

## APPENDIX 1

### Deed of Variation

Between

(1) Cherwell District Council

and

(2) South Northamptonshire Council

A Deed of Variation to an Agreement dated 9 December 2010 under section 113 of the Local Government Act 1972 for the placing at the disposal of each Council service managers and other officers employed by the other for the purposes of their functions.

Nigel Bell  
Monitoring Officer  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA

Kevin Lane  
Head of Corporate Services  
South Northamptonshire Council  
Springfields  
Towcester  
Northamptonshire  
NN12 6AE

**BETWEEN**

(1) **Cherwell District Council** whose principal office is at Bodicote House Bodicote Banbury Oxfordshire OX15 4AA (“Cherwell”)

**and**

(2) **South Northamptonshire Council** whose principal office is at Springfields Towcester Northamptonshire NN12 6AE (“South Northamptonshire”)

**1. Background**

1.1 Section 113 (1) of the Local Government Act 1972 provides that a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former.

1.2 By an agreement dated 9 December 2010 (“the Agreement”) the Councils agreed to establish a Shared Senior Management Team and to place the members of that team who are employed by one Council at the disposal of the other Council.

1.3 The Councils now wish to enter into this Deed of Variation to permit the Councils to share service managers and other officers employed by the Councils and have approved this at their respective Council meetings of 26 July 2011 for Cherwell and 27 July 2011 for South Northamptonshire.

**NOW IT IS HEREBY AGREED as follows**

2.1 Terms and phrases in this Deed of Variation shall have the meanings ascribed to them in the Agreement dated 9<sup>th</sup> December 2010.

2.2 With effect from 28 July 2011 the Agreement is hereby varied as set out in this Deed of Variation.

2.3 After Clause 5.2 of the Agreement insert:

5.2.1 The Chief Executive and the Councils’ Strategic Directors and Heads of Service ( both before and after the Shared Senior Management Team are in post) may place the services of any service managers and any other officer employed by one Council within their areas of responsibility at the disposal of the other Council who is not their employer.

- 2.4 The provisions of Clauses 5.3, 13.2, 17.2 and 33.2 of the Agreement shall apply to service managers and any other officer placed by one Council at the disposal of the other Council under clause 5.2.1 above as they apply to members of the Shared Senior Management Team.
- 2.5 The provisions of Clause 5.4 of the Agreement shall apply to service managers and any other officer placed by one Council at the disposal of the other Council under clause 5.2.1 above as they apply to members of the Shared Senior Management Team unless the Councils agree in writing that it should not apply in any particular case.
- 2.6 All staff employed under the Agreement and this Deed of Variation are empowered to act in accordance with the schemes of delegation of the Councils for the purpose of discharging their functions and when providing services on behalf of the Councils.
- 2.7 The apportionment of costs arising from the provisions of this Deed of Variation shall be agreed by the Chief Executive and the Section 151 Officer (s) subject to any necessary further approval of Elected Members pursuant to either Council's Constitution.
- 2.8 All other provisions of the Agreement shall remain in full force and effect.

IN WITNESS of which this Agreement has been executed as a Deed on the first day before written

**EXECUTED AS A DEED by affixing  
The Common Seal of Cherwell  
District Council in the presence of**

**Authorised Signatory**

**The Common Seal of  
South Northamptonshire Council  
was fixed here in the presence of:**

**Authorised officer**