

## **Cherwell District Council**

### **Council**

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 21 February 2011 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 Fred Blackwell  
Councillor Norman Bolster  
Councillor Ann Bonner  
Councillor Colin Clarke  
Councillor Nick Cotter  
Councillor Margaret Cullip  
Councillor John Donaldson  
Councillor Mrs Diana Edwards  
Councillor Tim Emptage  
Councillor Michael Gibbard  
Councillor Simon Holland  
Councillor Alastair Milne Home  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Tony Ilott  
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 Daniel Sames  
Councillor Leslie F Sibley  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor Carol Steward  
Councillor Keith Strangwood  
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

Also Present: Sue Smith – Shared Chief Executive, designate

Apologies for absence: Councillor Andrew Fulljames  
Councillor Mrs Catherine Fulljames  
Councillor Victoria Irvine

Officers: Ian Davies, Interim Chief Executive and Head of Paid Service  
John Hoad, Strategic Director - Planning, Housing and Economy  
Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer  
Karen Curtin, Head of Finance / Section 151 Officer  
Martin Henry, Chief Finance Officer / Section 151 Officer  
Nigel Bell, Team Leader - Planning and Litigation / Interim Monitoring Officer  
James Doble, Democratic, Scrutiny and Elections Manager

## 50 **Declarations of Interest**

Members declared interests in the following agenda items:

### **11. 2011/12 Service and Financial Planning Process, Corporate Plan, Revenue Budget and Capital Programme.**

Councillor Tim Emptage, Personal, as a Kidlington Parish Councillor.

## 51 **Communications**

The Chairman made the following announcements:

The Chairman's Annual Dinner would take place on Friday 25 February at the Banbury House Hotel, in aid of the Horton General Hospital Children's Ward and the Special Care Baby Unit and the League of Friends, Bicester Community Hospital.

Councillors had been invited to the Charity Dinner of Councillor Dermot Bambridge, the Chairman of South Northamptonshire Council on Friday 11 March at The Empress Suite, Towcester Racecourse The dinner in aid of the local operations of St John's Ambulance and Parkinsons UK.

BBC Radio Oxford and St John Ambulance were inviting people to join an attempt to break the world record for the largest first aid class on Saturday 19 March 2011 at the Kassam Stadium, Oxford.

Lastly, the Chairman thanked Liz Howlett, Head of Legal and Democratic Services and Monitoring Officer and Martin Henry, Chief Finance and Section 151 Officer, Martin Henry for their service to the council.

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

There were no petitions or requests to address the meeting.

53 **Urgent Business**

There were no items of urgent business.

54 **Minutes of Council**

The minutes of the meeting held on 8 December 2011 were agreed as a correct record and signed by the Chairman.

55 **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, one Executive decision had been taken that was 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.

56 **Questions**

a) **Written Questions**

There were no written questions.

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

Questions were asked and answers received in the following issues:

Legal costs of investigating charging for Watts Way, Kidlington: Councillor Emptage  
Bicester Parking: Councillor Sibley  
Performance Monitoring: Councillor Hughes

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

There were no questions to the Committee Chairman on minutes.

57 **Motions**

There were no motions.

58 **Members Allowances 2011/12**

The Head of Legal and Democratic Services submitted a report to consider and determine the levels of the allowances to be paid to Members for the forthcoming 2011/2012 financial year following the submission of the report of the Council's Independent Remuneration Panel (IRP) on the review of the 2010/2011 Members' Allowances Scheme.

**Resolved**

- (1) That the levels of allowances to be included in the 2011/12 Members' Allowances Scheme, (that is recommending no change to the levels agreed for 2010/11) be agreed.
- (2) That the Head of Legal and Democratic Services be authorised to prepare an amended Members' Allowances Scheme, in accordance with the decisions of the Council for implementation with effect from 1 April 2011.
- (3) That the Head of Legal and Democratic Services be authorised to take all necessary action to revoke the current (2010/11) 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 for its thorough and detailed report and set a fee of £300 for IRP Panel Members for the work carried out in 2010/11 and propose the same level of fee for 2011/12.

59 **2011/12 Service and Financial Planning Process, Corporate Plan, Revenue Budget and Capital Programme**

In line with convention, standing orders limiting the length of speeches during debate were lifted for this agenda item.

The Chief Financial Officer 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 and Corporate Plan for the 2011/12 budget year, which had been circulated separately to members.

An amendment was proposed by Councillor Emptage, seconded by Councillor Williamson that the proposed withdrawal of funding for Christmas lights should instead be funded from the general reserve. A recorded vote on the amendment was requested and subsequently lost, voting was as follows:

Councillor Parish - Abstain	Councillor Hallchurch - Against
Councillor Atkison - Against	Councillor Annaly – Against
Councillor Atack - Against	Councillor Ahmed – Against
Councillor Billington - Against	Councillor Blackwell – Against
Councillor Bolster - Against	Councillor Bonner – Against
Councillor Clarke - Against	Councillor Cotter – For
Councillor Cullip - Against	Councillor Donaldson – Against
Councillor Edwards - Against	Councillor Emptage – For
Councillor Gibbard - Against	Councillor Holland – Against
Councillor Heath - Against	Councillor Hughes - Against
Councillor Hurle - Against	Councillor Illott – Against
Councillor Macnamara - Against	Councillor Mallon – Against
Councillor Mawer - Against	Councillor Milne Home – Against
Councillor Morris - Against	Councillor O'Sullivan – Against
Councillor Pickford - Against	Councillor Prestidge – Against
Councillor Reynolds - Against	Councillor Rose – For
Councillor Sames - Against	Councillor Sibley – Abstain
Councillor Smithson - Against	Councillor Stevens – Against
Councillor Steward - Against	Councillor Strangwood – Against
Councillor L Stratford - Against	Councillor R Stratford – Against
Councillor Thirzie Smart - Against	Councillor Tompson – Against
Councillor Turner - Against	Councillor Webb – Against
Councillor Williamson - For	Councillor Wood - Against

Following debate, a procedural motion that the meeting move to the vote was carried.

### **Resolved**

- (1) That the contents of the report '2011/12 Service and Financial Planning Process, Corporate Plan, Revenue Budget and Capital Programme' in approving the General Fund Budget and Capital Programme for 2011/12 be noted.
- (2) That the 2011/12 General Fund Budget and Capital Programme proposed by the Executive on 7 February 2011 be approved, as detailed in the Budget Book in section Capital Investment (annex 1 to the minutes, as set out in the minute book).
- (3) That the Collection Fund Estimates contained in Annex 1 of the Budget Book (as set out in the minute book) be approved.

- (4) That the Prudential Indicators contained in Annex 2 of the Budget Book (annex 1 to the minutes, as set out in the minute book) be approved.
- (5) That the final Service Plans for 2011/12 as proposed by the Executive on 7 February 2011 and summarised in the Budget Book (annex 1 to the minutes, as set out in the minute book) be approved..
- (6) That the Corporate Plan as detailed in Annex 5 of the Budget Book (annex 1 to the minutes, as set out in the minute book) be approved.

60 **Adjournment of Council Meeting**

The Leader of the Council confirmed that as there were no successful amendments to the budget it would not be necessary for the Council to adjourn to allow the Executive to meet to consider them.

61 **Calculating the amounts of Council Tax for 2011/2012 and setting the Council Tax for 2011/2012**

The Chief Finance Officer and Head of Finance submitted a joint report detailing the calculations for the amounts of Council Tax for 2011/12 and the setting of Council Tax for 2011/2012.

**Resolved**

- (1) That the Calculations for the amount of Council Tax for 2011/12 (annex 2 to the minutes, as set out in the minute book) be approved.
- (2) That the Setting of Council Tax for 2011/2012 as per the detailed recommendations set out in section 8 of annex 2 to the minutes, as set out in the minute book) be approved.

62 **Community Governance and Polling District Review 2012**

The Head of Legal and Democratic Services submitted a report to agree to hold a Community Governance and Polling District Review in 2012 and to agree to consult on the principle of including the development sites of Bankside (Banbury), North West and South West Bicester within the boundaries of Banbury and Bicester Town Councils respectively.

During the course of debate and in reply to issues raised by Councillors the Leader of the Council proposed the additional recommendations that the Interim Chief Executive be delegated in consultation with the Leader of the Council to consider whether the RAF Bicester Domestic site should be included within the proposals and the Interim Chief Executive be delegated in consultation with the Leader of the Council to decide whether the Council should respond to the Oxfordshire Boundary review at this time.

**Resolved**

- (1) That a Community Governance and Polling District Review be held in 2012.
- (2) That as part of the Community Governance Review the council will consult on the principle of including the development sites of Bankside (Banbury), North West and South West Bicester within the boundaries of Banbury and Bicester Town Councils respectively.
- (3) That the Local Government Boundary Commission for England be informed of this intention to consult as part of their consultation on the boundary review of Oxfordshire.
- (4) That the Interim Chief Executive be delegated in consultation with the Leader of the Council to consider whether the RAF Bicester Domestic site should be included within the proposal.
- (5) That the Interim Chief Executive be delegated in consultation with the Leader of the Council to decide whether the Council should respond to the Oxfordshire Boundary review at this time.

63

**Appointment of Shared Chief Executive**

The Joint Personnel Committee and Monitoring Officers (Cherwell District Council and South Northamptonshire Council) submitted a report to seek Council's approval of the recommendations of the Joint Personnel Committee that Sue Smith be appointed to the Post of Shared Chief Executive and Head of Paid Service with effect from a date to be agreed in May with the new post holder by the Head of People and Improvement (Cherwell District Council) and the Head of Corporate Services (South Northamptonshire Council) in consultation with the Chairman and Vice Chairman of the Joint Personnel Committee. The Leader of the Council welcomed Sue Smith. The Leader of the Opposition thanked the Leader of the Council for the inclusive recruitment process and thanked Ian Davies for his work as Interim Chief Executive.

The recommendations set out in the report were proposed by the Leader of the Council, seconded by the Leader of the Opposition and subsequently agreed unanimously.

**Resolved**

- (1) That the recommendation of the Joint Personnel Committee that Sue Smith be appointed Shared Chief Executive from a date to be agreed in May 2011 with the new post holder by the Head of People and Improvement (Cherwell District Council) and the Head of Corporate Services (South Northamptonshire Council) in consultation with the Chairman and Vice Chairman of the Joint Personnel Committee be approved.
- (2) That the recommendation of the Joint Personnel Committee that Sue Smith be appointed the Council's Head of Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989 with effect from a date to be agreed in May with the new post holder by

the Head of People and Improvement (Cherwell District Council) and the Head of Corporate Services (South Northamptonshire Council) in consultation with the Chairman and Vice Chairman of the Joint Personnel Committee.

- (3) That the term of appointment of Interim Chief Executive/Head of Paid service end on the date on which the new permanent Shared Chief Executive takes up her post.

#### 64 **Interim Monitoring Officer Arrangements**

The Head of Legal and Democratic Services submitted a report to appoint an interim Monitoring Officer from 1 April 2011 for a temporary indefinite period until the new shared senior management team with South Northamptonshire is appointed.

##### **Resolved**

- (1) That Nigel Bell be appointed as the Council's interim Monitoring Officer with effect from 1 April 2011
- (2) That this appointment continue until the Monitoring Officer role in the new shared senior management team is appointed and in post.

#### 65 **Changes to Scheme of Delegation**

The Head of Legal and Democratic Services submitted a report to recommend changes to the Council's Scheme of Delegation. In the course of discussion members requested that their appreciation for the work carried out by Tony Brummell, Head of Building Control and Engineering Services be placed on record.

##### **Resolved**

- (1) That the delegated powers of the Head of Building Control and Engineering Services be amended to reflect changes in legislation and to agree combined delegated powers for the new shared team with South Northamptonshire with immediate effect.
- (2) That those powers held previously by the Head of Building Control and Engineering Services not related to Building Control be reallocated to the Head of Planning Policy and Economic Development and the Head of Housing Services as set out in the (annex 3 and 4 to the minutes as set out in the minute book).
- (3) That the power to act in emergencies be extended from Strategic Directors in the absence of the Chief Executive to all Heads of Service in the light of the reduced number of staff in the category and consequent risk that an authorised person is unavailable in an emergency.



66 **Changes to Committee Membership**

**Resolved**

That at the request of the Liberal Democrat Group it be agreed that Councillor Williamson be replaced by Councillor Emptage as substitute on the Planning Committee.

The meeting ended at 8.30 pm

Chairman:

Date: