



County Council

27 March 2018

Agenda

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

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



To: **Members of the County Council**

Notice of a Meeting of the County Council

Tuesday, 27 March 2018 at 10.30 am

Council Chamber - County Hall, New Road, Oxford OX1 1ND

A handwritten signature in black ink that reads "P.G. Clark".

P.G. Clark
Chief Executive

March 2018

Committee Officer: **Deborah Miller**
Tel: 07920 084239; E-Mail: deborah.miller@oxfordshire.gov.uk

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 7 and 8 will be recorded. The purpose of recording proceedings is to provide an *aide-memoire* to assist the clerk of the meeting in the drafting of minutes.

Members are asked to sign the attendance book which will be available in the corridor outside the Council Chamber. A list of members present at the meeting will be compiled from this book.

A buffet luncheon will be provided

AGENDA

1. Minutes (Pages 1 - 6)

To approve the minutes of the meeting held on 13 February 2018 (**CC1**) and to receive information arising from them.

2. Apologies for Absence

3. Declarations of Interest - see guidance note

Members are reminded that they must declare their interests orally at the meeting and specify (a) the nature of the interest and (b) which items on the agenda are the relevant items. This applies also to items where members have interests by virtue of their membership of a district council in Oxfordshire.

4. Official Communications

5. Appointments

Council are asked to note the following appointment:

Councillor Lawrie Stratford in place Councillor Carman Griffiths on Pension Fund Committee.

To make any changes to the membership of the Cabinet, scrutiny and other committees on the nomination of political groups.

6. Petitions and Public Address

7. Questions with Notice from Members of the Public

8. Questions with Notice from Members of the Council

9. Report of the Cabinet (Pages 7 - 10)

Report of the Cabinet Meetings held on 19 December 2017, 23 January 2018, 12 February 2018 and 27 February 2018 (CC9).

10. Constitution Review (Pages 11 - 16)

Under the Constitution, the Monitoring Officer is required to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect. This includes making recommendations to Council on any necessary amendments. The Monitoring Officer is authorised to make any changes to the Constitution which are required to:

- Comply with the law
- Give effect to the decisions of Council (or Cabinet, Committees etc.)
- Correct errors and otherwise for accuracy or rectification

Other changes will only be made by Full Council, following a recommendation of the Monitoring Officer. This report sets out one change for the Council to approve; and also sundry amendments to note which have already been made by the Monitoring

Officer under his delegated powers to give effect to previous Council decisions.

Council is RECOMMENDED to:

- (a) endorse the proposed change to the Part 2, Article 6 ('The Cabinet') set out in paragraph 6 of this report; and**
- (b) note the changes made to the Constitution by the Monitoring Officer under delegated powers since the last annual Constitution Review report to Council (as outlined in Annex 1).**

MOTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

WOULD MEMBERS PLEASE NOTE THAT ANY AMENDMENTS TO MOTIONS WITH NOTICE MUST BE PRESENTED TO THE PROPER OFFICER IN WRITING BY 9.00 AM ON THE MONDAY BEFORE THE MEETING

11. Motion from Councillor Bob Johnston

"Investment, environmental, social and governance (ESG) issues are now rising rapidly up the Agenda. This is evidenced, for example by the recent decision of the Norwegian Sovereign Wealth Fund to cease investment in oil and gas. The Oxfordshire Local Pension Fund has an obligation to review its investment strategy, when the present 3-year framework expires. Council therefore calls upon the Pension Committee to incorporate the latest and best advice available on ESG matters when reviewing its policies and drawing up the next 3-year investment strategy."

12. Motion from Councillor Liz Brighthouse

"There is now much greater emphasis on Equality with the Equality Act 2010 putting requirements on Local Authorities in relation to understanding Gender Equality.

The world has moved on from one where those carrying out a function were referred to by their gender and this Council is doing fantastic work in many areas, but particularly in the Fire and Rescue Service, to overcome the stereotype of male dominated jobs. This Council applauds this work and believes that to reflect our commitment to inclusion and gender equality those Chairing meetings of the Council should be able to be called by the title Chairman, Chairwoman or a gender-neutral title such as Chairperson or Chair.

The Council requests that the Monitoring Officer report to the Audit & Governance Committee with proposals to amend the Constitution to reflect these arrangements and for those changes to ratified at a further Full Council meeting."

13. Motion from Councillor Mike Fox-Davies

Many approvals for planning permission are granted, subject to routeing agreements, (normally for HGV traffic). These form a contract with the applicant. If these

agreements are not followed, there is limited power of enforcement. Once granted the permission cannot be removed, the only enforcement process is for the applicant to be pursued through the civil court.

This is currently embedded in planning law. Whilst many applicants will abide by the legal agreements, there is no easy deterrent for applicants who flout them.

As a rural Council with many villages affected by HGV movements, we feel strongly that the law in this area needs to be amended. This Council requests that the Planning & Regulation Committee strengthen the existing OCC planning protocols to include measures to enable easy redress following persistent breaches such as the retention of a financial performance bond, with the necessary mechanism for any persistent breaches of the routeing agreements.

Additionally, this Council asks that the Leader of the Council Lobby every MP in Oxfordshire to support this change and raise a back-bench motion in Parliament, to strengthen the UK planning law to allow local authorities more redress when conditions or legal agreements entered by contractors are persistently breached.

14. Motion from Councillor John Sanders

"This Council, while appreciating the government's recent grant to this Council of an extra £1m for pothole repairs now points out that resurfacing the County's roads in the council's maintenance backlog will cost in the region of £150m and asks the Cabinet Member for Environment to write to the Secretary of State for Transport and the Chancellor of the exchequer to ask them for sufficient funds to repair our roads and put a halt to their managed decline."

15. Motion from Councillor Liz Leffman

GWR and Network Rail recently attended a public meeting convened to address issues on the Cotswold Line service. The line runs through the County from Oxford to Hanborough, Charlbury and Kingham. At that meeting, representatives from GWR admitted that as long as parts of the line remain single track, they could not guarantee a regular service, and asked members of the public to make this point in the recent consultation.

Delays and cancellations of trains on this line are not just a problem for West Oxfordshire residents. As all the trains pass through Oxford and on to Reading, any delays and cancellations on the Cotswold Line directly impact train services to and from Oxford, and also impact trains running from the north through Banbury.

Since the opening of Oxford Parkway station, passenger numbers at Charlbury have declined by 10%. This is because people prefer to travel to Oxford Parkway which offers a more frequent and reliable service. However, this has led to an increase in road traffic through Woodstock and Kidlington.

With the increased numbers of homes planned across Oxfordshire, there is a growing need for frequent and reliable train services across the County's whole network.

This Council therefore asks the Leader to write to the Secretary of State for Transport, and to Mark Carne, Chief Executive of Network Rail, requesting that they re-evaluate the need to dual the track along the entire length of the Cotswold Line, in the light of proposed development.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 26 March 2018 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders

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OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 13 February 2018 commencing at 10.30 am and finishing at 4.50 pm.

Present:

Councillor Zoé Patrick – in the Chair

Councillors:

Sobia Afridi	Mike Fox-Davies	Charles Mathew
Lynda Atkins	Stefan Gawrysiak	Glynis Phillips
Jamila Begum Azad	Mark Gray	Susanna Pressel
Hannah Banfield	Carmen Griffiths	Laura Price
David Bartholomew	Pete Handley	Eddie Reeves
Dr Suzanne Bartington	Jenny Hannaby	G.A. Reynolds
Maurice Billington	Neville F. Harris	Judy Roberts
Liz Brighouse OBE	Steve Harrod	Alison Rooke
Paul Buckley	Mrs Judith Heathcoat	Dan Sames
Kevin Bulmer	Hilary Hibbert-Biles	Gill Sanders
Nick Carter	John Howson	John Sanders
Mark Cherry	Ian Hudspeth	Les Sibley
Dr Simon Clarke	Tony Ilott	Emily Smith
Yvonne Constance OBE	Dr Kirsten Johnson	Roz Smith
Ian Corkin	Bob Johnston	Lawrie Stratford
Helen Evans	Liz Leffman	Alan Thompson
Arash Fatemian	Lorraine Lindsay-Gale	Emma Turnbull
Neil Fawcett	Mark Lygo	Michael Waine
Ted Fenton	D. McIlveen	Liam Walker
Nicholas Field-Johnson	Kieron Mallon	Richard Webber
Mrs Anda Fitzgerald-O'Connor	Jeannette Matelot	

The Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

185/18 MINUTES

(Agenda Item 1)

The Minutes of the meeting held on 12 December 2017 were approved and signed.

186/18 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

The Chairman reported as follows:

The Chairman reported on the opening of the Westgate Library in central Oxford on Monday 18th December, together with a host of events that had taken place in various parts of the library for that week. She invited all members on behalf of the Cabinet Member to attend the official opening event with the Minister for Libraries on Thursday 22nd February.

The Chairman further extended a warm welcome to all councillors who would like to have a tour of the Oxford History Centre which was based in Cowley, and had a large number of archives, for either researching family history or the division they represented.

Council paid tribute and observed a minute's silence in memory of former county councillor Nellie Whorley (also known as Queenie Comfort) who had served on the County Council from May 1985 to May 1993.

187/18 PAY POLICY STATEMENT - REPORT OF THE REMUNERATION COMMITTEE

(Agenda Item 7)

In 2012 a stand-alone Remuneration Committee was set up to report each year directly to full Council and to make recommendations regarding the Council's Pay Policy Statement. The Council had before them the report of the Remuneration Committee (CC7) which updated the Council's Pay Policy Statement and set out future proposals of the Remuneration Committee in relation to this area.

RESOLVED: (on a Motion by Councillor Hudspeth, seconded by Councillor Webber and carried nem con) to:

- (a) receive the report of the Remuneration Committee;
- (b) approve the revised Pay Policy Statement at Annex 2 to this report.

188/18 SERVICE & RESOURCE PLANNING 2018/19 - 2021/22

(Agenda Item 8)

The Council had before it a report (CC8) which outlined the service & resource planning process for 2018/19 to 2021/22 and set out the Cabinet's proposed budget for 2018/19, together with the medium term financial plan and capital programme and a number of statements/policies that the Council was required to approve for the 2018/19 financial year.

The report was divided into four sections; the Leader of the Council's Overview (section 1), the Corporate Plan (section 2) the Director of Finance's

Statutory Report (section 3) and the Budget Strategy and Capital Programme (Section 4).

The Council also had before it budget proposals in the form of: Revised Annexes due to the settlement (Additional Papers pack 1) Amendments by the Labour Group to the Cabinet's Revenue Budget (CC8 Labour), Amendments by the Liberal Democrat Group to the Cabinet's Revenue Budget (CC8 Lib Dem) (Additional Papers Pack 2), together with further amendments set out in the schedule of Business. All papers could be found on the Council's Website.

The Chairman explained to the meeting that following consultation with the Group Leaders, it had been agreed that, subject to the consent of Council recommendation (a) (Corporate Plan) set out in the Schedule of Business should be debated and voted on separately from the Budget proposals. Accordingly, the motion was put to the vote and it was:

RESOLVED: (nem con) to take recommendation (a) separately.

With the consent of Council, Councillor Hudspeth moved and Councillor Brighouse seconded recommendation (a) as set out in the revised recommendations in the Schedule of Business.

During debate councillors expressed views that there was no explicit link between the Corporate Plan and the budget; that the corporate plan should be shorter and more focused, include performance measurement; be more strategic and have greater emphasis on future plans and how these would be achieved and demonstrate leadership. It was also commented on that the plan missed out further education.

Following debate, the motion was put to the vote and was carried by 46 votes to 4, with 11 abstentions.

RESOLVED: (by 46 votes to 4, with 11 abstentions)

(a) to consider and comment on the Draft Corporate Plan 2018 – 2021 as set out in Section 2.0, such comments to be considered by the Cabinet at its meeting on 27 February, before it is formally adopted by Council in March;

Councillor Hudspeth then moved and Councillor Bartholomew seconded the Cabinet's recommendations on Service & Resource Planning 2018/19 – 2021/22. In moving the motion, Councillor Hudspeth paid tribute to Lorna Baxter and Katie Jurczynszyn for all their work in preparing the budget.

Councillor Brighouse moved and Councillor Evans seconded an amendment to the Cabinet's budget as set out in the Additional Papers Pack 2 (CC8 Labour). Councillor Brighouse thanked the Director of Finance and her team for their help and support.

Following debate, the amendment was put to the vote and was lost by 35 votes to 15, with 13 abstentions.

Councillor Webber moved and Councillor Roz Smith seconded an amendment to the Cabinet's budget as set out in the Additional Papers Pack 2 (CC8 Lib Dem). In moving his motion, Councillor Webber paid tribute to Lorna Baxter and her team for their help and support.

Following debate, the amendment was put to the vote and was lost by 34 votes to 14, with 15 abstentions.

Following a lengthy debate, the substantive motion was put to the vote and was carried by 36 votes to 27.

Voting was as follows:

Councillors voting for the motion (36)

Atkins, Bartholomew, Bartington, Billington, Bulmer, Carter, Clarke, Constance, Corkin, Fatemian, Fenton, Field-Johnson, Fitzgerald O'Connor, Fox-Davies, Gawrysiak, Gray, Griffiths, Handley, Harrod, Heathcoat, Hibbert-Biles, Hudspeth, Ilot, Lindsay-Gale, Mallon, Matelot, Mathew, Patrick, Reeves, Reynolds, Sames, Sibley, Stratford, Thompson, Waine, Walker.

Councillors voting against the motion (27)

Alfridi, Azad, Banfield, Brighouse, Buckley, Cherry, Evans, Fawcett, Hannaby, Harris, Howson, Johnston, Johnson, Lygo, McLveen, Phillips, Pressel, Price, Roberts, Rooke, G Sanders, J Sanders, E Smith, R Smith, Turnbull, Webber and Williams.

It was accordingly:"

RESOLVED: (36 votes to 27)

The Council is RECOMMENDED to:

- (b) have regard to the report of the Director of Finance (at Section 3) in approving recommendations (c) to (f) below;***
- (c) (in respect of revenue) approve:***
 - (1) the council tax and precept calculations for 2018/19 set out in section 4.3 and in particular:***
 - (i) a precept of £352,041,895;***
 - (ii) a council tax for band D equivalent properties of £1,426.19;***
 - (2) a budget for 2018/19 as set out in section 4.4;***
 - (3) a medium term plan for 2018/19 to 2021/22 as set out in section 4.1 (which incorporates changes to the existing medium term financial plan as set out in section 4.2; and,***

subject to Cabinet approval on 12 February 2018, as Accountable Body for the Oxfordshire Housing and Growth Deal, includes £4.5m capacity funding (noting a further £0.5m will be received in 2017/18);

- (4) the use of Dedicated Schools Grant (provisional allocation) for 2018/19 as set out in section 4.8; and*
- (5) virement arrangements to operate within the approved budget for 2018/19 as set out in section 4.5;*

(d) (in respect of balances and reserves) approve:

- (1) the Chief Finance Officer's recommended level of balances for 2018/19 as set out in Appendix 1 of section 4.7; and*
- (2) the planned level of reserves for 2018/19 to 2021/22 as set out in section 4.7.1;*

(e) (in respect of treasury management) approve:

- (1) the Treasury Management Strategy Statement and Annual Investment Strategy for 2018/19 as set out in section 4.9;*
- (2) the continued delegation of authority to withdraw or advance additional funds to/from external fund managers to the Treasury Management Strategy Team;*
- (3) that any further changes required to the 2018/19 strategy be delegated to the Chief Finance Officer in consultation with the Leader of the Council and the Cabinet Member for Finance;*
- (4) the Prudential Indicators as set out in Appendix A of section 4.9;*
- (5) the Minimum Revenue Provision Methodology Statement as set out in Appendix B of section 4.9;*
- (6) the Specified Investment and Non- Specified Investment Instruments as set out in Appendix C and D of section 4.9; and*
- (7) the Treasury Management Policy Statement as set out at Appendix E of section 4.9;*

(f) (in respect of capital) approve:

- (1) the Capital Strategy as set out in Section 4.10; and*
- (2) a Capital Programme for 2018/19 to 2027/28 as set out in section 4.10.1 which:
 - (i) subject to Cabinet approval on 12 February 2018, as Accountable Body for the Oxfordshire Housing and Growth Deal, includes £150m funding for Infrastructure and £60m for Affordable Housing;*
 - (ii) includes the Highways Structural Maintenance Programme 2018/19 and 2019/20 in section 4.10.3.**

..... in the Chair

Date of signing

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Division(s): N/A

COUNTY COUNCIL – 27 MARCH 2018

REPORT OF THE CABINET

Cabinet Member: Leader

1. Oxfordshire Housing & Growth Deal

(Cabinet, 12 February 2018)

Cabinet had before them a report seeking approval of the Oxfordshire Housing and Growth Delivery Plan together with associated detailed recommendations: the Oxfordshire Housing and Growth Deal announced by Government in the November Budget, provides £215 million of additional Government funding for Oxfordshire, along with a package of planning freedoms and flexibilities for the Oxfordshire authorities.

Cabinet agreed to the Oxfordshire Housing and Growth Deal (the Deal) and Delivery Plan. Cabinet further agreed to become the accountable body in respect of the Oxfordshire Housing and Growth Deal and that the terms of reference of the Growth Board be reviewed and any necessary inter authority agreement be agreed. Cabinet also agreed to participate in the preparation of a Joint Statutory Spatial Plan (JSSP) for Oxfordshire in accordance with the timescales set out in the Delivery Plan.

Cabinet Member: Deputy Leader

2. Cabinet Business Monitoring Report for Quarter 2

(Cabinet, 23 January 2018)

Cabinet considered a report that gave details of performance for quarter two 2017-18. The report is required so that the Cabinet can monitor the performance of the Council in key service areas and be assured that progress is being made to improve areas where performance is below the expected level.

3. Corporate Plan

(Cabinet, 27 February 2018)

Cabinet considered a report setting out next steps in developing and finalising the Corporate Plan, following comments from Council on 13th February 2018.

The report proposed that more time is taken to complete the work on the corporate plan, including the performance outcomes and measures, and to engage fully with Councillors. Once this work has been completed, the final corporate plan will then be brought back to the earliest possible meeting of Cabinet and Council for agreement.

Cabinet agreed to receive a final version of the corporate plan once work, on the performance outcomes and measures, and engagement with Councillors, has been completed.

4. Staffing Report, Quarter 3 2016/17

(Cabinet, 27 February 2018)

Cabinet agreed a report that gave an update on staffing numbers and related activity during the period 1 October 2017 to 31 December 2017. In addition, the report provided information on the cost of posts being covered by agency staff and an Agency Trend analysis.

Cabinet Member: Adult Social Care

5. Daytime Support Grants

(Cabinet, 23 January 2018)

There are grant funds available to support the continuation and development of community and voluntary sector daytime support opportunities in Oxfordshire. Cabinet had before it a report relating to the Sustainability and Transition Grant Fund for 2018/19, to support community and voluntary sector daytime support services.

Following consideration of the applications by the cross-party panel against the grant criteria as set out in the guidance Cabinet considered a report setting out their recommendations. Cabinet agreed 25 applications for funding totalling £409,770 and approved transferring the remaining amount, as set out under 26 (f) above, to the Innovation Fund 2018-19.

Cabinet Member: Environment

6. Oxfordshire Minerals and Waste Development Scheme 2017

(Cabinet, 19 December 2017)

The County Council must prepare and maintain a Minerals and Waste Development Scheme, setting out the programme for production of the Minerals and Waste Local Plan. The original Oxfordshire Minerals and Waste Development Scheme came into effect in May 2005 and a number of revisions have been made since then, most recently in February 2016. Part 1 of the Plan, the Core Strategy was adopted in September 2017 but the prolonged examination of that plan has delayed commencement of work on Part 2 of the Plan - the Site Allocations. The timetable for preparation of the Site Allocations plan in the most recent revision of the Development Scheme is therefore now out of date. Cabinet agreed a revised Development Scheme.

7. Oxfordshire Local Aggregate Assessment

(Cabinet, 19 December 2017)

Government planning policy in the National Planning Policy Framework (NPPF) requires the County Council to prepare an annual Local Aggregate

Assessment (LAA). The LAA establishes the amount of provision for mineral working that should be made in the Minerals and Waste Local Plan and it can also be a material consideration in the determination of planning applications for mineral working. The current LAA 2014 was approved by the Cabinet in November 2014. Updated information on sales and reserves of aggregates in Oxfordshire, for 2014, 2015 and 2016, is now available. Following the adoption of the Core Strategy, Cabinet considered a report seeking approval of a revised LAA, taking into account this more up to date information.

Cabinet approved the Oxfordshire Local Aggregate Assessment 2017 for use as the basis for provision for mineral working in the Oxfordshire Minerals and Waste Local Plan and for calculating the Oxfordshire landbank;

Cabinet Member: Finance

8. 2017/18 Financial Monitoring & Business Strategy Report - *(Cabinet, 19 December 2017)*

Cabinet considered a financial monitoring report for 2017/18 that focused on the delivery of the 2017/18 budget based on projections at the end of October 2017. Parts 1 and 2 include projections for revenue, reserves and balances. Capital Programme monitoring and update was included at Part 3.

Cabinet approved virement requests and bad debt write offs, noted the Treasury Management lending list and approved the updated Capital Programme. In addition Cabinet approved capital projects for the new Secondary School in South West Bicester, the delivery of the slip road at A34/A4183 junction at Lodge Hill; and approved an increase in the capital programme to reflect the budget for the master site plans for Drayton and Deddington Depots.

9. Transition Fund for Community Initiatives for Open Access Children's Services - February 2017 *(Cabinet, 23 January 2018)*

In February 2016, the Council agreed to set aside £1m for creating a 'one off' fund to provide pump priming to support the provision of open access children's services.

In September 2017 Cabinet agreed the proposed use of the underspend of £232,674 for further rounds of grant funding with a cross party group of councillors bringing proposals back to Cabinet for decision.

Cabinet approved the recommendations of the working group that had considered the applications under the fifth round of bids against the agreed criteria outlined in the guidance notes. Three bids were agreed at a total cost of £15,089.

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Division(s): N/A

COUNCIL - 27 MARCH 2018

CONSTITUTION REVIEW

Report by the Director of Law and Governance and Monitoring Officer

Introduction

1. Under the Constitution, the Monitoring Officer is required to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect. This includes making recommendations to Council on any necessary amendments. The Monitoring Officer is authorised to make any changes to the Constitution which are required to:
 - Comply with the law;
 - Give effect to the decisions of Council (or Cabinet, Committees etc.);
 - Correct errors and otherwise for accuracy or rectification.
2. Other changes will only be made by Full Council, following a recommendation of the Monitoring Officer.
3. This report sets out one change for the Council to approve; and also sundry amendments to note which have already been made by the Monitoring Officer under his delegated powers to give effect to previous Council decisions.
4. The issues are:
 - A legal update of the Constitution to clarify the process on the re-election of a leader of the council, to comply with the Local Government Act 2000, *for endorsement*
 - A summary of changes made by the Monitoring Officer in year for the reasons in paragraph 1 above, *for noting*
5. Council should note that the *Constitution Review* considered under this report is a routine annual update and is entirely separate to the *Governance Review* which is currently taking place. The Governance Review may itself lead to constitutional changes in the coming months but that would form part of a separate report to Council. This is explained further at paragraph 10 below.

Potential change – Council approval needed

Re-election of a leader of the Council

6. The Constitution (Part 2, Article 6) contains provisions for the election, resignation and removal of any person appointed as the leader of the Council. This complies with the Local Government Act 2000 Section 9I and 9IA. To make the provisions fully compliant with the Act (as amended by the Localism

Act 2011), there needs to be a more specific reference to the process for *re-electing* a leader where a vacancy in that office has occurred. Article 6 sets out the circumstances (listed as “3 (a) to (d)” in the 2000 Act) in which a vacancy would occur (i.e. (a) resignation, (b) ceasing to be a councillor, (c) suspension as a councillor, and (d) removal from office). It is suggested that the following additional wording, to comply with Section 9I of the Act, be inserted in paragraph 3 of Article 6 immediately after the circumstances in which a vacancy occurs:

“In the event that the circumstances in (a) to (d) above occur to create a vacancy in the office of leader of the council, an election to fill the vacancy will be taken at the next ordinary meeting of the Council or at an extraordinary meeting of the Council. In the case of (d) [removal from office by resolution of the Council] the election to fill the vacancy should occur, where possible, at the same meeting at which the resolution removing the leader is passed. The newly elected leader will remain in office for the remaining term of the Council subject to paragraphs 3(a) to (d).”

7. The Audit and Governance Committee has already considered this change and is supportive of it; consequently, it has formally recommended the Council to adopt it.

Consequential amendments made in year

8. The Annex to this report summarises the changes that have been made since the last Constitution Review that were consequential on decisions of the Council or were otherwise required under the Monitoring Officer’s delegated powers to keep the Constitution up to date.
9. Council is asked to note these changes.

Governance Review

10. Council will recall that in the summer of 2017, it was agreed that a governance review be undertaken into potential changes to the Council’s political decision-making arrangements. This review began in the autumn and is likely to continue throughout the spring and summer of 2018 led by a cross-party Governance Review Task Group. For clarity, the current constitution review in this report is the normal annual review of current constitutional matters; the matters in this report do not prejudge or otherwise bind the Governance Review. Any potential constitutional changes arising from the Governance Review will come to Council separately, with input from the Audit & Governance Committee.
11. The Task Group is still considering a range of evidence and wishes to take the necessary time to do so in order to arrive at fully considered recommendations. As such, it has not yet expressed any preferences nor made any decisions or recommendations and has not set any timeframe for doing so.

Legal and procedural implications

12. The legal requirement for the change suggested in paragraph 6 above is contained within the Local Government Act 2000 Section 91(a). The procedural authority for the changes suggested in paragraph 7 are contained within the Council's Constitution (Part 2, Article 1, paragraph 5.2).

RECOMMENDATION

13. **Council is RECOMMENDED to:**

- (a) endorse the proposed change to the Part 2, Article 6 ('The Cabinet') set out in paragraph 6 of this report; and**
- (b) note the changes made to the Constitution by the Monitoring Officer under delegated powers since the last annual Constitution Review report to Council (as outlined in Annex 1).**

NICK GRAHAM

Director of Law and Governance

Contact Officer: Glenn Watson Tel: 07776 997946

March 2018

Constitution Review

Amendments made during the year under delegated authority

Consequential amendments during since March 2017

Changes consequent on the Annual Meeting (16 May 2017):

Part 2, Article 6: Cabinet appointments

Part 2, Article 13: Officers (senior managers – consequent on adoption of the Scheme of Delegation)

Part 5.1: Membership of committees and sub-committees

Part 7.2: Scheme of Delegation

Changes to sub-delegation made by Remuneration Committee (28 September 2017):

Part 2, Article 11: Pension Benefits Sub-Committee – sub-delegation amended to reflect that the Sub-Committee will determine early retirement cases only where the Council has discretion e.g. ill health retirement.

Part 2, Article 11: addition of a new paragraph 6 to reflect that the Remuneration Committee delegates consideration and approval of all other early retirement cases (save those delegated to Pension Benefits Sub Committee) to council directors with concurrence from the Strategic HR Manager.

Part 2, Article 11: addition of a new paragraph 7 to reflect that the Remuneration Committee wishes to receive a report each quarter on all redundancies and early retirements including associated costs.

Change consequent on 11 July 2017 Full Council (Minute 146/17)

Part 3.1: Council Procedure Rules

Addition of new paragraph to the Council Procedure Rules to reflect an arrangement of reciprocity for City/District and County Councillors in addressing meetings of their Councils. As follows:

New Section 10 New Part 4

- 10.4 (i) City and District Councillors be given their own speaking slot at meetings of the County Council's Planning & Regulation Committee at the discretion of the Chairman of the Committee and normally only where County Councillors enjoyed a similar privilege at District and City planning meetings.
- (ii) Where that reciprocal arrangement was not in place then District and City Councillors would retain the right to apply alongside other members of the public.

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