

# Minutes

of a meeting of the

## Council



held on Wednesday 13 December 2017 at 7.00 pm  
at the The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY

### Open to the public, including the press

#### Present:

Members: Councillors Reg Waite (Chairman) in the chair from item Co 45, Monica Lovatt (Vice-Chairman) in the chair for items Co37 to Co44, Alice Badcock, Mike Badcock, Eric Batts, Matthew Barber, Ed Blagrove, Yvonne Constance, Roger Cox, Charlotte Dickson, St John Dickson, Robert Hall, Debby Hallett, Jenny Hannaby, Anthony Hayward, Dudley Hoddinott, Simon Howell, Vicky Jenkins, Bob Johnston, Mohinder Kainth, Sandy Lovatt, Ben Mabbett, Chris McCarthy, Chris Palmer, Helen Pighills, Julia Reynolds, Judy Roberts, Robert Sharp, Emily Smith, Elaine Ware and Catherine Webber

Officers: Steven Corrigan, Andrew Down, William Jacobs, Adrianna Partridge, Margaret Reed and Mark Stone

#### **Co.37 Apologies for absence**

Apologies for absence were submitted on behalf of Councillors Margaret Crick, Stuart Davenport, Gervase Duffield, Katie Finch, Mike Murray, Janet Shelley and Henry Spencer.

#### **Co.38 Minutes**

**RESOLVED:** to approve the minutes of the meetings of Council held on 27 September and 11 October 2017 as correct records and agree that the Chairman sign them as such.

#### **Co.39 Declarations of disclosable pecuniary interest**

None.

#### **Co.40 Urgent business and chairman's announcements**

The Chairman provided housekeeping information. In recognition of the fact that not all councillors had had an opportunity to read the confidential reports marked to follow on the agenda, the Chairman proposed that councillors have the opportunity to read these following the adoption of the confidential minutes.

## **Co.41 Public participation**

Mr David Surnam of the Kingfisher Canoe Club in Abingdon, addressed Council in support of a petition for a new home for the club to operate from on land at Rye Farm. He explained that following eviction from land in Wilsham Road the club is homeless and unable to operate. The club had identified an alternative location at Rye Farm, received planning permission but was not granted a lease to operate from Vale of White Horse District Council. Without a suitable venue to operate from the club would cease to exist in the spring of 2018.

Councillor Barber, Leader of the council, noted the excellent work provided by the club and advised that work was ongoing to find a solution.

The Chairman thanked Mr Surnam for his address and petition and advised that officers would contact him regarding how the petition will be dealt with.

## **Co.42 Petitions**

At its meeting on 11 October 2017 Council received a petition regarding the toilets at Abbey Meadows. The petition called for “excellent, accessible loos at Abbey Meadows”. In accordance with the council’s petition scheme, which provides for a Council debate if a petition is signed by in excess of 500 people, Council considered the petition and agreed to refer it to Cabinet for consideration.

**RESOLVED:** to refer the petition to Cabinet for consideration.

## **Co.43 Council tax base 2018/19**

Council considered Cabinet’s recommendations, made at its meeting on 8 December 2017, on the council tax base for 2018/19.

**RESOLVED:**

1. To approve the report of the head of finance to Cabinet on 8 December 2017 for the calculation of the council’s tax base and the calculation of the tax base for each parish area for 2018/19;
2. That, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Vale of White Horse District Council as its council tax base for the year 2018/19 be 50,451.8; and
3. That, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Vale of White Horse District Council as the council tax base for the year 2018/19 for each parish be the amount shown against the name of that parish in Appendix 1 of the report of the head of finance to Cabinet on 8 December 2017.

## **Co.44 Community governance reviews**

Council considered a recommendation from the Community Governance and Electoral Issues Committee to rescind a Council resolution agreed at the Council meeting on 16 July 2014 (minute 28(j) /07/14 refers) in respect of an automatic trigger for a

Vale of White Horse District Council – Council minutes

Wednesday, 13 December 2017

community governance review. As an alternative, the committee had agreed to undertake a review every four years with changes agreed for implementation at the next scheduled elections.

**RESOLVED:** to rescind the following resolution:

“that a significant development proposal that sits adjacent to or straddles a parish boundary should automatically trigger a community governance review, such a review to take place on the inclusion of a site in a document that forms part of the approved Local Plan or when planning permission has been granted for the development of the site”.

## **Co.45      Review of the council's constitution**

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

**RESOLVED:** to

1. agree to amend the constitution in the Summary and Explanation section and the Cabinet Arrangements and Procedure Rules to update the key decision definition by removing reference to strategic directors;
2. agree to amend the Summary and Explanation section and the Joint Audit and Governance, Planning and Scrutiny Committees' procedure rules to make explicit that councillors have the right to attend committee meetings where they are not a member, including where confidential or exempt information is being discussed;
3. agree to amend paragraph 15 of the Planning Committee Procedure Rules so that “no meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, votes for the meeting to continue to complete the item under discussion”;
4. authorise the Head of Legal and Democratic Services to update the scheme of delegation to officers in Schedule 1 to specifically reflect the Council's changes to officers' responsibilities under the revised management structure;
5. agree to amend the scheme of delegation to the head of planning to:
  - (i) add the following text to paragraph 1.1(a)ii regarding ward councillors' right to call-in planning applications for consideration by Planning Committee: “This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous.”
  - (ii) change paragraph 11.9 to read “To deal with the recovery of the Community Infrastructure Levy including stop notices, liability orders and other enforcement mechanisms under Regulation 89 to 94 and 111 of the Community Infrastructure Levy Regulations 2010.”
  - (iii) add the following paragraph “To express the opinion of the council as local planning authority on whether a neighbourhood plan requires Strategic Environmental Assessment (Environmental Assessment of Plans and Programmes Regulations 2004) and/or an appropriate assessment (Conservation of Habitats and Species Regulations 2010 (as amended 2011)).”

6. agree to amend paragraph 14.3 of the scheme of delegation to the interim head of waste, leisure and environmental health “To give authority to police community support officers to issue fixed penalty notices in respect of litter and dog fouling offences under the Clean Neighbourhoods and Environment Act 2005.”
7. agree to amend the Joint Staff Committee Procedure Rules as set out in appendix 1 of the head of legal and democratic services and monitoring officer’s report to Council on 13 December 2017;
8. agree to amend the Officer Employment Procedure Rules as set out in appendix 2 of the head of legal and democratic services and monitoring officer’s report to Council on 13 December 2017;
9. authorise the head of legal and democratic services to update the constitution to reflect the agreed amendments with effect from 1 January 2018; and
10. authorise the head of legal and democratic services to make any minor or consequential amendments to the constitutions for consistency and to reflect the council’s style guide.

## **Co.46 Report of the leader of the council**

The Leader of the council advised Council that he had made changes to the Cabinet member portfolios to align these with the proposed new head of service staffing structure responsibilities. Councillor Ed Blagrove had also joined Cabinet.

He provided updates on the Oxfordshire Growth/Housing Deal for Oxfordshire which would come before Council in February 2018 for a final decision and the Joint Spatial Plan.

## **Co.47 Questions on notice**

### **A. Question from Councillor Emily Smith to Cabinet Member for environmental health, Councillor Elaine Ware**

In the 2015 Air Quality Management Action Plan the 11 district wide actions were:

1. Creation of a ‘low emission strategy’ and ‘low emission zone’ feasibility study (target date 2017)
2. Installation of electric vehicle recharging points
3. Parking permit and pricing incentives for green vehicles (target date 2016)
4. Feasibility study for freight transport consolidation centre (FCC) / freight quality partnership (target date 2016)
5. Taxi licensing incentives for green vehicles (target date 2016)
6. Improved use and enforcement of traffic regulation orders (target date 2016)
7. Review of the council and contractors fleet
8. Eco driver training (trial to be complete by 2016)
9. Air quality planning guidance (target date 2015)
10. Community involvement projects
11. Introduce south facing slip roads to Lodge Hill interchange

Please can the Cabinet member confirm which of these actions are complete and provide an update of those which are not? What evidence do we have that each of these measures has been successful or otherwise?

## **Answer**

Councillor Ware undertook to provide a detailed written response in view of the number of points and complexity of the points raised.

### **B. With the agreement of Council Councillor Debby Hallett asked the following question on behalf of Councillor Helen Pighills (who was delayed due to traffic) to the Cabinet Member for housing, Councillor Elaine Ware**

At the last Council meeting on 11 October, we were told that Old Abbey House in Abingdon would be transformed into council-owned social housing. Please can you update us on progress? I am especially interested in the outcome of the feasibility study in terms of costs, whether the scheme will involve renovation or a complete rebuild and which Vale officer is leading on this project?

## **Answer**

Officers are currently assessing various options for funding the project and aim to produce a development brief and associated feasibility study as soon as possible. Once available officers will seek to appoint a suitable company to undertake the development. A lead officer will be identified once the council's current re-organisation process has been completed. In the meantime the project is being progressed by a group of senior officers drawn from the property and development teams.

### **Supplementary question**

In response to a supplementary question the Cabinet member stated that Old Abbey House could only be considered as an asset of community value, and alternative uses assessed, if there was a proposal to sell the property.

### **C. With the agreement of Council Councillor Bob Johnston asked the following question on behalf of Councillor Catherine Webber (who was delayed due to traffic) to the Cabinet Member for waste, Councillor Charlotte Dickson**

Food waste is recycled to form fertiliser and electricity, according to Vale's website. Until recently we were told to use the light green compostable bin liners, which are biodegradable, and which residents purchase at our own expense especially for our food recycling bins. Now we're told we can use ordinary plastic bags, such as the 5 pence bags from the supermarkets, or even bread bags. I thought plastic bags weren't biodegradable. So how are these non-biodegradable plastic bags used in recycling our food waste?

## **Answer**

Food waste collected in the Vale of White Horse is sent to an anaerobic digestion facility. Previously the advice was to use biodegradable bags. However, Agrivert, who run the facility, have found that the biodegradable bags were not breaking down in the process and were having to be removed. This involves a machine which pulverises the bags using metal plates that rotate incredibly fast leaving only food behind. As they were having to remove the biodegradable bags there was no reason for residents not to be allowed to use ordinary plastic bags if they wished.

The plastic bags along with the biodegradable bags are taken to an energy recovery facility, where they are incinerated to produce electricity.

### **Supplementary question**

In response to a supplementary question regarding the use of the food waste the Cabinet member stated that the plastic free food is digested by bacteria which

produces methane biogas used to create electricity. The leftover liquid, a high quality fertiliser, is spread on local farmland to grow crops.

**D. Question from Councillor Emily Smith to Leader of the council, Councillor Matthew Barber**

Could the Leader of the council explain how elected members and members of the public will be involved in the development of the Joint Spatial Plan for Oxfordshire? Given that the County, City and district councils have different community involvement policies, which body will be responsible for coordinating public engagement to ensure consultation is meaningful and the process is transparent?

**Answer**

Councillor Barber responded that The Joint Spatial Plan will follow the same plan-making process as the council's Local Plan, but on a countywide scale. The district council would retain responsibility including consultation.

**E. Councillor Debby Hallett to Cabinet Member for the corporate services contracts, Councillor Robert Sharp**

Could the Cabinet member please clarify where in the five councils outsourcing negotiations and when scrutiny members were warned we would no longer have control of our own emails and be forced to use a Microsoft Outlook solution? Even if Council agreed to this, surely the timing could have come between administrations so a 'new council, new method' would apply? Why would Vale sign up to an email system where members cannot have our emails forwarded to us so we can manage our own workloads? If the answer includes something about risk, I'd like to hear about the evidence of any security breaches we've had altogether per year in the past 5 years, and how many of those are due to members using their own email servers to manage their emails? To precisely what problem is this the best solution?

**Answer**

The new mailbox restrictions are a part of the council's planning for the introduction in May of the new General Data Protection Regulations (GDPR). The new regulations will prohibit councillors from holding third parties' personal information relating to council business in their own email systems. The use of private mailboxes for council work is not best practice even under the current Data Protection Act, and can make it very difficult for officers to respond to requests made under the Freedom of Information Act.

This is a change we have to make before May next year, and the recent mailbox migration was the ideal opportunity to do it. I understand that this has been inconvenient for us all, but responsibility on this occasion does not lie with the five councils contract or with the contractor.

**F. Question from Councillor Palmer to the Leader of the council, Councillor Matthew Barber**

Two years ago I asked Councillor Barber about how the Vale was going to respond to the Syrian Refugee Crisis. At the time as a council we were unsure how to respond but I believe in the interim there has been a positive response. Would the Leader give an update?

## Answer

Councillor Barber responded that the housing team, supported by the generosity of volunteers and church groups, had resettled six families.

## Co.48 Motions on notice

Council considered the following motion proposed by Councillor Catherine Webber and seconded by Councillor Debby Hallett:

“This council has statutory obligations to measure and monitor air quality in the district, to declare Air Quality Management Areas (AQMAs) where pollution is high, and to produce Air Quality Action Plans (AQAPs).

This council also has an obligation to facilitate and implement the actions recommended in AQAPs, wherever possible.

This Council recognises the importance of taking action to reduce air pollution. To that end, Council requests Cabinet to do two things:

- Include in its proposed budget for 2018/19 funding for all projects recommended in our 2015 AQAP that are not yet completed, and
- Ensure this council has a low emissions strategy similar to that of South Oxfordshire District Council, which will focus the council’s efforts to reduce air pollution, particularly in Vale’s AQMAs”.

Councillors who spoke in support of the motion expressed the view that the district council had not taken the issue of air pollution seriously, had not addressed the actions previously agreed in the council’s AQAP and provided little support to community groups monitoring air pollution levels. Poor air quality had a detrimental impact on the health of residents, particularly the young and the old, and the cumulative impact of certain housing developments without appropriate mitigation measures had added to the problem. The district council should work with Oxfordshire County Council to address the problem.

A number of councillors spoke against the motion. Air quality in the district is generally good and the number of deaths relating to air quality is well below the national average. The council recognises the need to take action and, whilst there had been slippage in addressing actions due to the difficulty in the recruitment of suitable qualified staff, work was ongoing to address air quality including the monitoring of pollution levels and joint working with Oxfordshire County Council.

In accordance with Council Procedure Rule 67, which provides for a recorded vote if three members request one, the Chairman called for a recorded vote on the motion which was declared lost with the voting as follows:

<b>For</b>	<b>Against</b>	<b>Abstentions</b>
Councillors	Councillors	Councillors
Debby Hallett	Alice Badcock	Vicky Jenkins
Jenny Hannaby	Mike Badcock	Mohinder Kainth
Dudley Hoddinott	Matthew Barber	Julia Reynolds
Bob Johnston	Eric Batts	
Helen Pighills	Edward Blagrove	
Judy Roberts	Yvonne Constance	

<b>For</b>	<b>Against</b>	<b>Abstentions</b>
Emily Smith	Roger Cox	
Catherine Webber	Charlotte Dickson	
	St John Dickson	
	Robert Hall	
	Anthony Hayward	
	Simon Howell	
	Monica Lovatt	
	Sandy Lovatt	
	Ben Mabbett	
	Chris McCarthy	
	Chris Palmer	
	Robert Sharp	
	Reg Waite	
	Elaine Ware	
Total: 8	Total: 20	Total: 3

#### **Co.49 Exclusion of the public**

**RESOLVED:** to exclude members of the press and public from the meeting for the following item of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraphs 1,2 and 3 of Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### **Co.50 Minutes**

**RESOLVED:** to approve the confidential minutes of the meeting held on 11 October 2017 as a correct record and agree that the Chairman sign them as such.

#### **Co.51 Staffing matters (appointment of a permanent chief executive)**

Mark Stone left the meeting during the consideration of this item.

Council considered the recommendations of the Joint Staff Committee on the appointment of a permanent chief executive.

**RESOLVED:** to

1. to note that at its meeting on 23 November 2017, South Oxfordshire District Council resolved, pending a decision on permanent changes to the officer employment procedure rules, to waive the advertisement requirements of the current officer employment procedure rules to allow the permanent chief executive post to be advertised exclusively to the acting chief executive and current permanent heads of service;



2. that pending permanent changes to the officer employment procedure rules coming into effect, to waive the advertisement requirements of the current officer employment procedure rules in relation to the appointment of a permanent chief executive and head of paid service for Vale of White Horse District Council and endorse the process followed by South Oxfordshire District Council to advertise the post exclusively to the acting chief executive and current permanent heads of service;
3. to note that the Joint Staff Committee is recommending South Oxfordshire District Council at its meeting on 14 December 2017 to appoint Mark Stone as permanent chief executive and head of paid service of South Oxfordshire District Council with effect from 1 January 2018, on the terms and conditions set out in the report of the interim head of corporate services to the Joint Staff Committee on 6 December 2017;
4. to note that the Joint Staff Committee is recommending South Oxfordshire District Council at its meeting on 14 December 2017 to authorise the interim head of corporate services to finalise the terms and conditions and the contract of employment of the chief executive in accordance with the terms agreed by the Joint Staff Committee;
5. to note that the Joint Staff Committee is recommending South Oxfordshire District Council at its meeting on 14 December 2017 to agree to place the chief executive at the disposal of Vale of White Horse District Council and to share the employee costs in accordance with the existing agreement between the two councils under section 113 of the Local Government Act 1972;
6. that subject to South Oxfordshire District Council at its meeting on 14 December 2017 agreeing recommendations (c), (d) and (e) above, agree to the chief executive appointed by South Oxfordshire District Council being placed at the disposal of Vale of White Horse District Council and to act as its permanent chief executive and head of paid service with effect from 1 January 2018 and to share the employee costs in accordance with the existing agreement between the two councils under section 113 of the Local Government Act 1972;
7. authorise the chief executive and head of paid service to nominate appropriate officers to deputise in his absence;
8. authorise the interim head of corporate services to make any necessary amendments to the council's published pay policy statement arising from the agreed terms and conditions of appointment of the chief executive.

## **Co.52 Corporate services contract (see separate confidential minute)**

Council considered the recommendations of Cabinet, made at its meeting on 8 December 2017, on the corporate services contracts. Council agreed the confidential recommendations.

## **Co.53 Management restructure**

Andrew Down, William Jacobs, Adrianna Partridge and Margaret Reed left the meeting during the consideration of this item as officers affected by the management restructure.

Council considered the recommendations of Cabinet, made at its meeting on 8 December 2017, on a revised management structure. In moving Cabinet's recommendations Councillor Barber, Leader of the council, proposed the following to provide the chief executive with the flexibility to implement the restructure on a phased basis:

"Council notes that the implementation of the restructure will be phased due to the nature of the appointments process, and that the retention of interim arrangements may be required in the short term, and authorises the Chief Executive to make any interim arrangements that may be necessary to support the full implementation of the approved structure."

**RESOLVED:** to

1. approve the revised management structure attached as appendix 3 to the chief executive's report to Cabinet on 8 December 2017 and the costs associated with it; and
2. authorise the head of finance to include the ongoing costs associated with the restructure as identified in paragraph 16 of the chief executive's confidential report to Cabinet on 8 December 2017 in the budgets and medium term financial plans as essential growth.
3. note that the implementation of the restructure will be phased due to the nature of the appointments process, and that the retention of interim arrangements may be required in the short term, and authorise the chief executive to make any interim arrangements that may be necessary to support the full implementation of the approved structure.

The meeting closed at 8.45pm