

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 8 December 2010 at 6.30 pm

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

Councillor Rick Atkinson
Councillor Luke Annaly
Councillor Ken Attack
Councillor Alyas Ahmed
Councillor Maurice Billington
Councillor Norman Bolster
Councillor Colin Clarke
Councillor Nick Cotter
Councillor Margaret Cullip
Councillor Mrs Diana Edwards
Councillor Tim Emptage
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Simon Holland
Councillor Alastair Milne Home
Councillor Chris Heath
Councillor Russell Hurle
Councillor Tony Ilott
Councillor Victoria Irvine
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor P A O'Sullivan
Councillor D M Pickford
Councillor Neil Prestidge
Councillor G A Reynolds
Councillor Alaric Rose
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Carol Steward
Councillor Keith Strangwood
Councillor Lawrie Stratford
Councillor Lynda Thirzie Smart
Councillor Patricia Tompson
Councillor Nicholas Turner
Councillor Douglas Webb
Councillor Douglas Williamson
Councillor Barry Wood

Apologies for absence: Councillor Fred Blackwell
Councillor Ann Bonner
Councillor John Donaldson
Councillor David Hughes
Councillor Daniel Sames
Councillor Rose Stratford
Councillor Martin Weir

Officers: Mary Harpley, Chief Executive and Head of Paid Service
Ian Davies, Strategic Director - Environment and Community
John Hoad, Strategic Director - Planning, Housing and Economy
Karen Curtin, Head of Finance
Nigel Bell, Team Leader - Planning and Litigation
Natasha Clark, Senior Democratic and Scrutiny Officer

36 **Declarations of Interest**

There were no declarations of interest.

37 **Communications**

The Chairman welcomed Councillor Diana Edwards back to the Chamber after her recent fall and expressed his best wishes to former Councillor Eric Heath who had recently been in hospital for a serious operation.

The Chairman advised the meeting that this was the Chief Executive's last meeting and this would be marked later in the meeting. He also advised Members that he had agreed to cancel the Council meeting scheduled for 17 January 2011.

Lastly the Chairman explained that in the current economic climate he had decided not to send Christmas cards to Members and wished all Councillors the compliments of the season.

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

There were no petitions or requests to address the meeting.

39 **Urgent Business**

There were no items of urgent business.

40 **Minutes of Council**

The minutes of the meeting held on 18 October 2010 were agreed as a correct record and signed by the Chairman.

41 **Minutes**

a) Minutes of the Executive, Portfolio Holder Decisions and Executive Decisions made under Special Urgency

Resolved

That the minutes of the meeting of the Executive and Portfolio Holder decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council, no Executive decisions had been taken that were subject to the special urgency provisions of the Constitution.

b) Minutes of Committees

Resolved

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

42 **Questions**

a) Written Questions

One question relating to the Secretary of State for Education's declared intention to withdraw funding from the School Sports Partnership which would affect the North Oxfordshire School Sports Partnership had been submitted by Councillor Williamson and signed by Councillors Cotter, Emptage and Rose and was tabled together with the reply from the Leader of the Council.

The Leader and Portfolio Holder Customer Service and ICT answered a supplementary question put by Councillor Williamson.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Announcement by the Secretary of State for Health that elements of the health budget would be given to Local Authorities: Councillor Cotter

Request that consideration be given to referring to deprived areas in Banbury as "Banbury brighter future areas" rather than areas of deprivation: Councillor Strangwood

c) Questions to Committee Chairmen on the minutes

There were no questions to the Committee Chairman on minutes.

43 **Motions**

There were no motions.

Business Case for shared management team with South Northamptonshire Council

The Portfolio Holder for Resources and Communications, the Leader and the Chief Executive submitted a report which sought Council's approval to accept the recommendation of the Cherwell District Council and South Northamptonshire Council Joint Working Group to put in place a shared senior management team.

The Portfolio Holder for Resources and Communication thanked Officers from both Cherwell District Council and South Northamptonshire Council for their hard work throughout the process of developing the business case (annex to the minutes as set out in the minute book).

Resolved

- (1) That the overarching recommendation of the Cherwell District Council and South Northamptonshire Council Joint Working Group, endorsed by the Executive, to put in place a shared management team by the end of September 2011 be agreed.
- (2) That the further eighteen recommendations made by the Joint Working Group, and endorsed by the Executive, be agreed as follows:

Sovereignty

- 2.1 Both SNC and CDC will remain separate councils and will retain their sovereignty. Elected members of both councils will remain in charge of decision-making in line with their visions, strategic aims, objectives and priorities.

Shared management team

- 2.2 CDC and SNC share a senior management team comprising twelve posts: a Chief Executive, three Directors and eight Heads of Service and that the final structure and responsibilities of the senior management team be agreed between the shared Chief Executive, once appointed, and members of both councils before further appointments are made.
- 2.3 Recruitment to the shared Chief Executive commences immediately, using the Job Description and Person Specification attached in Appendix 8 of the business case, via an open recruitment process which will be supported by recruitment consultants appointed by both councils.
- 2.4 The shared Chief Executive is appointed in February 2011 and shared Directors and Heads of Service are appointed by July/August and by September respectively, subject to the final structure being approved first by both full councils.

- 2.5 Officers appointed as the shared Chief Executive, Directors and Heads of Service be appointed on new terms and conditions to be agreed by the Joint Personnel Committee.
- 2.6 SNC and CDC share three further posts – covering the functions of communications, corporate performance and programme management – and that these posts be appointed to as soon as possible after end September 2011.
- 2.7 Officers appointed to the three other shared posts retain their current terms and conditions, with further consideration given to the remuneration levels for those roles in recognition of the new requirement to work across both councils.
- 2.8 All successful internal candidates remain employed by their original employer, though in exceptional cases they may be employed by the other authority; successful external candidates to be employed by one or other employer on a case-by-case basis.
- 2.9 Both councils apply at the appropriate time to the Department of Communities and Local Government for approval to capitalise the costs of creating a shared management team in order to protect revenue resources as far as possible.

Formal and informal structures for joint working

- 2.10 A Joint Personnel Committee be set up and works to the terms of reference in Appendix 4 of the business case; that this Committee, supported by recruitment consultants, recommends the appointment of the shared Chief Executive to both full councils and appoints to the Directors and Heads of Service.
- 2.11 A Joint Appeals Committee be set up to hear any appeals related to the shared posts and works to the terms of reference in Appendix 5 of the business case.
- 2.12 The Joint Working Group is disbanded and a new Joint Arrangements Steering Group is now set up and works to the Terms of Reference in Appendix 7 of the business case to oversee the implementation of the above recommendations.
- 2.13 CDC and SNC both sign on 9th December the Section 113 agreement in Appendix 3 of the business case to allow them to share a senior management team (including all statutory officers) and three other posts in the way proposed.

Current and future partnership working

- 2.14 SNC and CDC continue with their existing shared arrangements for service delivery with other local authorities, and these are reviewed either as they come up for renewal or as appropriate.

- 2.15 Both councils look to build directly on the creation of a shared management team by extending partnership working, creating a confederation of local authorities and other public sector organisations (including health and police) which could collaborate in a model resembling a gateway contract or framework agreement for mutual benefit.

Future development of joint working

- 2.16 CDC and SNC agree to consider in due course individual business cases for integrating posts at the tier below Service Heads, and teams below that.
- 2.17 Once SNC and CDC decide to consider service level business cases, they work towards a common set of terms and conditions for all staff below Service Heads so that these can be put in place early on.

Project review

- 2.18 Both councils receive an interim update in September/October 2011 and a post project report in September 2012, reviewing the implementation of these recommendations.
- (3) That Cllrs Atack, Cotter, Irvine, Reynolds and Wood be appointed as the five Cherwell District Council members on the Joint Personnel Committee and Cllrs Atkinson, Bolster and Williamson as the named substitutes and authority be delegated to the Head of Legal and Democratic Services to amend the Constitution to take account of this new Joint Committee.
- (4) That Cllrs Blackwell, Macnamara and Rose be appointed as the three Cherwell District Council members on the Joint Appeals Committee and Cllrs Clarke and Emptage as the named substitutes and authority be delegated to the Head of Legal and Democratic Services to amend the Constitution to take account of this new Joint Committee.
- (5) That Cllrs Atack, Cotter, Macnamara, Reynolds and Wood be appointed as the five Cherwell District Council members on the Joint Arrangements Steering Group and Cllrs Turner and Williamson as the named substitutes.
- (6) That Veredus be appointed as the recruitment consultants to provide support to the Joint Personnel Committee in arriving at a recommendation for the appointment of the shared Chief Executive.
- (7) That resolution 2.5 above be addressed by resolving that the terms of reference of the Joint Personnel Committee also include the determination of the terms and conditions of employment of the shared Chief Executive, Director and Head of Service posts subject to any salary levels being within the parameters set by the business case.

- (8) That the Executive's recommendation that, once a shared senior management team is in place, the Council can aspire to achieve continued excellent performance be endorsed.

At the conclusion of this item, the Chairman invited Councillor Ian McCord, Portfolio Holder for Resources at South Northamptonshire Council and Chairman of the Joint Working Group to address Council. Councillor McCord reported that Members at South Northamptonshire Council's Council meeting had also approved the recommendation of the Cherwell District Council and South Northamptonshire Council Joint Working Group to put in place a shared senior management team.

On behalf of South Northamptonshire Council, Councillor McCord thanked all Cherwell District Council Members who had sat on the Joint Working Group, attended site visits and participated in other meetings during the development of the business case. Councillor McCord also thanked all officers who had supported the process and wished the departing Cherwell Chief Executive success in her new post as Chief Executive at the London Borough of Hounslow.

45 **Appointment of Interim Head of Paid Service and Chief Executive**

The Leader of the Council submitted a report which sought Council's approval to the appointment of the interim Chief Executive.

Resolved

- (1) That the recommendation of the Personnel Committee to appoint Ian Davies as interim Chief Executive and Head of Paid Service from 1 January 2011 for between two and six months be accepted.

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

The Chief Executive and Head of Legal and Democratic Services submitted a report on the appointment of an Electoral Registration Officer and Returning Officer.

Resolved

- (1) That, in terms of the Representation of the People Act 1983 and all related legislation, and with effect from 1 January 2011, Karen Curtin be appointed as Electoral Registration Officer for the Council until 30 June 2011.
- (2) That, in terms of section 41 of the Local Government Act 1972 and all related legislation, and with effect from 1 January 2011, Karen Curtin be appointed as Returning Officer for the Council, with authority to act in that capacity for elections to the Council and all or any parish and town councils within the Council area until 30 June 2011.

- (3) That the Electoral Registration Officer for the Council be also 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 Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council, the Electoral Registration Officer and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council, 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, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll); and
- (7) That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Electoral Registration Officer and Returning Officer up to the value of such excess.
- (8) That Council notes its duties to provide support to the Electoral Registration Officer and Returning Officer

Election Fees Schedule 2011/12

The Chief Executive submitted a report which sought agreement of the election fees for 2011/12

Resolved

- (1) That the election fees policy and election fees schedule for 2011/12 as set out in the annex to the minutes (as set out in the minute book) be agreed.

48

Appointment of Section 151 Officer

The Chief Executive submitted a report which recommended changes from 1 March 2011 to the Council's current arrangements for a Section 151 Officer and Chief Finance Officer.

The Portfolio Holder for Resources and Communication reported that the Head of Finance had successfully passed her accountancy exams. Members congratulated the Head of Finance on her achievement and thanked her for all her hard work supporting Cherwell District Council. Members also thanked the Members of South Northamptonshire Council for releasing their Chief Finance Officer / Section 151 Officer to support Cherwell District Council and thanked him for his hard work with the Finance Team and the very good service he had provided to the council since his secondment began on 1 April 2010.

Resolved

- (1) That Karen Curtin be appointed as the Council's Section 151 and Chief Finance Officer with effect from 1 March 2011 or the day after the meeting of full Council at which the 2011/12 budget is agreed if this is later than 1 March.
- (2) That it be noted that Karen Curtin intends to nominate the Corporate System Accountant, Karen Muir, as Deputy Section 151 and Deputy Chief Finance Officer authorised to act in her absence from 1 March 2011.
- (3) That the Head of Legal and Democratic Services be delegated to make any necessary changes to the constitution to reflect this.
- (4) That the members of South Northamptonshire Council be thanked for releasing Martin Henry to support this Council and that Martin Henry be thanked for the very good service he has provided to the Council as Section 151 Officer during his secondment so far.

49

Mary Harpley, Farewell to Chief Executive

The Chairman explained that this would be the Chief Executive's last Council meeting as she was leaving Cherwell District Council to take up a new role as Chief Executive at the London Borough of Hounslow in January 2011. On behalf of Council, the Chairman thanked the Chief Executive for the contribution she has made to the Council since her arrival in 2006 and wished her all the best for her new role.

The Leader, the Leader of the Opposition, the Leader of the Labour group and a number of other Members paid tribute to the Chief Executive. Members recalled personal anecdotes and thanked and commended the Chief Executive for her hard work and achievements in leading projects which had improved the Council and the district over the past four years. The Leader made particular reference to one of the Chief Executives greatest achievements which was leading the Council to an 'Excellent' rating in the 2009 Comprehensive Area Assessment. On behalf of all Members, the Chairman presented the Chief Executive with a gift as a token of their gratitude and wished her every success at Hounslow.

The Chief Executive responded to Members saying that Cherwell District Council would always be special to her and that she appreciated their support in implementing improvements to the district over the past four years, often taking very difficult decisions. The Chief Executive commented that whilst proud of her contribution, many other people had also contributed. She paid special tribute to the Leader for his leadership and support commenting on the importance of a good relationship between Leader and Chief Executive. Finally, the Chief Executive expressed her gratitude to all current and former Members for their support during her time as Chief Executive.

The meeting ended at 8.00 pm

Chairman:

Date: