

Council Agenda



Contact: Steven Corrigan, Democratic Services Manager
Telephone number 07717 274704
Email: steven.corrigan@southandvale.gov.uk
Date: 10 May 2022
Website: www.whitehorsedc.gov.uk

Summons to attend a meeting of Council

**to be held on Wednesday 18 May 2022 on the rising of the preceding
extraordinary meeting of Council**

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

To watch this meeting, follow this link to the council's YouTube channel:
<https://www.youtube.com/channel/UCTj2pCic8vzucpzlaSWE3UQ>

A handwritten signature in black ink, appearing to read "P. Arran".

Patrick Arran
Head of Legal and Democratic

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Agenda

Open to the public including the press

1. Apologies for absence

To record apologies for absence.

2. Election of chair

To elect a chair of Council for the municipal year 2022/23.

3. Appointment of vice-chair

To appoint a vice-chair of Council for the municipal year 2022/23.

4. Minutes

(Pages 7 - 20)

To adopt and sign as a correct record the Council minutes of the meeting held on 16 February 2022.

5. Declarations of disclosable pecuniary interest

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

6. 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.

7. Public participation

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

8. Petitions

To receive any petitions from the public.

9. Appointments to committees, panels and joint committees for 2022/23

(Pages 21 - 27)

To consider the report of the head of legal and democratic on the appointment to those committees required to be politically balanced together with the Climate Emergency Advisory

Committee, the Licensing Acts Committee, area committees and joint committees and to agree any consequential changes to the constitution - attached.

10. Adoption of Oxfordshire Code of Conduct for Councillors

(Pages 28 - 45)

The Joint Audit and Governance Committee, at its meeting on 29 March 2022, considered the report of the councils' monitoring officer on a draft model Code of Conduct.

The committee agreed to recommend the adoption of the Code to both South Oxfordshire and Vale of White Horse District Councils.

The report of the monitoring officer, which the committee considered on 29 March, is attached.

RECOMMENDATION: to approve the Oxfordshire Code of Conduct, appended to the report of the monitoring officer to the meeting of the Joint Audit and Governance Committee held on 29 March 2022.

11. Appointment of Independent Persons

(Pages 46 - 49)

To consider the report of the monitoring officer on the appointment of independent persons to assist with code of conduct matters – attached.

12. Oxford Flood Alleviation Scheme - discharge of planning functions

(Pages 50 - 52)

To consider the report of the head of planning seeking approval for the discharge to Oxfordshire County Council of any planning responsibilities that would otherwise be exercised by the Vale of White Horse District Council in relation to the Oxford Flood Alleviation Scheme (OFAS) - attached.

13. Report of the leader of the council

To receive the report of the leader of the council.

14. Questions on notice

No questions have been by councillors in accordance with Council procedure rule 33.

15. Motions on notice

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

- (1) Motion to be proposed by Councillor Bethia Thomas, seconded by Councillor Bob Johnston:

Healthy food is vital to us all and food production and farming is an important economic and employment sector in our district, with agriculture at the heart of many of our

communities. However, the rising costs of fuel and other supplies is creating increased pressure on farmers across the district, whilst government policies on international trade deals threaten to undermine UK food quality standards and risk putting farmers out of business – as well as exacerbating food insecurity in the UK. At the same time, significant increases in the cost of living are putting pressure on residents across the Vale, forcing them to make difficult choices regarding their household budgets, including the amount spent on food and heating.

The district council has a number of powers and opportunities that can help influence food production, support sustainable farming and distribution, reduce food waste, and promote healthy eating for the benefit of our residents and the environment, whilst supporting action to address climate change.

Council therefore resolves:

1. To create a Member Food and Farming Champion to promote local food production and distribution, as well as healthy eating in the Vale.
2. To encourage farming communities and agricultural businesses to respond to any consultation on our new Joint Local Plan and Oxfordshire Plan 2050.
3. To encourage developers to include community gardens and allotment provision within all new housing developments.
4. To encourage and promote high environmental health standards at all stages of food production, distribution and redistribution, and continue to support local businesses and ‘farm-door’ sales, recognising their positive impact on reducing the carbon emissions associated with food miles.
5. To maximise opportunities to highlight the importance of food and farming in our local economy via the press and through social media.
6. To continue to investigate ways we can support food redistribution organisations and food charities to address food poverty in the district, noting the work that has already been done in this regard.
7. To continue to promote ways we can reduce food waste through our waste service and the use of food recycling bins.
8. To continue to promote the use of waste food and the highlight the climate benefits this can bring.
9. To minimise food waste at any event that we may host that serves food, and to use such occasions to highlight the use of waste food, low carbon options, and locally sourced produce wherever possible.

(2) Motion to be proposed by Councillor Eric de la Harpe, seconded by Councillor Samantha Bowring:

There have been a number of fatal road accidents in Oxfordshire recently involving cyclists. This is despite changes to the highway code which came into force on the 29 January 2022. The aim of these changes, which Council believes are to be commended, is to improve the safety of pedestrians, cyclists and horses on the highway by assigning a hierarchy of responsibility such that the heavier the mode of transport, the more responsibility the operator carries for the safety of others using lighter modes of transport. Motorists turning left, for example, must stop for cyclists behind them in a cycle lane. Cyclists are now also advised to ride in the centre of the lane and to ride two-

abreast

Encouraging active travel is central to Council's key themes of tackling the Climate Emergency and Building Healthy Communities. However, not all residents are aware of these new changes to the Highway Code and any confusion arising from this could lead to serious incidents, between motorists and cyclists and this could discourage active travel.

Council resolves to:

1. Express regret for the recent loss of life on our roads and believes that the changes to the Highway Code should be commended as they seek to mitigate any risk to safety.
2. Asks the Leader to write to Oxfordshire County Council to ensure that
 - a. the County Council as the highways authority publicises the changes to the Highway Code widely as part of its highways safety messaging and requesting it ensures that all future transport schemes in the Vale of White Horse reflect the latest changes to the Highway Code and encourage Active Travel by default.
 - b. all cycle infrastructure should be delivered in accordance with the standards set out in the Government's Cycle infrastructure design (LTN 1/20) guidance
3. Ask the Cabinet member for Community Engagement to work with officers to highlight government and county council communications about the Highway Code changes via our media channels and signpost (for example in Vale News) to the Government website and the latest guidance where relevant.

(3) Motion to be proposed by Councillor Max Thompson, seconded by Councillor Richard Webber:

Oxfordshire County Council has been undertaking consultation on its new Oxfordshire Transport and Connectivity Plan, which will support the County Council's local transport plan vision, which is to deliver a zero-carbon Oxfordshire transport system that enables all parts of the county to thrive, with the intention of supporting clean growth, tackling inequality and protecting our natural and historic environment.

The County Council are seeking to reduce the need to travel within the County and discouraging unnecessary individual private vehicle use by individuals and wish to see walking, cycling, public and shared transport become the natural first choice for residents. These objectives are inline with those that the district and city councils within the County have already signed up to as part of the Oxfordshire Plan 2050 process and also with the Government's climate change and carbon reduction policies.

Council resolves to:

- Welcome Oxfordshire County Council's commitment to set out an ambitious plan to reduce car journeys and reliance on private motor vehicles
- Support the commitment by the County Council to put climate change action at the heart of its proposals.
- Continue to respond to consultations on the Oxfordshire Transport and

Connectivity Plan supporting the overarching objectives but asks the cabinet member to work with Officers to challenge the policies, as appropriate, in order to ensure they are robust enough to achieve their aim.

- Ask the Cabinet member for Corporate Services and Transformation to work with officers to continue to ensure that this council's contributions to OxPlan2050 and the forthcoming Joint Local Plan support these aspirations and work to develop spatial planning and policies within those plans reflects the need to reduce the number of avoidable journeys that are currently undertaken by car, such as those required purely for commuting or shopping.
- Ask the leader to write to the Leader of the county council encouraging them to ensure that they reflect, as far as possible, their aspirations when responding to planning consultations, not only Vale, but across the County noting that they will need to comply with policy.

Minutes of a meeting of the Council



**held on Wednesday, 16 February 2022 at 7.00 pm
in First floor, 135 Eastern Avenue, Milton Park,
Milton, OX14 4SB**

Open to the public, including the press

Present in the meeting room:

Councillors: Margaret Crick (Chair), Jerry Avery (Vice-Chair), Matthew Barber, Paul Barrow, Eric Batts, Nathan Boyd, Cheryl Briggs, Andy Cooke, Andy Crawford, Eric de la Harpe, Amos Duveen, Neil Fawcett, Andy Foulsham, Hayleigh Gascoigne, David Grant, Simon Howell, Alison Jenner, Diana Lugova, Ben Mabbett, Sarah Medley, Patrick O'Leary, Helen Pighills, Mike Pighills, Judy Roberts, Janet Shelley, Emily Smith, Max Thompson, Elaine Ware, Catherine Webber and Richard Webber

Officers: Patrick Arran, Head of Legal & Democratic and Monitoring Officer, Steven Corrigan, Democratic Services Manager and Suzanne Malcolm, Deputy Chief Executive – Place

Remote attendance:

Councillors: Ron Batstone, Samantha Bowring, Debby Hallett, Bob Johnston, Val Shaw and Bethia Thomas

Officers: Harry Barrington-Mountford, Head of Policy and Programmes and Simon Hewings, Head of Finance

85 Apologies for absence

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

86 Minutes

RESOLVED: to approve the minutes of the meeting held on 8 December 2021 as a correct record and agree that the Chair sign them as such.

87 Declarations of disclosable pecuniary interest

None.

88 Urgent business and chair's announcements

The Chair of Council, Councillor Crick, advised that, in accordance with Section 100B (4) (b) of the Local Government Act 1972, she had agreed to take one item of urgent business at

the meeting – for Council to amend its Council Tax Reduction Scheme to disregard Energy Bill rebate payments when determining eligibility for Council Tax Reduction.

The reason for urgency being that Council must agree the change by the statutory deadline of 11 March 2022 and the matter arose since the publication of the agenda for this meeting. The Chair further advised that the item would be taken after the Council Tax setting item.

On behalf of Council, she congratulated Councillor Grant on becoming the proud parent of a baby girl.

On behalf of Council, she congratulated Councillor Johnston on reaching 40 years of service as a councillor with Vale of White Horse District Council. Councillors Fawcett and Mabbett made statements marking the achievement and thanking him for his service.

The Chair noted that the country was now officially in the Queen's Platinum Jubilee celebration period. The Vale will be joining in and supporting the celebrations and plans will come forward shortly.

89 Public participation

Louise Brown addressed Council on agenda item 10 – Revenue budget 2022/23 and capital programme to 2026/27. Whilst welcoming the inclusion of the £50,000 in the budget to fund community climate initiatives, she urged Council to make more funds available to fund more initiatives. She also asked that the fund be made available to community businesses who are at the centre of their communities. In light of the cost of living crisis she urged Council not to increase council tax.

90 Petitions

None.

91 Section 106 request - Kingston Bagpuize with Southmoor Parish Council - Replacement sports pavillion, The Sports Field, Kingston Bagpuize

Council considered Cabinet's recommendation, made at its meeting on 4 February 2022, to create a budget for a total of £596,757.66 towards the replacement of the existing sports pavilion at The Sports Field, Kingston Bagpuize.

Cabinet supported the application subject to Council creating the budget from accumulated section 106 contributions. A number of councillors spoke in support of the proposal which representing a good use of section 106 funds to provide a much-needed replacement facility for the local community.

REOLVED: to create a further budget for £596,757.66 towards a replacement sports pavilion at The Sports Field, Kingston Bagpuize from the accumulated section 106 contributions set out in the head of finance's report to Cabinet on 4 February 2022.

92 Treasury management and investment strategy 2022/23

Council considered Cabinet's recommendation, made at its meeting on 4 February 2022, on the council's treasury management and investment strategy for 2022/23.

Councillor Crawford, Cabinet member for finance, reported that several changes were proposed to the strategy, designed to widen the scope of the available instruments the council can invest in with the aim of achieving an increase in yield whilst still maintaining the primacy of security and liquidity in determining where to place the council's investments.

The Joint Audit and Governance Committee had considered the report at its meeting on 25 January 2022 and had not recommended any adjustments to the strategy and resolved to recommend Cabinet to approve the treasury management strategy, the prudential indicators and limits for 2022/23 to 2024/25 and the annual investment strategy 2022/23 as set out in the report.

Cabinet agreed to recommend Council to approve the strategy.

RESOLVED: to

1. approve the treasury management strategy 2022/23 set out in appendix A to the head of finance's report to Cabinet on 4 February 2022;
2. approve the prudential indicators and limits for 2022/23 to 2024/25 as set out in, appendix A to the report; and
3. approve the annual investment strategy 2022/23 set out in appendix A to the report, and the lending criteria detailed in table 6.

93 Capital strategy 2022/23 to 2031/32

Council considered Cabinet's recommendation, made at its meeting on 4 February 2022, on the council's capital strategy for 2022/23 to 2031/32.

Councillor Crawford, Cabinet member for finance, set out the key proposed change to the strategy to broaden the areas where capital investment will be considered to include property investments, loans and renewable energy schemes. He stressed that in all cases investment would need to be within the council's legal powers, must be proportionate to the council's financial standing, and should support the council's corporate objectives. However, investment could not result in commercial gain.

RESOLVED: to

1. approve the capital strategy 2022/23 to 2031/32, contained in appendix one of the head of finance's report to Cabinet on 4 February 2022; and
2. agree the strategy for flexible use of capital receipts which is contained as annex 1 of the capital strategy.

94 Revenue budget 2022/23 and capital programme to 2026/27

The chair referred to regulations that require councils to record the names of those councillors voting in favour, against or abstaining from any vote on the budget, including amendments, and the council tax. In accordance with the regulations, she would call for a named vote on each of these matters at this meeting.

The chair reminded councillors that they were not entitled to vote on any issue affecting the level or administration of the council tax or other decisions which might affect the making of

any such calculation such as the budget, if they were over two months in arrears with their council tax payments. Where such circumstances applied, councillors were under a statutory obligation to disclose the restriction placed on them and refrain from voting at the relevant meeting. No councillor made any such declaration.

Council noted the report of the chief finance officer on the robustness of the budget estimates and the adequacy of the reserves.

Council considered Cabinet's recommendations, made at its meeting held on 4 February 2022 on the revenue budget for 2022/23 and the capital programme to 2026/27. Scrutiny Committee had considered the report of the interim head of finance on 1 February and had made no recommendations.

Councillor Crawford, Cabinet member for finance, presented Cabinet's proposals for the revenue budget and capital programme. He moved and Councillor Fawcett, seconded a motion to approve Cabinet's recommendations as follows:

to

1. set the revenue budget for 2022/23, as set out in appendix A.1 to the head of finance's report to Cabinet on 4 February 2022;
2. approve the capital programme for 2022/23 to 2026/27, as set out in appendix D.1 to the report, together with the capital programme changes as set out in appendix D.2 and appendix D.3 to the report;
3. set the council's prudential limits, as listed in appendix E to the report;
4. approve the medium-term financial plan to 2026/27, as set out in appendix F to the report.

In moving the Cabinet recommendations, Councillor Crawford, noted that the council had faced significant financial issues in the preparation of the budget. Its council tax was the fifteenth lowest in the country for a shire district and well below the national average; the council was unable to increase its council tax significantly. The council had not benefitted from the business rates retention scheme and, whilst the council had benefitted from the New Homes Bonus scheme, this was under review by the government and was expected to be less generous in future.

The revenue budget set for 2021/22 had been balanced through the use of reserves at a level that was unsustainable over the medium term. For 2022/23, officers had undertaken a review of all expenditure and income, which resulted in a significant reduction in the base budget. This allowed the council to set a balanced revenue budget for 2022/23 with savings of £1.4million, with the use of reserves being significantly lower than previously forecast and the council could claim to be solvent across the five year medium term financial plan period, based on future estimates of government funding. The budget proposed no cuts to services but included revenue growth to support climate initiatives. The council tax for a Band D property would increase by £5, the maximum allowed under the draft referendum rules. The capital programme included new schemes that would be funded from community infrastructure levy income.

Conservative Group amendment

Councillor Howell moved and Councillor Boyd seconded the following amendment:

- 1) Defer for one year the changes to the member Basic Allowances only for all Councillors. (£15,162)
- 2) Increase the Community Climate initiatives in 2022/23 by £75,000 to £125,000. This increase is for 2022/23 only. This is funded by the deferral of increase in member basic allowances above, and the use of the budgeted transfer of the 2022/23 surplus to reserves (£58,659).
- 3) Reduce office accommodation costs on departure from 135 Milton Park by using existing Vale of White Horse District Council owned property to save rental costs over the five years of the MTFP. Additionally, by accommodating staff serving both councils, the resulting income for use of existing council buildings by South Oxfordshire District Council will generate small additional income for the council.
- 4) As a result of the savings from use of existing properties the Council Tax required can be kept at £141.69 for the budget year of 2022/23, a one-off Council Tax Freeze.

In moving the amendment Councillor Howell stated that it would re-balance a couple of specific items in line with priorities for residents and that the amendment is net cost neutral to the Council over the life of the Medium-Term Financial Plan (MTFP) period and therefore operates within the current overall revenue and spending plans.

A number of councillors spoke in support of the amendment. The provision of additional funds for the Community Climate initiatives would increase support to community groups and parish councils to apply for grants to tackle the climate emergency and promote sustainability in communities. The view was expressed that the grants should be awarded via the Area Committees. A freeze in the level of council tax would help residents at a time of rising fuel bills and inflation. However, other councillors expressed the view that the amendment represented a last-minute party-political manoeuvre. A freezing in the level of council tax would not address the long-term financial stability of the council. Proposals in respect of reduced office accommodation costs were not costed.

In accordance with regulations requiring councils to record the names of those councillors voting in favour, against or abstaining from any vote on the budget the chair called for a recorded vote which was not carried with the voting being as follows:

For	Against	Abstentions
Councillors	Councillors	Councillors
Matthew Barber	Jerry Avery	
Eric Batts	Paul Barrow	
Nathan Boyd	Cheryl Briggs	
Simon Howell	Andy Cooke	
Ben Mabbett	Andrew Crawford	
Janet Shelley	Margaret Crick	
Elaine Ware	Eric de la Harpe	

For	Against	Abstentions
	Amos Duveen	
	Neil Fawcett	
	Andy Foulsham	
	Hayleigh Gascoigne	
	David Grant	
	Alison Jenner	
	Diana Lugova	
	Sarah Medley	
	Patrick O'Leary	
	Helen Pighills	
	Mike Pighills	
	Judy Roberts	
	Emily Smith	
	Max Thompson	
	Catherine Webber	
	Richard Webber	
Total: 7	Total: 23	Total: 0

A number of councillors spoke against the budget proposal which, following the defeat of the amendment, had a lower level of support for Community Climate initiatives. The proposed council tax increase was not necessary providing for an increase in reserves at a time when residents were facing increased costs.

However, the majority of councillors supported the budget proposals and welcomed the news that the base budget had been reduced, allowing the council to balance its budget over the five-year medium term financial plan with an increase in reserves. The budget included funds to support schemes to address the climate emergency, to fund new technology to provide green solutions, community safety initiatives and to improve leisure facilities and children's play facilities for local communities. The budget also included a number of capital schemes to fund much-needed infrastructure.

In accordance with regulations requiring councils to record the names of those councillors voting in favour, against or abstaining from any vote on the budget the chair called for a recorded vote which was carried with the voting being as follows:

For	Against	Abstentions
Councillors	Councillors	Councillors
Jerry Avery	Matthew Barber	
Paul Barrow	Eric Batts	
Cheryl Briggs	Nathan Boyd	
Andy Cooke	Simon Howell	
Andrew Crawford	Ben Mabbett	
Margaret Crick	Janet Shelley	
Eric de la Harpe	Elaine Ware	
Amos Duveen		
Neil Fawcett		
Andy Foulsham		
Hayleigh Gascoigne		

For	Against	Abstentions
David Grant		
Alison Jenner		
Diana Lugova		
Sarah Medley		
Patrick O'Leary		
Helen Pighills		
Mike Pighills		
Judy Roberts		
Emily Smith		
Max Thompson		
Catherine Webber		
Richard Webber		
Total: 23	Total: 7	Total: 0

RESOLVED: to

1. set the revenue budget for 2022/23, as set out in appendix A.1 to the head of finance's report to Cabinet on 4 February 2022;
2. approve the capital programme for 2022/23 to 2026/27, as set out in appendix D.1 to the report, together with the capital programme changes as set out in appendix D.2 and appendix D.3 to the report;
3. set the council's prudential limits, as listed in appendix E to the report;
4. approve the medium-term financial plan to 2026/27, as set out in appendix F to the report.

Councillors thanked the head of finance and his team for the work undertaken to prepare the budget.

95 Future provision of external audit services

Council considered Cabinet's recommendation, made at its meeting on 4 February 2022, on the appointment of the external auditor to the council for the accounts for the five-year period from 2023/24.

The Joint Audit and Governance Committee, at its meeting on 25 January 2022, supported the recommendations set out in the report.

RESOLVED: to

1. accept Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023; and
2. authorise the head of finance to opt into the national scheme for auditor appointments for the provision of external audit services, starting with the audit of the 2023/24 accounts.

96 Council tax 2022/23

Council considered the report of the head of finance on the setting of the Council Tax for the 2022/23 financial year.

In accordance with regulations requiring councils to record the names of those councillors voting in favour, against or abstaining from any vote on the council tax the chair called for a recorded vote which was carried with the voting being as follows:

For Councillors	Against Councillors	Abstentions Councillors
Jerry Avery	Nathan Boyd	
Matthew Barber	Simon Howell	
Paul Barrow	Ben Mabbett	
Eric Batts	Janet Shelley	
Cheryl Briggs	Elaine Ware	
Andy Cooke		
Andrew Crawford		
Margaret Crick		
Eric de la Harpe		
Amos Duveen		
Neil Fawcett		
Andy Foulsham		
Hayleigh Gascoigne		
David Grant		
Alison Jenner		
Diana Lugova		
Sarah Medley		
Patrick O'Leary		
Helen Pighills		
Mike Pighills		
Judy Roberts		
Emily Smith		
Max Thompson		
Catherine Webber		
Richard Webber		
Total: 25	Total: 5	Total: 0

RESOLVED:

1. To note that at its meeting on 8 December 2021 the council calculated the council tax base 2022/23:
 - (a) for the whole council area as 55,362.8 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - (b) for dwellings in those parts of its area to which a parish precept relates as in column 1 of appendix 1.

2. That the council tax requirement for the council's own purposes for 2022/23 (excluding parish precepts) is £8,121,169
3. That the following amounts be calculated for the year 2022/23 in accordance with Sections 31 to 36 of the Act:
 - (a) £74,301,774 being the aggregate of the amounts which the council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by parish councils.
 - (b) £61,492,993 being the aggregate of the amounts which the council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £12,808,781 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at (3)(b) above, calculated by the council, in accordance with Section 31A(4) of the Act as its council tax requirement for the year. (Item R in the formula in Section 31B) of the Act).
 - (d) £231.36 being the amount at (3)(c) above (Item R), all divided by Item T (1(a) above), calculated by the council, in accordance with Section 31(B) of the Act, as the basic amount of its council tax for the year (including parish precepts).
 - (e) £4,687,612 being the aggregate amount of all special items referred to in Section 34(1) of the Act, as set out in column 2 of appendix 1.
 - (f) £146.69 being the amount at (3)(d) above less the result given by dividing the amount at (3)(e) above by Item T (1(a) above), calculated by the council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no parish precept relates.
4. To note that for the year 2022/23 Oxfordshire County Council has stated the following amounts in precepts issued to the council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	£1,101.07
Band B	£1,284.59
Band C	£1,468.10
Band D	£1,651.61
Band E	£2,018.63
Band F	£2,385.66
Band G	£2,752.68
Band H	£3,303.22

5. To note that for the year 2022/23 the Police and Crime Commissioner for Thames Valley has stated the following amounts in precepts issued to the council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	£160.85
Band B	£187.66
Band C	£214.47
Band D	£241.28
Band E	£294.90
Band F	£348.52
Band G	£402.13
Band H	£482.56

6. That the council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in appendix 3 as the amounts of council tax for 2022/23 for each part of its area and for each of the categories of dwellings shown in appendix 3.
7. To determine that the council's basic amount of council tax for 2022/23 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

97 Local Council Tax Reduction Scheme - Energy Bills Rebate disregard (Prescribed amendment)

Council considered the urgent report of the head of finance seeking approval for the council's current Council Tax Reduction Scheme's wording to be amended so that it can disregard Government's £150 one-off Energy Bills Rebate as income, in accordance with new legislation, when calculating a person's entitlement for council tax support and the amount of the support deduction.

RESOLVED: to approve an amendment to its Local Council Tax Reduction Scheme (working age & pension age), inserting appropriate income disregard wording which takes account of Government's one-off £150 Energy Bills Rebate.

98 Pay policy statement 2022/23

Council considered the report of the deputy chief executive on the adoption of a pay policy statement to meet the requirements of the Localism Act.

RESOLVED: to approve the statement of pay policy for 2022/23 attached to the report of the deputy chief executive to the Council meeting on 16 February 2022.

99 Update on Future Oxfordshire Partnership

Council received a written update report on The Future Oxfordshire Partnership from Councillor Fawcett, Cabinet member for Strategic Partnerships and Place.

100 Report of the leader of the council

Councillor Emily 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 Bethia Thomas, Cabinet member for Community Engagement, to approve amendments to the Vale of White Horse District Council Additional Restrictions Grant (ARG) scheme.

101 Questions on notice

A. Question from Councillor Bob Johnston to Councillor Catherine Webber, Cabinet Member for Climate

Over the Christmas period, because of Covid absences and drivers being poached by supermarkets, newspapers reported that a considerable number of Councils struggled to maintain waste collections. Some had to suspend them altogether.

Could the Cabinet member tell me if there have been any problems with the Vale's waste and Recycling collections in recent months, and how our performance is holding up in these challenging times?

Answer

I would like to congratulate the Waste Team along with Biffa for the excellent service they have succeeded in maintaining throughout the especially busy period of Christmas. Biffa have carefully managed staffing over this period and like most employers suffered from difficulty in recruiting and some absence due to Covid. Unlike many other councils, there were no unplanned service suspensions over the Christmas period and little disruption to service over recent months. Although a few collections have been delayed due to staff absence, all collections have been completed by the end of the week that they were due.

During the whole Covid period I have seen increasing evidence of our residents' appreciation of all the work waste operatives do to keep our Waste operation going and servicing our communities. On behalf of the residents of the Vale, I would like to extend my heartfelt thanks to all those involved for their hard work and commitment, including the waste crews, the support staff and our officers who manage our waste contract.

B. Question from Councillor Alison Jenner to Councillor Judy Roberts, Cabinet Member for Development and Infrastructure

What affordable housing provision has this council achieved in recent years and how does this compare with our Oxfordshire neighbours?

Answer

Vale of White Horse has a robust track record in delivering affordable homes. The council has consistently delivered between 300 and 400 affordable homes per year in the district since 2015, a consistency that has not been seen in our Oxfordshire neighbours. Affordable housing delivery within Oxford City is significantly below the level of the other Oxfordshire Councils. Over the period 2014/15 to 2020/21 the council has delivered 2,301 affordable units. In comparison, Oxford city has delivered 581, West Oxfordshire 1,475, South Oxfordshire 1,841 and Cherwell 2,465. In the face of the Covid-19 pandemic, and global supply chain issues in the building materials sector, the council is continuing to perform very well.

Annual affordable housing delivery, Oxfordshire LPAs

LPA	Net additional dwellings per year(1 April - 31 March)						Total
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	
South Oxfordshire District Council - total	600	615	722	935	1369	1477	866 6584
- affordable	114	180	172	259	382	517	217 1841
Vale of White Horse District Council - total	739	1132	1609	1573	1258	1601	1108 9020
- affordable	250	326	336	311	392	353	333 2301
West Oxfordshire District Council - total	395	246	518	556	813	1086	868 4482
- affordable	103	75	123	158	227	454	335 1475
Cherwell District Council - total	946	1425	1102	1387	1489	1159	1192 8700
- affordable	191	322	278	426	507	446	295 2465
Oxford City Council - total	332	440	435	373	351	784	320 3035
- affordable	17	164	20	27	105	104	144 581

Supplementary question and answer

In response to a supplementary question asking for details of the amount of affordable housing commuted sum and growth deal money the council had spent, Councillor Roberts responded that £735,400 of the affordable housing commuted sum funds had been allocated, from the growth deal funds £2.4 million had been provided for extra care housing within the Didcot Housing 21 Project and £2,481,400 had been allocated for the Heylo Scheme and the Oxfordshire Community Land Trust Scheme.

C. Question from Councillor Amos Duveen to Councillor Helen Pighills, Cabinet Member for Healthy Communities

It was excellent to see that our two districts had zero rough sleepers recorded on 31 December. I would like to take a moment to praise all of the council officers who have played their part in achieving this milestone. I also note that South Oxfordshire and Vale of White Horse councils regularly outperform other Oxfordshire councils on homelessness prevention.

However, as I am sure all of us are all too well aware, rough sleepers only make up a proportion of those facing homelessness so could the Cabinet member confirm that we did indeed achieve a day of zero homelessness and comment on measures this council is taking to continue to address rough sleeping and what prevention measures are taken to assist those individuals and families at risk of all types of homelessness?

Answer

Thank you for acknowledging the dedication of the Housing Needs team in achieving zero rough sleeping across both districts. The housing need team provide housing advice to members of the public. They adopt a problem solving approach focusing on prevention of homelessness by engaging with people as soon as possible to avoid homelessness or eviction. As at January 2022 there were 2091 households on the housing register of which 852 were “in need” i.e. bands one to three.

The best way to tackle homelessness is to stop it happening in the first place. The housing needs team operate a range of initiatives that identify households at risk of homelessness and provide housing solutions to avoid homelessness. In 2021/22, more than 200 households in Vale were prevented from becoming homeless.

The initiatives include outreach provision for rough sleepers, floating support services for households at risk of homelessness, Housing First, housing and support for refugees, Enhanced Housing Options and White Horse Lettings.

White Horse Lettings (WHL), for example, are a small team in housing needs that help secure affordable private tenancies for households at risk of homelessness. In 2021/22, WHL secured 61 new affordable tenancies and are currently working with 63 private landlords in Vale.

To put the numbers into context the flow of rough sleepers is constant and we seek to identify and support all individuals who are reported to us by visiting all sites reported:

- **2019/20** we received **92** referrals either from the individual or public advising that individuals were rough sleeping of which **31** were verified. We recorded **three** rough sleepers at the end of the year.
- **2020/21** we had 124 referrals of which **48** were verified and recorded **one** rough sleeper at the end of the year.

The table below shows the comparison statistics across the South East region for 2020-21.

Comparison statistics for the year 2020 - 21	Total number of households whose prevention duty ended ^{1,2}	Secured accommodation for 6+ months			
		Total secured accommodation	% successful prevention	Stayed in existing accommodation	Moved to alternative accommodation
England	116,460	69,120	59.0	24,690	44,440
South East	16,110	8,960	55.6	2,690	6,270
Cherwell	172	97	56.4	22	75
Oxford	211	128	60.7	46	82
South Oxfordshire	271	204	75.3	46	158
Vale of White Horse	268	208	77.6	50	158
West Oxfordshire	81	50	61.7	4	46

D. Question from Councillor Max Thompson to Councillor Emily Smith, Leader of the council

During the most stringent and lonely phases of Covid19 restrictions, before social bubbles and any household mixing, thousands of Vale of White Horse residents were helping their shielding neighbours, following the guidance, and foregoing birthdays, weddings, work drinks, and in some cases funerals.

At the same time, we now know that members of the Conservative government who made the rules were at best stretching their meaning and, at worst, breaking the law, by holding a large number of parties, get togethers and social events, several of which involved the consumption of alcohol.

Can the Leader confirm that no such events were organised for our members and that at all times she has sought to ensure that the Vale of White Horse has acted in compliance with all covid guidelines, and comment on her position regarding whether it is acceptable for elected representatives to consume alcohol whilst making decisions?

Answer

The council has always taken its responsibility to protect public health very seriously and since the start of the pandemic has been working closely with system partners to raise staff, members and our communities' awareness and understanding of the Covid-19 guidelines and restrictions set by government and Public Health England, and importantly stressing the need to follow them.

The council has also taken all the steps necessary, throughout the pandemic, to ensure its facilities, services and processes have been operating in line with the restrictions and guidelines in place at the time, to protect its own staff, members and residents.

I believe it highly inappropriate for members of councils, and parliament, to be drinking or under the influence of alcohol whilst making decisions on behalf of the public. This evening, for example, council is making decisions about how to spend millions of pounds of public money and that requires clear thinking and our full attention and concentration.

The photographs of members of government and their staff enjoying wine and cheese at a "work meeting" at number 10, were clearly at odds with the spirit of the Covid-19 rules and were possibly illegal in relation to Covid-19 laws at the time. But on top of that, I personally thought it concerning that drinking any form of alcohol, while conducting formal government business, was implied to be 'normal' by those responsible for running our country.

It may be fine for elected representatives to enjoy a drink in the context of a formal dinner, reception, or celebration, but when in the office or the chamber conducting council (or government) business we should be fully engaged and approaching our responsibilities respectfully and with a clear head.

102 Motions on notice

No motions were submitted for consideration by Council.

The meeting closed at 9.25pm

Council report



Report of Head of Legal and Democratic

Author: Steven Corrigan, Democratic Services Manager

Tel: 07717 274704

E-mail: steven.corrigan@southandvale.gov.uk

To: COUNCIL

DATE: 18 May 2022

Appointments to committees, panels and joint committees 2022/23

Recommendations

That Council:

1. appoints the committees and panels for the 2022/23 year, allocates seats to each political group and appoints councillors and substitutes to sit on them in accordance with paragraphs 9-12 of this report and as set out in the schedule circulated at the meeting;
2. appoints chairs and vice-chairs as set out in the schedule circulated at the meeting;
3. appoints all local members representing the wards covered by the relevant area committees to those committees for the 2022/23 municipal year; in accordance with paragraph 14 of this report and as set out in the schedule circulated at the meeting;
4. appoints councillors to the Climate Emergency Advisory Committee in accordance with paragraphs 15 and 16 of this report and as set out in the schedule circulated at the meeting;
5. appoints councillors to the Licensing Acts Committee in accordance with paragraphs 17-18 of this report and as set out in the schedule circulated at the meeting;
6. appoints a representative and a substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee;
7. appoints a representative and a substitute on the Thames Valley Police and Crime Panel;
8. appoints three representatives to the Future Oxfordshire Partnership Scrutiny Panel;
9. 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.

Purpose of report

1. This report invites Council to agree appointments to those committees required to be politically balanced together with the Climate Emergency Advisory Committee, area committees and the Licensing Acts Committee. It also invites Council to make appointments to joint bodies.

Background

2. The Council is required by the Local Government and Housing Act 1989 to appoint committees, review the political balance and to appoint councillors to the committees annually.
3. In summary the Council has a duty to ensure the following principles are adhered to:
 - (i) not all seats are allocated to the same political group
 - (ii) a majority group should get the majority of seats on each committee
 - (iii) the seats allocated to groups on a committee reflect the membership of the Council as a whole
 - (iv) the allocation of the total number of seats on all committees reflects the membership as a whole.
4. Ordinary committees are those that have decision-making powers but excluding the Licensing Acts Committee and area committees.

Strategic Objectives

5. This report supports the council's corporate plan theme of Working in an open and inclusive way. It is also in line with the council's requirement to review the political complexion of committees and other bodies, having regard to the Local Government and Housing Act 1989.

Political balance

6. Sally Povolotsky was elected as the councillor for the vacant Steventon & The Hanneys Ward seat at the by-election held on 5 May 2022. She has joined the Liberal Democrat Group.
7. The number of seats held by the various political groups is currently as follows:

Conservative	6	(15.79%)
Liberal Democrat	31	(81.58%)
Non-group councillor	1	(2.63%)

8. The Local Government (Committees and Political Groups) Regulations 1990 require a constituted political group to be two or more members. As such the Green Party councillor is designated as a non-group councillor.

Composition of committees

9. The ordinary committees and panels that are required to be politically balanced both individually, and overall, are set out below.

Committee	Members	Comments
Vale Scrutiny Committee	9	
Joint Scrutiny Committee	5	10 in total with South Oxfordshire District Council
Joint Audit and Governance Committee	4	8 in total with South Oxfordshire District Council
Planning Committee	9	
General Licensing Committee	12	
Community Governance and Electoral Issues Committee	6	
Appeals Panel	3	
Joint Staff Committee	3	6 in total with South Oxfordshire District Council
Totals	51	

- The membership of the General Licensing Committee and the Licensing Acts Committee are the same, although they are two separate entities. This allows for a sufficiently large, well trained pool of councillors from which to draw the Taxi Licensing and Licensing Panels and avoids confusion as to which members are on which committee. These committees may appoint the same, or different chairs and vice chairs.
 - The co-chairs of the Joint Scrutiny committee should be the same as the chairs of the district Scrutiny committees to eliminate potential conflict around the call-in arrangements and work programmes.
10. The terms of reference of the council's committees and panels are set out in the constitution.
11. The political balance calculation and the entitlements to seats on committees are set out in the tables below. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. Some adjustments must be made to ensure that the overall percentage of seats is correctly apportioned.

Group members/non-group councillor	Group members	Number of committee seats
Conservative	6	8
Liberal Democrat	31	42
Green	1	0
TOTAL	38	50(+1)

Committee	Total number of seats	Conservative	Liberal Democrat
Scrutiny	8(+1)	1	7
Planning	8(+1)	1	7
General Licensing Committee	12	2	10
Appeals Panel	2(+1)	0	2
Joint Scrutiny	5	1	4
Joint Audit and Governance	4	1	3
Community Governance and Electoral Issues Committee	6	1	5
Joint Staff Committee	2(+1)	0	2
Total	51	7(+1)	40(+2)

To obtain balance across the committees and overall the Conservative Group must gain one seat and the Liberal Democrat Group must gain two seats. Council needs to decide where these adjustments should be made.

Council needs to agree the allocation of the seats on the Scrutiny Committee, Planning Committee, the Appeals Panel and Joint Staff Committee shown in brackets so that each group has the correct number of committee seats. This will leave one seat vacant which should be allocated to the non-group councillor.

12. If the Council wishes to allocate any seats not in accordance with the political balance requirements it can only do so if no councillor votes against the proposal.

Substitutes

13. Each political group is entitled to the same number of preferred substitutes as the number of ordinary seats it holds on a committee or panel, and up to a maximum of three preferred substitutes where it has fewer than three members on a committee or panel. All substitutes for regulatory committees must have met the relevant training requirement, regardless of whether they are preferred or other substitutes.

Area Committees

14. In 2003, the Council established area committees with the terms of reference set out in the council's constitution. The areas were revised by Council in May 2015. In January 2011 the Executive delegated the award of community grants to the area committees. The area committees consist of councillors for the relevant area only. Council is invited to confirm the membership of the area committees for the next municipal year as those local members representing those areas. The Council is

asked to note that the area committees do not need to be politically balanced and, therefore, the area committees are not included in the calculation of seats to political groups. Council is requested to appoint councillors to the area committees as set out in the schedule circulated at the meeting.

Climate Emergency Advisory Committee

15. At its meeting on 17 July 2019, Council established a Climate Emergency Advisory Committee comprising seven members to be politically balanced. The committee is not subject to the regulations detailed in paragraph 3 of this report and, therefore, has no effect on the overall allocation of seats. For this committee to be politically balanced alone, it is suggested that six seats are allocated to the Liberal Democrat Group and one to the Conservative Group.
16. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 13 above.

Licensing Acts Committee

17. The Licensing Acts Committee is a statutory committee and is not required to be included in the calculation of political balance. The whole committee meets rarely to deal with licensing and gambling policy matters but a membership of 12 provides a pool of councillors from which panels of three can be drawn to deal with hearings relating to premises licence applications and reviews, and gambling matters.
18. Council has previously agreed to appoint a committee in accordance with the political balance of the Council. The membership will mirror the membership of the General Licensing Committee and will, therefore, be politically balanced but will not in itself contribute to the total political balance of the council's committees.
19. As a statutory committee with a specified membership substitutes may not be appointed.

Eligibility to sit on committees and panels.

- Any member of the council may be appointed to any committee with the following exceptions and caveats:
- No member of Cabinet may sit on any Scrutiny Committee;
- No member of Cabinet may sit on the Joint Audit and Governance Committee;
- No member of Cabinet may sit on the Planning Committee;
- No member may sit on an Area Committee if they do not represent that area;
- The Chair or Vice Chair of Council may not be the Chair or Vice Chair of any committee or panel;
- No Cabinet member may be the Chair or Vice Chair of any committee or panel with the exception of the Joint Staff Committee;
- Most panels meet during the daytime, and only members who have some daytime availability should be selected for these panels. This includes General Licensing Committee and Licensing Acts Committee, which do most of their work through daytime panels.

Appointments

20. Officers have invited group leaders to submit the names of councillors they wish to sit on each of the above bodies. A table of nominations will be circulated at the meeting.

Joint Health Overview and Scrutiny Committee

21. Council is invited to appoint a representative and a named substitute to the Oxfordshire Joint Health Overview and Scrutiny Committee.

Thames Valley Police and Crime Panel

22. Council is invited to appoint a representative and a substitute to the Thames Valley Police and Crime Panel.

Future Oxfordshire Partnership Scrutiny Panel

23. The Future Oxfordshire Scrutiny Panel enables effective and coordinated scrutiny of the Future Oxfordshire Partnership functions and decisions. The Scrutiny Panel is non-statutory to enable flexibility for the constituent councils to reflect local scrutiny membership. The ability of the constituent council scrutiny committees to scrutinise the Future Oxfordshire Partnership remains. The chair will be elected by the members of the Scrutiny Panel.

24. As a non-statutory panel, the Scrutiny Panel does not need to be politically balanced.

25. Council is invited to appoint three representatives to the Scrutiny Panel.

Financial implications

26. There are no direct financial implications.

Legal implications

27. These are set out in the body of the report.

Conclusion

28. In deciding the committees and panels it wishes to establish for the 2022/23 year, Council is required to allocate seats to political groups in the same proportion as they hold on the council as a whole. Against that background, Council is invited to establish the committees and panels set out in the table in paragraph 9 of this report and to appoint councillors to them. Council is also invited to appoint

councillors to the area committees, the Climate Emergency Advisory Committee and the Licensing Acts Committee and to appoint representatives to the Oxfordshire Joint Health Overview and Scrutiny Committee, the Thames Valley Police and Crime Panel and the Future Oxfordshire Partnership Scrutiny Panel. If all committee and panel seats and substitute places are not filled at the meeting, Council is invited to delegate authority to the head of legal and democratic to make appointments in accordance with the wishes of the relevant group leader.

Background Papers: None.

Joint Audit and Governance Committee



Listening Learning Leading



Report of Head of Legal and Democratic and Monitoring Officer

Author: Patrick Arran

Telephone: 07773 302122

E-mail: patrick.arran@southandvale.gov.uk

DATE: 29 March 2022

Oxfordshire Model Code of Conduct

Recommendation(s). It is recommended that the committee

Approve the Oxfordshire Code of Conduct appended to this report and commend it to the councils for adoption.

Purpose of Report

1. To provide the committee with a draft model Code of Conduct to consider and, if approved, recommend to the councils for adoption.

Strategic Objectives

2. Openness and Accountability (South), Working in an open and inclusive way (Vale)

Background

3. Section 27 of the Localism Act 2011 (the Act) places a duty on relevant authorities to promote and maintain high standards of conduct. In order to discharge its duty a council must adopt a Code dealing with the conduct that is expected of members of the authority when they are acting in that capacity. Section 28 of the Act provides that a relevant authority must secure that a Code adopted by it is, when viewed as a whole, consistent with the Nolan Principles. There is also a requirement to ensure that appropriate measures are taken to record and declare interests. Other than these requirements, it is a matter for each council to adopt a Code that is relevant to its particular circumstances. There is power to amend or replace a Code as circumstances dictate, but the Code must be adopted by full Council.
4. South Oxfordshire and Vale of White Horse District Councils (the councils) have adopted a Code of Conduct for members which forms part of the shared

Constitution. The adopted Code is one which had previously been agreed on an Oxfordshire wide basis in 2016.

5. The Committee on Standards in Public Life (CSPL) undertook a review of the ethical framework for members with its report being published in January 2019. The CSPL review concluded that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. The terms of reference for the review were, to examine the structures, processes and practices in local government in England for:
 - maintaining Codes of Conduct for local councillors
 - investigating breaches fairly and with due process
 - enforcing Codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
6. The CSPL also assessed whether the existing structures, processes and practices are conducive to high standards of conduct in local government and were to make any recommendations for how they can be improved. The full report can be accessed [here](#)
7. The aim of the Localism Act was to place matters such as the Code of Conduct within the hands of individual councils, but in doing so there are now considerable variations in approach and content. The CSPL heard evidence that the variation between Codes, even where the Codes do not differ in quality, is problematic as it creates confusion among councillors who may be serving at multiple tiers of local government. It also found that the current situation creates confusion among members of the public over what is required of different councillors. This is also the experience of the Monitoring Officer since working in England. (Wales has a mandatory model Code)
8. Consequently, the CSPL concluded that there should be a national model Code of Conduct, but that this should not be mandatory, and could be adapted by individual authorities. It was recommended that the model Code should be drafted by the Local Government Association, given their significant leadership role in the sector, in consultation with representative bodies of councillors and officers of all tiers of local government. Part of the CSPL recommendations was the introduction of sanctions for breaches of the Code, alongside an appeals process within the ambit of the Local Government Ombudsman but this aspect was outside the scope of the LGA consultation as it requires legislative changes by Government.

A Model Code

9. The Local Government Association (“the LGA”) released a draft Model Member Code of Conduct for consultation on 8 June 2020. Its aim was stated to be that it would be:

“...concise, written in plain English and be understandable to members, officers and the public. The draft Model Member Code has been designed to aid members

in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members.”

10. There was extensive consultation and response on the draft Model which resulted in some changes to the draft and the finalised Model Code was released on 23 December 2020. It incorporated the Committee on Standards in Public Life recommendations on Local Government Ethical Standards and representations from its membership.
11. The Oxfordshire Secretary's and Monitoring Officers Group (OSMOG) have collaborated on a joint Code previously and have been discussing amending the current joint Code, a move which has been supported by Oxfordshire Association of Local Councils. It was decided that the LGA Model Code would be suitably adapted to provide a new model Code for Oxfordshire which could be adopted across all tiers of government so that members would work to the same Code no matter which organisation they are a member of. All Monitoring Officers are therefore recommending the Code appended to this report to their councils for adoption.

When Does the Code Apply?

12. The Code will apply to members when they are acting in their official capacity, misuse their position or their actions could give the impression to a reasonable member of the public with knowledge of all of the facts that one is acting as a councillor. The latter aspect is one of the most difficult for members of the public to understand as there is a perception that councillors are always ‘on duty’, that is that members are bound by the Code at all times. This has gained prevalence in recent times due to the impact of social media.
13. The legal position under the Localism Act, is that the Code can only apply when the member is acting in the capacity of an elected councillor. Many Codes reflect the definition set out in the old model Code and extend the applicability of the Code to cover situations where a member is acting or appearing or purporting to act as a member or representative of the Council. This is intended to cover the ‘don’t you know who I am’ situation, which is thankfully rare, but there is a clear gap in the law with many Codes being ‘stretched’ to include application to members where the law may not permit, particularly as a consequence of social media activity. There are of course shades of grey as to when a member is acting in that capacity and the CPSL recognised this which is why it recommended that there should be a rebuttable presumption that the person is acting in the capacity of a member unless they demonstrate that they were not. However, this would require a change in the law.
14. The Code will apply to all forms of communication and interaction. This is intended to cover the increase in use of social media by members and that there is sometimes confusion as to whether members are acting in their official capacity when operating outside of formal Council processes, for example on social media.

Content of the Code

15. The CSPL recognised that:

“A Code of Conduct is not a values or vision statement for an organisation. It therefore needs to state clearly what is required of councillors rather than an aspiration or aim. Often this will mean phrasing requirements in terms of what councillors ‘must not’ do. The requirements should also be enforceable: Codes should not include provisions such as ‘councillors must be aware of...’”

16. The current Code adopted by the councils does not fully comply with the requirements of the CSPL in that it does not clearly tell councillors what they should or should not do. Furthermore, it does not cover a number of aspects that one would expect to see in a Code such as a definition of bullying and harassment and bringing the office of councillor or the Council into disrepute. The section on declaration of interests also falls short in that it focusses solely on disclosable interests which can lead to councillors overlooking conflicts of interest which may not have a monetary element attached.
17. The CSPL issued 15 best practice recommendations, one of which was that the Code should provide definitions of bullying and harassment. These are now contained in the proposed Code. Members will recall that the Arrangements for considering complaints under the Code which was recently adopted by the councils incorporated all of the other recommendations which apply to them.
18. The proposed Code introduces the requirement to treat other councillors, officers and members of the public with respect. This does not prevent councillors from having a viewpoint and there will still be the ability to express challenge or disagree with opinions, but the line is rightly drawn at personal attack. There is the introduction of a definition of bullying and harassment as mentioned above. A prohibition on bullying and harassment is found in most Codes, but the Model Code introduces the definitions required by the CSPL.
19. In terms of the main changes, declarations of interests have been clarified. Disclosable Pecuniary Interests are set by Regulation so cannot be altered and remain the same as before. However, the Code re-states the position in relation to other interests which are now referred to as other ‘registerable’ interests which are set out in Table 2 of the Code. There is a fundamental change to the approach to interests other than DPI’s in that the concepts of financial interests which are not DPI’s and of well-being have been introduced. There are further requirements around gifts and hospitality to make the position around perception of undue influence clearer.
20. The best way to summarise the change to declaration of interests is that they reflect what used to be known as personal and prejudicial interests prior to the introduction of DPI’s. If the proposed Code is adopted, the Monitoring Officer will be providing training.

Climate and ecological impact implications

21. There are no climate and / or ecological implications arising from the recommendations in this report.

Financial Implications

22. There are no financial implications arising from the recommendations in this report.

Legal Implications

23. All legal matters are set out in the body of the report.

Risks

24. There are no direct risks arising from the recommendations in this report. If the Oxfordshire Code is not adopted by the councils, they will be out of step with the other councils in the county and the current Code of Conduct, is in the view of the Monitoring Officer, not fit for purpose.

Other Implications

25. There are no other implications.

Conclusion

26. The proposed Code follows the format of the LGA Model Code and the Monitoring Officer recommends that the committee consider commending it to each full Council for adoption.

Background Papers

None

Oxfordshire Councils' Councillor Code of Conduct 2022

1.0 Introduction

The Council has a duty to promote and maintain high standards of conduct by members and co-opted members of the Council, and formally adopt a code of conduct, in accordance with the *Localism Act 2011*.

2.0 Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the Councillor and in Local Government.

3.0 Definitions

For the purposes of this Code of Conduct, a “Councillor” means a member or co-opted member of the local authority. A “co-opted member” is defined in the *Localism Act 2011 Section 27(4)* as “a person who is not a member of the authority but who

- 3.1 is a member of any committee or sub-committee of the authority, or;
- 3.2 is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

4.0 General Principles of Councillor Conduct

Everyone in public office and all who serve the public or deliver public services, including Councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles, (see Appendix A).

Building on these principles of selflessness, objectivity, accountability, openness, honesty and integrity and leadership, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in Councillors, on all occasions a Councillor shall:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.

- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

These general principles have been incorporated into the obligations of the Code of Conduct as set out below.

5.0 Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

6.0 Standards of Councillor Conduct

This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken.

Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

6.1 Respect

A Councillor:

6.1.1 Shall treat everyone, including other Councillors and members of the

public with respect.

6.1.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from everyone. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant social media provider and/or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

6.2 Bullying, Harassment and Discrimination

A Councillor:

6.2.1 Shall not bully any person.

6.2.2 Shall not harass any person.

6.2.3 Shall promote equalities and not discriminate against any person.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as; conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Legislation places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

6.3 Impartiality of Officers of the Council

A Councillor:

6.3.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor may question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

6.4 Confidentiality and access to information

A Councillor:

6.4.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless

- i. They have received the consent of a person authorised to give it; or
- ii. They are required by law to do so; or
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- iv. the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.

6.4.2 Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.

6.4.3 Shall not prevent anyone from getting information that they are entitled to by law.

6.4.4 When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.

6.5 Disrepute

A Councillor:

6.5.1 Shall not bring their role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions.

6.6 Use of position

A Councillor:

6.6.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.

A Councillor should not take advantage of opportunities, responsibilities and privileges to further their own or others' private interests or to disadvantage anyone unfairly.

6.7 Local authority Resources and Facilities

A Councillor:

6.7.1 Shall not misuse council resources.

6.7.2 Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.

A Councillor may be provided with resources and facilities by the local authority to assist them in carrying out their duties as a Councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of local authority buildings and rooms.

6.8 Compliance with the Code of Conduct

A Councillor:

6.8.1 Shall undertake Code of Conduct training as required by the local authority.

6.8.2 Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.

6.8.3 Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

6.8.4 Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

It is extremely important for a Councillor to demonstrate high standards, to have your actions open to scrutiny and not to undermine public trust in the local authority or its governance. If you do not understand, or are concerned about the local authority's processes in handling a complaint, you should raise this with the Monitoring Officer.

7.0 Registering and Declaring Interests

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

7.1 Disclosable Pecuniary Interests

A Councillor must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see Appendix B), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You must disclose the interest at any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'. If it is a 'sensitive interest', you must disclose the fact that you have an interest but do not have to disclose the nature of it. (A sensitive interest is an interest which, in the opinion of the Monitoring Officer, if disclosed, could lead to the Councillor, or a person connected with them, being subjected to violence or intimidation.) You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

Following any disclosure of an interest not on the Council's register, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, by the Monitoring Officer, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it .

You must ensure that your register of interests is kept up to date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix B is a criminal offence under the Localism Act 2011.

7.2 Other Registerable Interests

You must also register your other registerable interests with the Monitoring Officer within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.

Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Appendix C), you must disclose the interest.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

7.3 Non-Registerable Interests

Where a matter arises at a meeting which ***directly relates*** to your financial interest or wellbeing and does not fall under disclosable pecuniary interests at 7.1 above, or the financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the

matter and must not remain in the room unless you have been granted a dispensation. If it is a sensitive interest you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests as set out at 7.2 above and appendix C you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decisionand;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

8.0 Gifts and Hospitality

A Councillor:

- 8.1 Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 8.2 Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 8.3 Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.**

The presumption should always be not to accept significant gifts or hospitality but there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered.

You do not need to register gifts and hospitality which are not related to your role as a Councillor.

It is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B: Discloseable Pecuniary Interests

"**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012.](#)

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were
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* ‘Director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix C: Disclosure of Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any Body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

COUNCIL



Report of Patrick Arran, Head of Legal & Democratic and Monitoring Officer

Author: Steven Corrigan

Telephone:

E-mail: steven.corrigan@southandvale.gov.uk

To: Vale of White Horse District Council 18 May 2022

South Oxfordshire District Council 19 May 2022

Appointment of Independent Persons

Recommendation(s)

To appoint Mike Boon, Julie Byron, George Green, Andrew Mills-Hick, Chris Smith and Martin Wright as Independent Persons for a period of four years until the annual meeting in May 2026.

Purpose of Report

1. This report invites Council to make appointments to the roles of Independent Persons.

Corporate Objectives

2. High standards of conduct underpin all the council's work and the achievement of all its corporate objectives. The proposal ensures a continued independent person advisory service to the council on code of conduct cases.

Background

3. The Localism Act 2011 (Section 28) requires a relevant authority to have in place arrangements under which allegations made under the Code of Conduct can be investigated, and under which decisions on allegations can be made. Council is being recommended to adopt a revised Code at this meeting. Legislation provides that an authority must appoint at least one Independent Person to advise the Council when a decision has been made to investigate an alleged breach of the Code, whilst the Best Practice recommendations of the Committee on Standards in Public Life state that authorities should have access to at least two Independent Persons.

4. The arrangements referred to above require the appointment of Independent Persons who the Monitoring Officer may consult at various stages of the process when dealing with allegations of misconduct by district or parish councillors.
5. At its meeting on 24 March 2021 Vale of White Horse District Council resolved to authorise the Monitoring Officer to extend the terms of office of Chris Smith and Martin Wright, the council's independent persons for code of conduct matters until 31 May 2022.
6. At its meeting on 31 March 2021 South Oxfordshire District Council resolved to authorise the Monitoring Officer to extend the terms of office of George Green and Chris Smith as the council's independent persons for code of conduct matters until 31 May 2022.
7. Both Councils authorised the Monitoring Officer to carry out a recruitment exercise for new independent persons and bring recommendations on appointments to Council prior to the expiry of the term of office.
8. In order to provide greater resilience, the Monitoring Officer wishes to establish a pool of independent persons to assist him with the administration of code of conduct complaints at both South Oxfordshire and Vale of White Horse District Councils.
9. In accordance with the requirements of the Act, an advert (attached as an appendix) was placed in a local newspaper, the Oxfordshire Times, in March and via each council's website. The existing independent persons were invited to submit expressions of interest in the roles. New applicants were required to complete an application form. Six further requests were received for further information with four applications submitted. Three candidates were invited to interview.
10. Interviews were held in the week commencing 2 May 2022 by Patrick Arran, Head of Legal and Democratic and Monitoring Officer and Steven Corrigan, Democratic Services Manager and Deputy Monitoring Officer.
11. It was agreed that Mike Boon, Julie Byron, George Green, Andrew Mills-Hick, Chris Smith and Martin Wright were suitable for the role and now recommend that each council appoint them as their Independent Persons. A brief summary of their experience is set out below:
 - George Green – has been an Independent Person with South Oxfordshire District Council since July 2012
 - Chris Smith – has been an Independent Person with Vale of White Horse District Council since July 2012 and with South Oxfordshire since June 2017
 - Martin Wright – has been an Independent Person with Vale of White Horse since July 2012
 - Julie Byron – currently an independent person at Hampshire County Council and Warrington Council
 - Andrew Mills-Hick – an independent person with Oxford City Council since September 2019
 - Mike Boon – relevant experience gained in paid and voluntary roles

12. A four-year term of office is recommended to provide stability of tenure and resilience.

Climate and ecological impact implications

13. There are no climate and ecological implications arising from the recommendations made in this report.

Financial Implications

14. The cost of implementing the code of conduct arrangements, training independent persons and meeting their expenses is met from existing budgets. The role of Independent Person is a voluntary role and attracts no remuneration other than expenses.

Legal Implications

15. Any legal implications are set out in the body of the report.

Risks

16. Failing to appoint an Independent Person would place the Council in breach of its statutory duty under the Act and prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.

Other Implications

17. The appointment of an Independent Person must be approved by a majority of the members of the authority, not merely a simple majority of councillors present and voting.

Conclusion

9. Council is invited to appoint Independent Persons to ensure it can operate in accordance with legislative requirements.

Background Papers

None.

Are you fair-minded, impartial and a good communicator?

Can you reach independent conclusions based on the facts? Can you bring a measure of experience and common sense to handling complex and sometimes contentious issues? If the answer to these questions is “yes” then you may be able to help South Oxfordshire and Vale of White Horse District Councils by acting as one of its ‘Independent Persons’.

The councils are seeking to recruit Independent Persons to assist the Monitoring Officer with councillor standards work. We are looking for people with an interest in maintaining high standards in public life and an interest in local governance.

Each council has a duty to promote and maintain high standards of conduct of councillors and deal with complaints against councillors. The role of Independent Person involves being called on to assist with complaints and may amount to a few hours a month. You would be working closely with the councils’ Monitoring Officer who will formally consult you with regards to how matters should be handled.

The Independent Person must be independent of the councils. Someone cannot be appointed to this role if they are a councillor, co-opted councillor or officer or a parish councillor within the council areas or been so within the last five years.

The successful applicant should be inquiring and independent-minded. Some experience of maintaining standards and ethics in the public or private sectors would be useful. However, it will be more important to be able to provide clear thinking, make objective judgements and be impartial.

Travel and subsistence expenses will be payable as will role related training costs. The appointment will be for four years.

If you are interested then please contact Steven Corrigan, Democratic Services Manager at steven.corrigan@southandvale.gov.uk, or on 07717 274704 for an application form

Closing date: 22 April 2022

Interview date: Week commencing 2 May 2022

Council



Report of Head of Planning

Author: Adrian Butler

Telephone: 07801 203 599

Textphone 1800 07801 203599

E-mail: adrian.butler@southandvale.gov.uk

Executive member responsible: Bethia Thomas

E-mail: Bethia.thomas@whitehorsedc.gov.uk

To: Council

DATE: 18 May 2022

Oxford Flood Alleviation Scheme – discharge of planning functions

It is recommended that Council:

Delegates the discharge of its District Planning Authority functions in connection with the processing and determination of any planning application for the Oxford Flood Alleviation Scheme to Oxfordshire County Council, under section 101 of the Local Government Act 1972

Purpose of Report

1. The report recommends and seeks approval for the discharge to Oxfordshire County Council of any planning responsibilities that would otherwise be exercised by the Vale of White Horse District Council in relation to the Oxford Flood Alleviation Scheme (OFAS).

Corporate Objectives

2. The OFAS aims to reduce the flood risk for homes, businesses and infrastructure. It is helping to manage climate change and working in partnership with other councils.

Background

3. Council considered a report on this matter on 17 February 2016. A copy of the report can be accessed [here](#). Council decided to delegate its functions to Oxfordshire County Council under section 101 of the Local Government Act 1972. When making the decision, Council inserted a long stop date of 18 February 2019. The effect of this was that the delegation was deemed to be revoked if not

exercised by this date. In the event, the planning application by the Environment Agency did not proceed by the long stop date as it was withdrawn and the delegation was therefore revoked. As the delegation has been revoked, it cannot be extended, and a fresh decision is necessary.

4. The Environment Agency has submitted a planning application to Oxfordshire County Council for the OFAS. Whilst officers are of the view that the proposals are within the jurisdiction of Oxford City Council and the Vale of White Horse District Councils (the majority of the proposals are within Oxford City), there is some uncertainty as to whether this application is a county function. Legal advice subsequently obtained from two different counsel in 2017, which is subject to legal privilege suggested the application is a County Matter i.e. for submission to and determination by the County Council. However, they advised out of an abundance of caution that it would be prudent for the district councils to make conditional delegations of authority under section 101 LGA 1972 to avoid any risk of challenge relating to the legal competence of either the tier one or tier two authorities determining the application.
5. The previous report was therefore brought on this basis. Also, as a matter of practicality, it makes sense to have one decision rather than separate planning applications and permission from two separate planning authorities i.e. submitting two separate planning applications, which could result in different decisions - and if approved, varying planning conditions.
6. Section 101 of the Local Government Act 1972 allows a local planning authority to delegate its functions to another authority. In this case the function for processing and deciding a planning application for the OFAS is proposed to be discharged to Oxfordshire County Council as happened in February 2016. This is logically simpler, financially cheaper, avoids conflicting planning decisions and reduces the risks of legal challenge.

Climate and ecological impact implications

7. A decision to delegate our planning functions to another council for the OFAS has no climate or ecological implications. The council will be consulted on the planning application and any justified impacts will be considered and mitigated.

Financial Implications

8. None

Legal Implications

9. All legal implications are set out in the body of the report. Whilst the tenor of the legal advice is set out in this report as a relevant consideration, this is a summary and legal advice privilege is maintained in relation to both advices.

Risks

10. Taking this approach, under the Local Government Act reduces the opportunity for a legal challenge on any planning the decision regarding OFAS.

Conclusion

11. Discharging the function for determining the OFAS to the Oxfordshire County Council could simplify the application procedure and provide consistency in approach and decision making on the application.

Background Papers

None