

Council Agenda



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Date: 9 July 2013
Website: www.whitehorsedc.gov.uk

Summons to attend a meeting of Council

to be held on Wednesday 17 July 2013 at 7.00pm
Guildhall, Abingdon

A handwritten signature in black ink, appearing to read "M Reed".

Margaret Reed
Head of Legal and Democratic Services

A large print version of this agenda is available. In addition any background papers referred to may be inspected by prior arrangement.

Please note that this meeting will be held in a wheelchair accessible venue. If you would like to attend and have any special access requirements, please let the Democratic Services Officers know beforehand and they will do their very best to meet your requirements.

Note: please remember to sign the attendance register.

Agenda

Open to the Public including the Press

Map and vision

(Page 6)

A map showing the location of the venue for this meeting is attached. A link to information about nearby car parking is

http://www.whitehorsedc.gov.uk/transport/car_parking/default.asp

The council's vision is to take care of your interests across the Vale with enterprise, energy and efficiency.

1. Apologies for absence

To receive apologies for absence.

2. Minutes

(Pages 7 - 14)

To adopt and sign as a correct record the council minutes of the annual meeting held on 15 May 2013 (attached).

3. Declarations of interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

4. Chairman's announcements

To receive any announcements from the chairman.

5. Statements, petitions and questions from the public relating to matters affecting Council

Any statements, petitions and questions from the public under standing order 32 will be made or presented at the meeting.

6. Urgent business

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent.

7. Petitions under standing order No.13

To receive petitions from members of the council under standing order 13 (if any).

8. Questions under standing order 12

To receive questions from members of the council under standing order 12:

- (1) Question from Councillor Tony de Vere to the Leader of the Council, Councillor Matthew Barber:

‘Please would the Leader reassure council that under no circumstances will he allow a change in the branding of ‘Science Vale UK’ before bringing the issue back to full council?’

- (2) Question from Councillor Judy Roberts to the Cabinet member for economic development, Councillor Elaine Ware:

‘Please would the Cabinet member update Council on the % Retail Occupancy rates for each of our Market Towns?’

- (3) Question from Councillor Julie Mayhew-Archer to the Leader of the Council, Councillor Matthew Barber:

‘Please would the Leader of the Council report to Council on the present state of the Vale Lease of Abbey Fishponds and its future?’

- (4) Question from Councillor Debby Hallett to the Cabinet member for environmental health, Councillor Roger Cox:

‘The Botley Air Quality Management Area was created in 2008. The Air Quality Updating & Screening Assessment report of 2012 concluded that it was necessary to develop an Air Quality Action Plan for Botley. Please would the Cabinet member for environmental health comment on the efficacy of the Vale's current Action Plan for reducing nitrogen dioxide air pollution in the Botley AQMA along the A34 corridor, and point us to where the public can see that Action Plan.’

9. Recommendations from Cabinet, individual Cabinet members, and committees

To consider the following recommendations from Cabinet, individual Cabinet members, or committees since the last Council meeting.

Hackney Carriage Tariff in Vale of White Horse District Council area

At its meeting on 9 July 2013 the General Licensing Committee was due to consider a report on the removal or retention of a council set hackney carriage tariff in Vale of White Horse District council area.

The report of the head of legal and democratic services, which General Licensing Committee considered on 9 July 2013, was circulated to all councillors with the

committee agenda. Please bring this report to the meeting.

As the committee meeting follows the publication of this agenda, the committee's recommendation to Council will follow.

Recommendation: to consider the committee's recommendation (to follow).

10. Designating the council's section 151 chief financial officer **(Pages 15 - 17)**

To consider the report of the strategic director on the appointment of the shared Head of Finance as the section 151 chief financial officer.

11. Abingdon Fitzharris by election - review of political balance

To consider the report (to follow) of the head of legal and democratic services regarding changes to the make-up and membership of committees following the by election for the Abingdon Fitzharris Ward vacancy.

The election result was:

Halliday, Jeanette	479	Elected
Lovatt, Monica Mary	378	
Ryall, George	96	

12. Community Governance Review - Draft Terms of Reference **(Pages 18 - 25)**

To consider the report of the chief executive on draft terms of reference for a community governance review – a review of parish arrangements within the district.

Recommendations: to

1. approve the draft terms of reference set out in Appendix A for a community governance review of the Vale of White Horse; and
2. establish a working group to oversee the review and determine its make-up.

13. Report of the leader of the council

(1) Urgent cabinet decisions

In accordance with the overview and scrutiny procedure rules, a cabinet decision can be taken as a matter of urgency, if any delay by the call-in process would seriously prejudice the council's or the public's interest. Treating the decision as a matter of urgency must be agreed by the chairman of the Scrutiny Committee and must be reported to the next meeting of the council, together with the reasons for urgency.

The Leader of Council to report that Councillor Elaine Ware, Cabinet member for economy, leisure and property, took a decision on 30 May 2013 to enter into a

contract for the replacement of the two artificial turf pitches at Tilsley Park, Abingdon and approve the virement of £29,913.18 from the Vale council's contingency budget to the YC16 Tilsley Park-replacement of artificial pitches capital budget. The chairman of the Scrutiny Committee and Chairman of Council agreed that any delay caused by the call-in process would prejudice the council's and public's interest because such a delay would threaten the manufacture of the carpet before the summer factory closure, disrupt the hockey season, risk injury to users and potentially increase the loss of income claims from the council's contractor for loss of business.

(2) **Delegation of cabinet functions**

To receive details of any changes to the leader's scheme of delegation.

(3) **Matters affecting the authority arising from meetings of joint committees, partnerships and other meetings**

To receive the report of the leader (if any).

14. Notices of motion under standing order 11

To receive notices of motion under standing order 11.

(1) Motion to be proposed by Councillor Sandy Lovatt, seconder to be confirmed:

'This Council instructs officers to review the policy on street trading to consider including as consent streets in Abingdon the following areas of the Town Centre:

- a. The Market Place
- b. The Undercroft of the County Hall Museum
- c. The Abbey Gateway
- d. Bath Street from the High Street to Stratton Way
- e. The Square
- f. The High Street from the Market Place to Ock Street

and to bring a report to the General Licensing Committee for consideration.'

(2) Motion to be proposed by Councillor Robert Sharp, seconder to be confirmed:

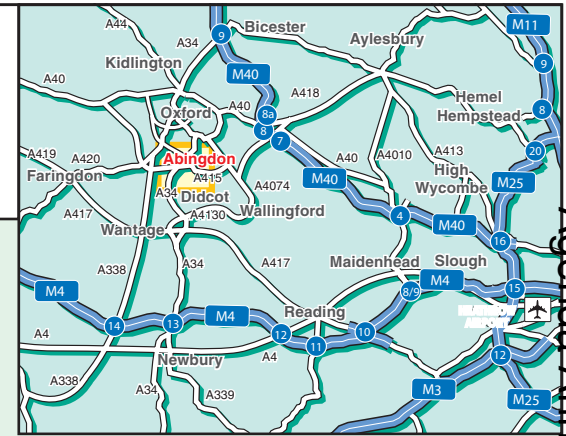
'This Council requests the Licensing Acts Committee to consider restricting the use of Chinese lanterns as a condition for licensed events in the Vale.'

(3) Motion to be proposed by Councillor Jerry Patterson, seconder Councillor Richard Webber:

'When considering sharing accommodation with others, it is this council's will that Vale of White Horse District Council should continue to be based at Abbey House, Abingdon.'

Exempt information under section 100A(4) of the Local Government Act 1972

None



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KEY: Car Parks	
	Abbey Close
	Cattle Market
	Charter Multi-storey
	Civic
	Rye Farm
	Hales Meadow
	Audlett Drive
	West St Helen Street

By rail – the nearest main line railway stations to Abingdon are either Didcot Parkway (seven miles) or Oxford (eight miles). Radley railway station is located on the main line between Oxford and Didcot and is three miles from Abingdon town centre. For details of train times visit www.nationalrail.co.uk or call 08457 484950

By bus – there are a number of bus routes serving Abingdon town centre. For details of services and timetables, visit Oxfordshire County Council’s website at www.oxfordshire.gov.uk. Contact details for bus operators can be found on the travel information pages on our website www.whitehorsedc.gov.uk

Parking – details of car parks charges can be found on our website



Minutes

of the annual meeting of

Council

held at 7.00 pm on Wednesday 15 May 2013
at the Guildhall, Abingdon

Open to the public, including the press

Present:

Councillor Alison Thomson (Chairman) – in the chair for the election of Chairman

Members: Councillor John Amys, Marilyn Badcock, Mike Badcock, Matthew Barber, Eric Batts, Yvonne Constance, Roger Cox, Tony de Vere, Charlotte Dickson, St John Dickson, Gervase Duffield, Jason Fiddaman, Debby Hallett, Jim Halliday, Jenny Hannaby, Anthony Hayward, Dudley Hoddinott, Simon Howell, Bob Johnston, Bill Jones, Mohinder Kainth, Sandy Lovatt, Ron Mansfield, Sue Marchant, Aidan Melville, Elizabeth Miles, Gill Morgan, John Morgan, Mike Murray, Jerry Patterson, Judy Roberts, Fiona Roper, Robert Sharp, Val Shaw, Janet Shelley, Andrew Skinner, Melinda Tilley, Margaret Turner, Reg Waite, Elaine Ware, Catherine Webber, Richard Webber and John Woodford

Officers: Steve Bishop, David Buckle, Steven Corrigan, Steve Culliford, Matt Prosser, Margaret Reed and Anna Robinson

Number of members of the public: 3

Co.1 Election of chairman

Councillor Mike Badcock was nominated as Chairman.

RESOLVED: to appoint Councillor Mike Badcock as Chairman of the council for the ensuing year.

Councillor Thomson presented Councillor Mike Badcock with the chain of office.

Councillor Mike Badcock read out the oath of office, signed his declaration of acceptance of office, presented Councillor Alison Thomson with the past Chairman's badge, Councillor Marilyn Badcock with the escort's badge and made an acceptance speech.

Councillor Thomson reviewed her time as Chairman of the Council over the past year and thanked Councillors Sue Marchant and Mike Badcock as her Vice-Chairmen over her time in office as chairman and Mark Hewer for their support.

Councillors Barber and Richard Webber paid tribute to Councillor Thomson in recognition of her work as Chairman of the council during the past year.

Co.2 Appointment of vice chairman

Councillor Eric Batts was nominated as Vice-Chairman.

RESOLVED: to appoint Councillor Eric Batts as Vice-Chairman of the council for the ensuing year.

The Chairman presented Councillor Eric Batts with the Vice-Chairman's chain of office.

Councillor Eric Batts read out the oath of office, signed his declaration of acceptance of office and made an acceptance speech.

Co.3 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Julia Bricknell, Angela Lawrence, Julie Mayhew-Archer and Helen Pighills.

Co.4 Minutes

RESOLVED: to adopt the minutes of the meeting held on 20 February 2013 as a correct record and agree that the Chairman signs them.

Co.5 Declarations of interest

None.

Co.6 Chairman's announcements

The Chairman welcomed Councillors St John Dickson, Andrew Skinner and Catherine Webber to the council following their election at by elections held on 2 May 2013.

The Chairman provided an update on the health of former Councillor Peter Jones. He informed councillors that his Civic Ball would take place on 15 November at the Guildhall and that his charities for the forthcoming year were the Thames Valley and Chilterns Air Ambulance and The Felix Fund. He advised that his chaplain for the forthcoming year would be Glynis Beckett.

Co.7 Urgent business

None.

Co.8 Petitions under standing order 13

None.

Co.9 Questions under standing order 12

1. Question from Councillor Jim Halliday to Councillor Yvonne Constance

"What are the Council's deadlines by which it seeks to reply to requests for information, and what action is taken if the deadline is missed?"

Councillor Constance responded that when the council received formal requests for information, these were logged in a database. Requests made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 had a target of 20 working days. Subject access requests made under the Data Protection Act 1999 had a response target of 40 calendar days.

During the financial year 2012-13 the council responded to 715 such requests, and 95 per cent of responses were within the target times. In cases where a response is delayed, the requester may make a formal complaint to the council and this would be dealt with through the council's complaints procedure. Once the council's own complaints procedure is exhausted, a dissatisfied customer may refer the matter to the Information Commissioner's Office (ICO). No cases had been referred to the ICO in the past three years.

Councillor Halliday asked the following supplementary question.

"As I have now been waiting 12 weeks for a reply to a question I asked at the council meeting held on 20 February 2013, please could she ask the Leader of council to reply, before I resort to lodging a formal complaint?"

In response Councillor Constance confirmed that the Leader of council would respond in writing.

2. Question from Councillor Richard Webber to the Leader of the Council

"What weight do you believe a decision of Full Council carries?"

In response Councillor Barber offered to discuss the decision Councillor Webber was referring to.

In asking his supplementary question Councillor Webber referred to the motion agreed at the December Council meeting which urged Cabinet to include appropriate sums for maintenance in its proposed capital budget for 2013/14 and subsequent years to permit the Abbey Meadow Swimming Pool to remain open so that Vale residents can continue to enjoy this facility. He asked whether Cabinet had responded to this motion.

In response Councillor Barber responded that this issue was considered and discussed as part of the budget setting process for the 2013/14 financial year and that the budget agreed by Council at its meeting in February included maintenance funds for this year.

3. Question from Councillor Jerry Patterson to Councillor Mike Murray

"Are you are aware of the latest housing projection data recently issued by the Office of National Statistics?"

In response Councillor Murray confirmed that he was aware of the latest figures which had been provided by the Department for Communities and Local Government. This information, together with other evidence including demographic, housing and economic factors, would be used in the preparation of the county-wide Strategic Housing Market Assessment (SHMA). However, this information, whilst used to form part of the demographic evidence, should not be used in isolation to forecast a local plan housing target. The government had advised that the council should continue to follow the existing methodology that informed the South East Plan.

As a supplementary question Councillor Patterson asked whether the revised population figures would result in a reduction in the number of houses provided for in the council's local plan.

The Chairman ruled that Councilor Murray had already responded to this question in his original response.

Co.10 Recommendations from Cabinet, individual Cabinet members, and committees

Council considered the following recommendation from the Cabinet member for commercial services:

Funding for Marlborough Gardens play area at Faringdon

To recommend Council to add £15,213 to the capital programme for improvements to the Marlborough Gardens play area at Faringdon. This expenditure to be funded by use of s106 monies held for this purpose.

Council approved the recommendation.

RESOLVED: to add £15,213 to the capital programme for improvements to the Marlborough Gardens play area at Faringdon.

Co.11 Appointments to committees, panels and joint committees

Council considered the report of the head of legal and democratic services on the appointment to those committees required to be politically balanced together with the Licensing Acts Committee, area committees and joint committees.

The Chairman referred to the following recommendation, tabled at the meeting, and invited Council to agree it.

That for the 2013/14 municipal year Council:

1. appoints the committees and panels for the 2013/14 year, allocates seats to each political group and appoints councillors and substitutes to sit on them as set out in the schedule circulated at the meeting;
2. appoints chairmen and vice-chairmen as set out in the schedule circulated at the meeting;
3. appoints councillors to the Licensing Acts Committee as set out in the schedule circulated at the meeting;
4. appoints all local members representing the wards covered by the relevant area committees as set out in minute Co.16 of the Council held on 21 May 2003 to those committees for the 2013/14 municipal year with the following chairman:
 - Abingdon – Julie Mayhew-Archer
 - North East – Jerry Patterson
 - South East – Bill Jones
 - West – Simon Howell
5. appoints chairmen and vice-chairmen as set out in the schedule circulated at the meeting;
6. appoints Alison Thomson as the council's representative on the Oxfordshire Joint Health Overview and Scrutiny Committee and Yvonne Constance as substitute;
7. appoints Bill Jones as the council's representative and Sandy Lovatt as an observer substitute on the Thames Valley Police and Crime Panel; and
8. authorises the head of legal and democratic services to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

RESOLVED: to

1. appoint the following committees and panels for the 2013/14 year and to appoint the membership and substitutes, chairmen and vice-chairmen as indicated to sit on them:

Names		SCRUTINY COMMITTEE, 12 MEMBERS POLITICALLY BALANCED	
Conservative (7)		Liberal Democrat (5)	
Eric Batts		Jim Halliday (Chairman)	
Sandy Lovatt		Tony de Vere	
Charlotte Dickson (Vice-Chairman)		Julie Mayhew-Archer	
Jason Fiddaman		Debby Hallett	
Mohinder Kainth		Richard Webber	
Fiona Roper			
Alison Thomson			
Substitutes: All other councillors from the relevant political group (not Cabinet members).			
Names		AUDIT AND GOVERNANCE COMMITTEE, 10 MEMBERS POLITICALLY BALANCED	
Conservative (5)		Liberal Democrat (4)	Non group councillor
Simon Howell (Chairman)		Dudley Hoddinott	Angela Lawrence
Mohinder Kainth (Vice-Chairman)		Julia Roberts	
Sandy Lovatt		Pat Lonergan	
Kate Precious		Andrew Skinner	
StJohn Dickson			
Substitutes: All other councillors from the relevant political group. Non group councillors permitted to substitute for each other			
Names		PLANNING COMMITTEE, 14 MEMBERS POLITICALLY BALANCED	
Conservative (8)		Liberal Democrat (5)	Non group councillor
Robert Sharp (Chairman)		Jerry Patterson (opposition spokesperson)	Aidan Melville
Sandy Lovatt (Vice-Chairman)		Bob Johnston	
Eric Batts		John Woodford	
Anthony Hayward		Sue Marchant	
Roger Cox		Helen Pighills	
Margaret Turner			
Fiona Roper			
Janet Shelley			
Substitutes: All other councillors from the relevant political group provided they have received the appropriate training. Non group councillors permitted to substitute for each other provided they have received the appropriate training.			

Names			GENERAL LICENSING COMMITTEE, 15 MEMBERS POLITICALLY BALANCED
Conservative (8)		Liberal Democrat (6)	Non group councillor
Charlotte Dickson (Chairman)		Bob Johnston	Aidan Melville
Marilyn Badcock (Vice-Chairman)		Dudley Hoddinott	
John Amys		Ron Mansfield	
Alison Thomson		Val Shaw	
Anthony Hayward		Elizabeth Miles	
Bill Jones		Catherine Webber	
Gill Morgan			
Eric Batts			
Substitutes: All other councillors from the relevant political group provided they have received the appropriate training. Non group councillors permitted to substitute for each other provided they have received the appropriate training.			
Names			APPEALS COMMITTEE, 3 MEMBERS POLITICALLY BALANCED
Conservative (2)		Liberal Democrat (1)	
Matthew Barber		Richard Webber	
Roger Cox			
Substitutes: All other councillors from the relevant political group			

Names			LICENSING ACTS COMMITTEE, 15 MEMBERS POLITICALLY BALANCED
Conservative (8)		Liberal Democrat (6)	Non group councillor
Marilyn Badcock (Chairman)		Dudley Hoddinott	Aidan Melville
Charlotte Dickson (Vice-Chairman)		Ron Mansfield	
John Amys		Val Shaw	
Alison Thomson		Elizabeth Miles	
Anthony Hayward		Catherine Webber	
Bill Jones		Andrew Skinner	
Gill Morgan			
Eric Batts			

2. appoint all local members representing the wards covered by the relevant area committees as set out in minute Co.16 of the Council held on 21 May 2003 to those committees for the 2013/14 municipal year with the following chairman:
 - Abingdon – Julie Mayhew-Archer
 - North East – Jerry Patterson
 - South East – Bill Jones
 - West – Simon Howell
3. appoint Alison Thomson as the council's representative on the Oxfordshire Joint Health Overview and Scrutiny Committee and Yvonne Constance as substitute;
4. appoint Bill Jones as the council's representative and Sandy Lovatt as an observer substitute on the Thames Valley Police and Crime Panel; and

5. authorise the head of legal and democratic services to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

Co.12 Virements

None.

Co.13 Report of the Leader of the council

Council received the Leader of Council's report and noted his revised scheme of delegation that, following the departure of Councillor Yvonne Constance from the Cabinet, designated HR, IT and Customer Services to Councillor Reg Waite, Legal and Democratic Services to Councillor Matthew Barber and appointed Councillor Yvonne Constance as adviser to Cabinet on liaison with Oxfordshire County Council over planning related issues.

Co.14 Motions under standing order 11

1. Motion proposed by Councillor Matthew Barber and seconded by Councillor Yvonne Constance:

"This Council supports the campaign by South Hinksey Parish Council calling for pedestrian ramps to be provided at the replacement railway bridge between South Hinksey and Oxford. This Council requires the Chief Executive to write to Network Rail outlining the concerns of this Authority about the omission of such access."

In supporting the motion a number of councillors expressed the view that the electrification of the railway and the requirement to replace the bridge to accommodate this work provided an opportunity to improve the amenity of local residents by enhancing pedestrian access between South Hinksey and Oxford. The view was expressed that there was no legal requirement for the provision of a footbridge and that due to the height of the bridge any ramp would need to be of a considerable length.

In response to a suggestion the Leader of council confirmed that he would contact both Oxfordshire County Council and Oxford City Council regarding funding for the project.

On being put the motion was declared carried.

RESOLVED:

That Council supports the campaign by South Hinksey Parish Council calling for pedestrian ramps to be provided at the replacement railway bridge between South Hinksey and Oxford. This Council requires the Chief Executive to write to Network Rail outlining the concerns of this Authority about the omission of such access.

2. Motion proposed by Councillor Sandy Lovatt and seconded by Councillor Charlotte Dickson:

"This Council congratulates the Cabinet on introducing 2 hour free parking and requests the Cabinet to look at other measures to support the local economy."

Whilst welcoming the increased footfall and stimulus to local economies and viability of the market towns resulting from the introduction of two hour free parking councillors

Vale of White Horse District Council – Council minutes

highlighted the need to adopt a more strategic approach to stimulate the economies of the district's towns and villages. Initiatives suggested included increasing the tourism potential of the district, ensuring the benefits of Science Vale UK were extended to a wider area and improving infrastructure for businesses.

RESOLVED:

That Council congratulates the Cabinet on introducing 2 hour free parking and requests the Cabinet to look at other measures to support the local economy.

3. Motion proposed by Councillor Jenny Hannaby and seconded by Councillor Richard Webber

"This Council congratulates the officers and contractors on the continued high rate of recycling being achieved within the Vale of White Horse District."

Councillor Matthew Barber moved and Councillor Reg Waite seconded an amendment as follows with the deleted word crossed through and the additional words shown in bold:

"This Council congratulates the officers, ~~and~~ contractors **and most importantly residents** on the continued high rate of recycling being achieved within the Vale of White Horse District."

With the consent of Council the mover and seconder of the original motion accepted the amendment.

In supporting the motion a number of councillors made suggestions to further support recycling – more frequent collections from bring banks, the provision of additional small electrical appliances collections and further public awareness on what can be recycled, especially which type of plastic container, to avoid contamination.

The Leader of Council informed councillors that officers were working on a web based communication page to better inform residents.

RESOLVED:

That Council congratulates the officers, contractors and most importantly residents, on the continued high rate of recycling being achieved within the Vale of White Horse District.

The meeting closed at 8.16pm

Chairman

Joint Council report



To: VALE COUNCIL

To: SOUTH COUNCIL

DATE: 17 July 2013

DATE: 18 July 2013

Designating the councils' section 151 chief financial officer

Recommendation

That Council

(1) designates William Jacobs, the Head of Finance, as the council's section 151 chief financial officer from 1 September 2013;

(2) authorises the Head of Legal and Democratic Services to make any consequential changes required to the council's constitution to reflect this change.

Purpose of Report

1. Section 151 of the Local Government Act 1972 requires each council to designate one of its officers to have responsibility for the proper administration of its financial affairs.
2. This report recommends that William Jacobs, the Head of Finance, be designated as the "section 151 officer" for both councils from 1 September 2013.

Corporate Objectives

3. The section 151 officer has overall responsibility for the entire financial affairs of the councils, and therefore the satisfactory discharge of that responsibility contributes to all the corporate objectives of the two councils. However, its primary focus is on the 'effective management of resources' objective.

Background

4. The "section 151 officer" (also sometimes referred to as the "chief financial officer" in regulations) is one of three statutory officers at the councils. (The other two being the "Head of Paid Service" and the "Monitoring Officer"). Every unitary, county and district council must designate these three statutory officers.
5. Since 1 April 2009 Steve Bishop has been the section 151 officer for both councils. That decision followed his appointment as one of the strategic directors and reflected the councils' wishes to designate a senior manager as the section 151 officer for

continuity prior to the selection of heads of service and further restructuring. The intention was to review the situation after the restructurings were completed.

6. Prior to the creation of shared posts, Steve Bishop had been the section 151 officer for Vale since July 2004. William had been the section 151 officer for South since April 2007.
7. With most of the joint working established between the two councils and most of the team restructurings completed, it is timely to review the arrangement.
8. It is becoming less common among councils to designate a member of the senior management team as a statutory officer. For example the councils' monitoring officer has been the Head of Legal and Democratic Services since April 2009. By designating the Head of Finance as the section 151 officer, this would be more consistent.
9. By transferring the responsibility from the Strategic Director to the Head of Finance, this also provides William with greater development opportunities, creates three generic strategic director posts, which in turn provides the chief executive and councils with greater flexibility in future restructurings.
10. The "Money Laundering Reporting Officer" (MLRO) is a separate regulatory role which has been fulfilled by the s.151 officer at both councils. It arises from the Proceeds of Crime Act 2002 and the Terrorism Act 2000. Its main responsibilities are to oversee the councils' arrangements to minimise the risk of laundering criminal proceeds and to report any suspicious transactions to the Serious Organised Crime Agency. This role would also be transferred to William.

Options

11. There are other options which the councils may choose to consider, but the strategic management board recommends their rejection for the reasons stated.
12. The councils could choose not to change the current designation. This option would forego the advantages set out in paragraph 9, in particular we would lose the greater flexibility and development opportunities arising from the re-designation.
13. The councils could choose to designate another officer as section 151 officer/MLRO. It is a statutory requirement that the section 151 officer must be a suitably experienced professionally qualified accountant. There are nine qualified accountants employed at the two councils and the Head of Finance is the most experienced at fulfilling this role after the strategic director. There would be greater risk from re-designating another officer into this role, although for succession planning and resilience, other officers may be designated as 'deputy section 151 officer(s)'.
14. Each council could designate a different section 151 officer. This option would be less efficient given the high degree of joint-working as two officers would need to be involved on financial issues that currently require only one. Such an arrangement could also lead to confusion and disruption if the two section 151 officers do not agree on a particular matter.

Financial Implications

15. There are no direct financial consequences associated with this designation. There would be no change in the affected officers' remuneration.

Legal Implications

16. The designation of a section 151 officer and a Money Laundering Reporting Officer are statutory duties for each council. The proposed redesignations will require some minor consequential changes to the councils' constitutions.

Risks

17. The objective of section 151 of the Local Government Act 1972 is to reduce financial risk by requiring a designated officer to be responsible for the proper administration of the council's financial affairs. This should reduce the risk of financial malpractice, poor financial planning, fraud, waste and loss.

18. The objective of requiring a professionally qualified and experienced individual to fulfil that role is to promote sound financial management and reduce the risk of financial failure.

19. The Head of Finance is an experienced professionally qualified accountant who has held section 151 responsibilities previously. His designation represents a low risk alternative to the current arrangement, which in turn provides positive benefits.

Other implications

20. The two affected staff - both the Strategic Director and Head of Finance - support this change.

Conclusion

21. Having reviewed the current section 151 chief financial officer arrangements, the councils are recommended to designate the Head of Finance as the section 151 officer for both councils. The proposed designation will require some minor consequential changes to the councils' constitutions. The councils are asked to authorise the Head of Legal and Democratic Services to make these changes.

Background Papers

None

Council



Report of Chief Executive

Author: David Buckle

Telephone: 01491 823103

E-mail: david.buckle@southandvale.gov.uk

DATE: 17 July 2013

Community Governance Review – Draft Terms of Reference

Recommendations

1. to approve the draft terms of reference set out in Appendix A for a community governance review of the Vale of White Horse
2. to establish a working group to oversee the review and determine its make-up

Purpose of report

1. To set out terms of reference for a community governance review – a review of parish arrangements within the district.

Background

2. Local authorities (in the case of two-tier areas, district councils) have had powers to review parish arrangements for many years. Until 2007, any proposals for change resulting from such reviews had to go to the relevant secretary of state for approval. The Local Government and Public Involvement in Health Act 2007 (the 2007 Act) changed that and gave full powers to local authorities to implement proposals without reference to central government (although see paragraph 14 below). The Act created the title of community governance reviews (CGR) to cover such activity.
3. In 2010, the government published guidance on CGRs and I have used this guidance to shape the proposals to council. The guidance is available as a background paper if required and is easily accessible on the internet.
4. There is no duty on the council to carry out a CGR unless it is petitioned to do so, which is not the case here. Rather, it is a permissive power. The guidance offers the following pieces of advice on what might trigger a CGR:

it can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in reaction to specific or local new issues

over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review

councils should exercise their discretion, but it would be good practice to consider conducting a review every 10-15 years

5. Following the last review of district electoral arrangements completed in 2002, the council made some changes to parish boundaries but, as far as I am aware, did not carry out a comprehensive district wide review of parish electoral arrangements so some parishes have not been reviewed for many years, if ever.
6. Councillors will also be aware that the Local Government Boundary Commission for England (LGBCE) has just completed a review of our own electoral arrangements, resulting in a very different warding pattern for the district than previously. In some cases, its proposals create wards that straddle parish boundaries.
7. Finally, we have received a few ad hoc requests from parish councils for reviews over the last couple of years, which we have not yet progressed.
8. For all the reasons above, I consider that it is timely to undertake a district wide CGR.

Terms of reference

9. The 2007 Act requires the council to publish terms of reference for the review, which must specify the area under review. I propose that this is the whole of Vale of White Horse district.
10. I have looked at different models for terms of reference and prefer those that are specific about what the review will cover. For that reason, I wrote to all parish and town councils in April inviting them to advise us of any proposals that they would like to see included. The draft terms of reference that I am now inviting council to agree, set out in appendix A, include all the requests that we received. Inclusion in the draft terms of reference does not necessarily imply support; it simply indicates that we will consider the requested change.
11. The Oxfordshire Association of Local Councils has written asking that the council includes consideration of amalgamating very small parish councils and parish meetings with an appropriate neighbouring council within the terms of reference. This is likely to be contentious and I propose that we do not do so at this stage. Rather, I suggest that we seek views specifically on this issue when we consult on the draft terms of reference, so that council can decide whether it wishes to include such a clause when it finalises the terms of reference in October.
12. If council agrees the draft terms of reference we will then commence a formal consultation that will provide the opportunity for organisations/individuals to, amongst other things:
 - offer support for including a particular proposal in the terms of reference

- set out reasons why they consider we should not consider a particular proposal
- add further proposals to the list

13. Council will receive a report in October setting out the response to the consultation and inviting it to finalise the terms of reference. By that stage it may also wish to add additional items for review that have not come forward directly from parish councils.

Relationship with the electoral review of the district council

14. In most respects, the council has free hand to make amendments to parish arrangements. However, where the LGBCE established such arrangements as part of periodic electoral reviews within the previous five years, we must get its approval first. In Vale of White Horse this not only includes the recent review of district electoral arrangements but also that of the county council completed in 2012. At this stage I cannot predict whether we will need LGBCE prior approval for any changes, but council should be aware of the possibility.

15. The 2007 Act allows the council to request the LGBCE to make consequential amendments to district ward boundaries to ensure co-terminosity with any new parish boundaries. The LGBCE is under no obligation to agree such requests and will consider each on its merits. It is, however, helpful to bear this opportunity in mind when determining any changes to parish boundaries. The nature and extent of any requests will be a matter for council to determine at the end of the CGR.

Timetable and process for the review

16. The terms of reference include a timetable for the review. The 2007 Act requires that the council completes the review within 12 months of commencement (which will be when it agrees the final terms of reference in October). The timetable easily meets this requirement.

17. All decisions fall to full council. To assist with management of the process, I recommend that council establishes a working group that can consider detailed issues prior to them coming back for decision. If council wanted to achieve political balance then the group could comprise five, made up of three Conservatives and two Liberal Democrats. As there is no requirement for political balance on a working group, however, council has a free hand to determine a different make-up if it wishes.

18. When considering nominations to a working group, group leaders will need to bear in mind potential conflicts of interest. Councillors who are also members of town or parish councils that are proposing changes will almost certainly have a declarable interest in that particular proposal. If these become key areas for debate, they may find that this constrains their contribution to the overall work of the group.

Risks and options

19. The council has the option not to proceed with the review. For the reasons set out in paragraph four, however, I consider that there are sound reasons for carrying out a CGR at this time. The main risk is that we do not complete the CGR within the prescribed 12 month period. The timetable shows the work taking six months

from formal commencement, so there is ample provision for slippage should issues take longer than expected to resolve.

Legal Implications

20. These are covered in the main body of the report

Financial Implications

21. There are no direct financial implications arising from the decision to undertake a CGR. If the council decides to make changes in due course this will involve making legal orders, producing high quality maps to show new boundaries and adjusting council tax records. We may externalise some or all of this work but will meet these costs from within existing budgets.

Conclusion

22. There is a window of opportunity to carry out a CGR prior to the next parish council elections in 2015. It has been many years since the council undertook a comprehensive review of parish arrangements and the guidance published last year suggests that one now is timely. We have sought requests from parish and town councils for changes that they would like and have reflected these in the draft terms of reference.

Background Papers

Guidance on community governance reviews – joint publication of CLG and LGBCE
Letter from chief executive to town and parish councils – April 2013
Individual responses from April 2013 letter

Vale of White Horse District Council

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007
COMMUNITY GOVERNANCE REVIEW**

DRAFT TERMS OF REFERENCE

Introduction

The Council proposes to undertake a community governance review (CGR) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 of the whole of the district of Vale of White Horse. The 2007 Act vested powers with the council to undertake such a review.

The Council will undertake the review in accordance with the Guidance on community governance reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England (LGBCE) in April 2008 (“the guidance”).

Currently, the council proposes to consider the following parish matters:

Parish/Area	Matters to be considered
Abingdon-on-Thames	Revising the boundaries of parish wards to make them co-terminus with those of the district council
Appleton with Eaton	Amending the boundary of the parish to include land along Oaksmere currently in Fyfield and Tubney parish
Cumnor	Revising the boundaries of parish wards and re-allocating the number of councillors per ward
Grove	Creating a single ward parish
Harwell	Creating a new parish of Harwell East incorporating the land within the existing Harwell parish east of the A34
Hinton Waldrist	Increasing the number of parish councillors to seven
Kennington	Amending the boundary of the parish to include land south of Sandford Lane, currently in Radley parish
Kingston Bagpuize with Southmoor	Amending the boundary of the parish to include land south of the A420 comprising Kingston Bagpuize sports ground and Kingston Business Park currently

	in Fyfield and Tubney parish
Letcombe Regis	Increasing the number of parish councillors to eight
North Hinksey	Amending the boundary of the parish to include properties in Cumnor Rise Road, Hurst Rise Road and Hutchcomb Farm Close currently in Cumnor parish
Radley	Amending the boundary of the parish to include Chandlings Manor school currently in Kennington parish
Wantage	Amending the boundary of the parish to include land at Stockham Farm and Crab Hill currently in Grove parish; and reviewing the number of councillors and warding arrangements
Whole district	Any other matters that the council considers warrant a review

The Council received requests to review all of the above matters in response to a letter sent to parish and town councils in

That letter set out the items the review could cover as follows:

- altering the boundaries of a parish
- creating a new parish
- merging two or more parishes
- warding or de-warding a parish
- changing a parish name
- dissolving a parish council
- changing the number of councillors who sit on a parish council (the law states that the minimum number is five)
- grouping parishes under a common parish council

The letter also set out the factors that the council would take into account in making decisions:

- natural or man-made boundaries that help to define clearly one community from another
- housing developments that straddle parish boundaries, thereby resulting in people being in different parishes from their neighbours
- effective representation of local residents at parish level
- the LGBCE's proposals for the warding of Vale of White Horse for the purposes of district council elections
- the newly created county council electoral divisions
- views expressed in relation to any changes, particularly from those people directly affected

The council now proposes to add one further item to this list:

- the extent to which proposals reflect the identities and interests of the affected community

The council will decide the final list of matters for inclusion in the CGR once it has formally consulted on these draft terms of reference.

Why is the Council undertaking the review?

The guidance states that it is good practice for principal councils (in this context that means this council) to undertake CGRs every 10-15 years. It is now more than 15 years since a district wide review took place. The LGBCE has also recently completed a review of district warding arrangements, which has resulted in widespread changes some of which cut across existing parish boundaries. For these reasons the council considers it timely to carry out a CGR now, in time for implementation of any changes at the next scheduled parish council elections in 2015.

Consultation

The council is publishing these terms of reference in draft and seeking comments from interested parties by 30 September. It will then consider a report detailing responses and finalise the terms of reference at its meeting on 23 October.

Once it has finalised the terms of reference the council will make them available widely, including through circulation to parish and town councils and via its website. Where proposals involve moving properties from one parish to another, the council will pay particular attention to making affected residents of such properties aware of the proposals and given them the opportunity to comment before it takes any decisions.

When the council publishes the terms of reference it will also publish the approximate number of properties and the electorate directly affected by proposals to change parish boundaries. It will do this for both 2013 and 2018, the latter figure based on known housing developments and their likely implementation dates.

TIMETABLE FOR THE REVIEW

The 2007 Act requires that a principal council must complete a CGR within 12 months of the date of publication of terms of reference. The proposed timetable below complies with the legal requirement.

Action	Timetable
Council considers responses to consultation and agrees final terms of reference	23 October 2013

Terms of reference published and consultation commences	1 November 2013
Initial consultation closes	31 January 2014
Council agrees draft proposals for consultation	20 February 2014
Further consultation closes	18 April 2014
Council agrees changes	14 May 2014

How to respond

Please submit any comments on these draft terms of reference via email to cgr@southandvale.gov.uk. The council does not require a hard copy of any submission. For those without access to email please send any submission to:

CGR
 Legal and Democratic Services
 Vale of White Horse District Council
 Abbey House
 Abbey Close
 Abingdon OX14 3JE

The council is particularly interested to hear comments on the following:

Are the factors that the council will take into account when coming to decisions the right ones? Are there others it should add?

Should the council decline to consider any of the parish matters included in the table? If yes, for what reason?

Are there other parish matters that council should include in the final terms of reference? If yes, what are they?

Should you require any further information or need clarification on the review process, please contact:

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