council meeting.

- 17.2** Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Section 151 Officer.

In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Section 151 Officer's report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and/or Section 151 Officer's report.

If the Monitoring Officer or the Section 151 Officer concludes that the decision was a departure, the Executive must prepare a report to Council.

If the Monitoring Officer or the Section 151 Officer concludes that the decision was not a departure, the Executive must prepare a report to the Overview and Scrutiny Committee.

If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or Section 151 Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council.

In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 days of the request by the Overview and Scrutiny Committee.

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Appendix

Appendix 1 – Role Profiles

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Appendix 2 - Criteria for selecting scrutiny topics

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1. Introduction

What is Overview and Scrutiny?

- 1.1. Overview and Scrutiny is a key part of local authority decision making governance arrangements. It was introduced by the Local Government Act 2000 which created separate Executive and Overview and Scrutiny functions within local authorities, with an Executive making executive Key Decisions, Overview and Scrutiny Committees to provide a check and accountability and provide an opportunity for non-Executive Members to make reports and recommendations to the Executive and a full Council that sets the overall policy and budgetary framework.
- 1.2. Councils operating executive decision making arrangements are required to create one or more Overview and Scrutiny Committees made up of councillors who are not members of the Executive,
- 1.3. Cherwell District Council operates an Executive/Cabinet and scrutiny decision making model, which is broadly, conceptually, based on the Westminster Parliamentary model, which has a government Cabinet executive and parliamentary select committees.
- 1.4. The purpose of Overview and Scrutiny is to ensure that decision-making in local government is transparent, accountable and provides an opportunity for non-executive Members of the Council to contribute to policy making and review. The scrutiny process should help to ensure that all decisions are taken in the interests of the residents of Cherwell.
- 1.5. Scrutiny committees are led by elected Members of the Council, which provides them with a particular democratic mandate and legitimacy.
- 1.6. Scrutiny committees are independent and hold the Executive to account by acting as a “critical friend”, as well as providing a vehicle for the wider membership of the Council to contribute to policy development and review.
- 1.7. Overview and Scrutiny committees have the power to consider any issue which “affects the area or the area’s inhabitants” and to examine cross-cutting issues and context to local decision making, including local partnerships and community wellbeing.
- 1.8. Overview and Scrutiny committees may:
 - require information that is held by the Council (with councillors sitting on overview and scrutiny committees having particular rights to access certain information - for example, information that might be commercially confidential),
 - require attendance at committee meetings by Executive members and Council officers,
 - require from the Executive responses to recommendations made by scrutiny committees.

What are the aims of scrutiny?

- 1.9. At Cherwell District Council the aims of scrutiny are:
- To contribute to ongoing service improvement
 - To hold the Executive to account on behalf of local residents
 - To contribute to policy development and review through scrutiny reports and recommendations to the Executive.
- 1.10. Scrutiny meets these aims by carrying out independent scrutiny inquiries and reviews of Council and community policies and services. These are carried out either as a full Committee or by a small group of Members in a time-limited scrutiny working group.

What are the benefits of scrutiny?

- 1.11. Overview and Scrutiny should help to drive improvement and accountability in local government through the democratic and governance process. It can also help to build a more inclusive decision making process by involving non-executive members, as well as community partner organisations and local people.

How does scrutiny work at Cherwell?

- 1.12. Every local authority is required to put in place arrangements for Overview and Scrutiny; however the particular arrangements for this is for the individual authority to decide. In Cherwell, scrutiny undertakes the majority of its scrutiny inquiries through the main Overview and Scrutiny Committee, but also via a combination of scrutiny working groups and spotlight reviews.
- 1.13. Cherwell Council has one Overview and Scrutiny Committee (OSC), established by the Council, to carry out the Overview and Scrutiny function.
- 1.14. The OSC is politically proportionate and meets roughly six times a year. The Committee may consider any policy issue across the range of Council services or which affect the wellbeing of the local community. This includes services provided by, or on behalf of the Council; or by external agencies. Scrutiny can consider the impact of Council policies and decisions and outcomes for residents.
- 1.15. It may consider issues before the Executive makes a decision (“pre-decision scrutiny”) and also has the power to Call In any Executive Decision made by the Executive or delegated to an officer, for review.
- 1.16. Regulatory decisions, i.e. those relating to planning or licensing applications, are not within the remit of OSC.
- 1.17. Section 5 of the OSC Constitution provides more detail on the specific functions of Committee.

2. Advice and Support to Scrutiny Committees

- 2.1. Scrutiny committees also receive professional advice from council chief officers and directorates according to their purview. In particular scrutiny committees may draw upon the advice and support of the Council's statutory officers, including the Monitoring Officer, Chief Finance Officer and Chief Executive.
- 2.2. In addition, Overview and Scrutiny committees receive advice and administrative support from the Democracy and Elections Team.
- 2.3. Scrutiny committees may also be allocated with support from one or more Scrutiny Officers, to provide specialist advice and support on the scrutiny process and provide practical support in drafting scrutiny reports and recommendations, preparing briefings, drafting report requests and acting as an interlocutor between scrutiny committees, the Executive and council departments.

The Monitoring Officer

- 2.4. The Monitoring Officer is the statutory officer responsible for the legal governance of a local authority. As such, this includes providing advice and support on the Council's Constitution, governance and decision making arrangements and relationships, including Overview and Scrutiny.

Scrutiny Officers

- 2.5. Scrutiny officers provide professional impartial advice and support to members of the scrutiny committees leading up to a scrutiny meeting, during the meeting itself and subsequently. They can advise on the scrutiny process, as well as support with analysis and desk research on items being considered by scrutiny and assist in developing questions to witnesses, scrutiny reports and scrutiny recommendations for agreement by the committee.

Democratic Services Officers

- 2.6. The scrutiny committees may also be allocated committee support from the Democracy and Elections Team. Democratic Service Officers provide specialist committee advice and support on committee procedures and provide the committee administration, including agenda preparation, agenda and reports publication, drafting and publishing committee minutes and following up on matters arising from committee meetings. Democratic Service Officers work closely with scrutiny officers to ensure the smooth running of the committee and scrutiny processes.

Departmental Officers

- 2.7. Senior Council officers for each department provide expert advice and support on Council services within their purview, this includes advice and support to Overview and Scrutiny Committees when scrutiny committees are considering matters within their departmental and service area.

- 2.8. Council departmental officers provide advice and information on issues being considered by Scrutiny to ensure that Scrutiny Members have access to the information and expert advice they need to understand issues they are considering. In the scrutiny process they are the key “expert witnesses”, being responsible for the delivery of Council policy and services and also being experts in their respective areas.
- 2.9. Council departments provide information reports to scrutiny committees and other information requested, for matters being considered by the Overview and Scrutiny Committee and its Scrutiny Working Groups. In addition to information requests made ahead of or during a committee, senior officers should review the Annual Scrutiny Work Programme to anticipate reports requested to be provided to scrutiny committees and the deadlines for reports.
- 2.10. Because Council officers also advise and support the Executive and because senior officers also manage services and make decisions (including Key Decisions where delegated to them), their role is also part of supporting Executive accountability by answering questions in committee, along with the Executive.

3. Appointing the Chairman and Vice-Chairman

- 3.1. A special meeting of the Overview and Scrutiny Committee will be scheduled as soon as possible after the Annual Council Meeting, when committee appointments have been approved, to allow the Overview and Scrutiny Committee to consider any proposals for the appointment of Chairman and Vice Chairman from among its members. Any member of the Overview and Scrutiny Committee may stand to be elected for these positions and any member may propose (and second a proposal) for any other member for to make their case for being appointment as Chairman and Vice Chairman, so long as those persons accept the nomination.
- 3.2. Prior to the meeting, those wishing to stand for Chairman Vice Chairman will have an opportunity address fellow committee members, explaining their reasons for being considered for the role(s). This is also an opportunity for any member wishing to propose another member of the Committee to explain their reasons for the proposal. The expectation is that an informal session will take place shortly before the formal Committee meeting to facilitate discussions between members who wish to be considered for the role of Chairman and Vice Chairman.
- 3.3. The Chairman of OSC has a responsibility for establishing the profile of the committee, its influence across the council and its ways of working, as well as ensuring that the scrutiny process is managed in a fair and balanced environment, is free from political point scoring and allows for effective scrutiny of all issues presented for consideration. Members putting themselves forward for the role may wish to use these points as guidance for the basis of their discussions with the committee.
- 3.4. Committee members will have the opportunity to ask questions of the prospective chairs and vice-chairs before the formal meeting.

- 3.5. The appointment of Chairman will normally take place at the first formal meeting of the Committee in the usual way.
- 3.6. The Monitoring Officer or his representative will call for nominations to the position of Chairman of the Committee, with seconders as appropriate. Voting will take place for each nominated candidate, via a show of hands, in line with section 4, paragraph 4.26 of the Constitution, with steps repeated as necessary until one candidate is successful.
- 3.7. The newly appointed Chairman will then take the Chair, and preside over the appointment of the Vice Chairman, which will follow the same process. Once the Vice Chairman has been appointed, the meeting will be brought to a close.
- 3.8. *Note – those wishing to stand as Chairman/Vice Chairman will be expected to attend in person.*

4. Work Planning

- 4.1. Scrutiny committees should plan their work carefully throughout the year to ensure that the scrutiny process can be effective. At Cherwell Council this includes development of an Annual Scrutiny Work Programme of issues that will be considered throughout the year through its main committee and through commissioned scrutiny working groups, as well as planning ahead of scrutiny committee meetings to plan out the objectives, key information required, key lines of enquiry and possible outcomes for each scrutiny topic.
- 4.2. There are normally six formal committee meetings scheduled throughout the year. In addition, OSC can appoint working groups to carry out detailed research and inquiries on behalf of the formal Committee (as detailed in Constitution section 4a)

The Annual Scrutiny Work Programme

- 4.3. Each year the scrutiny committees consider and agree a programme of work for the municipal year ahead, after considering what the key issues facing the Council and local community where consideration by a scrutiny committee might add value are. Usually, the work programme is for the municipal year period following the Annual Council Meeting, from June to May the following year.
- 4.4. Each year, in drawing up the Annual Scrutiny Work Programme, there is held an informal planning session, where members of the scrutiny committees may consider and discuss proposed topics for inclusion on the work programmes.
- 4.5. This informal session with members of the scrutiny committee allows for the committee to consider key background information and to consult the relevant Council directorates and other stakeholders on the key issues for the Council and community partners that may usefully be considered by the scrutiny committees and to identify:
 - the main topics for consideration throughout the year,
 - the purpose and scope of each topic
 - when each topic should be considered, and

- which departments, external agencies and expert witnesses should be called as witnesses to provide evidence.

4.6. The identified topics can then be developed into a work programme for the scrutiny committee that can be agreed by the next formal meeting of the committee, reported to full Council and used to plan the meetings of the committees throughout the year ahead.

Topic Selection and Prioritisation

4.7. Initial subjects for consideration will be requested from members of the Committee at a work programme planning session, with committee members given the opportunity to suggest subjects for inclusion on the Annual Scrutiny Work Programme.

4.8. Scrutiny members should consider key background information for the Council and the District to help prioritise and scope its Work Programme topics. This includes key strategic documents such as:

- Cherwell District Council Corporate Plan
- the Annual Delivery Plan priorities,
- Cherwell District Council Residents' Survey
- Annual Corporate Performance reports
- Budget Performance reports
- The Executive Forward Plan.

4.9. An important document the Committee may wish to refer to during the planning session is the Executive Forward Plan (also known as the Executive work programme), the statutory document that is published on a monthly basis covering a rolling four-month period. More detailed information on the requirements of the Forward Plan can be found in section 6 of the Constitution, paragraph 6.1.

4.10. OSC may find it useful to refer to the latest version of the Forward Plan throughout the year, as well as during the work programme planning session, to consider upcoming items for the Executive and whether they would benefit from detailed discussion by OSC.

4.11. The OSC should prioritise possible issues carefully to ensure that only a manageable amount of issues are selected for consideration throughout the year; eg no more than twelve substantive issues and ensure that the issues selected are of significance to the Council and local residents and where consideration by the scrutiny committee can add value to the decision making process.

4.12. The OSC should be clear on the purpose of consideration by the scrutiny committee. Broadly there are two main rationales for scrutiny review, either:

- To provide accountability – eg performance reports and reviews,
- Policy development and review – considering policy and service areas before a decision by the Executive – eg “pre-decision scrutiny”.

4.13. The proposed Work Programme needs to balance issues throughout the year and ensure that these are timely, appropriate and when scrutiny review can be effective, eg when a policy or service review reaches maturation, when information becomes

available and ahead of when the Executive will make a decision on the issue (so that the Executive may receive recommendations from the OSC).

- 4.14. The OSC should review proposed issues for the Annual Scrutiny Work Programme to ensure that work of the Committee remains timely, adds value and does not duplicate activity already underway or undertaken by external regulators.
- 4.15. After the planning session, the Chairman and Vice Chairman will meet with officers from the Democratic and Elections Team to consider which subjects will be taken forward for the formal Annual Scrutiny Work Programme and what style of scrutiny (see the options below) would best suit each subject. The proposed Annual Scrutiny Work Programme will be presented to OSC at the next meeting for approval.
- 4.16. The OSC should review the Annual Scrutiny Work Programme throughout the year to ensure that work of the Committee remains timely, adds value and does not duplicate activity already underway or undertaken by external regulators. The working group scoping document ensures that the key questions that members want to address are listed.
- 4.17. The Chairman of the Committee will be responsible for allocating the Committee's time to each work programme item, to ensure the best approach to each subject.

"Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that if work programming is robust and effective there might well be issues that they want to look at that nonetheless are not selected."

Statutory Scrutiny Guidance 2024

How do Committees choose what to scrutinise?

- 4.18. The OSC should ensure that it consults key stakeholders in developing its Annual Scrutiny Work Programme, particularly the main departments and chief officers of the Council and the Executive. Additionally, suggestions can be received from partner organisations or the public.
- 4.19. Effective scrutiny requires a balanced work programme, which examines the most important challenges facing the district and responds to the concerns of residents.
- 4.20. It is important to remember that scrutiny is an independent member-led process and it is ultimately the responsibility of the Chairman and the committee to determine what is scrutinised and when. This should, however, be based upon officer advice.
- 4.21. **Appendix A** explains some of the key factors in determining whether an issue should be scrutinised.
- 4.22. Here are a few key points to remember when choosing subjects to scrutinise:
 - It is not possible to scrutinise everything that might be suggested. Therefore, a rigorous approach should be taken to prioritising which topics are to be scrutinised.

- thinking about the work of commissioned organisations and the monitoring other public bodies, and how scrutiny inquiries should involve and engage external witnesses and partner organisations
- The Committees have to be realistic about what can effectively be scrutinised and needs to be prepared to say 'No' to some suggestions and be able to explain why they will not be scrutinised.
- It is also important to consider what the best method to deal with any given scrutiny topic is. The choice may depend on the nature of the activity and the capacity of members and officers to conduct further topic groups within the suggested timeframe.
- If necessary, further items can be added to the work programme during the year, with additional meetings between the Chairman, Vice Chairman and officers being scheduled as necessary.

What methods are there to conducting scrutiny?

- 4.23. Overview and Scrutiny can use a range of different approaches depending on the issue being scrutinised. An important part of the work planning process is deciding on how a topic will be examined. Using the full range of methods open to it, scrutiny will be able to mix in-depth and searching inquiries with concise and effective reviews.
- 4.24. Here are some examples of different methods open to committee, some of which are discussed in more detail below:
- Whole committee scrutiny working groups
 - Scrutiny working groups with other non-executive Members of the Council
 - Single issue meetings ("Spotlight Reviews")
 - Calling witnesses or experts to provide specific information to members at committee
 - Site visits.

See Annual Scrutiny Report Template.

5. Scrutiny Pre-Meetings and Agenda Planning

- 5.1. There are normally six meetings of the OSC in each municipal year. Ahead of the main meeting, but after the formal agenda and reports have been published, an informal meeting of the committee members may be held with the scrutiny officer to plan the key lines of enquiry, questions and possible outcomes for each item, which may include considering possible draft conclusions and recommendations from the committee.

Scrutiny Planning Meetings

- 5.2. Before the start of each formal meeting, an informal meeting of the committee may also be held to organise the key questions and possible outcomes for each item.
- 5.3. The agenda for the informal pre-meetings should include:
- Introduction by the Chairman (setting out the purpose of the meeting)

- Briefing on the Meeting Plan – including main agenda items, key witnesses for each item, proposed agenda timetable etc
 - Key Questions in Committee – prioritisation, rationalisation and allocation of questions for each agenda item.
 - Possible Outcomes – including key consultation and scrutiny recommendations. Key questions need to be included for these to ensure that they are evidence based.
- 5.4. These informal meetings can be important to making the scrutiny process effective, as they provide an opportunity for members of the committee to get organised in considering the key information they need to find out, organising their questions for the main meeting and considering possible outcomes from the meeting, such as proposed key conclusions and recommendations. Attendance and participation in these meetings is therefore highly encouraged.
- 5.5. There should be a clear rationale and agenda for the pre-meetings so that it is clear to members what the meetings are for. The meeting also provide an important opportunity for the Chairman and scrutiny officers to discuss the approaches, meeting plan and outcomes with the members of the committee.
- 5.6. These meetings should pay particular attention to the possible key conclusions, observations and recommendations to the Executive which may arise in the main meeting. It can be very challenging to develop appropriate conclusions and scrutiny recommendations in the formal meeting, so this is an important opportunity to consider how these might be framed and worded.
- 5.7. Scrutiny recommendations should be clearly addressed to the relevant decision maker (eg the Executive), and SMART (specific measurable, achievable, realistic and time based). They also need to be clearly linked to evidence received in the report and in questions, so links back to planning the key questions. This usually requires some consideration and forethought.

“Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.”

Statutory Scrutiny Guidance 2024

Scrutiny Briefing Plans

- 5.8. Ahead of each meeting, the scrutiny officer will normally provide a short briefing on the meeting, including the expected participants, the items being considered, along with any suggested considerations for the committee. The scrutiny officer will normally provide a specific briefing for the Chair of the committee to provide additional guidance on the main stages and directives from the chair.
- 5.9. The scrutiny officer may also provide advice on suggested key lines of enquiry and suggested questions to witnesses, which may discussed in committee.

See Scrutiny Briefing Template.

See OSC Chair's Script Template.

6. Options and Approaches for Scrutiny Reviews

Single item on a committee agenda

- 6.1. This may offer limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue.

At a single meeting - 'Spotlight Review'

- 6.2. Either a formal committee meeting or an informal working group or briefing session. This could provide an opportunity to have a single public meeting about a given subject, or to have a meeting at which evidence is taken from a number of appropriate officers or subject matter experts.

A Scrutiny Working Group - 'light touch' review (eg two or three meetings)

- 6.3. A shorter scrutiny review may be most effective even for complex subjects. Properly planned and focused, they allow members to swiftly reach conclusions and make recommendations, over a short time period such as a couple of months.

A Scrutiny Working Group - longer-term - 'full length' review

- 6.4. Multiple meetings spread over a number of months. This is most appropriate when scrutiny needs to dig into a complex topic in significant detail. This may be suited to the most complex subjects, due to the length of time and wider resource implications for a long review.

7. Scrutiny Working Groups

- 7.1. Working groups involve a small number of councillors looking at an issue in greater detail, in some cases over a day. This process is more time consuming for councillors and officers than other scrutiny activities. Consequently, issues for topic groups are carefully prioritised. In order to make sure that the review is as effective as possible, it is vital that the scope of the review is well-defined.
- 7.2. For this reason each review starts with the completion of a scoping template (see appendix B) which outlines the key lines of enquiry,, outcomes and constraints, time-scale, key sources of information and principal witnesses.
- 7.3. At its meeting, the working group will hear from a range of witnesses and the lead officer. Depending on the topic, this may include expert witnesses and stakeholders, service users, managers and the relevant executive member/s.

- 7.4. Councillor questioning skills are a significant element of scrutiny and the quality of the questions is instrumental to achieving clear outcomes and strong recommendations.
- 7.5. A short report on the scrutiny inquiry undertaken, its findings, key witnesses and evidence considered and scrutiny recommendations (and the evidence to substantiate those recommendations) is referred to the OSC for ratification and agreement and then published.. The relevant Executive member is required to respond to the report and its recommendations within two months. Six months following the scrutiny, the OSC will monitor implementation of the recommendations.

8. 'Call In' of Executive Decisions

- 8.1. The Local Government Act 2000 allows Overview and Scrutiny Committees to Call In any Executive Key Decision for review (these are Key Decisions taken by the Executive or a key decision made by officers, but not yet implemented).
- 8.2. Unless it meets exemption criteria (detailed in paragraph 13.1 of Part 4a the Constitution), any Executive or officer Key Decision can be called in by noon within four working days of publication of a Key Decision made by the Executive or by an officer (Executive decisions will be published as soon as practicable after the Executive meeting). A key decision can be called in for scrutiny by five Non-Executive members specifying the reason or reasons for the proposed Call In review.
- 8.3. A meeting of OSC will be held within 10 working days. Implementation of the decisions will be delayed while OSC meets and considers the decision.
- 8.4. One of the councillors who submitted the Call In notice are expected to address the committee and, for Key Decisions made by Executive, the relevant Executive Member will respond on behalf of the Executive.
- 8.5. Having reviewed the decision, OSC can:
 - a) Let the decision stand (take no further action).
 - b) Refer the decision back to the Executive or officer (as the case may be) for re-consideration, stating its concerns and the decision that the Committee wish the decision taker to make.
 - c) Determine if the reviewed decision is contrary to the policy framework or to the budget; and in which case refer the matter to Full Council for consideration. Decisions referred for further consideration remain suspended until redetermined.
- 8.6. Call In should not be used on a **subject** that has previously been considered by OSC.
- 8.7. *Sections 13 to 17 of the OSC Constitution give more detailed information and guidance on the call-in process at Cherwell.*

9. Access to Information and Reports

- 9.1. A scrutiny committee needs access to relevant information the authority holds and to receive it in good time, if it is to do its job effectively. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹
- 9.2. Scrutiny committees normally access information through requesting officer reports to committee for items on the agenda and may also request information at a meeting of the committee.
- 9.3. Where the committee makes requests for information in committee, this is normally made available to all members of the committee thereafter. This should be done before or at the next meeting of the committee.

Report Requests

- 9.4. There is a general expectation that officers will provide a written report for items on a scrutiny committee agenda. There is a standard format for this, which should provide the main information pertinent to the matter under consideration. Scrutiny members should expect this standard report be made available to the committee and not simply a PowerPoint presentation slides.
- 9.5. The general expectation is that reports will be made available to a committee upon request with a reasonable notice period, sometimes at relatively short notice. However, scrutiny members should also be aware of the time it can take to prepare a formal report and also the Council's operational report clearance processes and make report request in good time to allow for this.
- 9.6. The report also needs to be available at least five "clear days" ahead of the meeting as a minimum to meet the statutory publication deadlines. Deadlines for reports should normal b provided with the report requests. The deadline for final reports will usually be at least ten days ahead of a meeting to allow time for compilation and publication within the statutory deadlines.
- 9.7. **As far as practicable, five to six weeks before a meeting of the committee**, a report request is submitted by the scrutiny officer to the relevant department, which provides a still brief but more detailed scope of the topic and the key information to be addressed in the report. This is normally drawn up by the scrutiny officer in consultation with the Chairman of the committee.
- 9.8. This should be used by the department to guide the preparation of any requested reports to the committee.

¹ Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017. ↪ [The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#)

- 9.9. The report requests should include the subject for consideration, the purpose of the inquiry, the key lines of enquiry being addressed, the relevant Executive Member and directorate, any external witnesses anticipated and the deadline date for submission of any papers for publication with the agenda, (which must be at least 5 “clear days” before the meeting). Normally, a draft copy of the report will be requested for at a week before the final report deadline to allow the Chairperson of the scrutiny committee to review the draft report.

Scrutiny Agenda Publication

- 9.10. Scrutiny agendas and papers must be published five clear days in advance of the meeting and are published on the Council website.

10. Questions in Committee

- 10.1. Members of scrutiny committees will put questions to witnesses in committee, including to Executive Members, council officers and external witnesses. Putting the right questions in a scrutiny committee can be key to ensuring that the scrutiny process is effective in obtaining evidence in support of scrutiny recommendations and in providing focused accountability. Scrutiny Members need to be careful however that questions are focused and strategic towards the objectives of the scrutiny inquiry being undertaken.
- 10.2. Broadly, the purpose of questions in committee is either:
- To hold the executive to account,
 - To better understand the area under consideration,
 - To seek information to inform the development of any proposals (scrutiny recommendations) or conclusions drawn from the matter under consideration.
- 10.3. Questions from the committee may be put in committee without any advance notice and answered in committee.
- 10.4. Questions from members of the committee may be sent to the scrutiny officer or collated ahead of the meeting, and with the permission of the members of the committee, submitted to the department, may provide for a more considered or extensive answers in committee, but such questions are still to be put and answered at the meeting, along with any supplementary information made available in response.

11. Scrutiny Reports and Recommendations

- 11.1. The main statutory role of scrutiny committees is the power to make reports and recommendations to the Executive. Scrutiny recommendations may be made in committee to the Executive or other local decision makers. The Executive has a statutory duty to respond to scrutiny reports and recommendations made.
- 11.2. Scrutiny reports and recommendations may be drawn up in advance, with the advice and support of a scrutiny officer, sometimes through a Scrutiny Working Group. Scrutiny reports and recommendations are agreed by resolution of the committee in committee.

- 11.3. The resolutions of the committee should be put to the committee verbatim by the Chair (or through the clerk or scrutiny officer in assisting the Chair), or tabled in written form (such on an officer report with officer recommendations). Such proposed resolutions may then be debated and amended before being resolved upon. Scrutiny recommendations may also include those made in scrutiny reports agreed in committee (e.g. through Scrutiny Working Groups).
- 11.4. Consideration should be given before and during the meeting as to how scrutiny recommendations should be worded so that they are worded in the most meaningful and effective way. The wording of scrutiny recommendations should be framed in such a way as to provide possible executive decisions if agreed by the Cabinet (or other decision maker).
- 11.5. As far as possible, scrutiny recommendations should be SMART – Strategic, Specific, Measurable, Achievable and Time-based.
- 11.6. What is the best way to make sure our recommendations are implemented?
- 11.7. A scrutiny inquiry will conclude by making recommendations to decision-making bodies, such as the Council's Executive.
- 11.8. The following tips can help ensure that scrutiny recommendations are implemented:
 - Recommendations that are specific, strategic, substantive, achievable and few in number.
 - Recommendations based on logical argument drawing on evidence.
 - Ensure those responsible for implementing recommendations are asked about what the feasibility of proposed recommendations and can suggest modifications in evidence if that is going to make it more likely that the recommendation will be implemented.
 - Recommendations will be drawn up and presented clearly by the working group as part of its final report. Executive, via the appropriate Executive member, will provide a response to all recommendations explaining the reasons for accepting or not accepting any of the recommendations.
 - Implementation of recommendations should then be monitored.

12. The Executive Response

- 12.1. Once a scrutiny committee has resolved to make a report and/or recommendations to the Executive, the scrutiny report and/or recommendations are referred to the Executive (or other decision maker) for an Executive Response.
- 12.2. The Scrutiny Officer will prepare an officer cover report to the Executive or Executive Member (as appropriate) to present the scrutiny report or recommendations and once this is authorised for publication by the Monitoring Officer, will be placed upon the agenda of the Executive. This serves as the formal notice to the Executive of a scrutiny report or recommendations. This notice must require the Executive to respond within two months of receiving the report notice.

- 12.3. Where a scrutiny report or recommendations are referred to the Executive, at the relevant meeting of the Executive, the Chairman of the OSC relevant Scrutiny Working Group will be permitted, at the discretion of the Chairman of Executive (the Leader), to briefly address Executive to provide a brief oral summary report on the key findings and scrutiny reports and recommendations being made, requesting an Executive Response to any reports and recommendations made.
- 12.4. It is a statutory duty of the Executive to respond a scrutiny committee:
- (a) to consider the report or recommendations,
 - (b) to respond to the scrutiny committee indicating what (if any) action the authority, or the executive, proposes to take,
 - (c) if the overview and scrutiny committee has published the report or recommendations, to publish the response.

<http://www.legislation.gov.uk/ukpga/2000/22/section/9FE>

- 12.5. The Executive Response is made at a formal meeting of Executive (or other decision making body), by formal resolution.
- 12.6. The draft Executive Response should be drawn up in advance by the relevant department, in consultation with the relevant decision maker. The Executive Response should provide clear executive decisions for each scrutiny recommendation.
- 12.7. The Executive Response should be drafted in such a way as to provide clarity on whether the scrutiny recommendation is agreed or rejected, or if an alternative course will be agreed, the relevant portfolio holder (Executive member), the implementing department and when the agreed actions and decisions will be implemented.
- 12.8. The Executive must respond **within two months** beginning with the date on which it received the notice of the scrutiny report or recommendations.

See Procedure for Reports and Recommendations from Scrutiny Committees.

13. Scrutiny Review of Implementation

- 13.1. ***How are recommendations monitored?***
- 13.2. Six months after the OSC has made recommendations to the Executive, progress on the implementation of those recommendations should be reported to OSC. The format of the monitoring may differ from subject to subject, but may include:
- A table listing each recommendation with a 'progress' column
 - A written report from relevant Executive member/officer
 - A presentation
- 13.3. OSC should evaluate and assess the impact of their previous recommendations, referring back to the initial scoping document and compiling a brief evaluation summary for publication.

See Scrutiny Recommendations Tracker Report Templates.

14. Scrutiny Co-optees

- 14.1. The constitution allows co-option of external people to assist with specific scrutiny reviews (section 4a, paragraph 6.9). Such co-options can be made to the formal OSC, however it is more likely that committee will want to appoint co-optees to task and finish scrutiny working groups that are established for specific reviews.
- 14.2. Once a scrutiny working group has decided to co-opt members, Expressions of Interest to join the working group may be sought from the desired background, included other non-executive Members of the Council, external organisations, experts in the field, service users.
- 14.3. In considering co-option of people outside of the Council and external organisations particular care should be given to consider appropriate persons, mindful of the fact that people and organisations may have particular political and personal interests in an issue. Elected Members and external cooptees need to bring an objective and independent mindset to the scrutiny process, along with their knowledge and expertise.
- 14.4. In seeking Expressions of Interest the following details need to be defined and communicated to people who may be interested, the following steps may be followed:
 - the subject under review
 - an indicative timeframe for the whole review
 - an estimate as to the number of meetings that the co-optees will be expected to attend
 - the format and anticipated location of the meetings, i.e. online via MS Teams, in person at Council offices, or a hybrid approach
 - how interested parties should make their application, eg. via a CV and covering letter, email or application form
 - the deadline for applications/expressions of interest.
- 14.5. In identifying Expressions of Interest from external people and organisations, an advertisement of the co-option opportunity may be sent out to relevant agencies and advertised through Council media and other available media, providing the details of the role and scrutiny inquiry.
- 14.6. Members of the scrutiny working group may consider expressions of interest received, creating a short list for interview. Shortlisted candidates will be invited to attend a meeting, and the task and finish group will decide who to appoint.
- 14.7. The Scrutiny Working Group will reserve the right to not appoint any co-optees following interview.
- 14.8. Any appointments made will be for a specified time period, likely to coincide with the estimated timeframe for the scrutiny inquiry.

- 14.9. Once the recruitment process has completed, meetings of the scrutiny working group will take place in line with the process detailed at paragraph 6.6 of the Constitution.

See Invitations for Expressions of Interest Template.

15. Scrutiny Training and Development

- 15.1. The Statutory Scrutiny Guidance 2024 says that Local Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively and that authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.
- 15.2. Cherwell District Council draws up an annual programme of scrutiny training and development for members and officers, including training and development for new members of the a scrutiny committee, training and development for all members of the OSC and scrutiny working groups, scrutiny training for all members of the Council, including Members of the Executive, training for council officers involved with Overview and Scrutiny.

See Scrutiny Member Development Programme Template.

16. Further resources and reviewing and updating of this guide

- 16.1. The Monitoring Officer and Democratic and Elections Team will periodically review this guide with the Chairman and Vice Chairman, gathering feedback from OSC as required, to ensure it remains up-to-date and appropriate.
- 16.2. In addition to this guide and the formal CDC Constitution, OSC members may wish to consult further resources, such as the LGA's Councillor Workbook on Scrutiny - <https://www.local.gov.uk/publications/councillors-workbook-scrutiny> (updated September 2023) which gives more detailed information about possible approaches to Scrutiny.
- 16.3. *This guidance should be read in conjunction with the [Cherwell District Council Constitution](#)² and the [Statutory Scrutiny Guidance](#)³ issued by the Ministry of Housing, Communities & Local Government.*

² The Cherwell District Council Constitution
<https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=531&MId=3982&Ver=4&Info=1>
 (Accessed 11 February 2025).

³ Statutory guidance - Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities, Ministry of Housing, Communities and Local Government
 Published 22 April 2024

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Member Development Framework and Programme 2025-2026	
Committee	Council
Date of Committee	21 May 2025
Portfolio Holder presenting the report	Portfolio Holder for Corporate Services, Councillor Chris Brant
Date Portfolio Holder agreed report	8 May 2025
Report of	Monitoring Officer, Shiraz Sheikh

Purpose of report

To consider and agree the Member Development Framework and Programme for 2025-2026.

1. Recommendations

Council resolves:

- 1.1 To approve the Member Development Framework for 2025-2026.
- 1.2 To approve the Member Development Programme for 2025-2026.

2. Executive Summary

- 2.1 The Member Development Framework was first considered and approved by Full Council in May 2023. The Framework emphasises the purpose and importance of Member development, the approach and opportunities to support Members in gaining the skills and knowledge needed to fulfil their various roles effectively.
- 2.2 An appendix to the framework is the annual Member Development Programme. This gives details of the initial induction programme of training following the scheduled elections, as well as more general briefing and update events for all Members throughout the Municipal Year.
- 2.3 As the Member Development Programme is updated on an annual basis, the full Framework is presented for consideration and approval.

Implications & Impact Assessments

Implications	Commentary
Finance	The Member Development Framework and Training Programme happen each year. The 2025/26 Programme will be delivered from within existing budgets.

	Michael Furness, Assistant Director of Finance (S151 Officer) 8 May 2025		
Legal	There are no direct legal implications arising from this report. Shiraz Sheikh, Monitoring Officer, 8 May 2025		
Risk Management	There are no risk implications arising directly from this report. Julie Miles, Performance Analyst and Developer, 12 May 2025		
Impact Assessments	Positive	Neutral	Negative
			Commentary
Equality Impact	x		
			The Member development programme has the potential of delivering a positive impact across our communities, including those within the protected characteristics, equipping members to better understand their duty, and ultimately, allowing them to deliver better outcomes for the residents they represent. Julie Miles, Performance Analyst and Developer, 12 May 2025
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	x		
Climate & Environmental Impact		x	
			Not applicable
ICT & Digital Impact		x	
			Not applicable
Data Impact		x	
			Not applicable
Procurement & subsidy		x	
			Not applicable
Council Priorities	Not applicable		
Human Resources	Not applicable		
Property	Not applicable		

Consultation & Engagement	Political Group Leaders
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Supporting Information

3. Background

- 3.1 The Member Development Framework (appendix 1) was developed in 2023. Political Group Leaders unanimously endorsed the Framework, and it was subsequently approved by Full Council.
- 3.2 There are no substantive changes proposed to the Framework for 2025-2026, as it has been reviewed by the Monitoring Officer and the information remains relevant.
- 3.3 Additional clarity has been added regarding training for regulatory committees being required every Municipal Year.

4. Details

- 4.1 The Member Development Programme for 2025-2026 is attached at appendix 2. As there are only three by-elections taking place this year and not a full third of the Council, a full induction schedule is not required.
- 4.2 There will be a number of Committee specific sessions, that will be mandatory for members of those Committees.
- 4.3 A copy of the approved framework and programme will be included in the induction pack for the three newly elected Members following the May 2025 by-elections, to ensure they are aware of the details of the framework.
- 4.4 Wherever possible, slides from training sessions and briefings will be made available to Members after the sessions via the MS Teams Member Channel. This creates an online library of training resources for Members to refer back to as required.

5. Alternative Options and Reasons for Rejection

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

Option 1: Not to agree the recommendations. This is not recommended as it is important that Members regularly review the development framework.

6 Conclusion and Reasons for Recommendations

- 6.1 Council is recommended to agree the Member Development Framework and programme for 2025 - 26 so that officers can proceed with relevant arrangements.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Member Development Framework
Appendix 2	Member Development Programme 2025 - 26
Background Papers	None
Reference Papers	None
Report Author	Emma Faulkner, Principal Officer – Scrutiny & Democratic Lead
Report Author contact details	democracy@cherwell-dc.gov.uk , 01295 221534

Members' Development Framework

1. Strategic aims of the framework

1.1 This development framework aims to:

- promote the purpose and importance of councillor development and ensure buy-in from all councillors and officers.
- promote a positive and inclusive culture of learning, development and continual improvement.
- ensure the needs of councillors including individual learning styles are understood and catered for.
- provide a high quality and engaging programme of learning and development to ensure councillors can be effective and confident in their role.
- strengthen councillor-officer relationships.
- enhance democracy, participation and councillor diversity.
- celebrate achievements and impact.

2. Identifying training needs

2.1. The key roles and functions of councillors can be summarised as:

- policymaker
- community leader and networker
- community leader/representative/advocate
- ward representative
- Council representative
- decision-maker
- scrutiniser
- regulator
- spokesperson

2.2. Additional responsibilities of Portfolio Holders include:

- promoting the objectives and values of the Council
- ensuring the development of new policies
- providing guidance on budget and political priorities
- contributing to effective decision-making
- promoting reports and answering questions from other elected members and the public

3. How learning and development opportunities will be provided

3.1. The learning and development programme will aim to support councillors through the various stages of their political careers from induction through comprehensive ongoing learning and development.

- 3.2. Councillors will be required to attend learning events where these relate to the regulatory functions of the Council, such as planning and licensing matters (see section 6). They will be encouraged to attend other learning and development events to enhance their skills and knowledge.
- 3.3. All Councillors will be expected to attend mandatory development events on key topics as identified in the Member Development Programme. These may include sessions on:
- Equalities and Diversity
 - Safeguarding
 - Mandatory Committee specific each municipal year – Planning, Accounts, Audit & Risk
 - Committee specific each municipal year – Scrutiny, Personnel
 - Local government finance
 - Code of Conduct (mandatory within 6 months of election/re-election)
 - Community engagement
 - Information Governance
 - Risk management
- 3.4. Additional learning events will be provided specifically for Portfolio Holders, Chairs and other councillors as appropriate. These may include:
- Chairing meetings
 - Dealing with the Media
- 3.5. Councillors will be informed of forthcoming learning and development events by member updates.
- 3.6. Where practicable and appropriate, learning events will be recorded and evaluation feedback will be obtained.
- 3.7. Individual requests made by Councillors for specific development activities will be accommodated wherever possible, subject to the relevance to their role and utilising the training budget to maximise training opportunities for all councillors.
- 3.8. Requests for training should be made to the Democratic and Elections team. Approval of external training will be made by the Monitoring Officer, in consultation with the relevant Group Leader subject to budget. A copy of the course notes and feedback should be provided to the Monitoring Officer after attending external training.

4. Induction

- 4.1. Induction will be provided for all new Councillors soon after the scheduled elections and attendance is mandatory for all new Councillors.

In the event of by-elections, an induction session will be arranged between the Monitoring Officer and newly elected Councillor(s) at a mutually convenient time.

4.2. Induction will provide:

- the opportunity to meet with the Council's Corporate Leadership Team and key officers who will explain their roles within the Council
- an introduction to the Council's key strategies and priorities
- an outline of the policies and procedures of the Council
- information on the support and facilities available for Councillors
- an introduction to the Members' Code of Conduct and protocols

5. IT and mod.gov

- 5.1. Electronic communication, specifically through e-mail and the Council's website, is an essential medium for the efficient and effective delivery of services by the Council. Consequently, there is an increasing expectation that councillors will be proficient and confident in its use.
- 5.2. All councillors will be provided with laptops for use when conducting council business. Mobile phones are available on request for council business.
- 5.3. Dependent on their level of proficiency, councillors are expected to take advantage of the range of IT skills development courses provided by the Council.
- 5.4. The IT team will provide bespoke IT training to Councillors in small groups on request.
- 5.5. Specific training will be given to all councillors on using the mod.gov app, in order to limit the need for printed paper agendas and reports.

6. Regulatory and specialist learning

- 6.1. Members of those Committees with a regulatory role, such as Planning, Licensing and Standards, will be required to attend specialist training in these disciplines every municipal year.
- 6.2. It is essential and mandatory that Councillors participate in these learning events in order to contribute to effective and lawful decision-making in these areas.

7. Councillor Briefings

- 7.1. The Council will continue to provide a comprehensive programme of briefings for all councillors covering a broad range of topics from policy issues through to specific service matters. These form an integral part of the Councillor development programme and all councillors will be expected to attend.
- 7.2. Priority will be given to subjects directly relevant to the Council's strategic themes.
- 7.3. Briefings will generally be undertaken by Council officers but partners and representatives of other organisations may be invited to address councillors from time to time.

8. External conferences and learning and development events

- 8.1. Attendance will normally be restricted to councillors with special responsibilities, requiring other specialist knowledge or skills which it is not cost-effective to provide in-house.
- 8.2. Whenever the opportunity presents itself, joint development events will be held with neighbouring authorities.

9. Resources

- 9.1 Each year the Council sets a budget and member training is included within that budget.

10. Monitoring and evaluation

- 10.1. The Councillor Development Framework will be reviewed and the outcome of learning and development events will be used to inform the future learning and development programme and the format and content of future events.

Member Development Programme –2025 - 2026

For the period May 2025 – August 2025

Topic and content	Date, time and venue / virtual / hybrid	Delivered by
Mandatory Training for all Members		
IT Training session for all Members Training to be provided to all Members (and for new members before collecting their IT equipment) that includes Cyber Security.	New Members IT equipment available from Tuesday 13 May 2025	IT
Security and registration with the Information Commissioner An explanation of Freedom of Information, Data Protection and Information Security issues	To be scheduled	Information Governance Manager/ IT
Safeguarding - Everybody's business. Safeguarding for adults and children	To be scheduled	Assistant Director Housing & Wellbeing
Equalities, Diversity and Inclusion	To be scheduled	Legal
Committee Specific Training		
Mandatory Training for all Planning Committee Members and named subs (All Members welcome) (NB. It is mandatory for Planning Committee members and named subs to have attended Planning Committee training before attending a meeting)		
An introduction to the Planning Process The planning process and legislation Planning policy at the national level The role of Members and Officers The role of Ward Members and Executive Members	Monday 2 June (start time to be confirmed) Hybrid	Planning and Legal

Topic and content	Date, time and venue / virtual / hybrid	Delivered by
How planning applications are dealt with Committee meetings, call ins, site visits Planning Appeals		
Mandatory Training for all Accounts, Audit & Risk Committee Members (All Members Welcome) (NB. It is mandatory for Accounts, Audit & Risk Committee members to have attended Accounts, Audit & Risk Committee training before attending a meeting)		
The role and functions of the Accounts, Audit & Risk Committees	6:00pm – 6:30pm, Wednesday 28 May (the training is scheduled immediately ahead of the first Accounts, Audit & Risk Committee meeting at 7:30pm on 28 May) Virtual	S151 Officer, Monitoring Officer, Chief Internal Auditor
Additional sessions on committee specific areas, e.g. Treasury Management will be scheduled after committee meetings	As per AARC meeting schedule	Topic dependent
Overview and Scrutiny – mandatory Training for Overview & Scrutiny Committee members (All Members welcome)		
The role and functions of the Overview and Scrutiny Committee	Tuesday 3 June – OSC training (time to be confirmed), followed by meeting to appoint Chairman and Vice-Chairman of Committee Hybrid	Monitoring Officer and Democratic and Elections Team
Personnel Committee – mandatory training session for Personnel Committee members (All Members welcome)		
The role and functions of the Personnel Committee	6pm to 6:25pm, Wednesday 25 June (the training is scheduled immediately ahead of the first Personnel Committee meeting at 6:30pm on 25 June) In person	Assistant Director Human Resources

Topic and content	Date, time and venue / virtual / hybrid	Delivered by
LGA Resources		
<p>LGA Councillor workbooks www.local.gov.uk/councillor-workbooks</p> <p>The LGA has produced various workbooks on different topics, including “Being an effective ward councillors”, “Handling Casework”, “Neighbourhood and community engagement”, “Stress management and personal resilience”, “Supporting residents with complex issues” and “Working with town and parish councils”.</p> <p>Members can access the workbooks at the link above and read / complete as they wish.</p>		
<p>LGA Webinars</p> <p>Members to visit www.local.gov.uk/events to access upcoming events. Details of free webinars that may be of interest to Members will be included in the Monitoring Officer’s weekly Member Update email.</p>		

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This report is public.	
Annual Report of the Accounts, Audit and Risk Committee 2024/25	
Committee	Council
Date of Committee	21 May 2025
Portfolio Holder presenting the report	Deputy Leader and Portfolio Holder for Finance, Property & Regeneration, Councillor Lesley McLean
Date Portfolio Holder agreed report	7 March 2025
Report of	Assistant Director of Finance (S151 Officer), Michael Furness

Purpose of report

This report presents the annual report of the Accounts, Audit and Risk Committee for the year 2024/25. It has been prepared to enable the committee to demonstrate to Council how it has fulfilled its terms of reference.

1. Recommendations

Council resolves:

- 1.1 To note the contents of the Annual Report of the Accounts, Audit & Risk Committee 2024/25.

2. Executive Summary

- 2.1 Per the constitution, the Accounts, Audit and Risk Committee (AARC) is a key component of Cherwell District Council's corporate governance framework.
- 2.2 Its purpose is to provide an independent and high-level focus on the adequacy of the risk management framework, the internal control environment, the integrity of financial reporting, and governance processes. By overseeing internal and external audit, it makes an important contribution to ensuring the effective assurance arrangements are in place.
- 2.4 AARC is expected to fulfil a number of responsibilities in connection with this purpose. Broadly, these are across the areas of governance, risk, and control, internal audit, external audit, financial reporting, and treasury management. It is also specifically required, under accountability responsibilities, to publish an annual report on its work, including a conclusion on the compliance with the CIPFA guidance. This guidance is taken to mean CIPFA's position statement on audit committees in local authorities (2022 edition) and the accompanying 'Audit committee: practical guidance for local authorities and police' (2022 edition).
- 2.5 This report has been prepared to allow the committee to demonstrate to Council that it has achieved its purpose by fulfilling its delegated functions during 2024/25,

and that its work aligns with the principles in CIPFA's position statement (and accompanying guidance).

- 2.6 Members of AARC have agreed at their meeting in March 2025 that the report provides a complete and accurate representation of its work during 2024/25.

Implications & Impact Assessments

Implications		Commentary		
Finance		There are no financial implications arising directly from this report. Michael Furness, Assistant Director of Finance (S151 Officer), 6 March 2025		
Legal		There are no legal implications arising directly from this report. Shiraz Sheikh, Assistant Director of Law & Governance and Monitoring Officer, 6 March 2025		
Risk Management		There are no risk implications arising directly from this report. Celia Prado-Teeling, Performance Team Leader, 26 February 2025		
Impact Assessments		Positive	Neutral	Negative
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			X	
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?			X	
Climate & Environmental Impact			X	
ICT & Digital Impact			X	
Data Impact			X	
Procurement & subsidy			X	

Council Priorities	This report relates to the council's 'continuous improvement' delivery theme which supports the priorities set out in the 2024/25 business plan. The Accounts, Audit and Risk Committee fulfils a vital role in overseeing, and obtaining assurances, on the continued effectiveness of the council's governance arrangements.
Human Resources	N/A
Property	N/A
Consultation & Engagement	The Accounts, Audit & Risk Committee agreed the Annual Report at its 19 March 2025 meeting.

Supporting Information

3. Background

- 3.1 Under the constitution, Council has delegated a number of functions to its sub-committees. The AARC is one such committee, and it has a key role to play in Cherwell District Council's governance framework. Council specifically requires an annual report to be presented to it in order to gain the assurance it needs that the committee has fulfilled this role.
- 3.2 CIPFA's 2022 position statement on audit committees in local authorities sets out the purpose of an audit committee, the importance of its independence from executive decision making, its core functions, its membership (including attributes and characteristics), its engagement with key stakeholders, and its influence and impact.
- 3.3 CIPFA's 2022 audit committee practical guidance expands upon the position statement, giving both officers and committee members more information on how to interpret and apply the requirements of the position statement.
- 3.4 The position statement strongly encourages audit committees to support transparency by reporting regularly on their work to those charged with governance.
- 3.5 2024/25 has represented a period of significant change for the committee. New appointments were made to AARC following the local elections in May 2024, and there has been a change in chairmanship during the year. This report aims to capture the work of the committee during 2024/25 and so demonstrate that it continues to fulfil its terms of reference, and to meet the principles and practice expected of it per CIPFA's position statement.

4. Details

- 4.1 The detail of this report is included in Appendix 1 – Annual Report of the Accounts, Audit and Risk Committee 2024/25.

5. Alternative Options and Reasons for Rejection

- 5.1 The nature of this report is such that alternative options are not appropriate. To discharge its functions under the terms of reference for AARC, and to demonstrate conformance with CIPFA's requirements, the committee must prepare an annual report for presentation to Council.

6 Conclusion and Reasons for Recommendations

- 6.1 Council is invited to note the content of the Accounts, Audit & Risk Committee Annual Report 2024/25.

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Annual Report of the Accounts, Audit and Risk Committee 2024/25
Background Papers	None
Reference Papers	None
Report Author	Connor Munro, Assistant Director – Audit Assurance (Veritau)
Report Author contact details	Connor.Munro@veritau.co.uk 01904 553512
Corporate Director Approval (unless Corporate Director or Statutory Officer report)	Assistant Director of Finance (Section 151 Officer), 7 March 2025

Accounts, Audit and Risk Committee Annual Report

Report of the work of the Accounts, Audit and Risk Committee during 2024/25

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Chairman's introduction

As the Chair, I am very pleased to present this annual report which sets out the role of the Accounts, Audit and Risk Committee and summarises the work we have undertaken during the financial year 2024/25.

The committee is a key component of the council's governance framework. It provides independent oversight and receives the necessary assurances that the council continues to practice good governance and exhibits strong public financial management.

I have only been a serving member of this committee since May 2024, and its Chair even more recently when I was appointed to the role in November 2024. However, during my tenure so far, I have observed that the committee is well supported by officers, who consistently provide a high standard of reports and presentations. I would like to place on record my thanks to the finance team, governance officers, the risk and performance team, and to our internal and external auditors, for their input and contribution to the work of the committee.

I would also like to take this opportunity to give my personal thanks to all fellow committee members who have contributed and supported the work of the committee in such a meaningful and positive way over the past year.

COUNCILLOR ALISA RUSSELL

Chair – Accounts, Audit and Risk Committee

The role of the Accounts, Audit and Risk Committee

The Accounts, Audit and Risk Committee has adopted the Chartered Institute of Public Finance and Accountancy's (CIPFA) "Position Statement: Audit Committees in Local Authorities and Police 2022". It also operates in accordance with CIPFA's "Audit Committees, Practical Guidance for Local Authorities" (2022 edition). CIPFA's position statement defines the purpose of local authority audit committees as follows:

"Audit committees are a key component of an authority's governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective."

In a local authority the full council is the body charged with governance. The audit committee may be delegated some governance responsibilities but will be accountable to full council."

The committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability."

The key functions of the Account's Audit and Risk Committee are set out in its terms of reference, which form part of the council's constitution.

APPENDIX 1

How the committee has discharged its responsibilities during 2024/25 (overview)

Core functions	May 2024	July 2024	September 2024	November 2024	January 2025	March 2025
Governance, risk, and control						
Annual governance statement 2023/24						
Whistleblowing policy						
Counter fraud work programme 2024/25 (Veritau)						
Risk monitoring report – end of year 2023/24						
Support to subsidiaries						
Risk monitoring report – Q1 2024/25						
Monitoring Officer report, inc. LGSCO ombudsman annual report						
Counter fraud progress report						
Counter fraud policy update report						
Risk monitoring report – Q2 2024/25						
Housing management performance						
Local Code of Corporate Governance						
Counter fraud progress report						
Counter fraud work programme 2025/26						
Risk monitoring report – Q3 2024/25						
Housing Benefit Risk Based Verification Policy						
Internal audit						
Annual report of the Chief Internal Auditor 2023/24 (OCC)						
Internal audit work programme 2024/25, inc. charter (Veritau)						
Internal audit progress report						
Internal audit progress report						
Internal audit work programme 2025/26						

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External audit						
Audit completion certificates 2020/21 and 2021/22 (EY)						
External audit plan 2023/24 (Bishop Fleming)						
External audit update 2022/23 (EY)						
External audit update 2023/24						
External audit update 2022/23						
External audit update 2023/24						
Financial reporting						
Housing benefit subsidy audit 2020/21						
Draft statement of accounts 2023/24						
Final statement of accounts 2022/23						
Financial Management Code – forecast self-assessment update						
Update on the 2023/24 statement of accounts						
Final statement of accounts 2023/24						
Accounting policies 2024/25						
Accountability arrangements						
Accounts, Audit and Risk Committee annual report 2024/25						
Treasury management						
Treasury management annual performance report 2023/24						
Treasury management report – Q1 2024/25						
Treasury management report – mid-year review 2024/25						
Capital and Investment Strategy and Draft Treasury Management Strategy						
Treasury management report – Q3 2024/25						

Key activities in 2024/25

The committee is considered to have effectively discharged its responsibilities for 2024/25, as set out in its terms of reference. It has also performed the core functions described in CIPFA's position statement and adopted its principles and expected practices (as well as those contained in CIPFA's accompanying guidance).

The key activities of the committee are summarised below, aligned to the functional responsibilities in its terms of reference.

Governance, risk, and control

In May 2024, the committee approved the 2023/24 annual governance statement (AGS) for inclusion in the council's final statement of accounts. It also received an update against 2023/24 AGS actions in January 2025.

In November 2024, the committee received a forecast self-assessment against the CIPFA Financial Management Code. This provided reassurance that the council was practicing robust financial management, and had effective arrangements for securing value for money, ahead of budget setting for 2025/26. At its following meeting, in January 2025, the committee approved an updated version of the council's Local Code of Corporate Governance.

The Committee received quarterly updates on risk management via risk monitoring reports. This saw the committee approve the council's risk management strategy in July 2024, with the leadership risk register presented in September and November 2024, and again in March 2025.

Counter fraud services were transferred from Oxfordshire County Council to Veritau Public Sector Limited at the beginning of 2024/25. This transfer was successfully overseen by the committee. The committee approved the 2024/25 counter fraud work programme in July 2024 and received progress reports (detailing proactive and reactive work undertaken by the service) in September 2024 and January 2025. The 2025/26 work programme was approved by the committee at its 19 March 2025 meeting. In addition, the committee has approved key documents which form part of the council's counter fraud framework. This included the whistleblowing policy (May 2024) and the counter fraud and corruption and anti-money laundering policies (November 2024).

In July and September 2024, the committee received reports from the Monitoring Officer informing it of the level of support the council provides to its subsidiaries and of matters relating to standards and corporate complaints.

Internal Audit

At the beginning of 2024/25 the committee successfully oversaw the transfer of internal audit services from Oxfordshire County Council to Veritau Public Sector Limited. This saw the committee, at its 29 May 2024 meeting, both endorse the outgoing Chief Internal Auditor's annual report for 2023/24 and approve the internal audit work programme for 2024/25, prepared by Veritau. The committee approved the council's new internal audit charter at this same meeting.

Since then, the committee has received regular progress reports from the Assistant Director – Audit Assurance (Head of Internal Audit) (Veritau). These reports provided an overview of programme delivery, summarised the outcomes from internal audit engagements, and

APPENDIX 1

presented the results of follow-up activity (i.e. work done to confirm that actions agreed with management have been completed).

The committee has continued to review material weaknesses identified from internal audit engagements, and to provide appropriate challenge on outcomes. Officers have also attended committee to provide assurance on how more significant issues were being addressed. This has supported the implementation of the actions plans to deliver required improvements.

The annual opinion is the most important outcome from internal audit. This is internal audit's independent view on the strength of the council's framework of risk management, governance, and internal control and should be used in preparing the council's annual governance statement. The opinion is presented as part of internal audit's annual report at the beginning of the financial year and relates to work performed in the previous financial year. As mentioned earlier, the committee received this report for 2023/24 at its 29 May 2024 meeting. An opinion of satisfactory assurance was reached by the council's outgoing internal audit provider. The same report provided the committee with reassurance that internal audit work had been performed in conformance with professional standards, as demonstrated by the external quality assessment outcome.

The committee also met with the Assistant Director – Audit Assurance (Head of Internal Audit) (Veritau) in private session in January 2025 and satisfied itself that the council's internal audit service is free to carry out its duties without undue restriction.

External Audit

The council appointed Bishop Fleming as its auditors for the 2023/24 audit, with the committee receiving the audit plan at its May 2024 meeting. At this same meeting, the committee received the audit completion certificates for the financial years 2020/21 and 2021/22 from its outgoing external audit provider, EY. Updates were also provided on the 2022/23 audit in September and November 2024, before the final statement of accounts was presented to the committee in November 2024. Updates against the 2023/24 audit were presented to the committee by Bishop Fleming in September 2024 and January 2025, before the final statement of accounts was presented in March 2025.

The committee met with its external auditors in private session, in January 2025. The committee is satisfied that external audit is free to carry out their duties without undue restriction. The committee is also assured that, if identified, the council's external auditors would bring any material issues to the attention of the committee.

Financial Reporting

In addition to matters of financial reporting presented to the committee in connection with the work of external audit, the committee has also received and reviewed the final statement of accounts for 2022/23 and the draft and final statements for 2023/24 (including the audit completion report and annual report prepared in relation to these accounts).

The committee considered the 2022/23 final statement of accounts in November 2024, having received progress updates during the year to this point. The 2023/24 draft statement of accounts was presented to the committee in July 2024, with the final accounts then presented in March 2025.

In March 2025, the committee also reviewed and approved the council's accounting policies to be included in the 2024/25 statement of accounts.

Accountability arrangements

The committee prepared an annual report demonstrating how it has fulfilled its terms of reference and conformed with CIPFA's position statement during 2024/25. The report was considered and approved at its 19 March 2025 meeting.

CIPFA recommends that the committee undertakes a regular self-assessment exercise against the position statement. The committee last completed a self-assessment in February 2023. This concluded that the committee demonstrated a high degree of conformance with CIPFA's expected and good practice principles, and that it had been discharging its responsibilities effectively. The self-assessment was not repeated during 2024/25 due to the significant change in membership following the May 2024 elections and changes in chairmanship during the year. The committee intends to undertake a self-assessment during the 2025/26 financial year.

Treasury management

The committee have provided effective scrutiny of the treasury management strategy and policies through receiving regular reports of activity, reviewing the treasury risk profile and adequacy of treasury risk management. The council's external treasury advisers delivered training to members of the committee during the year to enable it to effectively fulfil its scrutiny role.

The committee received a report on the council's treasury management performance for 2023/24 at its 29 May 2024 meeting. It then received quarterly updates on treasury management performance in 2024/25 over the remainder of the year, and, in January 2025, recommended that both the capital and investment strategy and the draft treasury management strategy for 2025/26 be approved by Executive.

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