

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 May 2011 at 6.30 pm

Present: Councillor George Parish (Chairman)
Councillor Timothy Hallchurch MBE (Vice-Chairman)

Councillor Rick Atkinson
Councillor Ken Atack
Councillor Alyas Ahmed
Councillor Andrew Beere
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Patrick Cartledge
Councillor Colin Clarke
Councillor Margaret Cullip
Councillor Mrs Diana Edwards
Councillor Tim Emptage
Councillor Andrew Fulljames
Councillor Michael Gibbard
Councillor Alastair Milne Home
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Victoria Irvine
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor P A O'Sullivan
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Alaric Rose
Councillor Daniel Sames
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Patricia Tompson
Councillor Douglas Webb
Councillor Martin Weir
Councillor Douglas Williamson
Councillor Barry Wood

Apologies for absence: Councillor John Donaldson
Councillor Mrs Catherine Fulljames
Councillor Simon Holland
Councillor Neil Prestidge
Councillor Carol Steward
Councillor Nicholas Turner

Officers: Sue Smith, Chief Executive
Ian Davies, Interim Chief Executive and Head of Paid Service
John Hoad, Strategic Director - Planning, Housing and Economy
Karen Curtin, Head of Finance / Section 151 Officer
Kevin Lane, Interim Head of Legal and Democratic Services
James Doble, Democratic, Scrutiny and Elections Manager

1 **Declarations of Interest**

There were no declarations of interest.

2 **Former Councillor Mary Young**

The Chairman noted the sad passing of former Councillor Mary Young who had been a councillor for Kidlington.

Members of the Council joined the Chairman in remembering former Councillor Young with one minute's silence.

3 **Minutes of Council**

The minutes of the meeting held on 21 February 2011 were agreed as a correct record and signed by the Chairman.

4 **Election of Chairman**

The outgoing Chairman Councillor Parish presided for the consideration of this matter.

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Hallchurch be elected as Chairman for 2011/12. There were no other nominations.

Resolved

That Councillor Hallchurch be elected Chairman of the Council for 2011/12.

(Councillor Hallchurch made his declaration of office and took the Chair).

5 **Election of Vice-Chairman**

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Clarke be elected as Vice-Chairman for 2011/12. There were no other nominations.

Resolved

That Councillor Clarke be elected Vice-Chairman of the Council for 2011/12.

(Councillor Clarke made his declaration of office and took the Chair).

6 **Communications**

Outgoing Chairman

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

Chairman's Consort

The Chairman of the Council named Dr Jan Stokes-Carter as his consort for the year.

Chairman's Charities

The Chairman named ABF – The Soldiers Charity, (previously the Army Benevolent Fund) and the Spires Cleft Centre as his charities for the year.

7 **Annual Business**

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

Ambrosden and Chesterton – Councillor Andrew Fulljames
Astons and Heyfords – Councillor Mike Kerford-Byrnes
Banbury Easington – Councillor Nigel Morris
Banbury Grimsbury and Castle – Andrew Beere
Banbury Hardwick - Councillor Nicholas Turner
Banbury Ruscote – Councillor Patrick Cartledge
Bicester East – Councillor Rose Stratford
Bicester North – Councillor Carol Steward
Bicester South – Councillor Lynn Pratt
Bicester Town – Councillor Diana Edwards
Bicester West – Councillor Les Sibley
Cropredy – Councillor Ken Atack
Hook Norton – Councillor Victoria Irvine
Kidlington North – Councillor Alaric Rose
Kidlington South – Councillor Neil Prestidge
Yarnton, Gosford and Water Eaton – Councillor Michael Gibbard

Constitution of Political Groups

The Chief Executive reported that the constitution of the Council and political groups was now 43 Conservatives, 4 Labour and 3 Liberal Democrats.

The Chief Executive reported that the Group Leaders were: Councillor Wood, Leader of the Conservative Group and Leader of the Council; Councillor Sibley Leader of the Labour Group and Leader of the Opposition and Councillor Emptage Leader of the Liberal Democrat Group.

Deputy Leader of Council and Allocation of Lead Member Responsibility

The Leader of the Council reported that he had reappointed Councillor Reynolds as Deputy Leader of the Council and allocated lead member responsibilities as follows:

Leader of the Council	Councillor Wood
Deputy Leader of the Council	Councillor Reynolds
Lead Member for the Environment	Councillor Macnamara
Lead Member for Planning	Councillor Gibbard
Lead Member for Housing	Councillor Pickford
Lead Member for Customer Services	Councillor Turner
Lead Member for Estates	Cllr Bolster
Lead Member for Change	Cllr Morris
Lead Member for Financial Management	Cllr Atack
Lead Member for Banbury Brighter Futures	Cllr Donaldson

Allocation of Seats to Proportional Committees

	TOTAL	CON	LAB	LD
Overview & Scrutiny Committee	12	10	1	1
Resources and Performance Board	12	10	1	1
Planning Committee	18	16	1	1
Personnel Committee	12	10	1	1

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Licensing Committee	12	10	1	1
Appeals Panel	10	9*	1	0*
Accounts, Audit and Risk Committee	8	7	1	0
Joint Personnel Committee	5	4	1	0
Joint Appeals Committee	3	2	1	0
Proportional Total by Committee	92	77	9	6
Aggregate Entitlement	92	78	9	5
Adjustment Required		+1	0	-1

The Leader of the Liberal Democrat Group had indicated to the Interim Chief Executive that the seat to be nominated to the Conservative Group was on the Appeals Panel. The figures above marked by an asterisk take account of this adjustment.

Allocation of Seats to Non-Proportional Committees

	TOTAL	CON	LAB	LD
Standards Committee	8	6	1	1
Council and Employee Joint Committee	12	10	1	1
Joint Arrangements Steering Group	5	4	1	0

Committee Membership

Accounts, Audit and Risk Committee

Membership

Conservative (7)	Labour (1)	Liberal Democrats (0)
Cllr Clarke	Cllr Beere	
Cllr Ilott		
Cllr Kerford-Byrnes		
Cllr Stevens		

Cllr L Stratford		
Cllr R Stratford		
Cllr Wood		

Substitutes

Any member of relevant political group

Appeals Panel

Membership

Conservative (9)	Labour (1)	Liberal Democrats (0)
Cllr Blackwell	Cllr Sibley	
Cllr Clarke		
Cllr Edwards		
Cllr Holland		
Cllr Illott		
Cllr Macnamara		
Cllr O'Sullivan		
Cllr Webb		
1 vacancy		

Substitutes

Not applicable

Council and Employee Joint Committee

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Atkinson	Cllr Cartledge	Cllr Rose
Cllr Cullip		
Cllr Hurle		
Cllr Mallon		
Cllr Mawer		
Cllr Pratt		
Cllr Steward		
Cllr Tompson		
Cllr Weir		
Cllr Wood		

Substitutes

Any member of relevant political group

Joint Appeals Committee

Membership

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

Substitutes

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

Joint Arrangements Steering Group

Membership

Conservative (4)	Labour (1)	Liberal Democrats (0)
Cllr Atack	Cllr Sibley	
Cllr Macnamara		
Cllr Morris		
Cllr Wood		

Substitutes

Conservative (1)	Labour (1)	Liberal Democrats (0)
Cllr Turner	Cllr Cartledge	

Joint Personnel Committee

Membership

Conservative (4)	Labour (1)	Liberal Democrats (0)
Cllr Atack	Cllr Parish	
Cllr Irvine		
Cllr Reynolds		
Cllr Wood		

Substitutes

Conservative (2)	Labour (1)	Liberal Democrats (0)
Cllr Bolster	Cllr Sibley	
Cllr L Stratford		

Licensing Committee

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Blackwell	Cllr Beere	Cllr Rose
Cllr Edwards		
Cllr Gibbard		
Cllr Hallchuchr		
Cllr Ilott		

Cllr Mallon		
Cllr O'Sullivan		
Cllr Reynolds		
Cllr R Stratford		
Cllr Webb		

Substitutes

Conservative (3)	Labour (1)	Liberal Democrats (1)
Cllr Cullip	Cllr Parish	Cllr Emptage
Cllr Pickford		
Cllr L Stratford		

Overview and Scrutiny Committee

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Bonner	Cllr Sibley	Cllr Emptage
Cllr Heath		
Cllr Mallon		
Cllr Milne Home		
Cllr Pratt		
Cllr Prestidge		
Cllr Sames		
Cllr Stevens		
Cllr L Stratford		
Cllr R Stratford		

Substitutes

Conservative (3)	Labour (3)	Liberal Democrats (2)
Cllr Hallchurch	Cllr Beere	Cllr Rose
Cllr Holland	Cllr Cartledge	Cllr Williamson
Cllr Hughes	Cllr Parish	

Personnel Committee

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Atack	Cllr Parish	Cllr Rose
Cllr Bolster		
Cllr Hurle		
Cllr Irvine		
Cllr Kerford-Byrnes		
Cllr Reynolds		
Cllr L Stratford		
Cllr R Stratford		
Cllr Thirzie Smart		

Cllr Wood		
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Substitutes

Any member of relevant political group

Planning Committee

Membership

Conservative (16)	Labour (1)	Liberal Democrats (1)
Cllr Atack	Cllr Parish	Cllr Emptage
Cllr Blackwell		
Cllr Clarke		
Cllr C Fulljames		
Cllr Gibbard		
Cllr Heath		
Cllr Hughes		
Cllr Hurle		
Cllr Kerford-Byrnes		
Cllr Macnamara		
Cllr Milne Home		
Cllr Pickford		
Cllr Reynolds		
Cllr Stevens		
Cllr L Stratford		
Cllr R Stratford		

Substitutes

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Billington	Cllr Sibley	Cllr Williamson
Cllr Bolster		
Cllr Edwards		
Cllr A Fulljames		
Cllr Hallchurch		
Cllr Mallon		
Cllr O'Sullivan		
Cllr Turner		
Cllr Wood		
1 Vacancy		

Resources and Performance Scrutiny Board

Membership

Conservative (10)	Labour (1)	Liberal Democrats (1)
Cllr Ahmed	Cllr Cartledge	Cllr Williamson
Cllr Billington		
Cllr Cullip		
Cllr A Fulljames		

Cllr Mawer		
Cllr Steward		
Cllr L Stratford		
Cllr Tompson		
Cllr Webb		
Cllr Weir		

Substitutes

Conservative (3)	Labour (3)	Liberal Democrats (2)
Cllr Edwards	Cllr Beere	Cllr Emptage
Cllr Stevens	Cllr Parish	Cllr Rose
Cllr R Stratford	Cllr Sibley	

Standards Committee

Membership

Conservative (6)	Labour (1)	Liberal Democrats (1)
Cllr Blackwell	Cllr Beere	Cllr Williamson
Cllr Hallchurch		
Cllr Heath		
Cllr Hurle		
Cllr Macnamara		
Cllr R Stratford		

Substitutes

Conservative (6)	Labour (1)	Liberal Democrats (1)
Cllr Atack	Cllr Sibley	Cllr Emptage
Cllr Clarke		
Cllr Cullip		
Cllr Edwards		
Cllr O'Sullivan		
Cllr L Stratford		

Meeting Attendance

Council received and noted a report showing the attendances of Members at meetings during 2010/11.

Joint Shared Chief Executive Delegated Powers

The Interim Head of Legal and Democratic Services submitted a report which sought consideration of the draft joint shared Chief Executive delegated powers and the separate Returning Officer powers and agreement that these should be adopted as part of the constitution.

Resolved

- (1) That the joint shared Chief Executive delegated powers and the separate Returning Officer powers set out in the annex to these minutes (as set out in the minute book) be approved.
- (2) That it be confirmed that the Returning Officer powers should be set out in a separate table unattached to any specific position within either organisation.
- (3) That the powers be adopted with immediate effect and the Monitoring Officer be delegated to make any interim amendments needed to the existing Scheme of Delegation pending a full review of the two schemes following the appointment of the shared senior management team between South Northamptonshire Council and Cherwell District Council.

9 **Protocol for Dealing With Conflicts of Interest**

The Interim Head of Legal and Democratic Services submitted a report which sought consideration to amend, as necessary, and adopt a protocol which sets out the roles of officers and members and procedures for dealing with conflicts of interest arising out of the appointment of shared senior management posts serving both authorities

Resolved

- (1) That the protocol, set out at the annex to the minutes (as set out in the minute book) for dealing with the role of officers and members, and the proposed routes for dealing with possible conflicts of interest be agreed
- (2) That the protocol be adopted as part of the constitution of Cherwell District Council with immediate effect

10 **Appointment of Returning Officer and Electoral Registration Officer**

The Interim Head of Legal and Democratic Services submitted a report on the appointment of an Electoral Registration Officer and Returning Officer. The Leader of the Council advised Members that a similar report had been submitted to the Council meeting of 20 April 2011 at South Northamptonshire Council.

Resolved

- (1) That, in terms of the Representation of the People Act 1983 and all related legislation, and with effect from 1 June 2011, Sue Smith be appointed as Electoral Registration Officer for Cherwell District and South Northamptonshire Councils.
- (2) That, in terms of section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1 June 2011, Sue Smith be

appointed as Returning Officer for Cherwell District and South Northamptonshire Councils with authority to act in that capacity for elections to the Council and all parish and town councils within the area of both councils.

- (3) That the Electoral Registration Officer also be appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referendums.
- (4) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment, the Returning Officer shall be entitled to be remunerated in accordance with scale of fees approved from time to time by Council for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums.
- (5) That in all cases where it is a legal requirement or normal practice to do so, the Returning Officer may elect for such fees to be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done.
- (6) That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Councils are entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Councils, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Councils, Electoral Registration Officer or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, (provided that, in the case of the Officer such proceedings or invalidation arise from an act or omission which the Electoral Registration Officer or Returning Officer reasonably believes is within the Officer's powers); and
- (7) That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Councils, through their internal insurance fund or otherwise, the Electoral Registration Officer and Returning Officer be indemnified up to the value of such excess.
- (8) That the Councils duty to provide support to the Electoral Registration Officer and Returning Officer be noted.

11 **Treasury Management Strategy**

The Head of Finance submitted a report that set out the strategy and policy framework for treasury operations for 2011/12 and outlined the Treasury Management Practices for 2011/12.

Resolved

- (1) That the Treasury Management Policy and Investment Strategy 2011/12 as recommended by Executive on 7 March 2011 be approved.

12 **Corporate Debt Recovery Policy 2011/12**

The Head of Finance submitted a report presenting the Corporate Debt Recovery Policy for approval. The policy set out the council's framework for providing a consistent 'fair but firm' approach to collecting debt ensuring that the council continues to maximise collection performance. The council at present had a record of collecting 99% of all Sundry Debt Income and 98%+ on collection fund debt.

Resolved

- (1) That the content and format of the Corporate Debt Policy as set out as an annex to the minutes, (as set out in the minute book) as recommended by Executive on 4 April 2011 be approved.

13 **Appointment of New Parish Representative to the Standards Committee**

The Interim Monitoring Officer submitted a report which sought confirmation of the appointment of Councillor John Coley as the new Parish Representative of the Standards Committee and to confirm that no substitute Parish Representatives be recruited at this time.

Resolved

- (1) That the appointment of Councillor John Coley as Parish Representative of the Standards Committee for an initial two year term be approved.
- (2) That the recommendation of the Standards Committee, that in light of the proposals in the Localism Bill to abolish the standards regime, no deputy Parish Representatives be recruited at this stage, be agreed.

14 **Standards Committee Annual Report 2010/11 and the Future of the Standards Regime**

The Interim Monitoring Officer submitted a report that presented the Standards Committee Annual Report 2010/11, which was approved by the Standards Committee on 21 March 2011. The report also advised Council of the recommendations agreed by the Standards Committee on the approach

Cherwell District Council should take in the light of the proposals in the Localism Bill relating to the Standards Board regime.

Resolved

- (1) That the contents of the Standards Committee Annual Report 2010/11 be noted.
- (2) That the Interim Monitoring Officer be delegated to update the Standards Committee Annual Report 2010/11 in light of any further announcements about the Standards Board regime by the Government prior to the publication of the Annual Report.
- (3) That the recommendations agreed by the Standards Committee on the approach Cherwell District Council should take in light of the proposals in the Localism Bill relating to the Standards Board regime, namely that the Standards Committee be abolished and responsibilities transferred to the Accounts Audit and Risk Committee, that a voluntary code of conduct be adopted and limited support continue to be given to the parish councils be noted.

The meeting ended at 7.40 pm

Chairman:

Date: