

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 27 February 2012 at 6.30 pm

Present: Councillor Timothy Hallchurch MBE (Chairman)
Councillor Colin Clarke (Vice-Chairman)

Councillor Rick Atkinson
Councillor Ken Attack
Councillor Andrew Beere
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Margaret Cullip
Councillor John Donaldson
Councillor Tim Emptage
Councillor Alastair Milne Home
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Melanie Magee
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor P A O'Sullivan
Councillor George Parish
Councillor D M Pickford
Councillor Lynn Pratt
Councillor Neil Prestidge
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 Nicholas Turner
Councillor Douglas Webb
Councillor Martin Weir
Councillor Douglas Williamson
Councillor Barry Wood

Apologies
for
absence: Councillor Alyas Ahmed
Councillor Patrick Cartledge
Councillor Mrs Diana Edwards
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Simon Holland
Councillor Victoria Irvine

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Ian Davies, Director of Community and Environment
Martin Henry, Director of Resources / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Karen Curtin, Head of Finance and Procurement
James Doble, Democratic and Elections Manager

76 **Declarations of Interest**

There were no declarations of interest.

77 **Communications**

The Chairman announced that he had been informed of that former Councillor Tony Talents had sadly passed away. Tony was Chairman from 1987 to 1989 and again from 1989 to 1990. Council observed a period of silence in his memory.

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

There were no petitions or requests to address the meeting.

79 **Urgent Business**

There were no items of urgent business.

80 **Minutes of Council**

The minutes of the meeting held on 30 January 2012 were agreed as a correct record and signed by the Chairman.

81 **Minutes**

a) **Minutes of the Executive, Lead Member Decisions and Executive Decisions made under Special Urgency**

Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council, one Executive decision had been taken that was subject to the special urgency provisions of the Constitution. The item related to the contract for dry recyclables and whilst included in the Forward Plan it needed to be taken a month earlier than published as the proposed start date of the contract was before the next meeting of the Executive.

b) **Minutes of Committees**

Resolved

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

82 **Questions**

a) **Written Questions**

There were no written questions.

b) **Questions to the Leader of the Council**

Questions were asked and answers received on the following issues:

National Planning Framework housing numbers: Councillor Lawrie Stratford
Bicester Hospital: Councillor Sibley
Free weekend car parking: Councillor Sibley
Dial a Ride: Councillor Sibley

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

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

83 **Motions**

There were no motions.

84 **Members' Allowances 2012/13**

The Head of Law and Governance submitted a report to consider and determine the levels of the allowances to be paid to Members for the forthcoming 2012/2013 financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP) on the review of the 2011/2012 Members' Allowances Scheme.

Resolved

- (1) That the level of allowances to be included in the 2012/13 Members' Allowances Scheme, be agreed as set out in the annex to the minutes (as set out in the minute book).
- (2) That the Head of Law and Governance be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of Council for implementation with effect from 1 April 2012.
- (3) That the Head of Law and Governance be authorised to take all necessary action to revoke the current (2011/12) 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 thorough and detailed report and set a fee of £300 be paid to IRP Panel Members for the work carried out in 2011/12 and the same level of fee for 2012/13 be agreed.

85

2012/13 Service and Financial Planning Process, Corporate Plan, Revenue Budget and Capital Programme and Treasury Strategy

The Chairman outlined that it was customary during the budget debate to suspend standing orders with regard to the duration of speeches by proposers of motions and amendments, also the order of dealing with and speaking on amendments. It was also agreed that the Estimates would be taken as one integrated set of financial figures and that the revenue and capital estimates, the Collection Fund Estimates 2011/2012 and the Corporate Plan and the Service Plans would not be debated separately.

Members signified agreement that speeches made by Group Leaders or any Member proposing the Budget, an alternative Budget, any amendments or commenting on the Budget would not be time limited.

The Chief Financial Officer (Director of Resources) and Head of Finance and Procurement submitted a report to review the Council's General Fund Budget, Capital Programme, Earmarked Reserves and General Fund Balances to ensure the robustness of the estimates included and to seek formal adoption of all parts of the Council's financial plans, treasury strategy and Corporate Plan for the 2012/13 budget year. Councillor Attack introduced the report and set out the proposed budget for the year.

The Leader of the Council, Leader of the Opposition and the Leader of the Liberal Democrat Group responded to the budget. The budget was debated at length by Members, during which no amendments were moved.

Resolved

- (1) That the contents of the report in approving the General Fund Budget and Capital Programme for 2012/13 be noted.

- (2) That the 2012/13 General Fund Budget and Capital Programme considered by the Executive on 6 February 2012, with a final Collection Fund adjustment of £2k be approved.
- (3) That the Collection Fund Estimates contained in the Budget Book be approved.
- (4) That the Corporate Plan as detailed in the Budget Book be approved.
- (5) That the 2012/13 Treasury Strategy as outlined in Appendix 3 (set out in the annex to the minutes, as set out in the minute book) be approved
- (6) That the prudential indicators as outlined in Appendix 3 – Annex 1 (set out in the annex to the minutes, as set out in the minute book) be approved.
- (7) That the Council's adoption of the revised CIPFA Treasury Management and Prudential Codes published in November 2011 be approved.

86 **Calculating the amounts of Council Tax for 2012/2013 and setting the Council Tax for 2012/2013**

The Chief Finance Officer (Director of Resources) and Head of Finance and Procurement submitted a report to detail the Calculations for the amounts of Council Tax for 2012/13 and the setting of Council Tax for 2012/13.

Resolved

- (1) That it be noted that at its meeting held on 9 January 2012 the Executive calculated the Council Tax Base 2012/13:
 - a) for the whole Council area as 50,615 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - b) For dwellings in those parts of its area to which a Parish Precept relates as in the attached Appendix 1(annex to the minutes as et out in the minute book).
- (2) That the Council Tax requirement for the Council's own purposes for 2012/13 (excluding Parish Precepts and Special Expenses) is £123.50.
- (3) That the following amounts be calculated for the year 2012/13 in accordance with Sections 31 to 36 of the Act:-
 - a) £76,018,304 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by Parish Councils and any additional special expenses.
 - b) £65,678,445 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.

- c) £10,339,859 being the amount by which the aggregate at 8(a) above exceeds the aggregate at 8(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
- d) £204.28 being the amount at 8(c) above (Item R), all divided by Item T (6(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses);
- e) £4,088,906 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the Act as per the attached Schedule 2.
- f) £123.50 being the amount at 8(d) above less the result given by dividing the amount at 8(e) above by Item T(6(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept or special item relates;

(4) That it be noted that for the year 2012/13 the Oxfordshire County Council and the Thames Valley Policy Authority have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated below :-

<u>Valuation Band</u>	Oxfordshire County Council £	Thames Valley Police Authority £
A	774.47	102.87
B	903.55	120.01
C	1,032.63	137.16
D	1,161.71	154.30
E	1,419.87	188.59
F	1,678.03	222.88
G	1,936.18	257.17
H	2,323.42	308.60

(5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts shown in Appendix 2 (annex to the minutes as set out in the minute book) as the amounts of Council Tax for the year 2012/13 for each part of its area and for each of the categories of dwellings.

(6) That the Council's basic amount of Council Tax for 2012/13 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

87 **Oxfordshire County Boundary Review**

The Chief Executive submitted a report to update Members on the final recommendations report on Oxfordshire County Boundary Review.

Resolved

- (1) That the update on the County Boundary Review be noted.

88 **Localism Act 2011 - Update**

The Head of Law and Governance submitted a report to enable Council to receive an update on the provisions of the Localism Act 2011 that were now in force, note the areas of the Act in respect of which the Executive has requested further reports from officers and approve the statement of pay policy for 2012/13.

Resolved

- (1) That the implications of the Localism Act 2011 as previously circulated to Members and reported to Executive be noted.
- (2) That the provisions of the Act which were already in force be noted.
- (3) That the provisions of the Act in respect of which Executive has requested further reports from officers at the appropriate time be noted.
- (4) That the appended statement of pay policy for 2012/13 as required by the Act be approved (set out in the annex to the minutes as set out in the minute book).

89 **Business Case for a Shared Finance and Procurement Service**

The Head of Finance and Procurement submitted a report to propose that the principle of sharing finance and procurement functions with South Northamptonshire be adopted as part of the Cherwell District Council policy framework.

Resolved

- (1) That the principle of establishing a shared finance and procurement function with South Northamptonshire Council be included as part of the Council's policy framework.

Consideration of Council Response to Ombudsman Report

The Head of Law and Governance submitted a report to enable Council to consider its response to an Ombudsman report finding maladministration with injustice following an investigation into complaints relating to the imposition of car parking Excess Charge Notices (ECN's) in April and May 2011. A copy of the report is set out in the annex to these minutes, as set out in the minute book.

Resolved

- (1) That the contents, findings and recommendations contained in the appended Ombudsman report be noted.
- (2) That officers be instructed to take steps to reimburse all persons who incurred and paid excess charges in the Council's car parks between 4 and 13 April 2011 in respect of failing to pay parking charges applicable for "blue badge" holders and/or evening parking.
- (3) That officers be instructed to cancel all outstanding unpaid ECN's relating to excess charges incurred in the Council's car parks between 4 and 13 April 2011 in respect of failing to pay parking charges applicable for "blue badge" holders and/or evening parking.
- (4) That the Ombudsman be notified of the action that the council proposes to take as set out in (2) and (3) above.

The meeting ended at 8.00 pm

Chairman:

Date: