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Meeting of Council

Monday 16 June 2014

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 16 June 2014 at 6.30 pm, and you are hereby summoned to attend.

Sue Smith Chief Executive

Go Cith

Friday 6 June 2014

AGENDA

- 1 Apologies for Absence
- 2 Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3 Communications

To receive communications from the Chairman and/or the Leader of the Council.

4 Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5 Minutes of Council (Pages 1 - 16)

To confirm as a correct record the Minutes of the meeting of Council held on 24 February 2014 and the special meetings of Council held on 10 April 2014 and 29 May 2014 (to follow).

- 6 Election of Chairman for the Municipal Year 2014/2015
- 7 Investiture of Chairman
- 8 Chairman's Address
- 9 Vote of Thanks to Immediate Past Chairman
- 10 Past Chairman's Response
- 11 Election of Vice-Chairman for the Municipal Year 2014/2015
- 12 Investiture of Vice-Chairman

Council Business Reports

13 Annual Council Business Report (Pages 17 - 24)

Report of Chief Executive

Purpose of Report

To note the results of the 22 May 2014 district elections, the constitution of Political Groups, to appoint the Leader of the Council, to note the appointment of the Deputy Leader and Executive for the Municipal Year 2014/15 and to consider and agree the suggested constitution of Committees for the Municipal year 2014/2015.

Recommendations

The meeting is recommended:

- 1.1 To note the results of the District elections held on 22 May 2014.
- 1.2 To note the constitution of Political Groups and notification of Group Leaders.

- 1.3 To appoint a Leader of the Council.
- 1.4 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2014/15.
- 1.5 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- 1.6 To agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.
- 1.7 To appoint members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in accordance with the nominations to be made by political groups (Appendix 2 to follow).
- 1.8 To appoint a representative to the County Council Health Overview and Scrutiny Committee.
- 1.9 To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.
- 14 Section 113 Arrangements Authorisation of Staff to Issue Fixed Penalty Notices Policy Framework Decision (Pages 25 28)

Report of Head of Environmental Services

Purpose of Report

To approve the Council (CDC) entering into an agreement under Section 113 of the Local Government Act 1972 with Banbury Town Council (BTC) to allow BTC officers to issue fixed penalty notices for offences committed under section 88 of the Environmental Protection Act 1990 and section 3 of the Dogs (Fouling of Land) Act 1996 and to make appropriate adjustments to the policy framework to permit this arrangement.

Recommendations

The meeting is recommended:

- 1.1 To approve CDC entering into an agreement with Banbury Town Council (BTC) pursuant to Section 113 of the Local Government Act 1972 that permits BTC officers to issue fixed penalty notices for offences committed under section 88 of the Environmental Protection Act 1990 and section 3 of the Dogs (Fouling of Land) Act 1996, and that the Head of Law and Governance accordingly be authorised to conclude such an agreement by negotiation with BTC within the parameters set out in this report.
- 1.2 To agree that the principle of placing at the disposal of CDC officers employed by BTC for the purpose of issuing fixed penalty notices be added to the adopted policy framework.

FIRST MEETINGS OF COMMITTEES

At the conclusion of Council, Committees will meet to appoint their Chairmen and Vice-Chairmen. The agenda for these first meetings are included at the back of the Council agenda.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 221589 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off. **Queries Regarding this Agenda**

Please contact Natasha Clark, Democratic and Elections natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

Agenda Item 5

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 24 February 2014 at 6.30 pm

Present: Councillor Lawrie Stratford (Chairman)

Councillor Kieron Mallon (Vice-Chairman)

Councillor Ken Atack
Councillor Alyas Ahmed
Councillor Andrew Beere
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Diana Edwards
Councillor Tim Emptage
Councillor Michael Gibbard

Councillor Timothy Hallchurch MBE

Councillor Simon Holland Councillor Alastair Milne Home

Councillor Chris Heath Councillor David Hughes Councillor Russell Hurle Councillor Tony Ilott

Councillor Ray Jelf Councillor Mike Kerford-Byrnes Councillor James Macnamara

Councillor Melanie Magee Councillor Nicholas Mawer

Councillor Nigel Morris Councillor Jon O'Neill

Councillor P A O'Sullivan

Councillor D M Pickford

Councillor Lynn Pratt

Councillor Neil Prestidge Councillor Nigel Randall

Councillor G A Reynolds

Councillor Alaric Rose

Councillor Gordon Ross

Councillor Daniel Sames

Councillor Les Sibley

Councillor Trevor Stevens

Councillor Rose Stratford

Councillor Lynda Thirzie Smart

Councillor Nicholas Turner

Councillor Douglas Webb Councillor Douglas Williamson

Councillor Barry Wood Councillor Sean Woodcock

Apologies Councillor Margaret Cullip for Councillor Andrew Fulljames

absence:

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

Tim Madden, Interim Head of Finance and Procurement Natasha Clark, Team Leader, Democratic and Elections

63 Declarations of Interest

There were no declarations of interest.

64 Communications

Chairman's Engagements

The Chairman advised Council that a list of engagements that he or the Vice-Chairman had attended since the last meeting of Council had been included in the agenda pack

Chairman's Dinner

The Chairman advised Members that the Chairman's Dinner would be held on Saturday 12 April 2013

Post

The Chairman reminded Members to collect their post from pigeon holes and advised that all Members had been given a copy of the Local Plan

Boundary Commission Briefing

The Chairman reported that the Boundary Commission would be giving a briefing to district councillors and parishes on warding patterns at 6pm on 31 March ahead of their consultation period.

65 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

66 Urgent Business

There were no items of urgent business.

67 Minutes of Council

The minutes of the meeting held on 16 December 2013 were agreed as a correct record and signed by the Chairman.

68 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.

b) Minutes of Committees

Resolved

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

69 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:

Flexibility in the budget towards housing: Councillor Bonner
Oxfordshire Waste Partnership funding cut by Oxfordshire County Council:
Councillor Woodcock
Green waste levy: Councillor Cherry

c) Questions to Committee Chairmen on the minutes

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

70 Motions

There were no motions.

71 Members Allowances 2014/15

The Head of Law and Governance submitted a report which sought determination of the levels of the allowances to be paid to Members for the forthcoming 2014/2015 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 2014/2015 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 2014.
- (3) That the Head of Law and Governance be authorised to take all necessary action to revoke the current (2013/2014) 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 report and a fee of £300 for Panel Members for the work carried out in 2013/2014 and the same level of fee for 2014/2015 be agreed.

72 Corporate Plan, Revenue and Capital Budgets and Treasury Strategy 2014-15

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 the revenue and capital estimates, the Collection Fund Estimates 2014/15 and the Business Plan and the public pledges 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 Chairman advised Council that the Secretary of State was introducing legislation to require any motion or amendment to the budget or council tax setting reports to be taken by recorded vote. Whilst this was not yet in force the government had stated that it was their expectation that all authorities would do this for the 2014/15 budget. Members agreed to take a recorded vote on the recommendations in the reports at agenda items 11 and 13 en bloc and separate votes on any amendments.

The Chief Finance 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 and Corporate Plan for the 2014-15 budget year.

The Lead Member for Financial Management, Councillor Atack, introduced the report and set out the proposed budget for the year. In introducing the report, the Lead Member for Financial Management proposed an additional recommendation to transfer £100,000 from General Fund Balances to a Housing Earmarked Reserve, with funding released by the Director of Resources in consultation with the Lead Member for Financial Management and the Lead Member for Housing.

The Leader of the Council, Leader of the Opposition and the Leader of the Liberal Democrat Group responded to the budget. In the course of his response, the Leader of the Liberal Democrat Group requested that a separate vote be taken on recommendation 1.2, "To approve the 2014-15 General Fund Budget and 2014-15 Capital Programme proposed by the Executive on 3 February 2014 as detailed in Annex 1 amended for the changes to the collection fund and investment income as set out in paragraphs 3.12 and 3.13.".

The budget was debated at length by Members, during which no amendments were moved.

In accordance with the agreement given, a recorded vote on recommendation 1.2 was taken separately. Members voted as follows:

Councillor Alyas Ahmed - For

Councillor Ken Atack – For

Councillor Andrew Beere - Against

Councillor Maurice Billington - For

Councillor Fred Blackwell – For

Councillor Norman Bolster - For

Councillor Ann Bonner - For

Councillor Mark Cherry – Against

Councillor Colin Clarke - For

Councillor Surinder Dhesi – Against

Councillor John Donaldson - For

Councillor Diana Edwards - For

Councillor Tim Emptage – Abstain

Councillor Andrew Fulljames – For

Councillor Michael Gibbard – For

Councillor Tim Hallchurch MBE – For

Councillor Chris Heath - For

Councillor Simon Holland - For

Councillor Alastair Milne Home - For

Councillor David Hughes - For

Councillor Russell Hurle – For

Councillor Tony Ilott – For

Councillor Mike Kerford-Byrnes – For

Councillor Ray Jelf - For

Councillor James Macnamara – For

Councillor Melanie Magee - For

Councillor Kieron Mallon - For

Councillor Nicholas Mawer - For

Councillor Nigel Morris - For

Councillor Jon O'Neill - For

Councillor P A O'Sullivan - For

Councillor D M Pickford – For

Councillor Lynn Pratt – For

Councillor Neil Prestidge - For

Councillor Nigel Randall – For

Councillor G A Reynolds - For

Councillor Alaric Rose – 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 Douglas Williamson - Abstain

Councillor Barry Wood - For

Councillor Sean Woodcock - Against

A recorded vote was subsequently taken on all other recommendations. Members voted as follows:

Councillor Alyas Ahmed - For

Councillor Ken Atack - For

Councillor Andrew Beere - For

Councillor Maurice Billington – For

Councillor Fred Blackwell - For

Councillor Norman Bolster - For

Councillor Ann Bonner – For

Councillor Mark Cherry - For

Councillor Colin Clarke - For

Councillor Surinder Dhesi - For

Councillor John Donaldson – For

Councillor Diana Edwards - For

Councillor Tim Emptage - For

Councillor Andrew Fulljames - For

Councillor Michael Gibbard - For

Councillor Tim Hallchurch MBE – For

Councillor Chris Heath – For

Councillor Simon Holland - For

Councillor Alastair Milne Home – For

Councillor David Hughes - For

Councillor Russell Hurle – For

Councillor Tony Ilott - For

Councillor Mike Kerford-Byrnes – For

Councillor Ray Jelf - For

Councillor James Macnamara – For

Councillor Melanie Magee – For

Councillor Kieron Mallon - For

Councillor Nicholas Mawer – For

Councillor Nigel Morris – For

Councillor Jon O'Neill - For

Councillor P A O'Sullivan – For

Councillor D M Pickford – For

Councillor Lvnn Pratt - For

Councillor Neil Prestidge – For

Councillor Nigel Randall - For

Councillor G A Reynolds – For

Councillor Alaric Rose - For

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 Douglas Williamson – For

Councillor Barry Wood - For

Councillor Sean Woodcock - For

Resolved

- (1) That the contents of the report in approving the General Fund Revenue Budget and Capital Programme for 2014-15 be noted and that consideration be formally recorded.
- (2) That the 2014-15 General Fund Budget and 2014-15 Capital Programme proposed by the Executive on 3 February 2014 contained in the annexes to the minutes and amended for the changes to the collection fund and investment income (as set out in the Minute Book) be approved.
- (3) That the Collection Fund Estimates (annex to the minutes as set out in the Minute Book) be approved.
- (4) That the draft 5 year strategy, 2014-15 business plan and public pledges (annexes to the minutes as set out in the Minute Book) and authority be delegated to the Director of Resources in consultation with the Leader of the Council and the Lead Member for Performance and Customers to make any minor amendments to the plan or pledges as required before final publication in March 2014.
- (5) That the Treasury Management Strategy (annex to the minutes as set out in the Minute Book) be approved.
- (6) That the statement of pay policy for 2014-15 as required by the Localism Act (annex to the minutes as set out in the Minute Book) be approved.

- (7) That the Business Rates Retail Relief Policy as contained in the annex to the minutes (as set out in the Minute Book) and the following formal resolutions that underpin the policy be approved:
 - i. The Council award "Retail Relief" of up to £1,000 to qualifying businesses in occupation of retail premises which have a rateable value of £50,000 or less in accordance with discretionary relief powers (Section 47 of the Local Government Finance Act 1988 (as amended)) for the financial years 1 April 2014 to 31 March 2015 and 1 April 2015 to 31 March 2016.
 - The business to qualify for the relief must be "retail" as detailed in the Business Rates Retail Relief Policy.
 - iii. The Council, through the National Non-Domestic Rate Return process, seek full reimbursement of the cost of "retail relief" from Central Government.
- (8) That the discount and exemptions as follows be approved:
 - i. Agree that in respect of properties within Class A and B as defined by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012(furnished chargeable dwellings that are not the sole or a main residence of an individual) the discount provided by Section 11A of the Local Government Finance Act 1992 shall be reduced to zero.
 - i.Agree that in respect of properties within Class C as defined by the Council Tax(Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (a property that is unoccupied and substantially unfurnished) the discount provided by Section 11A of the said Act shall be reduced to 25% for a maximum period of six months and thereafter to zero.
 - ii. Agree that in respect of properties within Class D as defined by the said Regulations (chargeable dwellings that are vacant and undergoing major repair work to render them habitable) the discount provided by Section 11A of the said Act shall be reduced to 50% for twelve months and thereafter to zero.
- (9) That agreement be given to transfer £100,000 from General Fund Balances to a Housing Earmarked Reserve, with funding released by the Director of Resources in consultation with the Lead Member for Financial Management and the Lead Member for Housing.

73 Adjournment of Council Meeting

As there had been no amendments made to the budget as recommended by Executive, it was confirmed there was no need for Council to adjourn.

Calculating the amounts of Council Tax for 2014-2015 and setting the Council Tax for 2014-2015

The Chief Finance Officer and Interim Head of Finance and Procurement submitted a report which detailed the calculations for the amounts of Council Tax for 2014-15 and the setting of Council Tax for 2014-2015.

In accordance with the agreement given at agenda item 11 to take a recorded vote on this agenda item, a recorded vote was duly taken. Members voted as follows:

Councillor Ken Atack - For

Councillor Andrew Beere – For

Councillor Fred Blackwell - For

Councillor Norman Bolster - For

Councillor Ann Bonner – For

Councillor Mark Cherry - For

Councillor Colin Clarke - For

Councillor Surinder Dhesi - For

Councillor John Donaldson – For

Councillor Diana Edwards - For

Councillor Tim Emptage – For

Councillor Michael Gibbard - For

Councillor Tim Hallchurch MBE - For

Councillor Chris Heath – For

Councillor Simon Holland - For

Councillor Alastair Milne Home - For

Councillor David Hughes - For

Councillor Russell Hurle – For

Councillor Tony Ilott - For

Councillor Mike Kerford-Byrnes - For

Councillor Ray Jelf - For

Councillor James Macnamara – For

Councillor Melanie Magee – For

Councillor Kieron Mallon - For

Councillor Nicholas Mawer - For

Councillor Nigel Morris – For

Councillor Jon O'Neill - For

Councillor P A O'Sullivan – For

Councillor D M Pickford – For

Councillor Lynn Pratt – For

Councillor Neil Prestidge – For

Councillor Nigel Randall - For

Councillor G A Reynolds – Abstain

Councillor Alaric Rose - For

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 Douglas Williamson - For

Councillor Barry Wood - For

Councillor Sean Woodcock - For

Resolved

- (1) That it be noted that at the Executive meeting held on 6 January 2014 the Council calculated the Council Tax Base 2014-15:
 - a) for the whole Council area as 47,609 [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 2014-15 (excluding Parish Precepts and Special Expenses) be £5,879,712.
- (3) That the following amounts be calculated for the year 2014-15 in accordance with Sections 31 to 36 of the Act:
 - a) £69,336,279 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) £59,526,742 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
 - c) £9,809,537 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).
 - £206.04 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) £3,929,825 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 2014-15 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</u> <u>Band</u>	Oxfordshire County Council	Police and Crime Commissioner for Thames Valley
	£	£
Α	805.61	107.01
В	939.87	124.84
С	1,074.14	142.68
D	1,208.41	160.51
E	1,476.95	196.18
F	1,745.48	231.85
G	2,014.02	267.52
Н	2,416.82	321.02

- (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 2014-15 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 2014-15 not be excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

75 Section 113 Arrangements and Shared ICT Service and Systems Policy Framework Decision

The Chief Executive submitted a report which sought approval of entering into a Section 113 agreement between Cherwell District Council, Stratford-on-Avon District Council and South Northamptonshire Council and adding the principle of a shared ICT service and associated harmonisation of ICT business applications between Cherwell District Council, Stratford-on-Avon District Council and South Northamptonshire to the policy framework.

Resolved

(1) That the entering into an agreement between Cherwell District Council, Stratford-on-Avon District Council and South Northamptonshire Council pursuant to Section 113 of the Local Government Act 1972 and all other enabling powers so that employees can be placed at the disposal of the other Councils for the purposes of shared working be approved and that the Head of Law and Governance, Cherwell and South Northamptonshire be authorised to complete such agreement in negotiation with the Head of Legal and Democratic Services at Stratford-on-Avon District Council.

- (2) That authority be delegated to the Chief Executive (Cherwell and South Northamptonshire) to negotiate and approve a protocol on the respective roles of members and officers and dealing with conflicts of interest in consultation with the Chief Executive (Stratford).
- (3) That the principle of shared working between Cherwell District Council, Stratford-on-Avon District Council and South Northamptonshire Council for the purpose of the proposed shared ICT service and associated harmonisation of ICT business applications be added to the adopted policy framework be approved.

76 Calendar of Meetings 2014/15 and Draft Calendar of Meetings 2015/16

The Head of Law and submitted a report which sought consideration of the calendar of meetings for the municipal year 2014/15 and the municipal year 2015/16.

Resolved

- (1) That the revised tabled calendar of meetings for Cherwell District Council (CDC) for the municipal years 2014/15 and 2015/16 (annex to the Minutes as set out in the Minute Book) be approved.
- (2) That the joint meetings calendar of meetings (annex to the Minutes as set out in the Minute Book) be noted.

77 Questions on Exempt Minutes

There were no questions on exempt minutes.

Chairman:
Date:

The meeting ended at 8.20 pm

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 10 April 2014 at 6.30 pm

Present: Councillor Lawrie Stratford (Chairman)

Councillor Kieron Mallon (Vice-Chairman)

Councillor Ken Atack
Councillor Andrew Beere
Councillor Maurice Billington
Councillor Fred Blackwell
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Diana Edwards
Councillor Tim Emptage
Councillor Andrew Fulljames
Councillor Michael Gibbard

Councillor Timothy Hallchurch MBE Councillor Alastair Milne Home

Councillor Chris Heath Councillor Russell Hurle Councillor Tony Ilott

Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Melanie Magee
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor P. A. O'Sullivan

Councillor P A O'Sullivan Councillor Lynn Pratt

Councillor Neil Prestidge

Councillor Nigel Randall

Councillor G A Reynolds

Councillor Alaric Rose

Councillor Gordon Ross

Councillor Daniel Sames

Councillor Les Sibley

Councillor Trevor Stevens

Councillor Rose Stratford

Councillor Lynda Thirzie Smart

Councillor Nicholas Turner

Councillor Douglas Webb

Councillor Douglas Williamson

Councillor Barry Wood

Councillor Sean Woodcock

Apologies Councillor Alyas Ahmed for Councillor Margaret Cullip absence: Councillor Simon Holland

Councillor David Hughes Councillor Ray Jelf Councillor Jon O'Neill Councillor D M Pickford

Officers: Sue Smith, Chief Executive

Kevin Lane, Head of Law and Governance / Monitoring Officer Adrian Colwell, Head of Strategic Planning and the Economy Natasha Clark, Team Leader, Democratic and Elections

78 Declarations of Interest

There were no declarations of interest.

79 **Communications**

Former District Councillor Charles Shouler

The Chairman reported the sad news that former District Councillor Charles Shouler had recently passed away. Councillor Shouler was first elected to Ploughley Rural District Council in 1973, which later formed part of Cherwell District Council. He remained a Cherwell Councillor until 1987, serving as Leader between 1983 and 1987.

Council observed a period of silence in memory of former Councillor Shouler.

Councillors Wood, Woodcock, Dhesi, Blackwell and Mallon paid tribute to former Councillor Shouler.

Chairman's Dinner

The Chairman reminded members that the Chairman's dinner would be taking place on Saturday 12 April. All tickets for the event had been sold.

Members' Post

The Chairman reminded Members to collect any post from pigeon holes.

80 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

81 Urgent Business

There were no items of urgent business.

Petitioning and Opposing the Hybrid Bill on High Speed 2 (HS2)

The Head of Strategic Planning and the Economy submitted a report for Council to adopt a resolution opposing the Hybrid Bill on High Speed 2 (HS2).

In response to Members' comments, the Lead Member for Planning confirmed that the motion was about mitigation rather than opposition. It was further confirmed that the remaining HS2 reserve (£14,000) would be adequate to fund the task and a cap would be set on the cost of the Petitioning process.

Resolved

- (1) That the follow potential petitioning matters as recommended by Executive be agreed:
 - 1. Noise standards
 - 2. Visual impact and intrusion
 - 3. Local design standards
 - 4. Construction issues
 - 5. Height of line
- (2) That, Council considering it expedient to do so, agreement be given to resolve to oppose the Hybrid Bill on HS2 pursuant to section 239 of the Local Government Act 1972 as a necessary pre-requisite to formal petitioning

(Voting For: 37; Voting Against: 5; Abstentions: 0)

83 Ratification of Appointment of Deputy Electoral Registration Officer

The Electoral Registration Officer submitted a report which sought to ratify the appointment of Deputy Electoral Registration Officer.

Resolved

(1) That the appointment of James Doble as Deputy Electoral Registration Officer be ratified.

The meeting ended at 7.	.30 pm
Ch	airman:
Da	te [.]

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Cherwell District Council

Council

16 June 2014

Annual Council Business Report

Report of Chief Executive

This report is public

Purpose of report

To note the results of the 22 May 2014 district elections, the constitution of Political Groups, to appoint the Leader of the Council, to note the appointment of the Deputy Leader and Executive for the Municipal Year 2014/15 and to consider and agree the suggested constitution of Committees for the Municipal year 2014/2015.

1.0 Recommendations

** The recommendations are also included in the relevant section of the report **

The meeting is recommended:

- 1.1 To note the results of the District elections held on 22 May 2014.
- 1.2 To note the constitution of Political Groups and notification of Group Leaders.
- 1.3 To appoint a Leader of the Council.
- 1.4 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2014/15.
- 1.5 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- 1.6 To agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.
- 1.7 To appoint members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in accordance with the nominations to be made by political groups (Appendix 2 to follow).
- 1.8 To appoint a representative to the County Council Health Overview and Scrutiny Committee.

1.9 To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

2.0 Introduction

- 2.1 The Council's Constitution requires that at the annual meeting, Council shall:
 - Note the results of the District Elections, if held, and the constitution of Political Groups and Group Leaders and elect the Leader of the Council if required
 - Conduct any business concerning the establishment of and appointments to the Executive, including the appointment of Deputy Leader and the allocation of functions to Lead Members
 - Conduct any business concerning the establishment of, and appointment to:
 - The Overview and Scrutiny Committee
 - o The Standards Committee
 - Such other Committees as the Council consider appropriate

3.0 Report Details

District Election Results

3.1 The following were elected for the Wards shown at the district elections held on 22 May 2014:

Banbury Calthorpe – Councillor Colin Clarke

Banbury Easington - Councillor Kieron Mallon

Banbury Grimsbury and Castle - Councillor Claire Bell

Banbury Hardwick - Councillor Tony Ilott

Banbury Neithrop – Councillor Matt Johnstone

Banbury Ruscote – Councillor Barry Richards

Bicester West - Councillor Norman Bolster

Bloxham and Bodicote - Councillor Chris Heath

Deddington - Councillor Bryn Williams

Fringford – Councillor Barry Wood

Kidlington North – Councillor Douglas Williamson

Kidlington South - Councillor Carmen Griffiths

Kirtlington - Councillor Simon Holland

Otmoor - Councillor Timothy Hallchurch MBE

Sibford – Councillor George Reynolds

The Astons and Heyfords - Councillor James Macnamara

Wroxton – Councillor Douglas Webb

Recommendation

1.1 To note the results of the District Elections held on 22 May 2014.

Constitution of Political Groups

- 3.2 The Chief Executive will report on the notifications of the constitution of Political Groups received prior to the meeting.
- 3.3 Group Leaders have been appointed as follows:

Conservative Group: Councillor Barry Wood Labour Group: Councillor Sean Woodcock

Liberal Democrat Group: Councillor Douglas Williamson

Recommendation

1.2 To note the constitution of Political Groups and notification of Group Leaders.

Leader of the Council

- 3.4 In accordance with the strong leader model, the Leader of the Council's term of finished at the end of his term of office as a councillor in May 2014. Therefore Council is required to appoint a Leader.
- 3.5 The Leader of the Council will be a councillor elected to that position by Council. The Leader of the Council shall be the chairman of the Executive and shall have reserve powers to act in the absence or incapacity of any executive portfolio holder.
- 3.6 The Leader will hold office until:
 - s/he resigns from the office
 - s/he is suspended from being a Councillor under Part III of the Local
 - Government Act 2000 (although) he may resume office at the end of
 - the period of suspension)
 - the expiration of their term of office
 - s/he is no longer a councillor
 - s/he is removed from office by resolution of the council,

Recommendation

1.3 To appoint a Leader of the Council.

Deputy Leader of the Council and Executive 2014/15

3.7 The newly appointed Leader of the Council will table a report (Appendix 1) appointing a Deputy Leader and setting out the Executive Portfolios for the Municipal Year 2014/15.

Recommendation

1.4 To note the appointment of Deputy Leader of the Council, the membership of the Executive and the Executive Portfolios for 2014/15.

Committee Appointments 2014/15

- 3.8 The current constitution of the Council is 40 (80%) Conservative, 7 (14%) Labour, 2 (4%) Liberal Democrat and 1 (2%) Independent.
- 3.9 Under the political balance regulations in the Local Government and Housing Act 1989, allocations are made to political groups, any member not in a political group is consequently not automatically entitled to seats on committees. Therefore in Table 1 below, all group percentage allocations have been rounded up. The figures marked by an asterisk take account of this adjustment.

- 3.10 The proportionality calculations require the Conservative Group to release a seat to the Liberal Democrat Group. The Conservative Group has advised that the relevant seat is on the Accounts, Audit and Risk Committee and is indicated below in brackets.
- 3.11 The proportionality calculations require the Labour Group to release two seats to the Liberal Democrat Group. The Labour Group has advised that the relevant seats are on the Appeals Panel and Licensing Committee and is indicated below in brackets

3.12 Table 1: Allocation of Seats of Proportional Committees

	TOTAL	CON	LAB	LD
Accounts, Audit & Risk Committee	8	6 (-1)	1	1 (+1)
Appeals Panel	10	8	1 (-1)	1 (+1)
Budget Planning Committee	12	10	2	0
Joint Appeals Panel	3	2	1	0
Joint Personnel Committee	5	4	1	0
Licensing Committee	12	10	1 (-1)	1 (+1)
Overview & Scrutiny	12	10	2	0
Personnel Committee	12	10	2	0
Planning Committee	18	14	3	1
Standards Committee	8	7	1	0
Proportional Total by Committee	100	82	17	1
Aggregate Entitlement	100	81*	15*	4
Adjustment Required	-	-1	- 2	+3

3.12 Table 2: Allocation of Seats of Non-Proportional Committees

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

3.13 **Notes**:

Overview and Scrutiny Committee must not include any members of the Executive.

Personnel Committee must include at least one member of the Executive and may not include members of the Appeals Panel

Appeals Panel members may not serve as members or substitute members of the Personnel Committee.

Council and Employee Joint Committee has a fixed membership, comprising the number indicated in the total column.

Joint Personnel Committee may not serve as members or substitute members of the Joint Appeals Committee

Joint Appeals Committee members may not serve as members or substitute members of the Joint Personnel Committee.

3.14 Appendix 2 (to follow) sets out members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in accordance with the nominations to be made by political groups.

Recommendations

- 1.5 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- 1.6 To agree the allocation of seats on committees not subject to political balance requirements as set out in Table 2.
- 1.7 To appoint members (and where appropriate, substitute members) to serve on each of the committees and other bodies set out in Tables 1 and 2 in accordance with the nominations to be made by political groups (Appendix 2 to follow).

Appointment of Representatives

3.15 Council is asked to appoint representatives to the County Council Health Overview and Scrutiny Committee and to the Police and Crime Commissioner Scrutiny Panel.

3.16 The 2013/14 representatives on the County Council Health Overview and Scrutiny Committee was Councillor Rose Stratford and on Police and Crime Commissioner Scrutiny Panel was Councillor George Reynolds.

Recommendations

- 1.8 To appoint a representative to the County Council Health Overview and Scrutiny Committee.
- 1.9 To appoint a representative to the Police and Crime Commissioner Scrutiny Panel.

4.0 Conclusion and Reasons for Recommendations

4.1 The Council is required to note the results of the District Council elections, appoint a Leader (if required), agree the allocation of seats on committees that are subject to the political balance requirements and also on committees not subject to political balance requirements and to agree the appointments to each of the Committees in accordance with the nominations made by political groups.

5.0 Consultation

Group Leaders

Nominations and information from group leaders has been included in the report and appendices

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To amend the appointments to Committee.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from the report.

Comments checked by:

Tim Madden, Interim Head of Finance and Procurement, 0300 003 0106, tim.madden@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 It is a legal requirement for Council to agree proportionality after an election and appoint committees. It is for the Council Leader to appoint the Deputy Leader and the other Executive members, and to allocate Lead Member responsibilities.

Comments checked by: Kevin Lane, Head of Law and Governance, 0300 003 0107, kevin.lane@cherwellandsouthnorthants.gov.uk

Risk Implications

7.3 In ensuring the legal requirements are met risk to the authority is mitigated.

Comments checked by: James Doble, Democratic and Elections Manager, 01295 221587, james.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

ΑII

Links to Corporate Plan and Policy Framework

ΑII

Lead Councillor

None

Document Information

Appendix No	Title	
One	Executive Portfolios 2014/15 – to follow	
Two	Committee Membership – to follow	
Background Papers		
None		
Report Author	Natasha Clark, Team Leader, Democratic and Elections	
Contact	01295 221589	
Information	natasha.clark@cherwellandsouthnorthants.gov.uk	

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Cherwell District Council

Council

16 June 2014

Section 113 Arrangements – Authorisation of Staff to Issue Fixed Penalty Notices Policy Framework Decision

Report of Head of Environmental Services

This report is public

Purpose of report

To approve the Council (CDC) entering into an agreement under Section 113 of the Local Government Act 1972 with Banbury Town Council (BTC) to allow BTC officers to issue fixed penalty notices for offences committed under section 88 of the Environmental Protection Act 1990 and section 3 of the Dogs (Fouling of Land) Act 1996 and to make appropriate adjustments to the policy framework to permit this arrangement.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve CDC entering into an agreement with BTC pursuant to Section 113 of the Local Government Act 1972 that permits BTC officers to issue fixed penalty notices for offences committed under section 88 of the Environmental Protection Act 1990 and section 3 of the Dogs (Fouling of Land) Act 1996, and that the Head of Law and Governance accordingly be authorised to conclude such an agreement by negotiation with BTC within the parameters set out in this report.
- 1.2 That the principle of placing at the disposal of CDC officers employed by BTC for the purpose of issuing fixed penalty notices be added to the adopted policy framework.

2.0 Introduction

The purpose of this report is to enable BTC Park Rangers and other nominated staff to issue Fixed Penalty Notices for dog fouling and littering.

3.0 Report Details

- 3.1 Section 113 (1) of the Local Government Act 1972 provides that a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former. The authority to enter into such agreements rests with Full Council.
- 3.2 CDC is the Principal Litter Authority for the Cherwell district by virtue of the provisions of section 86(2)(b) of the Environmental Protection Act 1990 ("the 1990 Act") and is accordingly the litter authority responsible for issuing Fixed Penalty Notices for leaving litter under section 88 of the 1990 Act.
- 3.3 CDC is also the local authority responsible issuing Fixed Penalty Notices for dog fouling on designated land within the Cherwell district pursuant to section 3 of the Dogs (Fouling of Land) Act 1996 ("the 1996 Act").
- 3.4 The intention is that officers of BTC be placed at the disposal of CDC for the purpose of issuing Fixed Penalty Notices in relation to littering offences committed under section 87 of the 1990 Act and dog fouling offences committed under section 4 of the 1996 Act within the Banbury parish boundary.
- 3.5 At the Town Council meeting on 19 November 2013 it was unanimously RESOLVED that:
 - "Banbury Town Council is proud of its record of providing many free events for tourists and townspeople and our major investment in our parks and open spaces. We also recognise the hard work undertaken by both Banbury Town Council and Cherwell District Council cleansing teams in their respective areas. We acknowledge that at peak times and especially on Bank Holidays our town and parks have a welcome surge in use, but this can lead to a few selfish individuals spoiling the town for the majority by littering. We acknowledge the current joint working arrangements but ask for more frequent liaison and even closer cooperation between those responsible for cleansing in the town in both the public and private sector."
- 3.6 Following the Town Council resolution CDC and BTC officers met to discuss the scope for closer working. As a result of these meetings a number of new arrangements have been put in place to improve co-ordination between Town Council staff and CDC street cleansing, including quarterly meetings to be held between the Town Council's Recreation & Amenities Manager and CDC Cleansing and Enforcement Managers and closer working on CDC education programmes, such as "Major Sparkle" and promotional initiatives, including "Litter Blitzes" and Keep Britain Tidy campaigns.
- 3.7 The main focus of these officer level meetings has however been upon how the Town Council can become involved in the District Council's enforcement regime for tackling littering and dog fouling through the mechanism of issuing Fixed Penalty Notices.

4.0 Conclusion and Reasons for Recommendations

4.1 Given the shared service objectives of both Councils around the "clean and green" agenda and the need to ensure that appropriate governance arrangements are in place, it is recommended that the Council support the recommendations as set out in this report.

5.0 Consultation

Councillor Nigel Morris – Lead Member for Clean and Green

Supports the closer working arrangements between the two Councils to further the Clean and Green objectives, including the authorisation of Town Council officers to issue FPNs for dog

fouling and littering.

Banbury Town Council

Unanimously resolved to support these recommendations on 19 November 2013

6.0 Alternative Options and Reasons for Rejection

5.1 The following options have been considered, and Option 2 rejected for the reasons as set out below.

Option 1: To agree the recommendations. This option is perceived to be in the best interests of both Councils.

Option 2: Not to agree the recommendations. This would not be in the interests of either Council. It would demonstrate a lack of willingness to facilitate closer working arrangements to improve the local environment, contrary to the expressed intentions of both Councils to work together to maximise the effectiveness of staff delivering aspects of the Clean and Green agenda.

7.0 Implications

Financial and Resource Implications

- 7.1 All fines penalties and other court costs paid or recovered in relation to or connected with any FPN issued by an Authorised Officer will be owed to and retained by CDC.
- 7.2 The ongoing salary and on-costs, superannuation, training, travel and incidental costs of Authorised Officers shall be borne by BTC.
- 7.3 The parties will each bear its own legal and other fees In relation to the preparation and completion of the Agreement.

Comments checked by: Nicola Jackson, Corporate Finance Manager 01295 221731 nicola.jackson@cherwellandsouthnorthants.gov.uk

Legal Implications

7.4 Section 113 of the Local Government Act 1972 permits an officer of one Council to be put at the disposal of another and the formal agreement proposed will set the legal parameters for the issuing of Fixed Penalty Notices by Authorised Officers of BTC.

Comments checked by: Richard Hawtin, Team Leader – Property and Contracts 01295 221695 Richard.hawtin@cherwell-dc.gov.uk

Risk Implications

7.5 BTC will be responsible for undertaking its, and for ensuring Authorised Officers undertake their, own risk assessments in respect of all actions and activities relating to or associated with the issue of FPNs.

Comments checked by: Louise Tustian – Senior Performance and Improvement Officer, 01295 221786, Louise.tustian2@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All Banbury Wards.

Links to Corporate Plan and Policy Framework

The Town Council is fully supportive of CDC's Corporate Policy Objective to provide Cleaner, Safer, Greener Communities. One of the aims of this objective is to improve the quality of the local environment, as this affects and reflects the well-being of the local community. Whether it's a town centre, local park or street, it is important that these areas are attractive and safe places to be.

It is one of the Town Council's corporate objectives to promote Banbury as a clean, safe, welcoming and prosperous town for all. More specifically the Town Council has a key service objective to provide and maintain high standard outdoor recreational areas. Action to combat dog fouling and littering would be in accordance with these policy objectives.

Lead Councillor

Councillor Nigel Morris, Lead Member for Clean and Green

Document Information

Appendix No	Title	
None	None	
Background Papers		
None		
Report Author	Mark Harmon Environmental Protection Manager	
Contact	Direct dial 01295 221624	
Information	Mark.harmon@cherwellandsouthnorthants.gov.uk	

Agenda Annex



Committee: First Meetings of Committees

Date: Monday 16 June 2014

Time: 6.35pm or on the rising of Council which ever is later

Venue: Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

AGENDA

Meetings of various Committees will be held immediately on the rising of the Council Meeting, in order to elect their Chairman and Vice-Chairman for 2014/15, and to conduct any other business as may be specified.

Members are asked to remain in their places at the conclusion of the Council Meeting and to stand for the period during which Committees of which they are a member are called into session.

The Chairman of the Council will preside over the election of the Chairman of each Committee who, once appointed, will preside over the election of the Vice-Chairman. In each case, the names of Members moved and seconded will be put to the vote, unless only one name is submitted, in which case that Member will be declared appointed unopposed.

1. Accounts, Audit and Risk Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

2. Appeals Panel

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

3. Budget Planning Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

4. Licensing Committee

- b) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

5. Overview and Scrutiny Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

6. Personnel Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

7. Planning Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

8. Standards Committee

- a) The Chairman of the Council will call for nominations for the office of Chairman.
- b) The Chairman of the Committee will then call for nominations for the office of Vice-Chairman.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to Natasha Clark, 01295 221589 democracy@cherwellandsouthnorthants.gov.uk prior to the start of the meeting.

Queries Regarding this Agenda

Please contact Natasha Clark, Team Leader – Democratic and Elections, 01295 221589, natasha.clark@cherwellandsouthnorthants.gov.uk

Sue Smith
Chief Executive

Published on 6 June 2014

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