

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 May 2015 at 6.30 pm

Present: Councillor Melanie Magee (Chairman)
Councillor Chris Heath (Vice-Chairman)

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 Ian Corkin
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Michael Gibbard
Councillor Carmen Griffiths
Councillor David Hughes
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Ray Jelf
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Alastair Milne Home
Councillor Richard Mould
Councillor D M Pickford
Councillor James Porter
Councillor Lynn Pratt
Councillor Neil Prestidge
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Sandra Rhodes
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 Douglas Williamson

Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence: Councillor Ann Bonner
Councillor Timothy Hallchurch MBE
Councillor Simon Holland
Councillor Nigel Morris

Officers: Sue Smith, Chief Executive
Calvin Bell, Director of Development
Karen Curtin, Commercial Director (Bicester)
Ian Davies, Director of Community and Environment
Martin Henry, Director of Resources / Section 151 Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections

1 **Welcome**

The Chairman welcomed all Members and guests to the meeting.

Following the recent election, the Chairman thanked former Councillors Edwards, Andrew Fulljames, O'Neill and Rose for their service to the district during their time as councillors.

2 **Councillor Ann Bonner**

The Chairman reported that Councillor Ann Bonner had submitted apologies for the meeting and requested a leave of absence for six months due to ill health.

Resolved

That Councillor Ann Bonner be granted a leave of absence for six months.

3 **Declarations of Interest**

The following declarations were made:

15. Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 - Mandatory Standing Orders re Dismissal of Statutory Officers.

Sue Smith, Declaration, as the report affected her contract of employment as a statutory officer and would leave the meeting for the duration of the item.

Martin Henry, Declaration, as the report affected his contract of employment as a statutory officer and would leave the meeting for the duration of the item.

Kevin Lane, Declaration, as the report affected his contract of employment as a statutory officer and would leave the meeting for the duration of the item.

4 **Communications**

Recording at meetings

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

Annual Council

The Chairman reminded Members that by convention the minutes of Committees, questions, petitions and motions were not taken at Annual Council and these, if any, would be considered at the next meeting.

Due to a printing error, a revised agenda front sheet had been tabled. The Group nominations to committees for the coming year had also been tabled.

Chairman's Engagements

The Chairman advised Members that a copy of the events attended by himself or the Vice-Chairman had been tabled.

Planning Training, Thursday 21 May 2015

The Chairman advised Members that Planning Training would be taking place at 1.30pm on Thursday 21 May 2015. It was a requirement for all Members who sit on Planning Committee to have attended training. New members and substitutes on the Committee should attend the training and other Committee Members are encouraged to attend as a refresher.

The training was open to all Members irrespective of whether they sat on Planning Committee and would hopefully prove helpful for the many questions they were likely to receive from constituents about Planning on an on-going basis.

Finance Training, Tuesday 26 May 2015

The Chairman advised Members that training on Local Government Finance would be held on Tuesday 26 May at 6pm in place of the Budget Planning Meeting. All Members were welcome to attend the session which would be led by the Director of Resources.

Post

The Chairman reminded Members to collect post from pigeon holes after the meeting.

5 **Urgent Business**

There were no items of urgent business.

6 **Minutes of Council**

The minutes of the meeting held on 23 February 2015 were agreed as a correct record and signed by the Chairman.

7 **Election of Chairman for the Municipal Year 2015/16**

(The outgoing Chairman, Councillor Alastair Milne Home, presided for the consideration of this matter and those preceding)

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Melanie Magee be elected as Chairman for the municipal year 2015/16. There were no other nominations.

Resolved

- (1) That Councillor Melanie Magee be elected Chairman of the Council for the municipal year 2015/16.

8 **Investiture of Chairman**

Councillor Melanie Magee, having made and signed the required Declaration of Acceptance of Office was invested with the Chairman's Chain and took the Chair,

9 **Chairman's Address**

Councillor Melanie Magee thanked members for her appointment and addressed the Council. She reported that her chosen charity for this year was SeeSaw, which provides grief support for children and young people in Oxfordshire. Her consorts for the year would be her husband, David Magee and her daughter, Dannie Magee.

10 **Vote of Thanks to Immediate Past Chairman**

The Chairman of the Council presented Councillor Milne Home with a gift and his past Chairman's badge as a token of his term of office.

Members paid tribute to Councillor Milne Home and thanked him for the dedication he had shown representing the Council, the services he had rendered to the District and the gracious way he had presided over the deliberations of Council during his year of office.

11 **Past Chairman's Response**

Councillor Alastair Milne Home addressed Council to report on his term of office.

Councillor Milne Home reported that he had attended numerous and varied functions during his term of office and hosted events to raise money for his chosen charities. Councillor Milne Home presented cheques to representatives from the Let's Play Project in Banbury and the Royal National Institute of Lifeboats (RNLI).

Councillor Milne Home paid particular thanks to Gillian Milne Home, his consort for the year and Liz Matthews, the Chairman's PA and presented them with a token of his appreciation.

12 **Election of Vice-Chairman for the Municipal Year 2015/16**

It was moved by Councillor Wood and seconded by Councillor Reynolds, that Councillor Chris Heath be elected as Vice-Chairman for the municipal year 2015/16. There were no other nominations.

Resolved

- (1) That Councillor Chris Heath be elected Vice-Chairman of the Council for the municipal year 2015/16.

13 **Investiture of Vice-Chairman**

Councillor Chris Heath, having made and signed the required Declaration of Acceptance of Office was invested with the Vice-Chairman's Chain.

14 **Annual Council Business Report**

The Chief Executive submitted a report which presented the results of the 7 May 2015 district elections, the constitution of Political Groups, requested Members to note the appointment of the Deputy Leader and Executive for the Municipal Year 2015/16 and to consider and agree the suggested constitution of Committees for the Municipal year 2015/2016.

Resolved

- (1) That the results of the District elections held on 7 May 2015 be noted:

Ambrosden and Chesterton – Councillor Lynn Pratt
Banbury Easington – Councillor Nigel Morris
Banbury Grimsbury and Castle – Councillor Andrew Beere
Banbury Hardwick - Councillor Nicholas Turner
Banbury Ruscote – Councillor Mark Cherry
Bicester East – Councillor Rose Stratford
Bicester North – Councillor Melanie Magee
Bicester South – Councillor James Porter
Bicester Town – Councillor Richard Mould

Bicester West – Councillor Les Sibley
 Caversfield (By-election) – Councillor Ian Corkin
 Cropredy – Councillor Ken Atack
 Hook Norton – Councillor Ray Jelf
 Kidlington North – Councillor Sandra Rhodes
 Kidlington South – Councillor Neil Prestidge
 The Astons and Heyfords – Councillor Mike Kerford-Byrnes
 Yarnton, Gosford and Water Eaton - Councillor Michael Gibbard

- (2) That the constitution of Political Groups (41 Conservatives, 7 Labour, 1 Liberal Democrat and 1 Independent) and notification of Group Leaders: Councillor Barry Wood, Leader of the Conservative Group and Leader of the Council and Councillor Sean Woodcock, Leader of the Labour Group and Leader of the Opposition, be noted.
- (3) That the appointment of the Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2015/16 be noted.

Lead Member Portfolio	Councillor
Leader of the Council (Responsibility for Eco Town/Garden Town including Graven Hill, policy, partnerships, Law and Governance, Human Resources, Communications, Performance and Programme Management)	Councillor Barry Wood
Deputy Leader of the Council (Responsibility for Leisure, Car parks, customer service and Museum)	Councillor George Reynolds
Lead Member for Public Protection	Councillor Tony Ilott
Lead Member for Housing	Councillor John Donaldson
Lead Member for Clean and Green	Councillor Debbie Pickford
Lead Member for Banbury Futures (Responsible for Brighter Futures and Banbury Projects Board)	Councillor Kieron Mallon
Lead Member for Change Management, Joint Working and IT	Councillor Nicholas Turner
Lead Member for Financial Management	Councillor Ken Atack

Lead Member for Estates and the Economy	Councillor Norman Bolster
Lead Member for Planning	Councillor Michael Gibbard

- (4) That the allocation of seats on committees that were subject to the political balance requirements be agreed:

	TOTAL	CON	LAB
Accounts, Audit & Risk Committee	8	7	1
Appeals Panel	10	8	2
Budget Planning Committee	12	10	2
Joint Appeals Panel	3	2	1
Joint Commissioning Committee	4	3	1
Joint Scrutiny Committee	5	4	1
Licensing Committee	12	10	2
Overview & Scrutiny	12	10	2
Personnel Committee	12	10	2
Planning Committee	18	15	3
Standards Committee	8	7	1
Proportional Total by Committee	100	86	18
Aggregate Entitlement	100	89*	15*
Adjustment Required	-	+3	-3

- (5) That the allocation of seats on committees not subject to political balance requirements be noted:

	TOTAL	CON	LAB	LD
Council and Employee Joint	12	10	2	0
Joint Arrangements Steering Group	5	4	1	0

- (6) That members (and where appropriate, substitute members) be appointed to serve on each of the committees and other bodies as set out below in accordance with the nominations made by political groups:

Proportional Committees

Accounts, Audit and Risk Committee

Membership (8 members with unnamed substitutes)

Conservative (7)

Cllr Colin Clarke
 Cllr Ray Jelf
 Cllr Mike Kerford-Byrnes
 Cllr Nicholas Mawer
 Cllr Lawrie Stratford
 Cllr Rose Stratford
 Cllr Barry Wood

Labour (1)

Cllr Barry Richards

Appeals Panel

Membership (10 members with no substitutes)

Conservative (9)

Cllr Fred Blackwell
 Cllr Timothy Hallchurch
 Cllr Russell Hurle
 Cllr Tony Ilott
 Cllr Ray Jelf
 Cllr James Macnamara
 Cllr Richard Mould
 Cllr Douglas Webb

Labour (1)¹

Cllr Andrew Beere

Budget Planning Committee

¹ One seat from Labour Group to Conservative Group as per PR calculation requirements

Membership (12 members with unnamed substitutes)

Conservative (10)

Cllr Ken Atack
Cllr Colin Clarke
Cllr Ian Corkin
Cllr Carmen Griffiths
Cllr Russell Hurle
Cllr Mike Kerford-Byrnes
Cllr Nicholas Mawer
Cllr Nigel Randall
Cllr Douglas Webb
Cllr Barry Wood

Labour (2)

Cllr Barry Richards
Cllr Sean Woodcock

Joint Appeals Panel

Membership (3 seats, 2 named substitutes)

Conservative (2)

Cllr Fred Blackwell
Cllr James Macnamara

Labour (1)

Cllr Andrew Beere

Substitutes

Conservative (1)

Cllr Colin Clarke

Labour (1)

Cllr Matt Johnstone

Joint Commissioning Committee

Membership (4 members, unnamed substitutes)

Conservative (3)

Cllr Ken Atack
Cllr George Reynolds
Cllr Nicholas Turner

Labour (1)

Cllr Barry Richards

Joint Scrutiny Committee

Membership (5 members, unnamed substitutes)

Conservative (4)

Cllr David Hughes
Cllr Lynn Pratt
Cllr Sandra Rhodes

Labour (1)

Cllr Sean Woodcock

Cllr Bryn Williams

Licensing Committee

Membership (12 seats and 5 substitutes based on proportional representation with each represented party having at least 1 substitute)

Conservative (11)

Cllr Fred Blackwell
Cllr Colin Clarke
Cllr Michael Gibbard
Cllr Tony Ilott
Cllr Ray Jelf
Cllr Richard Mould
Cllr George Reynolds
Cllr Lawrie Stratford
Cllr Rose Stratford
Cllr Douglas Webb
Cllr Bryn Williams

Labour (1)²

Cllr Matt Johnstone

Substitutes

Conservative (4)³

Cllr David Hughes
Cllr Alistair Milne Home
Cllr Debbie Pickford
Vacant

Labour (1)

Cllr Andrew Beere

Overview and Scrutiny Committee

Membership (12 members with unnamed substitutes)

Conservative (10)

Cllr Timothy Hallchurch
Cllr Chris Heath
Cllr David Hughes
Cllr Alistair Milne Home
Cllr James Porter
Cllr Lynn Pratt
Cllr Neil Prestidge

Labour (1)

Cllr Claire Bell
Cllr Matt Johnstone

² 1 seat from Labour Group given to Conservative Group as per PR calculation requirements

³ The Conservative Group has appointed 4 of their 5 permitted substitutes

Cllr Sandra Rhodes
Cllr Lawrie Stratford
Cllr Bryn Williams

Personnel Committee

Membership (12 members, unnamed substitutes who shall not be members of the Appeals Panel)

Conservative (10)

Cllr Ken Atack
Cllr Norman Bolster
Cllr Ian Corkin
Cllr Melanie Magee
Cllr James Porter
Cllr Lynn Pratt
Cllr George Reynolds
Cllr Lynda Thirzie Smart
Cllr Bryn Williams
Cllr Barry Wood

Labour (2)

Cllr Andrew Beere
Cllr Mark Cherry

Planning Committee

Membership (18 members, 12 named substitutes)

Conservative (16)

Cllr Fred Blackwell
Cllr Colin Clarke
Cllr Michael Gibbard
Cllr Chris Heath
Cllr David Hughes
Cllr Russell Hurle
Cllr Mike Kerford-Byrnes
Cllr James Macnamara
Cllr Alistair Milne Home
Cllr Richard Mould
Cllr Lynn Pratt
Cllr Nigel Randall
Cllr George Reynolds

Labour (2)⁴

Cllr Matt Johnstone
Cllr Barry Richards

⁴ 1 seat from Labour Group given to Conservative Group as per PR calculation requirements

Cllr Trevor Stevens
Cllr Lawrie Stratford
Cllr Rose Stratford

Substitutes

Conservative (11)⁵

Cllr Ken Atack
Cllr Carmen Griffiths
Cllr Tim Hallchurch
Cllr Debbie Pickford
Cllr James Porter
Cllr Sandra Rhodes
Cllr Nicholas Turner
Cllr Bryn Williams
Cllr Barry Wood
Vacant
Vacant

Labour (1)

Cllr Andrew Beere

Standards Committee

Membership (8 members, 8 substitute members)

Conservative (7)

Cllr Fred Blackwell
Cllr Chris Heath
Cllr Simon Holland
Cllr James Macnamara
Cllr Richard Mould
Cllr Lawrie Stratford
Cllr Rose Stratford

Labour (1)

Cllr Andrew Beere

Substitutes

Conservative (7)⁶

Cllr Ken Atack
Cllr Timothy Hallchurch
Cllr Russell Hurle
Cllr Lynda Thirzie Smart
Cllr Barry Wood

Labour (1)

Cllr Matt Johnstone

⁵ The Conservative Group has appointed 9 of their 11 permitted substitutes

⁶ The Conservative Group has appointed 5 of their 7 permitted substitutes

Vacant

Vacant

Non-Proportional Committees

Council and Employee Joint Committee⁷

Membership (12 seats)

Conservative (10)

Cllr Ian Corkin

Cllr Melanie Magee

Cllr Kieron Mallon

Cllr Nicholas Mawer

Cllr James Porter

Cllr Lynn Pratt

Cllr Nigel Randell

Cllr Sandra Rhodes

Cllr Bryn Williams

Cllr Barry Woods

Labour (2)

Cllr Surinder Dhesi

Cllr Mark Cherry

Joint Arrangements Steering Group

Membership (5 members, 3 substitutes)

Conservative (4)

Cllr Ken Atack

Cllr Norman Bolster

Cllr Nicholas Turner

Cllr Barry Wood

Substitutes

Conservative (2)

Cllr Michael Gibbard

Cllr Barry Wood

Labour (1)

Cllr Sean Woodcock

Labour (1)

Cllr Barry Richards

- (7) That Councillor Kieron Mallon be appointed as Cherwell District Council's representative to the Police and Crime Commissioner Scrutiny Panel.

⁷ This Committee is subject to review later on this agenda

- (8) That Councillor George Reynolds be appointed as Cherwell District Council's representative to the Police and Crime Commissioner Scrutiny Panel.

15

Joint Councils Employee Engagement Committee

The Chief Executive submitted a report which recommended the implementation of the Joint Councils Employee Engagement Committee to undertake consultation and engagement with employees on behalf of Cherwell District Council and South Northamptonshire Council as set out in the final business case for joint working agreed by both authorities at their Council Meetings in February 2015.

Resolved

- (1) That following adoption of the final business case for joint working by Council in February 2015 and a period of consultation with the relevant Trade Union Representatives, subject to South Northamptonshire Council resolving in similar terms:
- 1) The Joint Councils Employee Engagement Committee be established with the terms of reference as set out in the Final Business Case 'Developing the Approach to Joint Working and the Delivery of Local Authority Services' agreed by Council in February 2015 (and annex to the Minutes as set out in the Minute Book)
 - 2) The existing arrangements for employee consultation (the Council and Employee Joint Committee at Cherwell District Council and the Council and Employee Local Joint Committee at South Northamptonshire Council) be disbanded.
- (2) That the allocation of seats on the Committee and the membership of the Committee be agreed as follows:

Allocation of Seats of Non-Proportional Committee

	TOTAL	CON	LAB
Joint Councils Employee Engagement Committee	3	2	1

Membership of Non-Proportional Committees

Joint Councils Employee Engagement Committee

Membership (3 seats, unnamed substitutes)

Conservative (2)

Labour (1)

Cllr Nicholas Turner

Cllr Surinder Dhesi

Cllr Barry Wood

16 **Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 - Mandatory Standing Orders re Dismissal of Statutory Officers**

The Head of Law and Governance submitted a report to enable the Council to comply with the legal obligation imposed upon it to incorporate new constitutional provisions dealing with the dismissal of statutory officers for alleged misconduct, to approve the composition of the required Panel to be introduced as part of the process and to delegate authority to appropriate officers to appoint the Panel and arrange meetings (if necessary).

Resolved

- (1) That the inclusion of the procedure (annex to the Minutes as set out in the Minute Book) as part of the Officer Employment Procedure Rules in the Council's constitution be approved and it be noted that the Head of Law and Governance has exercised his delegated authority to make consequential amendments to the constitution as necessary to reflect the requirements contained in the Local Authorities (Standing Order) (England) (Amendment) Regulations 2015 ("the 2015 Regulations).
- (2) That the constitution of the Panel as solely comprising the independent persons appointed by this Council and South Northamptonshire Council pursuant to section 28(7) of the Localism Act 2011 be approved.
- (3) That authority be delegated to the Head of Law and Governance (or one of the Deputy Monitoring Officers should the Head of Law and Governance be the subject of the relevant disciplinary action) to appoint the Panel and convene meetings of it in the event that this ever becomes necessary.
- (4) That it be noted that the Head of Transformation would automatically amend the Joint Local Discipline and Dismissal Guide for Statutory Officers and that she had already taken steps to amend the contracts of employment of the statutory officers as necessary to reflect the changes introduced by the 2015 Regulations.

Council - 19 May 2015

The meeting ended at 7.30 pm

Chairman:

Date: