

# Council Agenda



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Date: 15 October 2013  
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## Summons to attend a meeting of Council

to be held on Wednesday 23 October 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

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 9)

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](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 10 - 17)

To adopt and sign as a correct record the council minutes of the meeting held on 17 July 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 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 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?

- (2) Question from Councillor Catherine Webber to the Cabinet member for economic development, Councillor Elaine Ware

Who knows best – Cabinet, Council or Residents?

- (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?

- (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”?

- (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?

- (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?

- (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”?

- (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?

- (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?

- (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 ?

- (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?

- (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?

## **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.

### **(1) Gambling policy**

The Licensing Acts Committee, at its meeting on 19 September 2013, reviewed the council's gambling policy. The responses to the consultation mostly favoured the draft policy or had a neutral view. However, most respondents also supported the council retaining its 'no casinos' policy.

The policy adopted in 2010 included a 'no casinos' clause due to the rural nature of the Vale with country market towns being inappropriate locations for a casino. The committee considered that the council should retain the 'no casinos' policy for the same reason; large towns or cities were more appropriate locations.

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. However, the legislation prohibits Cabinet from recommending the 'no casinos' clause.

#### **LICENSING ACTS COMMITTEE RECOMMENDATION: to**

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.'

**CABINET RECOMMENDATION: to**

- (i) 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...'
- (ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy; and
- (iii) 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**

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

Despite a fall in market interest rates during 2012/13, the council's investments generated income of £553,000. This was £136,000 above the original budget estimate and was above the industry average for 2012/13.

**RECOMMENDATION: to**

- (a) approve the treasury management outturn report 2012/13; and
- (b) approve the actual 2012/13 prudential indicators within the report.

**The reports, which Cabinet considered on 4 October, were circulated to all councillors with the Cabinet agenda. Please bring these reports to the meeting.**

**10. Community Governance Review - Final Terms of Reference**  
(Pages 18 - 25)

To consider the report of the Chief Executive on the terms of reference for a community governance review – a review of parish arrangements within the district (**attached**).

**11. Review of the council's Constitution**  
(Pages 26 - 59)

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

## **12. Virements**

In accordance with the virement policy, all virements of £10,000 and over and virements across service areas require prior authorisation of the executive and must be reported to the council. This information will be reported at the meeting (if any).

## **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 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.

### **(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 Jim Halliday, 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."

### **(2) Motion to be proposed by Councillor Sandy Lovatt, seconded by Councillor Charlotte Dickson:**

"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."

- (3) Motion to be proposed by Councillor Yvonne Constance, 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."

- (4) Motion to be proposed by Councillor Debby Hallett, 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."

- (5) Motion to be proposed by Councillor Tony de Vere, seconder to be confirmed:

"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 to be proposed by Councillor Jim Halliday, seconder to be confirmed:

"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 further 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 to be proposed by Councillor Julie Mayhew-Archer, seconder to be confirmed:

“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.”

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

None.