

Council Agenda



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Date: 3 December 2013
Website: www.whitehorsedc.gov.uk

Summons to attend a meeting of Council

to be held on Wednesday 11 December 2013 at 7.00 pm
Guildhall, Abingdon

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

Margaret Reed
Head of Legal and Democratic Services

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Agenda

Open to the public including the press

Map and vision

(Page 8)

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 9 - 21)

To adopt and sign as a correct record the Council minutes of the meeting held on 23 October 2013 (previously published).

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 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 Gervase Duffield to the Leader of council, Councillor Matthew Barber

What effects if any will the sale by Lloyds Bank to Aberdeen Asset Management of parts of their Scottish Widows cluster (ie, the Investment Partnership) have on central Abingdon precinct developments, and will Lloyds discuss with the Council's investment managers any further sales from the cluster which might affect central Abingdon development?

2. Question from Councillor Andrew Skinner to the Leader of council, Councillor Matthew Barber

Will the Leader agree that to reduce the benefits under the Council Tax Reduction Scheme for some of the most vulnerable people in the Vale in order to save less than £20,000 per annum is something which should be avoided at all costs ?

3. Question from Councillor Jenny Hannaby to the Leader of council, Councillor Matthew Barber

Please can he outline the timetable for improving the road network in the Wantage Grove area, which, as he is aware, is about to see construction of a large number of new houses and also outline how he expects these vital road improvement to be paid for?

4. Question from Councillor Bob Johnston to the Leader of council, Councillor Matthew Barber

Has the Leader been approached by the Leader of the County Council on the subject of railway electrification, as he seeks an appropriate financial contribution from the Vale to expedite the project in a similar way to that of the East/West Railway?

5. Question from Councillor Catherine Webber to the Leader of council, Councillor Matthew Barber

Is the Leader aware that the Abingdon Arts Festival will not now be happening next year, or for the foreseeable future, purely as a result of his own policies on revenue grants?

6. Question from Councillor Debby Hallett to the Leader of council, Councillor Matthew Barber

In recent months, the major issues affecting this Council have been the proposed move to Crowmarsh, and the future development of Westway, Botley. These issues are

ongoing and both have serious implications for the reputation of the Council. The common thread that runs through both these issues, is the feeling that there has been little or inadequate consultation with the public and that their views are being ignored. Please would the Leader comment on this?

7. Question from Councillor Jim Halliday to the Leader of council, Councillor Matthew Barber

Please could the Leader list a) the sum allocated for the festival grants budget in FY 2012/13 and FY 2013/14, b) list all festival grants actually paid out in FY 2012/13 and to date in FY 2013/14 - giving in each case the sum paid, the name of the Festival and the date the grant was paid ?

8. Question from Councillor Pat Lonergan to the Leader of council, Councillor Matthew Barber

Does the Leader share the frustration of Abingdon councillors about the length of time that it is taking to fill empty units in the Bury Street development and the view that Scottish Widows are being very picky about who they are allowing to rent shops ?

9. Question from Councillor Richard Webber to the Leader of council, Councillor Matthew Barber

As the overwhelming majority of questions are being addressed to the Leader, is he aware that the reason for this is that he is perceived to be in charge of finance, grants, major planning, and property issues amongst other responsibilities and hence all decision-making is directly and solely in his hands?

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.

A. Delivering Accelerated Housing Growth in Science Vale, Southern Oxfordshire

Cabinet, at its meeting on 6 December 2013, will consider a report to approve a project that will accelerate housing growth across the Science Vale area of South and Vale and ask that both Councils establish budgets to allow the project to proceed.

The report of the Strategic Director, which Cabinet will consider on 6 December, was circulated to all councillors. Please bring this report to the meeting.

The recommendations of Cabinet will be circulated to councillors prior to the Council meeting.

B. Council tax reduction scheme 2014/15

Cabinet, at its meeting on 6 December 2013, will consider a report on a council tax reduction scheme for 2014/15.

The report of the Head of Finance, which Cabinet will consider on 5 December, was circulated to all councillors. Please bring this report to the meeting.

The recommendations of Cabinet will be circulated to councillors on Friday 6 December.

C. Council tax base 2014/15

Cabinet, at its meeting on 6 December 2013, will consider a report on the council tax base for 2014/15.

The report of the Head of Finance, which Cabinet will consider on 6 December, was circulated to all councillors. Please bring this report to the meeting.

The recommendations of Cabinet will be circulated to councillors prior to the Council meeting.

C. Council tax reduction scheme grant for town and parish councils

Cabinet, at its meeting on 6 December 2013, will consider a report on the distribution of the council tax reduction scheme grant to parish and town councils.

The report of the Head of Finance, which Cabinet will consider on 5 December, was circulated to all councillors. Please bring this report to the meeting.

The recommendations of Cabinet will be circulated to councillors on Friday 6 December.

10. Councillors' allowances scheme

(Pages 22 - 24)

To consider the report of the Independent Remuneration Panel.

11. Review of the council's constitution

(Pages 25 - 35)

To consider the report of the Head of Legal and Democratic Services on proposed changes to the council's constitution (**attached**).

12. Petition debate - West Way Botley

A petition has been handed in objection to the current proposals for the redevelopment of the West Way shopping centre and the surrounding area on the grounds that the proposed uses, scale and character of development are entirely inappropriate for the local community. The full wording of the petition is set out below:

"We the undersigned petition the council to Not allow the current plans for redevelopment of the West Way shopping centre and the surrounding area to proceed and to reopen discussion with the community on a smaller scale redevelopment, in line with the ideas put forward by the Council for consultation in 2012.

We the undersigned object to the current proposals for redevelopment of the West Way shopping centre and the surrounding area on the grounds that the proposed uses, scale and character of development are entirely inappropriate for the local community.

We urge Vale of White Horse District Council not to allow these plans to proceed and to reopen discussion with the community in discussion on a smaller scale redevelopment, in line with the ideas put forward by the Council for consultation in 2012”.

The petition has both hard copy (in excess of 660) and e-petition signatures (75 at the time of publication of this agenda) in support of it.

The council’s Petition Scheme states the following regarding petition debates at Council meetings:

When petitions containing more than 500 signatures are submitted, the petition organiser will be given five minutes to present the petition and the petition will then be discussed by councillors. Council will decide how to respond to the petition at this meeting.

In response to a petition, Council may decide to

- take the action the petition requests;
- not to take the action requested for reasons put forward in the debate;
- to commission further investigation into the matter, for example by a relevant committee;
- make recommendations to Cabinet, where the issue is one on which the Cabinet is required to make the final decision.

Any Council recommendation will be reported to Cabinet as the body responsible for this issue.

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.

To receive any details of urgent cabinet decisions taken since the last ordinary meeting of the council, (if any).

(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 Gervase Duffield, seconder to be confirmed:

“That this Council welcomes Ofwat’s rejection of the recent Thames Water price increase application, and hopes that Ofwat will be specially vigilant on large applications costing vast sums where these can be undercut by reliable cheaper methods”.

2. Motion to be proposed by Councillor Ron Mansfield, seconded by Councillor Tony de Vere

“Council urges the Cabinet to include appropriate sums for maintenance in its proposed capital budget for 2014/15 and subsequent years to permit the Abbey Meadows Swimming Pool to remain open so that Vale residents can continue enjoy this facility”.

3. Motion to be proposed by Councillor Jim Halliday, seconded by Councillor Julie Mayhew-Archer

“Council urges the Cabinet to allow any monies unspent (as at 31 March 2014) by the four Area Committees - both for Capital Grants and New Homes Bonus Grants - to be carried forward to the next financial year and added to any new allocations that be awarded to the given Area Committee during the 2014/15 budget round”.

4. Motion to be proposed by Councillor Dudley Hoddinott, seconded by Councillor Jenny Hannaby

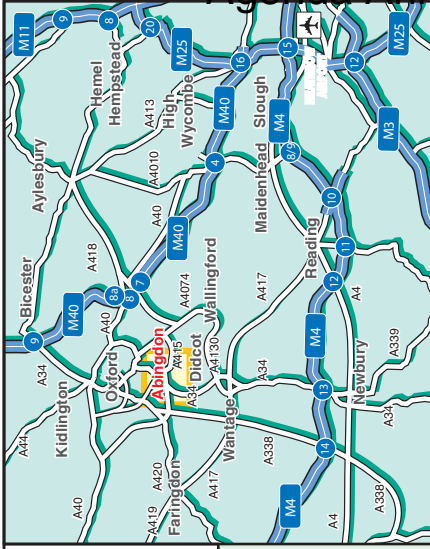
“Council urges the Cabinet to include an appropriate sum in its proposed revenue budget for 2014/15 to allow for the community revenue grants scheme to be re-established in order that community groups and organisations may continue to promote the vitality of the District and the well-being of the community”.



Vale of White Horse
District Council

Vale of White Horse District Council
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www.whitehorsedc.gov.uk



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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 a meeting of the

Council

held at 7.00 pm on Wednesday 23 October 2013
at the Guildhall, Abingdon

Open to the public, including the press

Present:

Members: Councillor Mike Badcock (Chairman), Eric Batts (Vice-Chairman), John Amys, Marilyn Badcock, Matthew Barber, Julia Bricknell, Yvonne Constance, Roger Cox, Tony de Vere, Charlotte Dickson, St John Dickson, Gervase Duffield, Jason Fiddaman, Debby Hallett, Jeanette Halliday, Jim Halliday, Jenny Hannaby, Anthony Hayward, Dudley Hoddinott, Simon Howell, Bob Johnston, Bill Jones, Mohinder Kainth, Angela Lawrence, Pat Lonergan, Sandy Lovatt, Sue Marchant, Julie Mayhew-Archer, Elizabeth Miles, Gill Morgan, John Morgan, Mike Murray, Jerry Patterson, Helen Pighills, Judy Roberts, Fiona Roper, Robert Sharp, Val Shaw, Janet Shelley, Andrew Skinner, Alison Thomson, Melinda Tilley, Margaret Turner, Reg Waite, Elaine Ware, Catherine Webber, Richard Webber and John Woodford.

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

Number of members of the public: 12

Co.26 Apologies for absence

Apologies for absence were submitted on behalf of councillors Ron Mansfield and Aidan Melville.

Co.27 Minutes

RESOLVED: to adopt the minutes of the meeting held on 17 July 2013 as a correct record and agree that the Chairman signs them.

Co.28 Declarations of interest

None.

Co.29 Chairman's announcements

The Chairman thanked those councillors who had hosted a table at the recent awards ceremony and reminded them of his forthcoming annual dinner.

He invited those present to observe a minute's silence in memory of former chairman Ted Perkins.

Co.30 Statements, petitions and questions from the public relating to matters affecting council.

None.

Co.31 Urgent business

None.

Co.32 Petitions under standing order 13

None.

Co.33 Questions under standing order 12

The Chairman reminded councillors that standing order 12 only allows questions on any matter which the council has powers or duties or which affects the district. He ruled questions 2, 4, 7 and 11, as set out on the agenda out of order because in his view it was not appropriate or helpful to members of the public, councillors to whom the questions are addressed, other councillors or officers if councillors do not make it clear what is being referred to. The questions set out below did not meet these criteria:

2. Question from Councillor Catherine Webber to the Cabinet member for economic development, Councillor Elaine Ware
“Who knows best – Cabinet, Council or Residents?”
4. Question from Councillor Dudley Hoddinott to the Cabinet member for economic development, Councillor Elaine Ware
“How does the Cabinet member define the word “significant”?”
7. Question from Councillor Elizabeth Miles to the Leader of council, Councillor Matthew Barber
“Does the ruling administration believe in the idea of “civic pride”?”
11. Question from Councillor Debby Hallett to Deputy Leader Councillor Roger Cox
“Who in the Council has *read* the South Oxfordshire District Council report into the state of their Crowmarsh building?”

The following questions were put.

1. Question from Councillor Debby Hallett to the Cabinet member for environmental health, Councillor Roger Cox

“What are the possible legal exposures or risks to the Vale of failure to take action to reduce air pollution in defined Air Quality Management Areas?”

Councillor Roger Cox responded as follows:

“Local authorities have been given a statutory duty to assess and review air quality under Part VI of the Environment Act 1995. The Act sets national air quality objectives and requires, in two tier areas, that district councils should risk assess and examine likely air quality problem areas - for example, industrial sites or major road junctions.

Once an “exceedence” (the legislative term) of an objective has been identified, the council is required to produce a detailed assessment demonstrating the scale of the

Vale of White Horse District Council – Council minutes

air quality problem; this covers both area and severity. Once completed a council is required to declare an Air Quality Management Area (AQMA).

Following the declaration of an AQMA the council has to develop an Air Quality Action Plan setting out the actions necessary to achieve the National objectives. It is then required to submit a progress report every year. All reports are scrutinised by central Government – you will recall this was done in April 2013 and I sent you a copy and officers sent it to opposition members.

If this council fails to act appropriately, it's AQMA and action plans would be scrutinised by Government. Failure to act within a reasonable timescale to known "exceedences" could result in declaration of an AQMA and censure.

However, councils are not legally obliged to achieve the National Air Quality Objectives, but are required to work towards meeting them by drawing up action plans containing measures which could improve local air quality.

The legislation was framed in this way because, in the Government's view, it would be unreasonable to put a legal requirement on district councils to achieve the objectives, as so many of the sources of emissions are outside their direct control. This is particularly the case where the 'exceedence' is due to traffic on a trunk road or motorway, or emissions arising from an industrial process where the responsibility lies with the Highways Agency, and Health and Safety Executive respectively.

Section 83(1) of the Environmental Act 1995: Quote: "Where as a result of an air quality review, it appears that any air quality standard or objectives are not being achieved, or are not likely within the relevant period to be achieved, within the area of the local authority, the local authority shall by order designate as an AQMA any part of its area in which it appears that those standards or objectives are not being achieved, or are not likely to be achieved within the relevant period."

If a local authority fails to discharge its duties under the 1995 Act, the Secretary of State could intervene where he considers that the local authority has not acted and may issue directions to take specific action, the possible scope of which would be spelled out under Section 85 of the Act. Additionally, failure on the part of the local authority to properly discharge its duties may leave it susceptible to action by way of judicial review by any person aggrieved by the council's perceived failure to act".

Councillor Debby Hallett asked the following supplementary question:

"How will the Vale mitigate the anticipated increase in air pollution brought about by the major new shopping centre where West Way and Elms Parade now stand?"

Councillor Roger Cox undertook to provide a copy of the document setting out details of the action plans.

3. Question from Councillor Tony de Vere to the Leader of council, Councillor Matthew Barber

"Does the ruling administration believe in evidence-based policy making?"

Councillor Matthew Barber responded as follows:

"What other sort of policy making is there?"

Councillor Tony de Vere asked the following supplementary question:

“Could the Cabinet explain why a decision over shared accommodation was taken without evidence of a cost/ benefit analysis of other options such using Old Abbey House?”

Councillor Matthew Barber responded that he was comfortable that all other options had been assessed.

5. Question from Councillor Jerry Patterson to the Leader of council, Councillor Matthew Barber

“When the Council unanimously passes a motion, does the ruling administration believe that such a resolution should be binding?”

Councillor Matthew Barber responded as follows:

“We all know the status of a resolution of Council, and that is why I am delighted that the proposal to bring Oxfordshire County Council in to share office accommodation at Abbey House, will save significant sums of public money as well as adhering to the spirit and letter of the motion adopted at last Council that the Vale of White Horse District Council should continue to be based in Abbey House, Abingdon”.

Councillor Jerry Patterson asked the following supplementary question:

“Given the resolution unanimously passed at the last Council meeting, namely:

“That 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.”

How does the ruling administration define the word “based” in this context”?

Councillor Matthew Barber responded that the front office services would continue to be based at Abbey House.

6. Question from Councillor Julie Mayhew-Archer to the Cabinet member for waste services, Councillor Reg Waite

How does the Cabinet member imagine that the lives of Vale district councillors will be affected by the shared accommodation plans?

Councillor Reg Waite responded as follows:

“I am more interested in improving the lives of residents.”

Councillor Julie Mayhew-Archer asked the following supplementary question:

“In order to improve the lives of residents many Councillors deal with casework by coming in to see individual officers. This saves councillor time and allows officers to deal with issues more speedily to the benefit of all. Does the cabinet member feel that meeting an officer face-to-face, if the member wishes, is a proper and useful request?”

Councillor Reg Waite agreed to provide a written reply.

8. From Councillor Helen Pighills to the Cabinet member for economic development, Councillor Elaine Ware

“What effect will the proposed move to Crowmarsh have on Abingdon Town Centre vitality?”

Councillor Elaine Ware responded as follows:

“I am delighted that Councillor Pighills seems to be one of the only members of her Group who has recognised one of the many benefits of the Cabinet’s accommodation proposals. It will mean an increase in the number of office workers based in Abingdon Town Centre, and is therefore likely to improve town centre vitality”.

Councillor Helen Pighills asked the following supplementary question:

“I note that the Chief Executive recently stated publicly that up to 150 of the 164 staff currently based in Abbey House could move to Crowmarsh, which would leave just 14 based in Abingdon. Would you agree that if a way could be found to retain many more Vale staff in Abingdon, for example by using the soon to be vacant Old Abbey House, would not this would also be a welcome and further boost to Abingdon's vitality”?

Councillor Elaine Ware responded as follows:

“There is a huge contrast to these proposals which rationalise office space, but improve town centre footfall, to the actions of the previous administration that closed offices in both Faringdon and Wantage without any such considerations. These proposals retain Abbey House for both councillors and the public.”

9. From Councillor Andrew Skinner to the Cabinet member for economic development, Councillor Elaine Ware

Did the Liberal Democrat request that the Cabinet get on with negotiations over shared accommodation play any part in the speed with which the current deal was arrived at?

Councillor Elaine Ware responded as follows:

“No, the timing of the deal, which can hardly be described as rushed, is largely due to the renewal of the county council’s existing lease which facilitates them moving to Abbey House as a tenant of the Vale”.

Councillor Andrew Skinner asked the following supplementary question:

“Presumably the decision was the result of a carefully drawn up plan. So why were non-cabinet councillors and the general public not consulted about the proposed staff moves before the report was presented to the Cabinet”.

Councillor Elaine Ware responded as follows:

“I am grateful to Councillor Skinner for reminding Council that the leader of the opposition did indeed encourage me to bring forward plans to share office accommodation – however this was at a time when the only viable plan on the table would have been for the Vale to surrender its operations in Abingdon and to move

wholesale to Crowmarsh Gifford, a move which we have rightly rejected and pursued a better alternative”.

10. Question from Councillor Pat Lonergan to the Leader of council, Councillor Matthew Barber

Please could the Leader explain how councillors who either do not have a car or who try to minimise car use can get to Crowmarsh ?

Councillor Matthew Barber responded as follows:

“I imagine they could ask for a lift – but why one earth would they want to?”

Councillor Pat Lonergan asked the following supplementary question:

“If the idea is that officers will always come to Abbey House when needed, has the cost of this been taken into account when examining the savings of the shared accommodation move”?

Councillor Matthew Barber responded that he was confident savings were on the cautious side.

12. Question from Councillor Bob Johnston to the Leader of council, Councillor Matthew Barber

Does the Leader believe that complex decisions should be informed by a thorough financial analysis examining all possible options?

Councillor Matthew Barber responded as follows:

“I would agree that all reasonable and viable options should be examined”.

Councillor Bob Johnston asked the following supplementary question:

“Please could he itemise for me, in writing the expected cost and savings of each option considered by Cabinet members whilst examining the matter of shared accommodation”?

Councillor Matthew Barber responded that all reasonable and viable options had been examined and would be covered at the Scrutiny Committee meeting.

Co.34 Recommendations from Cabinet, individual Cabinet members, and committees

Council considered the following recommendations from Cabinet and the Licensing Acts Committee since the last Council meeting.

(1) Gambling policy

At its meeting on 19 September 2013 the Licensing Acts Committee reviewed the council’s gambling policy.

The committee recommended the adoption of the draft joint gambling policy to Cabinet, which, at its meeting on 4 October 2013, recommended its adoption to

Council with an amendment to paragraph 4.10.5 to enforce the limits on the number of gaming machines in betting premises.

RESOLVED: to

1. adopt a 'no casino' resolution under section 166 (1) of the Gambling Act 2005 and that paragraph 4.9.3 of the Joint Gambling Policy be amended to read:
'Section 166 of the Act gives the council the power to pass a 'no casino' resolution, meaning that applications for a casino would not be considered. The council has adopted a 'no casino' resolution on the basis that this rural district with country market towns is an inappropriate place for a casino, that casinos are better located in large towns or cities, and the council should also protect the most vulnerable people from gambling in casinos. This resolution is required to be renewed within three years.'
2. adopt the proposed Joint Gambling Policy, subject to paragraph 4.10.5 being amended to read:
'The councils may, in accordance with section 181 of the Act, enforce a limit on the number of betting machines...'
3. authorise the head of legal and democratic services to make minor editorial changes to the Joint Gambling Policy; and
4. authorise the head of legal and democratic services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

(2) **Treasury management outturn 2012/13**

At its meeting on 4 October 2013, Cabinet considered a report on the outturn performance of the treasury management function for the financial year 2012/13.

RESOLVED: to

- (a) approve the treasury management outturn report 2012/13; and
- (b) approve the actual 2012/13 prudential indicators within the report of the head of finance to Cabinet on 4 October 2013.

Co.35 Community Governance Review - Final Terms of Reference

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

The Chairman reported that although paragraph 11 of the report referred to requests from Faringdon Town Council to extend the town boundary to include potential areas for development to the west of the town and to consider potential warding arrangements these requests were not reflected in the terms of reference appended to the report. With these additions Council was invited to agree the terms of reference.

RESOLVED: to

1. approve the terms of reference set out in Appendix A attached to the report of the chief executive to Council on 23 October 2013 for a community governance review of the Vale of White Horse subject to the addition of the above issues; and

2. authorise the chief executive, in consultation with the members of the Community Governance Review Working Group, to add additional items to the terms of reference where appropriate up to the end of November 2013.

Co.36 Review of the council's constitution

Council considered the report of the head of legal and democratic services on proposed changes to the council's constitution.

The Chairman of Council reported that the leader's scheme attached to the report contained incorrect details about cabinet membership. A revised correct version was circulated at the meeting.

RESOLVED: to

1. note the Leader's delegations as set out in appendix 1 of the report of the head of legal and democratic services to Council on 23 October 2013;
2. note the Leader's delegation to the head of health and housing in respect of the Scrap Metal Dealers Act 2013 as set out in paragraph six of the report of the head of legal and democratic services to Council meeting on 23 October 2013;
3. note the Leader's revised scheme of delegation attached to the minute book copy of these minutes;
4. agree the revised financial procedure rules attached at appendix three of the report of the head of legal and democratic services to Council meeting on 23 October 2013;
5. agree the proposed amendments to officer delegation set out in appendix four of the report of the head of legal and democratic services to Council on 23 October 2013;
6. authorise the head of legal and democratic services to make the necessary changes to the council's constitution to reflect the changes set out in the report;
7. authorise the head of legal and democratic services to make any minor or consequential amendments to the constitution required for clarification, consistency and compliance with the council's style guide.

Co.37 Virements

None.

Co.38 Report of the Leader of the council

The Leader of council reported that he took a decision on 9 August 2013 to approve consultation on a revised council tax reduction scheme to replace the existing scheme from 1 April 2014. The chairman of the scrutiny committee had agreed that any delay caused by the call-in process would impact on the consultation period.

Co.39 Notices of motion under standing order 11

- (1) Motion proposed by Councillor Jim Halliday and seconded by Councillor Yvonne Constance:

"Council welcomes the measures that the Head of Legal and Democratic Services has put in place to ensure that where an undertaking has been given at any meeting of Council and its committees to provide a response in writing to

a question from a councillor or a member of the public, a record of the written answer is published as soon as it is available and in the same place as the minutes of the meeting."

RESOLVED:

That Council welcomes the measures that the Head of Legal and Democratic Services has put in place to ensure that where an undertaking has been given at any meeting of Council and its committees to provide a response in writing to a question from a councillor or a member of the public, a record of the written answer is published as soon as it is available and in the same place as the minutes of the meeting.

- (2) Motion proposed by Councillor Sandy Lovatt and seconded by Councillor Yvonne Constance:

"This Council welcomes the decision in principle of Cabinet to let part of Abbey House to Oxfordshire County Council, and Citizens Advice Bureau. This move will bring public services closer together in a more convenient location for our residents; will preserve Abingdon as the administrative centre for the Vale; and will save Vale tax payers approximately £200,000 per annum."

A number of councillors did not consider it appropriate for Council to consider this motion on the eve of Scrutiny Committee's consideration of the call in of Cabinet's decision. As such they would abstain from any vote.

Those councillors supporting the motion stated the following:

- Some teams would maintain a significant presence in Abbey House;
- Vale of White Horse District Council would continue to be based in Abingdon from the public point of view;
- The sharing of accommodation with Oxfordshire County Council would enable better joint working with the County Council, provide a more convenient service for customers and save public money;
- The increase in the number of office workers will have a positive impact on Abingdon.

Those councillors opposing the motion stated the following:

- Vale of White Horse District Council should remain based in Abbey House, Abingdon;
- Councillors would have less access to officers based at Crowmarsh Gifford;
- Lack of involvement in the decision making process with non-Cabinet members.

In accordance with standing order 29(3), at the request of more than a fifth of councillors present, the chairman asked for a recorded vote. Votes on the amendment were recorded as follows:

For	Against	Abstentions
Councillors:	Councillors:	Councillors:
John Amys	Jeanette Halliday	Julia Bricknell
Marilyn Badcock	Angela Lawrence	Tony de Vere
Mike Badcock	Jerry Patterson	Debby Hallett
Matthew Barber		Jim Halliday

Eric Batts		Jenny Hannaby
Yvonne Constance		Dudley Hodinott
Roger Cox		Bob Johnston
Charlotte Dickson		Pat Lonergan
St John Dickson		Sue Marchant
Gervase Duffield		Julie Mayhew-Archer
Jason Fiddaman		Elizabeth Miles
Anthony Hayward		Helen Pighills
Simon Howell		Judy Roberts
Bill Jones		Val Shaw
Mohinder Kainth		Andrew Skinner
Sandy Lovatt		Catherine Webber
Gill Morgan		Richard Webber
John Morgan		John Woodford
Michael Murray		
Fiona Roper		
Robert Sharp		
Janet Shelley		
Alison Thomson		
Melinda Tilley		
Margaret Turner		
Reg Waite		
Elaine Ware		
Totals:		
27	3	18

The motion was declared carried.

RESOLVED:

THAT Council welcomes the decision in principle of Cabinet to let part of Abbey House to Oxfordshire County Council, and Citizens Advice Bureau. This move will bring public services closer together in a more convenient location for our residents; will preserve Abingdon as the administrative centre for the Vale; and will save Vale tax payers approximately £200,000 per annum.

- (3) Motion proposed by Councillor Yvonne Constance and seconded by Councillor Simon Howell:

“Council notes the possibility of submitting the following proposal to the government under the Sustainable Communities Act:

‘That the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.’

The Council notes that if this power was acquired it would allow the council to determine if pubs should be demolished or converted into other uses and could save many valued community pubs.

The Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works and the Campaign for Real Ale to gain support for the proposal from other councils in the region and across the country.”

In supporting the motion a number of councillors noted the ongoing closure of public houses to the detriment of communities and their social life. In rural areas these establishments provided a focal point for the community and often provided the only available community facility.

RESOLVED:

That Council notes the possibility of submitting the following proposal to the government under the Sustainable Communities Act:

‘That the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.’

The Council notes that if this power was acquired it would allow the council to determine if pubs should be demolished or converted into other uses and could save many valued community pubs.

The Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works and the Campaign for Real Ale to gain support for the proposal from other councils in the region and across the country.

- (4) Motion proposed by Councillor Debby Hallett and seconded by Councillor Dudley Hoddinott:

“In view of the universally unpopular proposal for the wholesale redevelopment of the West Way shopping area in Botley, this Council should request the Cabinet to withdraw the option to sell the Vale’s West Way property to the developers, Doric.”

Those councillors supporting the motion expressed concern that:

- The proposals for the redevelopment of Botley West Way shopping area were overwhelmingly unpopular;
- The proposed development was at odds with the scheme the district council had consulted on;
- Doric had ignored the consultation feedback and had not addressed the public concerns expressed at recent public meetings on the size of the proposed development, car parking and traffic management arrangements, flooding issues and the loss of local shops;
- The proposed development of a multi-story shopping mall comprising high street chain stores and student accommodation were not appropriate for the area.

Mathew Barber, Leader of council, whilst acknowledging the concerns of local residents stated that the original plans had evolved and were not called in for consideration by the Scrutiny Committee. In an effort to find a way forward he suggested that Scrutiny Committee consider this matter at a future meeting including the contractual arrangements and suggestions to improve the scheme.

In light of this offer the mover and seconder of the motion, with the agreement of Council, agreed to withdraw the motion.

- (5) Motion proposed by Councillor Tony de Vere and seconded by Councillor Pat Lonergan:

“Council notes the recently issued report “Final report on progress against the Energy Reduction Plan 2008/9 - 2012/13” and that the council’s baseline Co2 emissions in 2007 were 5134 tonnes, and that the emissions in 2012/13 were 4270 tonnes, a reduction of 17 per cent on the baseline. Council is also pleased to note that the 5 year capital budget of £200,000 it allocated for energy saving measures, has been so effective : In 2012/13 the annual savings on gas, electricity, and diesel exceeded £139,000. Council therefore 1) congratulates all the staff involved in achieving these significant energy savings, 2) urges the Cabinet to prepare another long-term energy saving plan.”

RESOLVED:

That Council notes the recently issued report “Final report on progress against the Energy Reduction Plan 2008/9 - 2012/13” and that the council’s baseline Co2 emissions in 2007 were 5134 tonnes, and that the emissions in 2012/13 were 4270 tonnes, a reduction of 17 per cent on the baseline. Council is also pleased to note that the 5 year capital budget of £200,000 it allocated for energy saving measures, has been so effective : In 2012/13 the annual savings on gas, electricity, and diesel exceeded £139,000. Council therefore 1) congratulates all the staff involved in achieving these significant energy savings, 2) urges the Cabinet to prepare another long-term energy saving plan.

- (6) Motion proposed by Councillor Jim Halliday and seconded by Councillor Melinda Tilley. In seconding the motion Councillor Melinda Tilley sought an alteration to delete “further” in line five. Councillor Jim Halliday, as mover of the motion and with the consent of council in accordance with standing order 24(4), agreed the alteration.

“This Council believes that “Shared Services” with South Oxfordshire District Council have offered much needed savings to Vale of White Horse District Council, but acknowledges that such moves have produced anxieties of there being a South Oxfordshire District Council “takeover” of Vale of White Horse District Council. The Council now believes that any moves which threaten the independence of Vale of White Horse District Council as a separate district council should be treated with extreme caution, and that there should be a very persuasive case for savings before any further moves towards sharing are contemplated. It therefore urges Cabinet to take this into account when making its decisions, and also to fully involve all members of Council prior to making such decisions.”

RESOLVED:

That Council believes that “Shared Services” with South Oxfordshire District Council have offered much needed savings to Vale of White Horse District Council, but acknowledges that such moves have produced anxieties of there being a South Oxfordshire District Council “takeover” of Vale of White Horse District Council. The Council now believes that any moves which threaten the independence of Vale of White Horse District Council as a separate district council should be treated with extreme caution, and that there should be a very persuasive case for savings before any further moves towards sharing are contemplated. It therefore urges Cabinet to take this into account when making its decisions, and also to fully involve all members of Council prior to making such decisions.

- (7) Motion proposed by Councillor Julie Mayhew-Archer and seconded by Councillor Richard Webber:

“This Council agrees that its car parking fines are too high. It asks Cabinet to implement a 50 per cent cut in penalty charges as soon as possible.”

In supporting the motion councillors expressed the view that whilst the free parking period encouraged people to visit the town centres the fines only served to discourage confused people from returning, that the level of fines did not fit the crime and that the gap between the cost of parking and fines was too large.

Those opposing the motion stated that the level of fines had not increased since 2009 and that the level of fines should be considered at the same time as a review of car park charges.

On receiving an assurance from Councillor Matthew Barber, Leader of council, that Cabinet would consider the issue when setting car park charges the mover and seconder of the motion, with the agreement of Council, withdrew their motion.

Co.40 Exempt information under section 100A(4) of the Local Government Act 1972

None.

The meeting closed at 8.30pm

Report of the Independent Remuneration Panel on amendments to the Councillors' Allowances Scheme to be adopted from 1 April 2014

Report to Vale of White Horse District Council on 11 December 2013

Introduction

- 1.1 The council's constitution states that councillors are entitled to receive allowances as set out in the councillors' allowances scheme. The council's current councillors' allowances scheme came into force on 1 April 2012, following consideration of the Independent Remuneration Panel's recommendations. The previous scheme was revoked on 31 March 2012. The amended scheme is set out in the council's constitution and can be found on the council's website.
- 1.2 In October this year, the panel reviewed whether any inflationary adjustment is appropriate to the allowances for 2014/15, and looked at whether to recommend other adjustments to the scheme. The panel makes two recommendations as set out in this report. Any changes Council agrees to the scheme will come into effect on 1 April 2014.

Legal framework

- 2.1 In accordance with the Local Government and Housing Act 1989, the Local Government Act 2000, and The Local Authorities (Members' Allowances) (England) Regulations 2003, councils have a duty to consider the findings of an independent remuneration panel before determining any councillors' allowances scheme. The regulations place a statutory obligation on the council to establish and maintain an independent remuneration panel to look at councillors' allowances and report its views to the council. Council has a statutory duty to have regard to the panel's recommendations before making or amending any councillors' allowances scheme.
- 2.2 In addition to the regulations, the Secretary of State has issued guidance to councils on councillors' allowances. This guidance deals with the types of allowances which can be paid, the setting up, appointment and work of independent remuneration panels and the making and publication of allowances schemes.

The council's independent remuneration panel

- 3.1 In October 2011, Council appointed independent members to the independent remuneration panel until May 2016.

Annual adjustment for 2014/15

- 4.1 The panel considers that it should review annually whether to recommend any inflationary adjustment to councillors' allowances. The panel regard this as

preferable to adopting any standard index, as an annual review will give better control rather than relying on standard indices.

- 4.2 In December 2012, the panel recommended increasing the councillors' basic allowance in line within the staff pay increase for 2013/14, and recommended other allowances remained the same. Council agreed with this and subsequently increased staff pay in the 2013/14 budget by two per cent; the councillors' basic allowance was increased by the same percentage.
- 4.3 The panel considers that the councillors' basic allowance should increase in 2014/15 on the same basis: in line with any staff pay increase for 2014/15, but up to a maximum of two per cent. The panel considers that a two per cent cap would be fair. An increase above the staff pay increase is not recommended. The exact level of staff pay increase will not be known until the budget council meeting in February 2014.
- 4.4 The panel considers that there is no justification to increase the special responsibility allowances, the childcare or dependent carer's allowances, or the travel allowances for 2014/15. These allowances will be reviewed again later in 2014.

Recommendation

To increase only the basic allowance for 2014/15, in line with the staff pay increase for 2014/15, up to a maximum of two per cent.

Claims for travelling to the council's offices for ad-hoc visits

- 5.1 The panel was asked to consider whether the scheme should be reviewed to allow councillors to claim travelling expenses to make ad-hoc visits to the council's offices to see officers or conduct ward work.
- 5.2 The existing scheme prohibits this, stating that the basic allowance covers all meetings of the authority, meetings with officers, meetings with electors/residents, political group meetings, and travel to and from those meetings.
- 5.3 However, the panel has reviewed this, and recommends a compromise to allow councillors to claim travel expenses to and from the council's offices, or childcare or dependent carer's allowances, if an officer of the council has invited a councillor to a meeting. The panel considers that the onus must be on the councillor when making the claim, to provide written evidence of such an invitation.

Recommendation

To amend the councillors' allowances scheme to allow councillors to claim travel expenses to and from the council's offices, or childcare or dependent carer's allowances, if an officer of the council has invited a councillor to a meeting. When making the claim, the councillor must provide written evidence of such an invitation.

Withholding allowances

- 6.1 The panel was asked to consider whether the scheme could be amended to allow the council to withhold basic and special responsibility allowances if a councillor is unable to fulfil his/her duties due to long term absence.
- 6.2 The panel noted that the 2003 regulations do not provide for the council to withhold a councillor's basic allowance in the case of long-term absence. Therefore, panel concluded that the scheme could not withhold the basic allowance in such circumstances. The panel does not recommend any change to the scheme in this respect.
- 6.3 The panel considers that the council should only withhold special responsibility allowances if a councillor no longer holds a position of special responsibility.

Review of councillor allowances from May 2015

- 7.1 The panel recognises that a fundamental review of the councillors' allowances scheme will be required as in May 2015 the number of councillors will reduce from 51 to 38. The panel will conduct its review of the allowances scheme in 2014.

James Davies
Stephen King
Dr Robert Smith
Independent Remuneration Panel

November 2013

Council Report



Report of Head of Legal and Democratic Services

Author: Steven Corrigan

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To: COUNCIL

DATE: 11 December 2013



Review of the council's constitution

Recommendations

That Council:

1. agrees the revised delegation 1.2 to the head of economy, leisure and property attached as appendix one to this report;
2. agrees the delegation in respect of the national non-domestic rates 1 form (NNDR1) set out in paragraph seven of this report;
3. agrees the amendments to the financial procedure rules set out in paragraph 12 of this report;
4. agrees the revised budget and policy framework procedure rules and budget setting protocol set out in appendix two to this report;
5. agrees the proposed amendments to standing orders set out in paragraph 14 of this report;
6. authorises the head of legal and democratic services to make the necessary changes to the council's constitution to reflect the changes set out in this report;
7. authorises the head of legal and democratic services to make any minor or consequential amendments to the constitution required for clarification, consistency and compliance with the council's style guide.

Purpose of report

1. To consider proposed amendments to the constitution.

Strategic objectives

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives.

Background

3. Officers have undertaken a review of the constitution in accordance with the Council's decision when it first approved the constitution in 2001, and in pursuance of the requirements of Section 37 of the Local Government Act 2000 to keep the constitution under review. The Constitution Review Task Group, comprising councillors Barber, Constance, de Vere, Patterson and Sharp, considered the proposals at a meeting on 25 November 2013 and the views expressed at that meeting are included in this report.

Delegation 1.2 – land and property matters

4. Delegation 1.2 currently authorises the head of economy, leisure and property to authorise a number of land and property transactions provided the best possible price is obtained and no statutory protection is likely to be obtained.
5. The task group supported a proposed amendment of these provisos because they are too restrictive and not always applicable.
6. The revised delegation 1.2 is **attached** with deleted words shown by a strikethrough and additional words shown in bold.

National non-domestic rates 1 form (NNDR1)

7. At its meeting on 11 December 2012 Council considered a report on a new requirement, under the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 2012), to submit a NNDR1 to the Department for Communities and Local Government (DCLG) by 31 January. To avoid the need for a special meeting Council authorised the strategic director (section 151) officer, in consultation with the Cabinet member for finance to approve and submit the Council's national non-domestic rates 1 form (NNDR1) for 2013/2014. As the completion of this form is a technical matter and the financial detail will be included in the subsequent budget report to Council, the task group supported the following ongoing delegation:

To authorise the chief finance officer (section 151 officer), in consultation with the Cabinet member for finance to approve and submit the Council's national non-domestic rates 1 form (NNDR1) each year as required by the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 2012).

Financial Procedure Rules

8. At its meeting in 23 October Council agreed revised financial procedure rules (FPRs). Since that meeting officers have encountered issues which have informed proposed amendments to the FPRs which the task group support.

9. Under the FPRs agreed by Council in October the responsibility for creating a budget is the responsibility of Council. The approval of these budgets by Council authorises officers to incur expenditure subject to compliance with the requirements of the council's constitution.
10. Under these rules any external government grant provided for a specific purpose or any additional fees and charges income cannot be spent until Council has agreed the budget.
11. The following budgetary issues require a solution:
 - New grant income received after the budget has been set for which a budget has to be created in order to give authority to spend the money.
 - Additional income from fees and charges received in the year that leads to additional costs that require a budget to give authority to spend.
 - Increased receipts of insurance income from insurance claims.
12. The task group supported the following amendments to the FPRs to address this:
 - The Leader of council in consultation with the chief executive and chief finance officer may increase the revenue or capital budget after considering a request from the relevant head of service where the council has:
 - a. received government grant outside of the usual budget setting cycle for which no budget exists.
 - b. received additional income for fees and charges that has led to additional costs that require a budget to give authority to spend.
 - c. received additional income from insurance claims.

In both instances a budget no greater than the increase in income can be created.

Budget setting process

13. The existing budget and policy framework procedure rules provide for a consultation period of not less than six weeks. At the end of the consultation period, Cabinet draws up firm budget or policy proposals for submission to Council. Last year the late receipt of the government settlement meant that initial budget proposals were not available until January. In light of the likely late receipt of the government settlement this year the task group considered amendments to the budget and policy framework and the provision of a budget setting protocol. The budget

protocol supported by the task group and the revised budget and policy framework procedure rules are attached.

Standing orders

14. The task group supported two changes to the council's standing orders.

A. Standing order 31(1)

The standing order currently provides that councillors remain seated when speaking at Council meetings. The task group supported a change to this standing order to require councillors to stand. This change would allow other councillors and members of the public to have a clearer view of the proceedings.

B. Standing order 29(3)

The standing order currently provides for a fifth of councillors present to require a recorded vote. The task group was of the view that the current arrangements were confusing for members of the public and cumbersome. The task group supported a revised mechanism whereby all votes would be recorded, rather than by a show of hands, if the matter was not agreed by assent.

Revised constitution

15. Council is requested to approve the changes set out in this report for implementation from 2 January 2014.

Financial Implications

16. The democratic services budget for printing will meet the costs of producing copies of the amended constitution.

Legal Implications

17. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

Conclusion

18. This report sets out a number of proposals to amend the constitution. Officers recommend that Council supports these proposals, and authorises the head of legal and democratic services to make these changes and any further minor or consequential amendments to the constitution.

Background paper: Paper to the Constitution Review Task Group

Appendix one

Head of economy, leisure and property

(Car parks, emergency planning, leisure including arts, sports; economic development; property including facilities management and mobile home parks)

HEAD OF ECONOMY, LEISURE AND PROPERTY		
Ref	Function	Consultation (where applicable)
1.0	LAND AND PROPERTY MATTERS	
1.1	To manage the council's land and property portfolio.	
1.2	To authorise the following types of land and property transactions provided the best possible price is obtained and no statutory protection is likely to be obtained. provided that: (i) in the case of paragraph (a), the consideration is the best that can reasonably be obtained unless a general consent of the Secretary of State applies; and (ii) all disposals shall be on the best financial terms unless otherwise agreed by the chief finance officer in consultation with the relevant Cabinet member.	
	(a) To approve the freehold or leasehold sale of land and property where the land or property transaction is below £50,000.	Head of legal and democratic services
	(b) To approve and accept surrenders or terminations of leases and licences and determine applications for the assignment, sub lettings and transfer of leases and licences and the granting of sub-leases and under leases and other applications for consent required by lessees.	Head of legal and democratic services

HEAD OF ECONOMY, LEISURE AND PROPERTY

Ref	Function	Consultation (where applicable)
	(c) To determine the renewal of leases and tenancies.	Cabinet member/head of legal and democratic services where the annual rental value exceeds £10,000
	(d) To grant new leases and tenancies up to an annual rental value limit of £50,000.	Cabinet member/head of legal and democratic services where the annual rental value exceeds £10,000
	(e) To negotiate and approve rent reviews and licence fee reviews.	Head of legal and democratic services
	(f) To determine applications for the release or variation of covenants.	Head of legal and democratic services
	(g) To grant wayleaves, easements, licences and other rights of users in respect of council owned land or property.	Head of legal and democratic services
	(h) To dedicate land owned by the council as a highway.	Head of legal and democratic services
	(i) To enter into agreements under section 278 of the Highways Act 1980.	Head of legal and democratic services
	(j) To determine requests from developers for the council to adopt land on housing developments, subject to the payment of a commuted sum and the land being transferred at a nominal sum.	
	(k) To serve notices required in relation to the acquisition, disposal, rental, leasing and management of land and property.	

Budget and policy framework procedure rules

Process for developing the framework

1. The process by which the budget and policy framework will be developed is:
 - (a) The cabinet will publicise a timetable for making proposals to the council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. This will be included in the cabinet's work programme. It will give details of the arrangements for consultation. All members of the scrutiny committee will also be notified.
 - (b) The budget setting process shall follow the budget preparation protocol agreed by the Constitution Review Task Group.
 - (c) Once the cabinet has approved firm proposals, the proper officer will refer them at the earliest opportunity to the council for decision.
 - (d) In reaching a decision, the council may adopt the cabinet's proposals, amend them, refer them back to the cabinet for further consideration, or, subject to paragraphs (e) and (f) substitute its own proposals in their place.
 - (e) If it accepts the cabinet's recommendation without amendment, the council may make a decision that has immediate effect. If it objects to any of the proposals, it must inform the leader and instruct him/her to require the cabinet to reconsider the proposals in light of the objections. Such reconsideration must take place within the period specified by the council, which shall be not less than five working days.
 - (f) Following reconsideration by the cabinet, the leader may submit revised proposals to the council, together with reasons for the amendments, or inform the council of any disagreement the cabinet has with the council's objections. The proper officer will then call a Council meeting to be held within a further ten working days. At that meeting, the council may approve the cabinet's proposals, or take a different decision, having taken into account any amendments the cabinet made to its original proposals, the reasons for the amendments, any disagreement the cabinet has with the council's objections and the reasons for that disagreement.

- (g) The council's decision at that meeting shall be final and effective immediately.
- (h) The decision shall then be made public, and shall be implemented immediately.
- (i) In approving the budget and policy framework, the council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the cabinet, in accordance with paragraphs 8 to 10 of these rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the council.

Decisions outside the budget or policy framework

- 2. Subject to the provisions of paragraph 8 and 9 (virement) the cabinet and any officers discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the council, subject to paragraph 4 to 7 below.
- 3. If the cabinet or any officers discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and the chief finance officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the council for decision, unless the decision is a matter of urgency, in which case the provisions in the following section (urgent decisions outside the budget and policy framework) shall apply.

Urgent decisions outside the budget or policy framework

- 4. The cabinet, a committee of the cabinet, an individual member of the cabinet or officers, area committees or Joint Arrangements discharging executive functions, may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by full council if the decision is a matter of urgency or in the event of a disaster or emergency. An urgent decision may only be taken:
 - (a) if it is not practical to convene a quorate meeting of the full council; and
 - (b) if the Chairman of the scrutiny committee agrees that the decision is a matter of urgency.
- 5. The reasons why it is not practical to convene a quorate meeting of full council and the Chairman of the scrutiny committee's consent to the

decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the scrutiny committee the consent of the Chair of the council, and in the absence of both, the Vice-Chair will be sufficient.

6. In cases of disaster or emergency, the chief executive and strategic directors may take decisions outside of the policy framework and, with the approval of the chief finance officer, shall be authorised to approve expenditure outside of the budget in accordance with the financial procedure rules.
7. Following a decision taken as a matter of urgency, or in the case of a disaster or emergency, the decision taker will provide a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as such a matter.

Virement and supplementary estimates

8. The council will have the revenue cost centres and capital projects as set out in the approved revenue budget and capital programme, which will be agreed annually.
9. In implementing Council policy, the cabinet, or officers discharging cabinet functions, shall not exceed those budgets. However, the cabinet, or officers discharging cabinet functions, shall be entitled to vire between revenue budgets or between capital projects, and agree supplementary estimates in accordance with the procedures and limits set out in the financial procedure rules. Beyond these limits, approval to any virement or supplementary estimate shall require the approval of the full Council.

In-year changes to policy framework

10. The responsibility for agreeing the budget and policy framework lies with the council, and decisions by the cabinet, a committee of the cabinet, an individual member of the cabinet or officers, area committees or Joint Arrangements discharging executive functions, must be in line with it. No changes to any policy or strategy which make up the policy framework may be made by the cabinet, or officers discharging executive functions, except those changes:
 - (a) which will result in the closure or discontinuance of a service or part of a service to meet a budgetary constraint;
 - (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the council following consultation, but where the existing policy document is silent on the matter under consideration.

Call-in of decisions outside the budget or policy framework

11. Where the scrutiny committee is of the opinion that a cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the council's budget, then it shall seek advice from the monitoring officer and chief finance officer.
12. In respect of functions that are the responsibility of the cabinet, the monitoring officer's report and chief finance officer's report shall be to the cabinet with a copy to every member of the council. Regardless of whether the decision is delegated or not, the cabinet must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to a scrutiny committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
13. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the council has met and considered the matter. The council shall meet within ten working days of the request by a scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and the chief finance officer. The council may:
 - (a) endorse a decision or proposal of the cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the council be minuted and circulated to all councillors in the normal way; or
 - (b) amend the council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the council be minuted and circulated to all councillors in the normal way; or
 - (c) where the council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the cabinet to reconsider the matter in accordance with the advice of either the monitoring officer and the chief finance officer.

Budget setting protocol agreed by the Constitution Review Task Group

- Growth bids and savings ideas to be shared with cabinet and to be scrutinised at Star Chambers.
- Private (not public) budget briefing to be given to scrutiny members in December. Other councillors will be invited. The content of the briefing is yet to be agreed but is likely to be based around the appendices usually produced for the scrutiny reports (i.e. Medium Term Financial Plan, essential growth bids, discretionary growth bids and savings ideas under consideration by cabinet).
- This would signal the start of a consultation with all councillors on the growth bids and savings ideas and will be the point at which all councillors can lobby the cabinet on what should or should not be included in the revenue and capital budgets.
- Discretionary growth bids, savings ideas and the Medium Term Financial Plan to be added to the website within 15 working days from publication of the governments' financial settlement or by the end of the first full working week in January, whichever is the later and businesses will be directed to them and invited to comment.
- No change in the process from the production of the February cabinet report onwards, although this report will incorporate all necessary information previously only reported in the December scrutiny report.

November 2013