

Council Agenda



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Date: 6 July 2021

Website: www.whitehorsedc.gov.uk

Summons to attend a meeting of Council

to be held on Wednesday 14 July 2021 at 7.00 pm

First floor, 135 Eastern Avenue, Milton Park, Milton, OX14 4SB

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

Margaret Reed

Head of Legal and Democratic

To watch this meeting, follow this link to the council's YouTube channel:

<https://www.youtube.com/channel/UCTj2pCic8vzucpzlaSWE3UQ>

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Agenda

Open to the public including the press

1. Apologies for absence

To record apologies for absence.

2. Minutes

(Pages 9 - 18)

To adopt and sign as a correct record the Council minutes of the meeting held on 18 May 2021 - attached.

3. Declarations of disclosable pecuniary interest

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

4. Urgent business and chair's announcements

To receive notification of any matters which the chair determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chair.

5. Public participation

To receive any questions or statements from members of the public that have registered to speak.

6. Petitions

A. Open Abbey Meadow Outdoor Pool NOW!

On 9 June 2021, the council received a petition, with in excess of 1,500 signatures, calling for the opening of the Abbey Meadows outdoor pool in Abingdon.

The council's Petition Scheme provides for petitions containing more than 500 signatures to be referred to Council for debate. The petition organiser will be given three 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 the petition, Council may decide

- not to take the action requested for reasons put forward in the debate;
- to refer the matter to Cabinet and decide whether to make recommendations to inform that decision.

Council is advised that the outdoor pool in Abingdon is due to re-open on Monday 12

July 2021.

B. To receive any petitions from the public.

7. Appointment of the council's monitoring officer, interim monitoring officer, electoral registration officer and returning officer

(Pages 19 - 24)

To consider the report of the deputy chief executive – transformation and operations – attached.

8. Oxfordshire Growth Board Scrutiny Panel

At the annual meeting of Council in May, Councillor Jenny Hannaby was appointed as one of the council's representatives on the Oxfordshire Growth Board Scrutiny Panel. Following Councillor Hannaby's appointment to Oxfordshire County Councils Executive she is no longer permitted to sit on the scrutiny panel.

Council is invited to appoint a representative to fill the position.

9. Report of the leader of the council

To receive the report of the leader of the council.

10. Questions on notice

To receive questions from councillors in accordance with Council procedure rule 33.

A. Question from Councillor Amos Duveen, to Councillor Catherine Webber, Cabinet member for climate emergency and environment

The Arc Leaders' Environmental Principles, endorsed by Cabinet in April, includes the aim of doubling tree and woodland cover over the Ox-Cam Arc region. This ambition is echoed by Oxfordshire Friends of the Earth in their 'In case of emergency' report calling for councils to double tree cover across the county by 2045. What is this council doing to increase tree cover?

B. Question from Councillor Eric de la Harpe to Councillor Andy Crawford, Cabinet member for finance and corporate assets

In early May Abingdon residents reported on social media that evidence of weed-killer was seen on Vale owned land. Thanks to these posts, councillors were able to alert senior officers who then stopped the weedkiller being used with immediate effect. Can the Cabinet member inform residents what was learned from the incident and give assurances that it will not happen again?

C. Question from Councillor Elaine Ware to Councillor Emily Smith, Leader of the council

At the 24 March 2021 meeting Council agreed the amended motion on health provision and for officers to contact Clinical Commissioning Group's to arrange meetings and for the Leader to write to the Ministers for Health and Ministry of Housing, Communities and Local Government (MHCLG). Has this been done and If so when was contact made and what meetings have or are due to take place? What responses have been received from Ministers and MHCLG?

D. Question from Councillor Eric Batts to Councillor Helen Pighills, Cabinet member for healthy communities

In the recent press release with a big splash of opening the Abbey Meadow pool, and stating that:

“We promised we would do everything we could to get the pool opened as soon as possible, as we know how popular it is with families, particularly over the summer. I'm so pleased that we've been able to pull out all the stops to achieve this”

Would Councillor Pighills please advise what this entailed and why it was the last pool in the area to open?

E. Question from Councillor Nathan Boyd to Councillor Catherine Webber, Cabinet member for climate emergency and environment

Would the Cabinet member provide an update on the garden waste service in respect of a) the number of weeks the non-provision of service was experienced, b) the number of weeks lost not being able to take on new customers and the reason for this, and c) what is the estimated loss of income from the inability to take on new customers and the current waiting list?

F. Question from Councillor Simon Howell to Councillor Bethia Thomas, Cabinet member for community engagement

Following the launch of the White Horse Community Lottery on 14 June would the Cabinet Member provide an update on the success of the launch and how many organisations expressed an interest and signed up?

11. Motions on notice

To consider motions from councillors in accordance with Council procedure rule 38.

A. Motion to be proposed by Councillor Andy Crawford, seconded by Councillor Bob Johnston

Local councillors and residents have campaigned for many years to get Grove Station reopened yet this much needed station remains unfunded.

Council notes that:

- Oxfordshire Rail Corridor Study demonstrates that a station at Grove/Wantage can

be justified by 2028 on the basis of the new housing currently being built or being planned for in the area and emerging proposals for further employment growth, including the Williams Technology Campus.

- A report published by SLC Rail in 2018 considered a station at Grove to be “high value for money” within the Department for Transport’s Value for Money Assessment.
- local councillors have successfully pushed for Network Rail to electrify the line in a way that did not impede the reopening of the line through Grove.
- local councillors have helped ensure the new bridge over the railway line at Grove was constructed in such a way as not to impede a reopening.
- Investment in rail is an essential part of decarbonising transport and reducing dependence on the personal car.
- progress on this project is being delayed by the failure of Government to provide funding to progress the project to the next stage.
- even if funding to develop the proposal further is awarded, the source of funding to deliver Grove station is uncertain.

Council reiterates our commitment to ensuring Grove Station is reopened.

This Council therefore calls upon the Leader to:

- write to the Secretary of State for Transport to make the case for funding Grove Station to be part of the current round of government grants to help develop proposals for new stations.
- ask the Secretary of State for Transport for a commitment for the station to be delivered as soon as possible.
- continue to make the case for Grove Station at the Oxfordshire, Ox-Cam Arc meetings, and in conversations with our two Members of Parliament.

B. Motion to be proposed by Councillor Debby Hallett, seconded by Councillor David Grant

Council notes that:

1. the UK Government has declared a legally binding target for the UK to be carbon neutral by 2050 and committed to achieving the United Nations’ 17 Sustainable Development Goals (SDGs).
2. this council has declared a Climate Emergency and adopted targets to be carbon neutral by 2030, with a target for the district to be carbon neutral by 2045.
3. the ‘Oxfordshire Strategic Vision’, adopted by all Oxfordshire Councils, articulates countywide shared aims and guiding principles for sustainable growth.
4. there are a number of consultations on spatial planning documents happening this summer that will impact on our ability to achieve the above targets and our corporate plan objectives.

Council believes that:

1. achieving our carbon reduction targets and realising the ‘Oxfordshire Strategic Vision’ for the district cannot be met without working effectively with partners across Oxfordshire, the region and beyond.
2. our emerging Joint Local Plan, the Oxfordshire Plan 2050, the government’s Oxford to Cambridge Arc Spatial Framework, and any other plans for growth and

- development, are opportunities to help the world in its critical response to the climate emergency and efforts towards carbon neutrality.
3. we are in a position to gather evidence to contribute to and influence policy decisions as part of key local, regional and national consultations.
 4. we should aim to achieve those United Nations' 17 SDGs.
 5. there are critical sustainability challenges facing Oxfordshire that must be addressed; examples of these include:
 - a. water supply
 - b. Renewable Energy supply
 - c. reducing carbon emissions from existing homes through retrofitting
 - d. funding infrastructure required to support planned development.
 - e. decarbonising transport and reducing the need to travel
 - f. Identifying appropriate and sustainable levels of growth, and housing

Council therefore requests that:

1. officers ensure the challenges listed above are addressed through policy development and consultations, including:
 - a. policies in the emerging Vale of White Horse District Council-South Oxfordshire District Council Joint Local Plan and Design Guide
 - b. this council submitting a response to the Oxfordshire Plan 2050 Regulation 18 consultation, and continued active engagement with the Oxfordshire Plan 2050 work
 - c. this council submitting a response to the government's consultation on their Ox-Cam Arc Vision and subsequent consultations on the Arc Spatial Framework
 - d. any other consultation that comes forward from neighbouring authorities, regions or the government that affects local and regional planning
2. officers ensure council's position is communicated effectively in print and social media.
3. the council Leader and relevant cabinet members continue to advocate for these issues to be addressed at meetings of the Oxfordshire Growth Board and the Ox-Cam Arc Leaders Group (which is attended by a Civil Servant from Ministry of Housing, Communities and Local Government)

C. Motion to be proposed by Councillor Neil Fawcett, Seconded by Councillor Max Thompson

Council notes:

- the Government's proposals to reform the English Planning system which will significantly reduce the public's right to influence planning applications.
- the significant and growing concerns being expressed about the proposals across local councils, MPs of all parties and across planning, architectural and environmental organisations.
- local residents' concerns about their reduced ability to object to building works under Permitted Development Rights which have been extended under this Government.
- The Local Government Association has identified that more than 1million homes that have planning permission that are not yet built, including a significant number in the Vale.
- that councils across England approve nine in ten planning applications.

- the need to deliver more genuinely affordable housing for sale and rent.

Council is concerned that:

- the proposed planning reforms are trying to solve the wrong problem. In the Vale we are already approving applications for housing at a higher rate than needed to hit government ambition of 300,000 new homes a year.
- the proposed planning reforms will significantly reduce public input into the planning process, leaving communities feeling that development is being done to them, not with them.
- the proposed Planning reforms will make it more difficult for councils to ensure the homes that are built are genuinely affordable for local people.

Council calls for the Government to:

- scrap the current proposals for planning reform.
- undertake a review of permitted development rights.
- maintain the right of local residents to engage and comment on individual planning applications.
- support the right of local people, through robust Neighbourhood and Local Plan processes, to influence how their communities develop.
- enable councils to set strong local planning policies to maximise protection for the environment and reduce carbon emissions.

and asks the Leader to write to the Secretary of State and our local Members of Parliament to this effect.

12. Exclusion of the public

To consider whether 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 paragraph 3 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.

13. Affordable Housing and Oxfordshire Growth Deal - Heylo Housing (Pages 25 - 34)

Cabinet, at its meeting on 28 May 2021, considered the confidential report of the interim head of development and regeneration on an affordable housing scheme with Heylo Housing. Cabinet supported the scheme and recommended Council to approve the funding.

The confidential report considered by Cabinet at its meeting on 28 May and a summary of Cabinet's considerations are attached.



Minutes

of the annual meeting of

Council

held on Tuesday 18 May 2021 at 7.00 pm

on the First floor, 135 Eastern Avenue, Milton Park, Milton, OX14 4SB

Open to the public, including the press

Present:

Members: Councillors Jerry Avery, Matthew Barber, Paul Barrow, Dr, Ron Batstone, Eric Batts, Nathan Boyd, Cheryl Briggs, Margaret Crick (Chair), Andy Foulsham, Simon Howell, Alison Jenner, Diana Lugova, Ben Mabbett, Patrick O'Leary, Janet Shelley, Emily Smith and Elaine Ware

Councillors in attendance remotely (not eligible to vote): Samantha Bowring, Andy Cooke, Andrew Crawford, Eric de la Harpe, Amos Duveen, Neil Fawcett, Hayleigh Gascoigne, David Grant, Debby Hallett, Jenny Hannaby, Bob Johnston, Robert Maddison, Sarah Medley, Helen Pighills, Mike Pighills, Judy Roberts, Bethia Thomas, Max Thompson, Catherine Webber and Richard Webber

Officers: Steven Corrigan, Steve Culliford (in person). Margaret Reed and Mark Stone (remotely)

Prior to the meeting Councillor Crick provided general housekeeping notices and reminded those councillors attending the meeting remotely that they could participate in the meeting but would not be permitted to vote.

Co.1 Apologies for absence

An apology for absence was submitted on behalf of Councillor Shaw.

Co.2 Election of chair

Councillor Crick was nominated as chair for the 2021/22 municipal year.

RESOLVED: to elect Councillor Crick as chair of the council for the 2021/22 municipal year, until the next annual meeting of the Council in May 2022.

Councillor Crick signed her declaration of acceptance of office and made an acceptance speech.

Councillor Crick remained in the chair.

Co.3 Appointment of vice-chair

Councillor Avery was nominated as vice-chair for the 2021/22 municipal year.

RESOLVED: to appoint Councillor Avery as vice-chair of the council for the 2021/22 municipal year, until the next annual meeting of the Council in May 2022.

Councillor Avery signed his declaration of acceptance of office.

Co.4 Minutes

RESOLVED: to approve the minutes of the meeting held on 24 March 2021 as a correct record and agree that the chair sign them as such.

Co.5 Declarations of disclosable pecuniary interest

Councillor Roberts declared that she had assisted the Cumnor Neighbourhood Plan Steering Group with the development of the Cumnor Neighbourhood Development Plan and would not take part in the discussion or voting on agenda item 9.

Councillor Smith declared that she had helped start and write the North Hinksey Neighbourhood Development Plan and would not take part in the discussion or voting on agenda item 10.

Councillor Hallett declared that as one of the ward councillors she would not take part in the discussion or vote on agenda item 10.

Councillor Howell declared that he had limited engagement and involvement in the Shrivenham Neighbourhood Development Plan and would not take part in the discussion or vote on agenda item 11.

Co.6 Urgent business and chair's announcements

Councillor Crick, Chair of council, invited all those present to observe a minute's silence in memory of former councillors Roger Cox, Richard Farrell and John Woodford who had died since the last meeting of Council.

Councillors Barber, Crick and Thomas paid tribute to former Councillor Cox.

Councillors Fawcett, Medley and Richard Webber paid tribute to former Councillor Farrell.

Councillors Barber, Johnston and Roberts paid tribute to former Councillor Woodford.

Co.7 Public participation

No members of the public had registered to address Council.

Co.8 Appointments to committees, panels and joint committees for 2021/22

Council considered the report of the head of legal and democratic on the appointment of those committees and joint committees which are required to be politically balanced; together with the Climate Emergency Advisory Committee, Licensing Acts Committee, the area committees and appointments to joint bodies.

The chair referred to the following recommendation, circulated prior to the meeting, covering these appointments and to reflect the allocation of the vacant committee positions.

That for the 2021/22 municipal year Council:

1. appoints the committees and panels for the 2021/22 year and allocate seats to each political group as set out in the schedule circulated prior to the meeting;
2. appoints Cheryl Briggs to the Appeals Panel and General Licensing Committee;
3. allocates one of the Liberal Democrat Group's seats on the Planning Committee to Cheryl Briggs;
4. appoints councillors and substitutes to sit on the committees and panels as set out in the schedule circulated prior to the meeting;
5. appoints councillors to the Licensing Acts Committee as set out in the schedule circulated prior to the meeting;
6. appoints councillors to the Climate Emergency Advisory Committee as set out in the schedule circulated prior to the meeting;
7. appoints chairs and vice-chairs as set out in the schedule circulated prior to the meeting;
8. appoints all local members representing the wards covered by the relevant area committees to those committees for the 2021/22 municipal year with the following chairs:
 - Abingdon and North East – Andy Foulsham
 - Faringdon – David Grant
 - Wantage – Hayleigh Gascoigne
9. appoints Paul Barrow as the council's representative and Andy Foulsham as substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee;
10. appoints Neil Fawcett as the council's representative and Jenny Hannaby as substitute on the Thames Valley Police and Crime Panel;
11. appoints Andy Cooke, Jenny Hannaby and Matt Barber to the Oxfordshire Growth Board Scrutiny Panel;
12. authorises the head of legal and democratic to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

RESOLVED: to

1. appoint the following committees and panels for the 2021/22 municipal year and to appoint the membership, substitutes and chairs and vice-chairs as indicated to sit on them (see table below);

Vale of White Horse District Council – Council minutes

Planning Committee, 9 Members		
Liberal Democrat (6)	Conservative (2)	Non-group councillor (1)
Ron Batstone	Ben Mabbett	Cheryl Briggs
Jenny Hannaby	Janet Shelley	
Diana Lugova		
Mike Pighills		
Val Shaw (Vice-Chair)		
Max Thompson (Chair)		
Preferred substitutes		
Liberal Democrat (6)	Conservative (3)	
Jerry Avery	Eric Batts	
Paul Barrow	Nathan Boyd	
Andy Cooke	Simon Howell	
Amos Duveen		
Hayleigh Gascoigne		
Alison Jenner		

Scrutiny Committee, 9 Members	
Liberal Democrat (7)	Conservative (2)
Jerry Avery	Ben Mabbett
Ron Batstone	Nathan Boyd (Chair)
Eric de la Harpe	
Hayleigh Gascoigne	
David Grant	
Max Thompson	
Patrick O'Leary	
Preferred substitutes	
Liberal Democrat (7)	Conservative (3)
Paul Barrow	Elaine Ware
Samantha Bowring	Eric Batts
Andy Foulsham	Janet Shelley
Alison Jenner	
Diana Lugova	
Sarah Medley	

Vacancy	
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Joint Scrutiny Committee, 5 Members	
Liberal Democrat (4)	Conservative (1)
Andy Cooke	Nathan Boyd (Co-Chair)
Amos Duveen	
Hayleigh Gascoigne	
David Grant	
Preferred substitutes	
Liberal Democrat (4)	Conservative (3)
Samantha Bowring	Elaine Ware
Andy Foulsham	Eric Batts
Alison Jenner	Janet Shelley
Max Thompson	

Joint Audit and Governance Committee, 4 Members	
Liberal Democrat (3)	Conservative (1)
Amos Duveen	Simon Howell
Andy Foulsham (Co-chair)	
Mike Pighills	
Preferred substitutes	
Liberal Democrat (3)	Conservative (3)
Andy Cooke	Elaine Ware
Eric de la Harpe	Nathan Boyd
Alison Jenner	Janet Shelley

Community Governance and Electoral Issues Committee, 6 Members	
Liberal Democrat (5)	Conservative (1)
Paul Barrow	Janet Shelley
Ron Batstone (Chair)	
Alison Jenner	
Sarah Medley (Vice-Chair)	
Mike Pighills	

Preferred substitutes	
Liberal Democrat (5)	Conservative (3)
Rob Maddison	Simon Howell
Patrick O'Leary	Elaine Ware
Max Thompson	Eric Batts
Vacancy	
Vacancy	

Joint Staff Committee, 3 Members	
Liberal Democrat (2)	Conservative (1)
Debby Hallett	Elaine Ware
Emily Smith	
Substitutes	
The Leader may be substituted by another Cabinet member. Other members of the committee may be substituted by any other member of the council.	

General Licensing Committee, 12 Members		
Liberal Democrat (10)	Conservative (1)	Non-group councillor (1)
Jerry Avery	Matt Barber	Cheryl Briggs
Paul Barrow		
Ron Batstone (Vice-Chair)		
Margaret Crick		
Debby Hallett		
Alison Jenner (Chair)		
Diana Lugova		
Patrick O'Leary		
Val Shaw		
Richard Webber		
NO SUBSTITUTES		

Licensing Acts Committee, 12 Members		
Liberal Democrat (10)	Conservative (1)	Non-group

		councillor (1)
Jerry Avery	Matt Barber	Cheryl Briggs
Paul Barrow		
Ron Batstone (Vice-Chair)		
Margaret Crick		
Debby Hallett		
Alison Jenner (Chair)		
Dian Lugova		
Patrick O'Leary		
Val Shaw		
Richard Webber		
NO SUBSTITUTES		

Appeals Panel, 3 Members	
Liberal Democrat (2)	Non-group councillor (1)
Paul Barrow	Cheryl Briggs
Alison Jenner (Chair)	
PREFERRED SUBSTITUTES	
Liberal Democrat (3)	
Vacancy	
Vacancy	
Vacancy	

Climate Emergency Advisory Committee, 7 Members	
Liberal Democrat (6)	Conservative (1)
Amos Duveen (Vice Chair)	Eric Batts
David Grant (Chair)	
Hayleigh Gascoigne	
Eric de la Harpe	
Alison Jenner	
Bob Johnston	
Preferred substitutes	
Liberal Democrat (6)	Conservative (3)
Ron Batstone	Nathan Boyd
Andy Foulsham	Simon Howell
Rob Maddison	Elaine Ware

Sarah Medley	
Mike Pighills	
Vacancy	

2. (with no councillor voting against) appoint Cheryl Briggs to the Appeals Panel and General Licensing Committee;
3. (with no councillor voting against) allocate one of the Liberal Democrat Group's seats on the Planning Committee to Cheryl Briggs;
4. appoint all local members representing the wards covered by the relevant area committees to those committees for the 2021/22 municipal year with the following chairs:
 - Abingdon and North East – Andy Foulsham
 - Faringdon – David Grant
 - Wantage – Hayleigh Gascoigne
5. appoint Paul Barrow as the council's representative and Andy Foulsham as substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee;
6. appoint Neil Fawcett as the council's representative and Jenny Hannaby as substitute on the Thames Valley Police and Crime Panel;
7. appoint Andy Cooke, Jenny Hannaby and Matt Barber to the Oxfordshire Growth Board Scrutiny Panel;
8. authorise the head of legal and democratic to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

Co.9 Cumnor Neighbourhood Plan

Councillor Roberts did not take part in the discussion or vote on this item – see minute 5.

Council considered the recommendation of Councillor Hallett, Cabinet member for corporate services and transformation, made on 11 May 2021, to make the Cumnor Neighbourhood Development Plan part of the development plan for Vale.

RESOLVED:

1. To make the Cumnor Neighbourhood Development Plan so that it continues to be part of the council's development plan.
2. To authorise the head of planning, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

Co.10 North Hinksey Neighbourhood Plan

Councillor Hallett and Smith did not take part in the discussion or vote on this item – see minute 5.

Council considered the recommendation of Councillor Thomas, Cabinet member for community engagement, made on 15 May 2021, to make the North Hinksey Neighbourhood Development Plan part of the development plan for Vale.

RESOLVED:

1. To make the North Hinksey Neighbourhood Development Plan so that it continues to be part of the council's development plan.
2. To authorise the head of planning, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

Co.11 Shrivenham Neighbourhood Plan

Councillor Howell did not take part in the discussion or vote on this item – see minute 5.

Council considered the recommendation of Councillor Hallett, Cabinet member for corporate services and transformation, made on 11 May 2021, to make the Shrivenham Neighbourhood Development Plan part of the development plan for Vale.

RESOLVED:

1. To make the Shrivenham Neighbourhood Development Plan so that it continues to be part of the council's development plan.
2. To authorise the head of planning, in consultation with the appropriate Cabinet Member and in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

Co.12 Coronavirus Regulations delegation

On 18 May 2020, the chief executive, under emergency powers authorised the head of housing and environment to enforce any requirements imposed by the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and any regulations replacing, amending or supplementing them. This delegation applied until 6 May 2021.

Council was invited to authorise the head of housing and environment to exercise the council's powers and duties under any legislation relating to the control of Coronavirus, including taking enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors and to authorise the head of legal and democratic to include this delegation in the constitution.

RESOLVED: to

1. authorise the head of housing and environment to exercise the council's powers and duties under any legislation relating to the control of Coronavirus, including taking enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors;
2. authorise the head of legal and democratic to include this delegation in the constitution.

Co.13 Report of the leader of the council

Councillor Smith, Leader of the council, provided an update on a number of matters. The text of her address is available on the council's [website](#).

Council noted the details of an urgent decision taken by Councillor Smith, Leader of the council, to approve arrangements for the council to administer Contain Outbreak Management Fund (COMF) grant funding to implement measures to support proactive containment and intervention to reduce Covid-19 outbreaks and the spread of infection. Council also noted an urgent decision taken by Councillor Thomas, Cabinet member for community engagement, to approve Vale of White Horse District Council's Additional Restrictions Grant Scheme – Round 3.

Co.14 Minutes

RESOLVED: to approve the confidential minutes of the meeting held on 24 March 2021 as a correct record and agree that the chair sign them as such.

The meeting closed at 19:58

Council



Report of Deputy Chief Executive – Transformation and Operations

Author: Adrianna Partridge

Telephone: 07717 355143

E-mail: adrianna.partridge@southandvale.gov.uk

To: VALE COUNCIL

To: SOUTH COUNCIL

DATE: 14 July 2021

DATE: 15 July 2021

Appointment of the council's monitoring officer, interim monitoring officer, electoral registration officer and returning officer

Recommendations

That Council

- (a) appoints Catherine Whitehead as the council's monitoring officer with effect from her taking up her role as the councils' head of legal and democratic;
- (b) appoints Steven Corrigan, Democratic Services Manager, as the council's monitoring officer, on an interim basis, with effect from 16 July 2021 until Catherine Whitehead becomes monitoring officer when she takes up her role;
- (c) in terms of the Representation of the People Act 1983 and all related legislation, appoints Mark Stone as the council's electoral registration officer with effect from 16 July 2021 and agrees to continue the designation of Steven Corrigan as deputy electoral registration officer;
- (d) that in terms of section 35 of the Representation of the People Act 1983 and all related legislation appoints Mark Stone as the council's returning officer with effect from 16 July 2021, with authority to act in that capacity for elections to the council and all or any parish and town councils within the council's area;
- (e) authorises the council's electoral registration officer to act in respect of all related electoral, poll or referendum duties, including in relation to county council elections, and national, regional and local polls or referendums;
- (f) agrees that in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the council is entitled by law to do so, the council shall take out and maintain in force insurance indemnifying the council and the returning officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the council or the returning officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the returning officer or any other person employed by or officially acting for him in connection with the election or poll);
- (g) agrees that in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the council will indemnify the returning officer up to the value of such excess.
- (h) authorises the monitoring officer to make any consequential changes required to the Constitution to reflect these changes.

Purpose of report

1. This report recommends Council to appoint a monitoring officer, an interim monitoring officer, an electoral registration and a returning officer.

Corporate objectives

2. This report relates to the discharge of statutory responsibilities which contribute to all the corporate objectives of the councils.

Background

3. As recognised at the recent Joint Staff Committee meeting, both councils need to appoint a new monitoring officer, electoral registration officer and returning officer to come into effect immediately in anticipation of the retirement of the councils' current holder of these appointments.

Appointment of monitoring officer

4. Under section 5 of the Local Government and Housing Act 1989, Council is required to appoint one of its officers as its monitoring officer. The monitoring officer is a shared role and the postholder works across both councils. The role of the monitoring officer includes such responsibilities as ensuring the lawfulness and fairness of the council's decision making; promoting and maintaining high standards of conduct; reporting to Council on any instances of maladministration; and reviewing the councils' Constitution on an ongoing basis.
5. Following a recruitment process, the Joint Staff Committee at its meeting on 10 June 2021 agreed to appoint Catherine Whitehead as the new head of legal and democratic. As required by the councils' officer employment procedure rules and the Local Authorities (Standing Orders) (England) Regulations 2001, all members of the cabinets were informed of the decision to appoint and given an opportunity to raise any objections. No objections were raised.
6. The job role for the head of legal and democratic includes, subject to full Council approval, the statutory function of monitoring officer for both councils. The Joint Staff Committee agreed to recommend Vale Council on 14 July 2021 and South Council on 15 July 2021 to appoint the successful candidate as the councils' monitoring officer.
7. It is therefore recommended that Council formally appoints Catherine Whitehead as monitoring officer with effect from her taking up her role as the councils' head of legal and democratic. Catherine has extensive experience across local government, including previously as a monitoring officer and was appointed after an extensive recruitment search and competitive interview process led by the Joint Staff Committee.
8. It is anticipated that Catherine will take up her role in mid-late September. Council therefore needs to appoint an interim monitoring officer until then. Council is recommended to appoint Steven Corrigan, Democratic Services Manager, as the council's monitoring officer, on an interim basis, with effect from 16 July 2021 until Catherine Whitehead becomes monitoring officer when she takes up her role. Steven has acted as a deputy monitoring officer for many years and has agreed to take on this interim role.

Appointment of electoral registration and returning officer

9. In order to be able to vote in elections, a person's name must be included in a register of electors. Responsibility for compiling the register of electors lies with the electoral registration officer. Section 8 of the Representation of the People Act 1983 requires every district council to appoint an officer of the council to be electoral registration officer.

10. The electoral registration officer has a duty to maintain registers of electors that contain the details of all those who are registered to vote. The electoral registration officer must publish registers that are as accurate and complete as possible. The councils must provide the electoral registration officer with the resources they need to discharge their statutory functions.
11. The councils can approve the appointment of one or more deputy electoral registration officers. Unlike a returning officer, the electoral registration officer cannot appoint a deputy themselves, unless the power to do so has been delegated to them by the council. In 2017, the councils appointed Steven Corrigan as the deputy electoral registration officer and it is recommended that he continues in this role.
12. Section 35 of the Representation of the People Act 1983 requires every district council to appoint a returning officer for district and parish council elections. The role is to ensure that the elections are administered effectively and that, as a result, the experience of voters and those standing for election is a positive one.
13. The returning officer is personally responsible for the administration of the local government election including: nominations, the provision of polling stations, the appointment of presiding officers and poll clerks, management of the postal voting process and the verification and counting of votes.
14. The duties of a returning officer are separate from the duties held by that individual as a local government officer. A returning officer is not responsible to the councils but is a separate legal entity to that of the council which appointed them and is directly accountable to the courts as an independent statutory office holder.
15. Returning officers should have a working knowledge of the relevant legislation governing the conduct of the elections. This means that, in addition to having a clear understanding of the statutory functions, they should have an overview of what the legislation contains and an understanding of how it affects the administration of the elections, so that they can review, question where necessary, and quality-assure the whole process in their council area.
16. The roles of electoral registration officer and returning officer are currently held by the head of legal and democratic in each council but the most common (but not universal) practice across the country is for the roles to be held by the chief executive. Although the law allows a council to appoint different people to the roles of electoral registration officer and returning officer, it is beneficial for both roles to be undertaken by the same person because of the close interaction between the two roles and the reliance on the same staffing resources from an operational perspective.
17. Like most chief executives, Mark Stone has worked closely with electoral registration and election teams throughout his career and has undertaken various roles within the administration of elections. Within a South and Vale context, during the electoral period, he is involved in many aspects of the elections due to his role as Chief Executive and the extensive reliance placed on the goodwill and willingness of council staff in their delivery. He has supported the current postholder in their duties, including during elections counts and has engaged with and spoken to relevant electoral agents and candidates on their behalf.

18. Council is asked to appoint Mark Stone as the council's electoral registration officer with effect from 16 July 2021 and to agree that Steven Corrigan, Democratic Services Manager, continues to be the council's deputy electoral registration officer.
19. Council is also asked to appoint Mark Stone as the council's returning officer with effect from 16 July 2021. The appointments of any deputy returning officers are made by the returning officer and not a matter for Council.
20. Council is asked to note that given his role as Chief Executive, Mark Stone does not intend to receive the normal additional payments for these responsibilities and instead would wish that the sums that are normally payable to the postholder continue to be shared with deputy returning officers and/or are used to support the costs of additional staff and workloads across the councils in supporting this role.

Climate and ecological impact implications

21. There are no direct climate and ecological impact implications arising from this report.

Financial Implications

22. Both councils have agreed scales of fees and charges for local elections, referendums and polls and these are due for review before the council elections in 2023. There are statutory fee scales for national elections and referendums.
23. The council holds appropriate insurance cover for elections. As the returning officer is not acting as agent of the councils at elections, it could be construed that liability for any excess will be personal to the returning officer. However, it is suggested that in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the councils will indemnify the returning officer up to the value of such excess. This would be met from the council's contingency budget. The recommendations cover the personal liability and insurance position

Legal Implications

24. Appointing a permanent and interim monitoring officer will fulfil the councils' duty under section 5 of the Local Government and Housing Act 1989.
25. Appointing an electoral registration officer and a returning officer will fulfil the councils' duties under sections 8 and 35 of the Representation of the People Act 1983.
26. The councils have power to agree to indemnify the returning officer up to the value of any excess on their insurance for elections, polls and referendums.

Risks

27. The council has a statutory duty to appoint a monitoring officer, an electoral registration officer and a returning officer. Making the appointments suggested in this report, including the interim appointment, will ensure that the council meets these duties throughout. The Electoral Commission will be informed of the change in the council's electoral registration and returning officer.

Conclusion

28. This report asks Council to appoint a new monitoring officer, an interim monitoring officer, a new electoral registration officer, to continue the appointment of the current deputy electoral registration officer and to appoint a new returning officer. It also asks Council to agree the insurance and indemnity arrangements

Background Papers

- None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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