

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 23 February 2015 at 6.30 pm

Present: Councillor Melanie Magee (Vice-Chairman, in the Chair)

Councillor Ken Atack
Councillor Andrew Beere
Councillor Claire Bell
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Diana Edwards
Councillor Andrew Fulljames
Councillor Michael Gibbard
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Ray Jelf
Councillor Matt Johnstone
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor D M Pickford
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Nicholas Turner
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies
for
absence: Councillor Alastair Milne Home
Councillor Ann Bonner
Councillor Mike Kerford-Byrnes
Councillor Jon O'Neill
Councillor Alaric Rose
Councillor Douglas Williamson

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
Paul Sutton, Head of Finance and Procurement
James Doble, Democratic and Elections Manager
Natasha Clark, Team Leader, Democratic and Elections

64 **Declarations of Interest**

There were no declarations of interest.

65 **Communications**

Recording at meetings

The Vice-Chairman advised councillors and members of the public that under the Openness of Local Government Bodies Regulations 2014 members of the public are permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

Chairman's Engagements

The Vice-Chairman advised Council that a list of engagements that she, or the Chairman, had attended since the last meeting of Council was included in the agenda pack.

Chairman's Dinner

The Vice-Chairman reported that the Chairman had held his Chairman's dinner on 31 January 2015. It raised in the region of £1500.

Food Hygiene Enforcement

The Vice-Chairman reported that Cherwell District Council had topped a Which? Magazine survey for food hygiene enforcement for the second year running. Of the 398 councils across the country CDC was rated top for ensuring that businesses comply with food hygiene rules.

Post

The Vice-Chairman reminded Members to collect post from pigeon holes

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

There were no petitions or requests to address the meeting.

67 **Urgent Business**

There were no items of urgent business.

68 **Minutes of Council**

The minutes of meeting of Council held on 15 December 2014 and the Special Meeting of Council held on 27 January 2015 were agreed as correct records and signed by the Chairman.

69 **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, three decisions have been taken by the Executive which were not included in the 28 day notice relating to Landscape Management Contract Re-tender, Negotiations with Parkwood Leisure Limited Regarding Benchmarking and Contract Structure and Bicester Leisure Centre.

b) **Minutes of Committees**

Resolved

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

70 **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:

Franklin Car Park Closure: Councillor Sibley
Parking Scheme at Bicester Hospital: Councillor Sibley
Retail development at Kingsmere: Councillor Sibley
MOD logistics contract: Councillor Sibley

Performance Monitoring 2014/15 Quarter 3 report – domestic burglaries in Banbury and processing of minor applications within 8 weeks – Councillor Dhesi

Deferral of applications at Planning Committee – Councillor Beere

Potential for closure of London Road railway station – Councillor Mawer

c) Questions to Committee Chairmen on the minutes

Councillor Lawrie Stratford asked a question to the Chairman of the Overview and Scrutiny Committee relating to Minute 52, 2015-16 Business Plan, of the 13 January 2015 minutes of the Overview and Scrutiny Committee whereby the Committee had sought clarification as to whether self-build projects attracted S106 funding.

The Lead Member for Planning agreed to provide a written response.

71 **Motions**

Councillor Sibley advised that he had withdrawn his motion in light of the Leader's response to his earlier question under agenda item 8.

72 **Members Allowances 2015/16**

The Head of Law and Governance submitted a report to determine the levels of the allowances to be paid to Members for the forthcoming 2015/2016 financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP)

Resolved

- (1) That the levels of allowances to be included in the 2015/2016 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 the Council for implementation with effect from 1 April 2015.
- (3) That the Head of Law and Governance be authorised to take all necessary action to revoke the current (2014/2015) Scheme and to publicise the revised Scheme pursuant to The Local Authorities (Members's Allowances)(England) Regulations 2003 (as amended).
- (4) That the Independent Remuneration Panel be thanked for its report and a fee of £300 for Panel Members for the work carried out in 2014/2015 and the same level of fee for 2015/2016 be agreed.

Corporate Plan, Revenue and Capital Budgets and Treasury Strategy 2015/16

The Head of Finance and Procurement and Head of Transformation submitted a report to set the Council's General Fund Budget and to seek formal adoption of all parts of the Council's financial plans for the 2015-16 budget year.

The report also detailed the proposed strategic priorities, the underpinning key objectives and outcomes for 2015-16 which have now been converted into a proposed business plan for the Council. The proposed business plan sits alongside the proposed budget for 2015-16 so as to demonstrate that the Council adopts a strategic and integrated approach to managing all of its resources by aligning the development and delivery of the Council's strategic business priorities and key outcomes to the proposed budget.

Councillor Atack introduced and proposed the Corporate Plan, Revenue and Capital Budgets and Treasury Strategy 2015/16.

Councillor Wood seconded the adoption of the budget. Councillor Woodcock, on behalf of the Labour Group, addressed Council in response to the budget.

Councillor Wood paid tribute to the Lead Member for Finance, the Director of Resources, Head of Finance and Procurement and the finance team who had worked hard on the budget process and submitted a balanced budget to Council.

A recorded vote was taken and members voted as follows:

Councillor Ken Atack – For
Councillor Andrew Beere – Against
Councillor Claire Bell - Against
Councillor Maurice Billington – For
Councillor Fred Blackwell – For
Councillor Norman Bolster – For
Councillor Mark Cherry – Against
Councillor Colin Clarke - For
Councillor Surinder Dhesi – Against
Councillor John Donaldson – For
Councillor Diana Edwards - For
Councillor Andrew Fulljames – For
Councillor Michael Gibbard – For
Councillor Carmen Griffiths - For
Councillor Tim Hallchurch MBE – For
Councillor Chris Heath - For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Russell Hurle – For
Councillor Tony Ilott – For
Councillor Ray Jelf – For
Councillor Matt Johnstone - Against
Councillor James Macnamara – For
Councillor Melanie Magee – For

Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Nigel Morris – For
Councillor D M Pickford – For
Councillor Lynn Pratt – For
Councillor Neil Prestidge - For
Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Barry Richards - Against
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Trevor Stevens - For
Councillor Lawrie Stratford – For
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Nicholas Turner – For
Councillor Douglas Webb – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – Against

Resolved

- (1) That the contents of this report in approving the General Fund Revenue Budget and Capital Programme for 2015-16 be noted and that consideration be formally recorded.
- (2) That the 2015-16 General Fund Budget and 2015-16 Capital Programme (contained in the annexes to the Minutes as set out in the Minute Book) proposed by the Executive on 2 February 2015 be approved.
- (3) That the Collection Fund Estimates (annex to the minutes as set out in the Minute Book) be approved.
- (4) That the proposed 5 year business strategy, 2015-16 business plan and public pledges (annexes to the Minutes as set out in the Minute Book) be approved and authority delegated to the Head of Transformation in consultation with the Leader of the Council and the Lead Member for Banbury Developments, Communications and Performance to make any minor amendments to the plan or pledges as required before final publication in March 2015.
- (5) That the contents of the section 25 statement from the Director of Resources in relation to the robustness of the estimates and the adequacy of reserves be noted
- (6) That the Treasury Management Strategy (annex to the minutes as set out in the Minute Book) be approved.
- (7) That the statement of pay policy for 2015-16 as required by the Localism Act (annex to the minutes as set out in the Minute Book) be approved.

- (8) That the proposed Transitional Relief and Retail Relief Policies (annexes to the minutes as set out in the Minute Book) be approved.

74 **Adjournment of Council Meeting**

The Leader of the Council confirmed that she did not require Council to adjourn to allow Cabinet to meet discuss any issues arising from the budget.

75 **Calculating the amounts of Council Tax for 2015-2016 and setting the Council Tax for 2015-2016**

The Chief Finance Officer and Head of Finance and Procurement submitted a report to detail the Calculations for the amounts of Council Tax for 2015-16 and the setting of Council Tax for 2015-2016.

Councillor Atack introduced and proposed the Council Tax for 2015-16, which was duly seconded by Councillor Wood.

A recorded vote was taken and members voted as follows:

Councillor Ken Atack – For
Councillor Andrew Beere – Abstain
Councillor Claire Bell - Abstain
Councillor Maurice Billington – For
Councillor Fred Blackwell – For
Councillor Norman Bolster – For
Councillor Mark Cherry – Abstain
Councillor Colin Clarke - For
Councillor Surinder Dhesi – Abstain
Councillor John Donaldson – For
Councillor Diana Edwards - For
Councillor Andrew Fulljames – For
Councillor Michael Gibbard – For
Councillor Carmen Griffiths - For
Councillor Tim Hallchurch MBE – For
Councillor Chris Heath - For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Russell Hurle – For
Councillor Tony Ilott – For
Councillor Ray Jelf – For
Councillor Matt Johnstone - Abstain
Councillor James Macnamara – For
Councillor Melanie Magee – For
Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Nigel Morris – For
Councillor D M Pickford – For
Councillor Lynn Pratt – For
Councillor Neil Prestidge - For

Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Barry Richards - Abstain
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Trevor Stevens - For
Councillor Lawrie Stratford – For
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Nicholas Turner – For
Councillor Douglas Webb – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – Abstain

Resolved

- (1) That it be noted that at the Executive meeting held on 5 January 2015 the Council calculated the Council Tax Base 2015-16:
 - a) for the whole Council area as 48,253 [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 annex to the Minutes (as set out in the Minute Book).
- (2) That the Council Tax requirement for the Council’s own purposes for 2015-16 (excluding Parish Precepts and Special Expenses) is £5,959,246.
- (3) That the following amounts be calculated for the year 2015-16 in accordance with Sections 31 to 36 of the Act:-
 - a) £70,480,648 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) £60,437,491 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
 - c) £10,043,157 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
 - d) £208.14 being the amount at 3(c) above (Item R), all divided by Item T (6(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council

Tax for the year (including Parish Precepts and Special Expenses);

- e) £4,083,911 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 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept or special item relates;
- (4) That it be noted that for the year 2015-16 the Oxfordshire County Council and the Police and Crime Commissioner for Thames Valley have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated below :-

<u>Valuation Band</u>	Oxfordshire County Council	Police and Crime Commissioner for Thames Valley
	£	£
A	821.64	109.13
B	958.58	127.32
C	1095.52	145.51
D	1232.46	163.70
E	1506.34	200.08
F	1780.22	236.46
G	2054.10	272.83
H	2464.92	327.40

- (5) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, 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 2015-16 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 2015-16 not be excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

Developing the approach to Joint Working and the Delivery of Local Authority Services Final Business Case

The Chief Executive submitted a report which presented the final business case for a shared service and/or confederated approach to joint working and the delivery of local authority services following consideration of the draft business case by Council on the 15 of December 2014 and a period of public consultation.

Councillor Woodcock proposed that a recorded vote be taken. Councillor Beere seconded the proposal. Members voted as follows:

Councillor Ken Atack – For
Councillor Andrew Beere – Against
Councillor Claire Bell - Against
Councillor Maurice Billington – For
Councillor Fred Blackwell – For
Councillor Norman Bolster – For
Councillor Mark Cherry – Against
Councillor Colin Clarke - For
Councillor Surinder Dhesi – Against
Councillor John Donaldson – For
Councillor Diana Edwards - For
Councillor Andrew Fulljames – For
Councillor Michael Gibbard – For
Councillor Carmen Griffiths - For
Councillor Tim Hallchurch MBE – For
Councillor Chris Heath - For
Councillor Simon Holland – For
Councillor David Hughes – For
Councillor Russell Hurle – For
Councillor Tony Ilott – For
Councillor Ray Jelf – For
Councillor Matt Johnstone - Against
Councillor James Macnamara – For
Councillor Melanie Magee – For
Councillor Kieron Mallon – For
Councillor Nicholas Mawer – For
Councillor Nigel Morris – For
Councillor D M Pickford – For
Councillor Lynn Pratt – For
Councillor Neil Prestidge - For
Councillor Nigel Randall – For
Councillor G A Reynolds – For
Councillor Barry Richards - Against
Councillor Daniel Sames – For
Councillor Les Sibley – For
Councillor Trevor Stevens - For
Councillor Lawrie Stratford – For
Councillor Rose Stratford – For
Councillor Lynda Thirzie Smart – For
Councillor Nicholas Turner – For
Councillor Douglas Webb – For
Councillor Bryn Williams - For
Councillor Barry Wood – For
Councillor Sean Woodcock – Against

Resolved

- (1) That following consideration by Council in December 2014 and a period of public consultation Members, subject to South Northamptonshire Council resolving in similar terms:

- 1) That the responses received to the public consultation exercise as outlined in section 3.2 of the final business case (annex to the Minutes as set out in the Minute Book) be noted.
- 2) That the implementation of scenario 5, moving towards shared services in all service areas between Cherwell District and South Northamptonshire Councils be agreed. This option should be underpinned by a planned programme of change which should commence as soon as practicable in order to contribute towards the savings required by the councils' medium term financial strategies.
- 3) That the establishment of shared service or joint working arrangements in any service area (subject to the approval of service specific business cases via the executive arrangements and the necessary employee consultation) be added to the Council's adopted policy framework.
- 4) That that the implementation costs associated with scenario 5 (as set out in part 3 of the appended business case) be funded by general fund or earmarked reserves to be determined at year end by the Director of Resources in consultation with the Lead Member of for Financial Management at Cherwell District Council (CDC) and the Resources and Change Management Portfolio Holder at South Northamptonshire Council (SNC).
- 5) That the draft workforce development plan (annex to the Minutes as set out in the Minute Book) as a framework to support the implementation of joint working and a full organisational development strategy be agreed.
- 6) That the principles set out in the management arrangements (annex to the Minutes as set out in the Minute Book) be agreed, and the Chief Executive be requested to prepare a management structure for the future consideration of the Joint Commissioning Committee to ensure the effective implementation of the transformation programme and on-going frontline service delivery.
- 7) That the additional technical information provided on the feasibility of alternative models of service delivery be received and a move towards a 'confederation approach' (scenario 6) between Cherwell District and South Northamptonshire as founding councils be agreed. Any decisions to implement a confederation or alternative service delivery models will still be subject to specific business cases to be considered by Members. Development will be incremental and focused on business support services in the first instance.
- 8) That a Joint Commissioning Committee and Joint Scrutiny Committee (annex to the Minutes as set out in the Minute Book) be established and the current Joint Personnel Committee be disestablished with effect from the annual council meeting on 19 May 2015 to enhance the governance arrangements associated

with the implementation of scenarios 5 (two way joint working between CDC and SNC) and further development of scenario 6, including the opportunity for additional partners to join the governance arrangements if appropriate.

- 9) That staff and trade union consultation be commenced on the proposal to establish a Joint Councils Employee Engagement Committee (annex to the Minutes as set out in the Minute Book) with effect from the annual council meeting on 19 May 2015 to replace the current separate Cherwell and South Northamptonshire Committees.
- 10) That the Head of Law and Governance be authorised to amend the constitution and complete a deed of variation to the Section 113 agreement with South Northamptonshire Council in order to facilitate the governance changes as set out in this report.
- 11) That opportunities continue to be developed to extend the collaborative partnership to include like-minded councils and organisations to explore opportunities for shared services, collaboration and the commissioning of alternative service delivery models.

77

Proposed changes to the Scheme of Delegation to the Head of Development Management

The Head of Development Management submitted a report to seek the agreement of Council to proposed revisions to the current scheme of delegation to the Head of Development Management as set out in the council's Constitution.

Resolved

- (1) That the proposed changes to the Scheme of Delegation to the Head of Development Management (annex to the Minutes as set out in the Minute Book) be agreed.
- (2) That authority be delegated to the Head of Law and Governance to produce a composite version of the scheme of delegation with the equivalent for South Northamptonshire Council so that there is one point of reference for both Councils, as at present.

78

Public Speaking at Planning Committee and Members' Planning Code of Conduct

The Head of Law and Governance submitted a report to agree the recommendations of the Planning Committee to approve minor amendments to the procedure for requests by the public to address the Planning and to consider a proposed Members' Planning Code of Conduct to replace the current Good Practice Guidance on Planning Matters contained in Part 3 of the Constitution.

Resolved

- (1) That the minor amendments to the procedure for requests by the public to address the Planning Committee (annexes to the Minutes as set out in the Minute Book) be approved.
- (2) That the Members' Planning Code of Conduct and Bias and Predetermination: A Guidance Note for Members (annexes to the Minutes as set out in the Minute Book) be adopted.
- (3) That authority be delegated to the Head of Law and Governance, in consultation with the Lead Member for Planning and Chairman of Planning Committee, to make any necessary typographical amendments to the procedure for requests by the public to address the Planning Committee and the Members' Planning Code of Conduct prior to publication.

79

Calendar of Meetings 2015/16 and 2016/17

The Head of Law and Governance submitted a report to consider the calendar of meetings for the municipal year 2015/16 and the municipal year 2016/17.

Resolved

- (1) That the calendar of meetings for Cherwell District Council (CDC) for the municipal years 2015/16 and 2016/17 (Annexes to the Minutes as set out in the Minute Book) be approved.
- (2) That authority be delegated to the Head of Law and Governance to amend the calendars of meetings to take account of the Joint Commissioning Committee, Joint Scrutiny Committee and Joint Councils' Employee Engagement Committee following the approval of their establishment.

80

Exclusion of the Press and Public

As there were no questions arising on the exempt appendices to agenda item 14, Developing the Approach to Joint Working and the Delivery of Local Authority Service Final Business Case, it was not necessary to resolve to exclude the press and public.

81

Developing the approach to Joint Working and the Delivery of Local Authority Services Final Business Case - Exempt appendices

Resolved

- (1) That the exempt appendices to agenda item 14, Developing the approach to Joint Working and the Delivery of Local Authority Service Final Business Case, be noted.

82 **Questions on Exempt Minutes**

There were no questions on exempt minutes.

The meeting ended at 9.15 pm

Chairman:

Date: