

# Council Agenda



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## Summons to attend a meeting of Council

to be held on Wednesday, 13 December 2023 at 7.00 pm  
The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY

Vivien Williams,  
Head of legal and Democratic (interim)

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# Agenda

## Open to the public including the press

### 1. Apologies for absence

To record apologies for absence.

### 2. Minutes

(Pages 9 - 24)

To adopt and sign as a correct record the Council minutes of the meeting held on 11 October 2023.

### 3. Declarations of interest

To receive declarations of disclosable pecuniary interests, other registrable interests and non-registrable interests or any conflicts of interest in respect of items on the agenda for this meeting.

### 4. Urgent business and chair's announcements

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

### 5. Public participation

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

### 6. Petitions

To receive any petitions from the public.

### 7. Treasury Management Outturn 2022/23

(Pages 25 - 46)

To consider the report of the head of finance on the council's treasury management activities and prudential indicators for the financial year 2022/23.

At its meeting on 10 November 2023, Cabinet agreed the recommendations set out in the attached report and resolved:

- (a) to note the treasury management outturn report 2022/23;
- (b) that Cabinet is satisfied that the treasury activities have been carried out in accordance with the treasury management strategy and policy.

## **8. Council tax reduction scheme 2024/25**

**(Pages 47 - 51)**

To consider the report of the head of finance on the adoption and implementation of a modified council tax reduction scheme for the financial years 2024/2025 onwards.

The recommendations set out in the attached report were agreed by Cabinet at its meeting on 1 December 2023.

## **9. Council tax base 2024/25**

**(Pages 52 - 56)**

To consider the report of the head of finance on the setting of the council tax base for 2024/25.

The recommendations set out in the attached report were agreed by Cabinet at its meeting on 1 December 2024.

## **10. Section 106 (S106) Request - Chilton Parish Council - Play area / Recreation ground improvements**

**(Pages 57 - 64)**

To consider the report of the head of finance on a request from Chilton Parish Council to release funds from two S106 contributions towards a play area/recreation ground improvement project at Chilton village active play area.

Cabinet, at its meeting on 1 December 2024, supported the proposal.

## **11. Local Authorities (Members' Allowances) (England) Regulations 2003 - proposal to re-appoint a joint Independent Remuneration Panel**

**(Pages 65 - 69)**

To consider the report of the head of legal and democratic on the appointment of a joint independent remuneration panel with South Oxfordshire District Council to review the councillors' allowances scheme.

## **12. Review of the council's Constitution**

**(Pages 70 - 80)**

To consider the report of the head of legal and democratic on proposed revisions to the Constitution.

## **13. Appointment of interim monitoring officer**

**(Pages 81 - 82)**

To consider the report of the deputy chief executive – transformation and operations, on the appointment of a monitoring officer.

## **14. Report of the leader of the council**

To receive the report of the leader of the council.

## **15. Questions on notice**

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

1. Question from Councillor Gascoigne to Councillor Thomas, Leader of the council

The government recently announced its plan for a 'smoke free generation' and its desire to stop children starting young and becoming addicted for life. Regulations around vapes are not up to the same standard as tobacco products. This can mean the marketing and the flavours make them particularly appealing for children. The government released a consultation on the matter.

Can the leader confirm whether she responded to this consultation?

2. Question from Councillor Thompson to Councillor Coleman, Cabinet member for environmental services and waste

Residents across the Vale and in my ward in Abingdon Peachcroft have pride in the community and are concerned about the upkeep of their streets. Street cleaning is a statutory function of Council and residents are keen to aid in this process by moving cars and ensuring vans have access to all parts of the road.

To enable this and meet our corporate plan objective of working in an open and inclusive way, would Council be able to publish its rota for street cleaning so residents can be made aware of schedules so they can plan accordingly?

3. Question from Councillor Houghton to Councillor Thomas, Leader of the council

Many residents in my ward are extremely concerned about the potential impact of the proposed Botley West Solar Farm.

Can the Leader set out the council's current position on the proposal, outline any representations the Vale has made so far on the proposals and outline what further actions the council intends to take going forwards?

4. Question from Councillor Smith to Councillor Thomas, Leader of the council

Residents in Cumnor, Botley and beyond have had to endure significant and ongoing disruption to transport in caused by the Network Rail closure of Botley Road, National Highways works to the A34, Thames Water, SGN, and other agencies closing the roads in this area. The accumulative impact of all these works on local businesses, bus services, taxis, and residents reliant on private cars to access Oxford City centre and Oxford train station is causing huge concern and confusion.

The communication from National Highways in particular about works on the Botley interchange have been, in my view, inadequate.

While I am aware of an officer group convened by the County Council to coordinate roadworks, I am concerned that they may not have adequate powers to direct national agencies.

Please can the leader explain who is accountable for timetabling and communication

about A34 works, National Rail and Thames Water projects, and if there is anything more this council can do to support the county council with to ensure that national agencies and private companies work together to avoid projects clashing over the coming years?

5. Question from Councillor Clegg to Councillor Lugova, Cabinet member for planning and development control

At the full Council meeting in July this year, we debated and agreed a motion supporting the view that we should all available steps to prevent or reduce sewage spills across the Vale.

Among other statements, we agreed that we believe “The planning system should ensure that new houses can only be occupied once sufficient capacity in the local sewerage network is in place.”

Outline approval for a new housing estate to the south-east of Marcham was granted in 2022, and an application for Reserved Matters is currently being assessed. To their credit, during the consultation period for the Outline Application, Thames Water “identified an inability of the foul water network infrastructure to accommodate the needs of this development proposal”. As a consequence of this, a condition was attached to the decision approving the Outline Application (condition 11) preventing occupation until suitable steps to address the foul water capacity had been taken.

Recognising that each enforcement matter must be assessed on its individual circumstances, could the Cabinet member please outline the general powers that the Vale has to enforce pre-occupation planning conditions and our approach to enforcement of these?

6. Question from Councillor Foxhall to Councillor Thomas, Leader of the council and Cabinet member for Climate Action and the Environment

In the recent Council Climate Action Scorecards, released in October, Vale of White Horse gained a score of 42%. While this compares favourably with a District Council average of 39%, there are some notably weak areas identified, including in biodiversity and transport, which seems surprising given the work that our officers are doing. The LGA has stated that it “doesn’t support league tables as they often paint a two-dimensional picture of the context that councils are working within, and unfairly compare councils with different challenges”, whereas some other councils say they find them a useful tool to help us identify areas where we can improve”.

What is the Leader’s view of the Scorecards and our Council’s results, and does she believe they are a useful tool for improvement?

7. Question from Councillor Foxhall to Councillor Crawford, Cabinet member for Finance

In response to the Chancellor’s autumn statement of 22 November, the Office for Budget Responsibility (OBR) has warned that a £19.1 billion erosion in the real value of departmental spending in 2027-8, is a “significant and growing risk” to their economic forecast. Given the relative protection for areas such as defence and the NHS, the Resolution Foundation has described the plans as “completely implausible” and “similar in scale to the peak years of austerity” but without the scope to cut spending further.

Does the Cabinet Member share this concern about the implications of the Autumn

Statement for local authority finances, and if so, what does he anticipate can be done to mitigate its effects on our council colleagues, our residents and our Council's priorities for our District?

## **16. Motions on notice**

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

(1) Motion to be proposed by Councillor Clegg, seconded by Councillor Cooke:

Over the last two years, the South East Strategic Reservoir Option (SESRO) has been placed by Thames Water into the Water Resource South East (WRSE) draft regional plan, the revised Water Resources Management Plan (WRMP24), and is also entered into an National Infrastructure evaluation named Regulators' Alliance for Progressing Infrastructure Development (RAPID) consisting of Ofwat, the Environment Agency, and the Drinking Water Inspectorate.

This Council, under both the previous Conservative and the current Liberal Democrat administrations, has consistently stood with local residents in expressing our concern and publicly stating our position against the SESRO scheme presented for consultation.

This council notes that

1. The multiple consultations carried out with the public in the last 18 months were for a design 50% smaller than that now being taken to the Secretary of State for approval.
2. Vale of White Horse District Council also stands against the proposed designs for SESRO.
3. Despite many Oxfordshire residents responding on SESRO, none of the issues presented has been addressed comprehensively. Many key assessments have not been submitted through RAPID to stakeholders, so external validation or even confirmation of existence is not possible.
4. Among the key concerns are: absence of assessment regarding the extra flooding risk associated with the proposed reservoir design; absence of assessment regarding the microclimate changes that would result from this large body of water being situated so close to the A34 road; absence of assessment of the potential subsidence that may be caused to other buildings in the surrounding area.
5. The current fragmented model of privatised water supply companies inhibits the development of national approaches to water resilience.

This council resolves to

1. Request a meeting with the current Secretary of State on a non-partisan basis, with invitations to: the Members of Parliament for Oxford West and Abingdon and for Wantage and Didcot; the Group Against Reservoir Development (GARD); the Campaign to Protect Rural England (CPRE); the leaders of the groups represented in this chamber; and the County Councillors in the proposed zone of development and fall out. Said meeting to discuss the existing concerns that have

- not yet been addressed and the overall options for governance of the system.
2. Firmly request and campaign for the RAPID evaluation of SESRO to be paused until the flaws in the underlying data already highlighted by this council to OFWAT and Thames Water are resolved.
  3. Request the Chief Executive to establish a Water Resource Officer-Member Liaison Group.
  4. Call for the creation of a single, publicly owned national water supply provider.

(2) Motion to be proposed by Councillor James, seconded by Councillor Foxhall:

This Council has already made action on Climate Change a priority, in the 2020-2024 Corporate Plan and with the declaration of a Climate Emergency in February 2019. As many other local councils have recognised, the climate emergency is intertwined with a crisis in nature and this council has shown a strong commitment already to Nature Recovery in existing planning policy on Biodiversity Net Gain, and in motions passed by the council, for example the recent motion on the treatment of sewage in the district.

Council acknowledges that:

- Our societies and economies are intimately linked with and depend on biodiversity and nature. The natural world is essential for the provision of nutritious food (with soil and pollinators having a vital role), clean water, clean air, medicines, and protection from extreme weather, as well as being our source of energy and raw materials.
- The State of Nature 2023 report<sup>1</sup> shows a continuing decline in the UK's wildlife. The UK, like most other countries worldwide, has seen significant loss of its plants, animals and fungi. The UK is now one of the most nature-depleted countries on Earth.
- In June 2023, a Thames Valley Environmental Record Centre Study commissioned by our Council reported that more grassland had been lost in Vale of White Horse and South Oxfordshire than across other parts of Oxfordshire and England.
- Actions to restore nature and biodiversity, as well as being vital for their own sake, often have an important co-benefit of storing carbon, so help to address climate change.
- The Environment Act (2021) puts the onus on local authorities to take responsibility for nature through Local Nature Recovery Strategies and the Biodiversity Duty
- Our residents have made it clear through their responses to the May 2022 Joint Local Plan Issues Consultation that they believe protecting and restoring our natural environment should be a very high priority.

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<sup>1</sup> [https://stateofnature.org.uk/wp-content/uploads/2023/09/TP25999-State-of-Nature-main-report\\_2023\\_FULL-DOC-v12.pdf](https://stateofnature.org.uk/wp-content/uploads/2023/09/TP25999-State-of-Nature-main-report_2023_FULL-DOC-v12.pdf)

- A 2020 review from Public Health England<sup>2</sup> found that improving access to green space has health and well-being benefits and can help local authorities to address health and well-being issues, climate change and inequalities in their local area.

Council resolves to:

1. Ask Cabinet to ensure that addressing the climate and ecological emergencies and nature recovery remain strategic priorities for planning policies and design guides for new development through proposals in the Joint Local Plan (JLP), whilst seeking to support the principle of increasing equality of access for people to natural, green spaces.
2. Ask Cabinet to consider proposing that nature recovery has equal priority with climate change as headline themes for the Vale of White Horse District Council Corporate Plan, 2024 – 2028.
3. Ask Cabinet to consider extending the remit of CEAC to support Cabinet in addressing the twin priorities of Climate Change and Nature Recovery.
4. Ask Cabinet to consider support for a higher than nationally set level of Biodiversity Net Gain (BNG) through the JLP and work with partners to support effective local use of any BNG offsetting arising from development in the Vale of White Horse.
5. Ask cabinet to consider and propose measurable targets and standards for biodiversity increase within our own Council's operations and land holdings, in the area managed for nature and in species diversity, seeking also to increase community engagement.
6. Support the work of the Cabinet Member for Climate Action and the Environment in engaging with partners and local charities and environmental organisations in supporting nature recovery and in opposing damage, such as that caused by sewage spills and other pollution incidents that damage nature in our district.
7. Work pro-actively with partners to develop and to support the production of a Local Nature Recovery Strategy for Oxfordshire.
8. Look for opportunities to extend partnership with local charities and environmental organisations to deliver nature recovery in Vale of White Horse.
9. Seek to identify further habitat bank sites to build on the success of the Duxford Old River project and support new opportunities for landowners to diversify their income streams and deliver nature recovery.
10. Ask Cabinet to consider the Council becoming a responsible body for Conservation Covenants as a possible route to securing biodiversity net gain.
11. Where relevant, continue to include advocating for nature and ecological diversity in our responses as consultee to major infrastructure projects.
12. Ask officers to continue to ensure that climate action and ecological initiatives are embedded within all council work areas.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904439/Improving\\_access\\_to\\_greenpace\\_2020\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904439/Improving_access_to_greenpace_2020_review.pdf)



# Minutes of a meeting of the Council



held on Wednesday 11 October 2023 at 7.00 pm  
at The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY

## Open to the public, including the press

### Present in the meeting room:

Councillors: Sally Povolotsky (Chair), Paul Barrow, Ron Batstone, Cheryl Briggs, Sue Caul, Robert Clegg, Mark Coleman, Andy Cooke, James Cox, Andy Crawford, Eric de la Harpe, Amos Duveen, Lucy Edwards, Neil Fawcett, Andy Foulsham, Katherine Foxhall, Hayleigh Gascoigne, Debby Hallett, Jenny Hannaby, Scott Houghton, Sarah James, Diana Lugova, Robert Maddison, Patrick O'Leary, Viral Patel, Helen Pighills, Mike Pighills, Jill Rayner, Judy Roberts, Val Shaw, Andrew Skinner, Emily Smith, Bethia Thomas, Max Thompson and Richard Webber

Officers: Patrick Arran, Head of Legal and Democratic and Monitoring Officer, Emily Barry, Democratic Services Officer, Steven Corrigan, Democratic Services Manager and Ore Idowu, Trainee Solicitor

## 27. Apologies for absence

Apologies for absence were submitted on behalf of Councillors Bentley, Dewhurst and Forder.

## 28. Minutes

**RESOLVED:** to adopt as a correct record the minutes of the meeting of Council held on 12 July 2023 and agree that the Chair sign them as such.

## 29. Declarations of interest

None.

## 30. Urgent business and chair's announcements

The Chair of Council, Councillor Povolotsky, 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 – to appoint a member to the Future Oxfordshire Partnership's Scrutiny Panel.

The reason for urgency being that the one of the current appointees, Councillor Roberts, was no longer permitted to be a member of the Scrutiny Panel following her

appointment to Oxfordshire County Council's Cabinet. The next scheduled meeting of the panel was scheduled for November prior to the next scheduled Council meeting.

Councillor Povolotsky advised that the item would be taken after agenda item 8.

Councillor Povolotsky referred to the wildfires, floods and earthquakes, humanitarian disasters, terrorism, war and disease outbreaks, which had occurred in the world since Council's last meeting and highlighted her view that, as elected representatives, members had a responsibility to make decisions to change the course of society, climate, nature recovery and create a safe and prosperous place to live for all residents and future generations. On behalf of Council, she offered her thoughts to those around the world caught up in acts of war, terrorism and conflict.

As Chair she had the privilege to represent the council at the High Sheriffs Ceremony of the Glove at Christ Church Chapel and Law Lecture at Oxford University, given by the Attorney General, including a debate between law and politics and the dwindling number of lawyers that enter the political sphere.

### **31. Public participation**

Riki Therivel had submitted the following question to Councillor Thomas, Leader of the council, but was unable to attend the meeting.

"Everyone agrees that a flood scheme is needed for Oxford. The proposed Oxford Flood Alleviation Scheme comprises flood defences, raised bridges, etc., plus a highly destructive and expensive channel. Construction of the channel will destroy much of the irreplaceable Hinksey Meadow, delay millions of journeys on the A34 and lead to more traffic jams and possibly accidents, encircle South Hinksey for 3-5 years, and strongly reduce recreational access in the North and South Hinksey area during and after construction. The channel would provide less than 1% of the scheme's financial benefits. The scheme can proceed without the channel.

We attach our summary Compulsory Purchase Order objection, which gives further information on the points above.

Both Oxfordshire County Council and the University of Oxford oppose the CPO despite being project partners. North Hinksey and South Hinksey parish councils oppose the entire scheme because of the channel's impacts.

Given this, and the fact that most of the channel's negative impacts would fall on Vale residents, with only a couple of homes in the Vale protected by the channel, why is the Vale of White Horse District Council supporting the flood scheme at the Compulsory Purchase Order inquiry?

Could we suggest that the Vale withdraws its support for the scheme for the CPO inquiry?"

Councillor Thomas provided the following written response in advance of the meeting:

"Thank you for your question, and I'm glad that you recognise the need for a flood scheme for Oxford. Nobody wants to see a repeat of the devastating floods of 2007.

To have your home flooded is a miserable, upsetting and costly experience. The Oxford Flood Alleviation Scheme offers enhanced flood protection to almost 1000 homes, many of them in South Hinksey which is in our district.

The purpose of lowering the floodplain is to provide more capacity for floodwater, drawing it away from homes and businesses. Without the lowering of the floodplain

my understanding is that the protection offered by the rest of the scheme is less certain. It will be for the Environment Agency to make the case for the design of the scheme at the CPO inquiry which starts next month, and for the inspector to assess it on its merits.

I do appreciate that there will be some disruption while the scheme is under construction. The Environment Agency has listened to concerns of South Hinksey residents and will locate its compound as far as possible from the village, with a protective earth bund to limit the impact. I know they are aiming to move as much material as possible by rail, although that will require planning permission and other consents to be in place so it cannot be guaranteed.

The Environment Agency has also listened to concerns about the impact on the grassland at Hinksey Meadow, and they have redesigned the route of the lowered floodplain accordingly. The so-called “channel” will look and behave like a natural stream, with grazing pasture and wetland alongside it. There will be new planting of hedgerows, trees and woodland. Recreational access to the area of the scheme will be maintained during and after its construction, though clearly, we should expect some disruption for a time.

This council will continue to make the case for minimising the visual and environmental impacts of the scheme and maximising its long term benefits. We all want this scheme to be the best it can be.

The scheme will bring substantial benefit to many residents of the Vale and the city of Oxford by reducing flood risk to homes and businesses. That’s why it has the continued support of this council”.

## **32. Petitions**

None.

## **33. Electoral Review of Vale of White Horse District Council - submission on council size**

Council considered the report of the head of legal and democratic which invited consideration and approval of a Council Size Submission document to the Local Government Boundary Commission for England as part of its electoral review of Vale of White Horse District Council.

The report set out the reason for the review - being the electoral inequality across a number of the district wards in the Vale. The first part of the review is for the Boundary Commission to consider how many members, the council size, Vale of White Horse District Council should have. Vale of White Horse District Council was invited to submit its views regarding this on a template document by 4 November. Following a decision on the council size by the Boundary Commission the review would then consider the warding patterns including the number of wards, the names of the wards and the number of members to represent those wards.

Councillor Lugova advised Council that, at its meeting on 13 September, the Community Governance and Electoral Issues Committee considered an officer draft which recommended no change to the council size of 38 members. However, following consideration of the issues the committee resolved to recommend that Council agree a revised submission document proposing an increase to 41 members. The committee felt that a small increase in the size of the council better reflected the

recent and anticipated population growth, the increased workload on current members arising from this growth, the additional community representative role arising from requests to join community groups and the new member champion appointments and the desire to ensure the role of councillor remains attractive to a wide section of the community, particular those in work. The committee also agreed that a slight increase in council size could allow for two member wards in some of the larger rural district wards therefore retaining community cohesion.

A revised council submission document was attached to the report which reflected a proposed council size of 41 and incorporated evidence and argument to support it.

Councillor Lugova thanked officers for the work put into the document and members of the committee for their consideration of the issue.

**RESOLVED:** to

1. approve the draft Council Size Submission set out in Appendix A to the report of the head of legal and democratic to the Council meeting held on 11 October 2023 which recommended an increase in the size of the council from 38 to 41.
2. Authorise the head of legal and democratic, in consultation with the Leader of the council, to finalise the Council Size Submission document for submission to the Local Government Boundary Commission for England.

### **34. Oxfordshire Joint Health Overview and Scrutiny Committee**

Council considered the appointment of a substitute member to the Oxfordshire Joint Health Overview and Scrutiny Committee.

**RESOLVED:** to appoint Councillor Batstone as a substitute member on the Oxfordshire Joint Health Overview and Scrutiny Committee.

### **35. Urgent item - Future Oxfordshire Partnership Scrutiny Panel Appointment**

Council considered the appointment of a member to the Future Oxfordshire Partnership Scrutiny Panel.

**RESOLVED:** to appoint Councillor Hallett to the Future Oxfordshire Partnership Scrutiny Panel.

### **36. Report of the leader of the council**

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

### **37. Questions on notice**

#### **A. Question from Councillor Rayner to Councillor Thomas, Leader of the Council**

Rural bus services should be the lifeblood of our community. Yet the growing community of Kingston Bagpuize has a completely inadequate bus service to Abingdon, our nearest town. Buses only run every two hours and only before 5.00pm.

Public transport is essential for commuters, young people accessing education and training, for socialising in the evenings and supporting the local economy. It is also an equalities issue; older people, those who are unable to drive or afford a car, can struggle to visit the GP, dentists and do their shopping.

This council has previously stated our commitment to public transport and active travel, to reduce air pollution, parking problems and improve health, yet we seem to have limited power to make this a reality.

While this may be the case, could the Leader explain what is being done by other authorities and private bus companies to improve bus services between Kingston Bagpuize and Abingdon? And what more can be done, perhaps with the county council, to help our village secure a bus service that is fit for purpose?

### **Response**

Oxfordshire County Council is the Local Highway Authority, and works closely with local bus operators. Public transport services are deregulated and therefore operate on the basis of which services are profitable. The recent adoption of an Enhanced Partnership has helped further the joint working on buses, seeking to regain bus patronage to pre-pandemic levels, as well as increase bus ridership in the future. The Government has introduced a £2 fare cap scheme, which applies to the S6 and number 15 buses that currently operate in Kingston Bagpuize.

Kingston Bagpuize is a growing community, with a Local Plan housing site to the east of the village. Demand for journeys to Abingdon and other locations is likely to grow with the new homes. The outline planning permissions for the housing development includes transport mitigation to provide additional bus stops and improve the regularity of the number 15 bus to and from Abingdon. So we can hope to see improved bus provision for Kingston Bagpuize arising from the new development.

Ahead of the new homes being delivered and the bus service being improved, local initiatives could help bridge the gap, such as car sharing with scheduled trips or events, and community transport. Community transport can target those who are unable to travel without support, and I understand that "Helping Hands 4 Villages" offers help with transport and befriending in the Southmoor, Kingston Bagpuize, Longworth & Hinton Waldrist areas. For further information and support I am sure your local county member for Kingston Bagpuize will be happy to oblige.

### **B. Question from Councillor Smith to Councillor Coleman, Cabinet member for environmental services and waste**

There is growing concern in my ward about the number of single use disposable vapes that are littering our streets and public spaces. People who want to ensure their used vapes are disposed of safely are not always sure of which bin to use and there is next to no information about returning used vapes to retailers.

What impact has the prevalence of single use vapes had on Vale services, and what is the council already doing to address this?

### **Response**

Thank you for your question, it refers to a lot of technical information and because of this, I have relied heavily on the expertise of officers to answer it.

To clarify, single use vape pens are non-rechargeable electronic devices that typically come ready-filled with e-liquid, which may contain nicotine. These disposable pens

contain a wide range of materials that often make them very difficult to recycle, and unfortunately many residents are unaware of the correct disposal of these products.

If consumers dispose of these items in the general waste, or recycling bins, this can potentially release hazardous chemicals into the environment, and, worryingly, incorrect battery disposal can cause fires, and health and safety risks in waste trucks and treatment processing plants.

There is always a potential for this to impact on our services. While Biffa have not yet raised this as a litter issue, they are more concerned by the risk to waste collection vehicles. Although it is not possible to be 100% sure, a fire on a waste truck early this year was thought to be started by batteries in the waste stream.

To prevent this, they should be disposed of at a household recycling centre or at the shop where they bought the device. We should encourage people to use this route of disposal as vapes are classed as waste electrical and electronic equipment (WEEE); residents who are disposing of vapes should put them in a carrier bag next to the bin for the small electrical collection. This information is on our website, and a part of our communication's campaigns. There are other possibilities that may be pursued by the council's waste team in the future if further problems are identified.

### **Supplementary question and response**

In response to a supplementary question regarding the promotion of the safe return of vapes by and number returned to retailers, Councillor Coleman replied that that the council did not have details of the number of disposable vapes being returned to retailers for recycling but that the take back rate was low.

### **C. Question from Councillor de la Harpe to Councillor Thomas, Leader of the council**

Given that the Prime Minister has recently made announcements that it is his government's intent to roll back climate emergency initiatives and commitments, thereby making his target of hitting net zero by 2050 even less achievable, can the cabinet member assure residents that we remain committed to our climate emergency goals, explain how we might mitigate this new risk to our plans, and write to the Prime Minister to express our utter disappointment in his actions?

### **Response**

The Vale of White Horse has a target to reach net zero for the district by 2045 with a 75% reduction by 2030. Progress towards achieving these target dates will be determined by actions that can be taken within our district by the Vale and a wide variety of stakeholders and will be significantly influenced by Government targets and legislation. Our ability to meet our net zero target date and the ability of the Government to reach the national target of net zero by 2050 will be impacted by the recent announcements from the Prime Minister in relation to the Governments climate initiatives. Some of the key changes announced in Prime Ministers speech include:

- Moving back the ban on the sale of new petrol and diesel cars by five years, so all sales of new cars from 2035 will be zero emission.
- Delaying the ban on installing oil and Liquid Petroleum Gas boilers, and new coal heating, for off-gas-grid homes to 2035, instead of phasing them out from 2026.

- Setting an exemption to the phase out of fossil fuel boilers, including gas, in 2035, so that households who will most struggle to make the switch to heat pumps or other low-carbon alternatives won't have to do so.
- Scrapping policies to force landlords to upgrade the energy efficiency of their properties, but instead continue to encourage households to do so where they can.

The Oxfordshire Net Zero Route Map and Action Plan sets out carbon budgets for the County that are broken down by district. Some of the key milestones on that route map were based on the Government targets which have now been pushed back, including the ban on the sale of new petrol and diesel vehicles in 2030, bans on gas boilers in future years and energy efficiency measures in rented properties.

The scrapping or pushing back of targets for areas such as transport and decarbonising existing housing which are two of the largest emitters of CO2 are problematic for the Vale as these are areas in which we have few powers to make direct changes, relying instead on national legislation and targets and the actions of partners. To decarbonise the Vale, we need a mix of push factors which force change as well as behavioural change amongst our residents.

The picture is however nuanced, as alongside scrapping and pushing back targets the speech also announced a number of new incentives, such as changes to the Boiler Upgrade Grant which will help to incentivise households to replace fossil fuel boilers, helping in the drive to decarbonise domestic properties.

The Vale remains committed to its targets for reaching net zero but, like all local authorities is currently trying to understand the implications of the government announcements and to look at how best to respond to these changes to ensure we remain able to meet our targets.

#### **D. Question from Councillor Edwards to Councillor Pighills, Cabinet member for community health and wellbeing**

Recently the dental practice in Faringdon has closed its doors to all NHS patients. This has caused great concern as it is the only practice in Faringdon and serves the residents of the town and many of the outlying villages in the Western Vale.

Could you clarify what influence the council could have in these circumstances and what if anything we can do to help improve the level of service in Faringdon and the rest of the district?

#### **Response**

We are aware of the problems facing residents regarding reduced access to NHS dental services, including the highlighted issue in Faringdon. Sadly, this is not just a local issue but something we are seeing across the country, with the increasing appearance of 'dental deserts' due to the chronic underfunding of NHS Dental Services.

Locally, the NHS/Integrated Care Board (ICB) has provided a formal response on this matter which explains the progress to address this issue. In summary this indicates.

- the ICB has recently implemented a Flexible Commissioning scheme to provide extra capacity at practices to support patients who have faced challenges accessing NHS dental care, particularly those who have not attended a service in recent years. In Vale, Wantage House Dental Practice in Wantage and Wootton Dental Care in Abingdon both take part in this scheme.

- the ICB is working on plans to commission additional NHS dental activity from 2024-25 to replace capacity which has been lost.
- the ICB are looking at other innovative solutions to encourage dentists to stay within the NHS.

While encouraging, these solutions will not provide the services we need for some time, and I will, in my capacity as Chair, continue to raise this at future Health Improvement Board meetings and also with the Leader of South Oxfordshire District Council, who is the district council representative for Oxfordshire on the Integrated Care Partnership (ICP) so that we continue to seek further action and monitor progress being made regarding this matter for our communities.

### **E. Question from Councillor Cooke to Councillor Thomas, Leader of the council**

Thames Water have now published their latest plans for the proposed mega-reservoir in the Vale. They appear to have ignored the many strong points raised that challenged the proposal and have increased the size of the reservoir from one hundred megatonnes to a hundred and fifty megatonnes of water.

The huge scale, massive disruption and lengthy timelines of the project mean that not a drop of water will be seen from the reservoir in a generation. Solutions that could be put in place rapidly, cheaply, and with minimal disruption, such as the National Water Grid, appear to have been sidelined.

The one positive in it is that they claim to be increasing work on cutting leaks. Thames Water currently loses the equivalent of the entire capacity of Farmoor reservoir every fortnight across their network.

Can the Leader tell us which meetings we will be able to have with Thames Water and what pressure will we be placing on them to listen and respond to our questions and respond to the issues, and whether we are able to speak directly to the new Leader of the Environment Agency to ensure that they are aware of the very strong objections from our residents?

### **Response**

Thank you for your question. As members know, this council strongly opposes the proposed reservoir, confirmed in a unanimous vote at our meeting of 8 December 2021.

We have continued to oppose this proposal, however, national Government have taken the decision out of local hands. This is deemed a Nationally Significant Infrastructure Project and, if it continues, the final decision will be taken by the Secretary of State in around four to five years' time.

We expect there to be further formal consultations in the summer of 2024 and again in 2025, with a public examination in 2027. We will of course respond to the consultations and expect to take part in the examination process.

Meanwhile, we have already had regular meetings with Thames Water and there is no reason why they should not continue. In those meetings we have pushed hard for them to speed up and strengthen measures to reduce leaks. They have also engaged with us on technical matters of the reservoir design and engineering.

Thames Water have recently published their detailed responses to comments made on their draft Water Resource Management Plan 2024. This includes 12 pages in response to comments submitted by the Vale. After this material was published, I wrote to them to express my strong desire for them to listen more seriously to



residents' views in local communities. They have replied, giving some assurances, and this correspondence is published on the council website.

You asked about the Environment Agency. We can also ask to speak to their new chief executive. His influence over the proposal for the Reservoir is limited.

The current process for considering Thames Water's proposals is via RAPID, an alliance of regulators which includes the Environment Agency but also Ofwat and the Drinking Water Inspectorate. We have submitted our views to RAPID at every opportunity and we will carry on doing that.

I'm determined that we will keep on speaking up for our residents, making the council's position clear and challenging the proposal at every stage.

### **Supplementary question and response**

In response to a supplementary question, Councillor Thomas provided an assurance that she would seek to speak to the new chief executive of the Environment Agency regarding the council's position on the proposed reservoir.

### **F. Question from Councillor Katherine Foxhall to Councillor Bethia Thomas, Leader of the council and Cabinet member for climate action and the environment.**

In response to an Environmental Information Request, submitted in my role as Nature Recovery Champion, Thames Water have shared data showing every single one of the sewage treatment works and storm overflows in the Vale (except Botley syphon at zero), has already exceeded the total 2021-2022 discharges. At the Wantage works, which discharges directly into the Letcombe Brook chalk stream north of Grove, we have already seen more than 250 hours released this year, five times the total recorded for the whole of 2022. In Drayton, which discharges into the Ginge Brook chalk stream, there had been 969 hours by 5 August, already nearly double the total for 2022. At Shrivenham, there has been 467 hours of discharge, already four times the entire total for 2022.

Disappointingly, Thames Water have also confirmed that they are only considering Abingdon, Kingston Bagpuize, and Wantage as "high priority" sites in the Vale as defined in the Storm Overflows Discharge Reduction Plan, which requires improvement to 75% of storm overflows discharging into or near 'high priority sites' by 2035. This would leave, for example, the Shrivenham outfall to continue to discharge directly into the Tuckmill Brook, immediately upstream of the Tuckmill Meadows Site of Special Scientific Interest (which Vale owns and is managed by volunteers) for another decade. It will also provide no protection to the Ginge Brook, which receives horrifying amounts of raw sewage from the Drayton works.

Does the Leader agree that Thames Water's current performance, its investment strategy, and its long-term commitment to reduce the impact of sewage releases in the Vale are woefully inadequate? And is the council able to do more to ensure that precious local habitats such as Tuckmill Meadows and Ginge Brook, as well as the entire Thames Catchment in the Vale, can receive some protection?

### **Response**

Seeing the data highlighted in the question and other related news publications, it is difficult to recognise Thames Water's current performance, investment strategy and its long-term commitments as anything but inadequate.

As you know I have been to a number of parish council meetings recently where you have reported the data you have described here. Our residents have been visibly shocked and angered that this is happening in their villages and so have I – this is not acceptable.

As a council we will continue to highlight the issues and lobby both Thames Water and the Government for changes and an increase in the levels of investment in wastewater infrastructure required to deal with the ever-increasing population of the Vale.

As a district council we can;

- Explore options to introduce new/enhanced policies within the developing Joint Local Plan.
- Continue to work with Thames Water on the surface water reduction scheme, which seeks to reduce the amount of surface water that enters the wastewater system. This includes identified projects at Cattle Market and Portway car parks.
- Work with the Catchment Partnerships to deliver enhancements to the river systems, reducing the level of polluting inputs and delivering physical improvements to the river systems. The Vale actively supports the Letcombe Brook Project and the Ock Catchment Partnership
- Continue to work closely with bodies such as Natural England and the Environment Agency to set and enforce agreed measures to protect Sites of Scientific Interest and other local habitats.
- Lobby Government to improve the protection for our river systems and for changes to Local Planning Authority powers to allow us to refuse new development proposals unless the wastewater infrastructure is provided to support them.

## **38. Motions on notice**

### **(1) Councillor Foxhall moved, and Councillor Crawford seconded, the motion as set out on the agenda at item 11(1)**

Following debate and being put to the vote the motion was declared carried.

#### **RESOLVED:**

That Council's Pay Policy Statement approved on 15 February 2023, ensures that all directly employed staff receive at least the Real Living Wage as annually defined by the Living Wage Foundation. The Real Living Wage is currently £10.90 an hour and will be updated on 24 October of this year.

The payment of at least the Real Living Wage to our employees is one way of ensuring that all our suppliers and residents are aware that we recognise the importance of the Real Living Wage in helping to reduce in-work poverty.

However, Council is currently unable to become accredited as a Real Living Wage employer as it does not have a clear commitment, or plan in place, to ensure that all the contracts it awards to third parties require that those companies are committed to paying, as a minimum, the Real Living Wage.

All our major contracts are joint arrangements between Vale of White Horse and South Oxfordshire District Councils.

Whilst Council recognises that it cannot simply change existing contracts, requiring payment of at least the Real Living Wage is something we are able to address in future procurements and contracts.

To demonstrate its commitment to the Real Living Wage and secure accreditation as a Real Living Wage employer, Council confirms its belief that:

- no Council employee, or employee of its third party contractors, should be employed on less than the Real Living Wage.

Council therefore asks:

- 1 The Chief Executive to continue to engage with Unison, as the Council's recognised trade union, to ensure that this position is maintained going forward in respect of all employees.
- 2 The Chief Executive to prepare a report for Cabinet, outlining the steps that are required for our Council to secure accreditation as a Real Living Wage accredited employer.
- 3 The Chief Executive to include, within this report, proposals to implement a requirement on all future contracted providers to pay at least the Real Living Wage to all their staff throughout the duration of the contract, identifying any likely costs associated with this.
- 4 Cabinet to consider the report when prepared and, should its recommendations be approved by both South Oxfordshire and the Vale of White Horse, authorise the Chief Executive to work with colleagues to implement its recommendations as soon as practicable.
- 5 The Chief Executive to bring to the attention of all existing third parties who currently provide services directly on behalf of the Council, our view that all employers should, as a minimum, pay the Real Living Wage to their staff and seek an update on their companies' position in relation to this matter.
- 6 The Chief Executive to update Council on progress towards its Accreditation as a Real Living Wage Employer when the next Annual Pay Policy Statement is brought before it.

**(2) Councillor Edwards moved, and Councillor Cox seconded, the motion as set out on the agenda at item 11(2)**

Following debate and being put to the vote the motion was declared carried.

**RESOLVED:**

That Council notes that:

- A poll from Plan International reveals that over a quarter (28%) of girls aged 14-21 in the UK are struggling to afford period products, and nearly 1-in-5 (19%) report being unable to afford period products at all since the start of 2022.
- An ActionAid 2022 survey showed that of those who have struggled to afford menstrual products in the last six months, 75% said they had prioritised spending money on food, 49% had prioritised gas/electric, and 31% prioritised fuel.
- Women, girls and others who menstruate are at risk of Toxic Shock Syndrome (TSS) if they do not have access to clean period products.
- There is significant evidence of the widespread adverse impact of periods on attendance in education and at work.

- Vulnerable people, such as asylum seekers, those fleeing domestic abuse and homeless people, can experience additional difficulty accessing sanitary products.

Council resolves to:

1. Work with local charities and community groups with the aim of making period products freely available in the Beacon, Abbey House and other buildings we own or operate, and to provide information at those locations on the options residents have available to them when accessing period products, including sustainable reusable options.
2. Encourage those in control of other public buildings in the district, such as GLL and the County Council, to consider doing the same.
3. Ask the Leader to write to the relevant Minister requesting them to introduce a legal right for people in England to access a choice of free period products, provide public health funding to help upper tier local authorities provide menstrual products in the public facing buildings under their control, and to give further consideration to how free period products can be made available to all those who might face barriers to accessing them.

The meeting closed at 7:50pm

Chair:

Date:

**OX 002N/1b**

**Summary**

**Riki Therivel and Tim O'Hara**

**October 2023**

We oppose the compulsory purchases orders (CPOs) for the land between Seacourt Nature Park and Old Abingdon Road that the Environment Agency (EA) propose to use for part of a flood channel. Our primary reason is that there is no compelling public interest for the CPOs, because this part of the flood channel (the 'channel component'), adds little benefit but excessive costs for the public.

Detailed evidence regarding these cost and benefits will be covered by other objectors, but we focus on costs generated by the removal of construction material via the A34.

Additionally, we argue that the EA's proposed replacement land for land subject to CPOs at Seacourt Nature Park is not 'equally advantageous' to the public, and therefore different exchange land should be provided.

### **Public Interest**

The EA have modelled an alternative to their proposed flood scheme that omits the channel component, but is in all other respects the same. The modelling shows that this alternative brings only slightly less benefit in terms of flood protection, and this is partially offset by greater financial costs. For example the EA's benefit cost analysis (BCA) shows that the proposed scheme brings net benefits (value of flood damages avoided minus cost of construction) worth £1391.8 million, but only a net £11.1 million (0.8%) of this is attributable to the channel component.

Although the EA opposes the no-channel alternative, there seems to be no evidence-based or peer-reviewed reason why it could not be adopted.

A CPO should only be made where there is a compelling case in the public interest. In this instance the CPOs are only needed in order to provide the channel component, yet the scheme could go ahead without it. Therefore the test of compelling public interest should **not** be represented by the net benefits of the scheme as a whole, but rather by the **marginal benefits of the channel component less its extra costs**.

According to the EA, the channel component brings a net flood protection benefit worth £11.1 million, although there are grounds to believe that financial cost of providing the channel are understated, and its financial benefits overstated.

However even if the channel component had net financial benefits, other costs accrue solely because of the channel component. These are: time costs of £10-35 million borne by users of the A34, social costs incurred by loss of access to parts of the work area during and after construction, disruption to residents of South Hinksey village, and environmental costs around loss of rare grassland, reduced biodiversity, mature trees, etc. These latter points are not reflected in the EA's BCA, but are factors which in a broader and objective assessment should outweigh the claimed £11.1 million net benefits.

On this basis, and even before considering the need for CPOs, it is hard to see any justification for the channel component.

However, the channel component requires the **forced acquisition of private property** via CPO. Therefore it must not merely provide a net public benefit, but rather command a **compelling** public interest. Given the facts we cannot see that this exists, and ask that the CPOs are not confirmed.

## Traffic at South Hinksey

The EA proposes to move 360,000m<sup>3</sup> of material excavated to form the channel, mostly from South Hinksey onto the A34. This represents about 50,000 HGV movements at South Hinksey over 3-5 years. The EA proposes to reduce traffic speeds from 70mph to 40mph around South Hinksey to make this safer.

However the length of the slip roads at South Hinksey is totally, woefully short of anything safe, even when merging with slower traffic. Slip roads comprise a 'nose' which is full width and used for acceleration, followed by a 'taper' which narrows to zero. The nose lengths at South Hinksey are, respectively, 0% and 3% of the modern standard for slip roads, and the taper lengths 57% and 68%. The National Highways standards for slip roads do not account for a high proportion of fully-laden HGVs. A US study suggests that, to allow such HGVs to reach a 40mph merge speed, a slip road of 400m would be needed: the slip roads at South Hinksey are 73.5m and 92m long. Southbound HGVs would be joining 40mph traffic going less than 10mph, and northbound HGVs would be going 10-15mph. It is difficult to imagine 25,000 HGVs getting onto the busy A34 under these conditions without a large increase in traffic jams and at least some accidents. Accidents with HGVs are three times as likely to end in fatalities than other accidents.

Traffic safety would be further compromised by the short distance between the South Hinksey exits and the Hinksey Hill interchange. Before and after junctions, vehicles weave their way to or away from the junction. The National Highways standard for weaving distance is 1-2km: at South Hinksey there is only 600m weaving distance, with drivers additionally having to contend with slow-moving HGVs in the left lane. To achieve a safe merging of HGVs onto the A34 would require the slip roads to be lengthened by 300m, but this would further shorten the southbound weaving section. Given this, we do not believe that it is physically possible to make exiting HGVs at South Hinksey safe.

National Highways is content to deal with safety issues through a Construction Environmental Management Plan (CEMP), but seem to be relying on the scheme's environmental statement to inform the development of this CEMP. The environmental statement does not include the information discussed above. Until its full transport impacts are considered and the scheme can be shown to be safe, and without HGVs backing up at South Hinksey, we believe that **the prospect of the scheme going ahead is unclear.**

Reducing the A34 speed limit from 70mph to 40mph for 2.4 miles - the main mitigation measure proposed by the EA - would put significant cumulative costs on motorists. The government uses reductions in travel time to justify the construction of new roads, so increases in travel time should also be considered in decision-making, especially given that the A34 is one of the most important UK corridors for freight. Depending on their timing, speed reductions at South Hinksey would affect 36-90 million journeys, costing drivers £10-35 million in wasted time. This does not include time spent in additional traffic jams or the cost of additional accidents. It represents 95-315% of all the benefits that the channel is expected to bring over 100 years. This has not been costed in any economic analysis for the scheme.

## **Jewson's Field**

The Acquisition of Land Act 1981 requires exchange land to be provided for the compulsory purchase of any common land. The exchange land must be no smaller and "equally advantageous" to the public. Government guidance states that "land which is already... used by the public, even informally, for recreation, cannot usually be given as exchange land, since this would reduce the amount of such land, which would be disadvantageous to the persons concerned". The Oxleas Wood legal judgement supports this, adding that "land in private ownership but over which the public already enjoyed extensive public rights of way affording roughly equivalent recreational access" would not be equally advantageous.

In exchange for 11,635m<sup>2</sup> of land taken from Seacourt Nature Park, the EA proposes to provide 11,032m<sup>2</sup> of exchange land at Jewson's Field plus about 740m<sup>2</sup> at Hinksey Meadow. Our interest is in Jewson's Field.

Jewson's Field has been regularly used by the public, without hindrance, for 20+ years. This is confirmed by the EA's own surveys, our questionnaire surveys of local residents in 2016 and 2023, and a video. These show that the whole of Jewson's Field has been regularly used during this time informally by the public for walking, camping, bird feeding etc.

The EA suggests that the fence around Jewson's Field is 'broken' and that access to the field could easily be revoked by repairing the fence. A site visit would confirm that there is no fencing around 50+m on the western side of the field; there is an unlocked pedestrian gate on the eastern end; and the fence is breached in other areas. The field's regular use over 20+ years has made public access essentially permissive. Jewson's have made no attempt to improve the fencing, even in the knowledge that it has been proposed as exchange land. It would also be difficult to show that Jewson's Field could be significantly 'improved' for public recreation.

We do not oppose the use of Seacourt Nature Park for the OFAS, but believe that "providing" Jewson's Field as exchange land would be clearly disadvantageous to local residents, and thus in contravention of the Acquisition of Land Act 1981. It would be like taking a slice of my cake, and then saying that another slice of cake that I am already holding can replace the first slice. The EA should provide different exchange land.



# Council Report



Report of Head of Finance

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To: Council

Dates: 13 December 2023

## Treasury Management Outturn 2022/23

### Recommendations

That Council

1. approves the treasury management outturn report 2022/23; and
2. approves the actual 2022/23 prudential indicators within the report.

### Purpose of report

1. This report fulfils the legislative requirements to ensure the adequate monitoring and reporting of the treasury management activities and that the councils' prudential indicators are reported to the councils at the end of the year. The report provides details of the treasury activities for the financial year 2022/23.
2. This complies with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA's) Code of Practice on Treasury Management.

### Corporate objectives

3. Effective treasury management is required to help the councils meet their strategic objectives.

### Background

4. The councils' treasury activities are strictly regulated by legislation. The CIPFA Prudential Code and CIPFA Treasury Management Code of Practice require a report to be provided to the councils at the end of the financial year.

5. This report provides details on the treasury activity and performance for 2022/23 against prudential indicators and benchmarks set for the year in the 2022/23 Treasury Management Strategy (TMS), approved by each council in February 2022. Each council is required to approve this report.
6. Link Asset Services are the councils' retained treasury advisors.
7. There are three types of investment, the performance of which is covered in this report
  - a. True treasury investments – these are investments for the management of temporary cashflow balances. These include loans to other local authorities or approved financial institutions. It also includes longer-term investments in externally managed pooled funds such as CCLA Property Fund.
  - b. Non-treasury loans – these are loans to third parties, which earn a return, but they do not fall under the strict definition of a treasury investment.
  - c. Direct property investments - both councils have investment properties let on commercial basis. The primary purpose of holding these assets is for investment purposes and they are not part of regeneration schemes.
8. The councils continue to invest with regard for security, liquidity and yield, in that order.

## **Economic conditions and factors effecting investment returns during 2022/23**

9. At the start of the financial year UK Bank Base Rate was 0.75 per cent following three consecutive interest rate rises in the last quarter of 2021/22. At each of the Monetary Policy meetings during 2022/23 interest rates were further increased by 0.25, 0.50 or 0.75 per cent with Base Rate reaching 4.25 per cent by year-end. [At the time of writing (July 2023) rates have increased further to five per cent.]
10. Link Asset Services provide a regular forecast of interest rates, the latest forecast is reproduced in **appendix A**. The forecast made on 26 June 2023, sets out a view that both short and long-dated interest rates will be elevated for a while, as the Bank of England 'seeks to squeeze inflation out of the economy, against a backdrop of a stubbornly robust economy and a tight labour market'.
11. This forecast shows that Base Rate is expected to peak at 5.5 per cent in September 2023 before falling back to 5.25 per cent around June 2024. Rates are expected to continue to reduce each quarter until September 2025 and reach 2.5 per cent during the last quarter of 2025/26.
12. The Treasury Management Strategy makes clear that investment priority is given to the security of principal in the first instance. As a result, investments have only been made with counterparties of high credit quality and relatively low risk.
13. Investment returns picked up throughout the course of 2022/23 as central banks, including the Bank of England, realised that inflationary pressures were not transitory, and that tighter monetary policy was called for.
14. In April Bank Rate was 0.75 per cent, (0.5 per cent above the budget forecast), moving up in stepped increases it, reached 4.25 per cent by the end of the financial year. The expectation for interest rates within the treasury management strategy for 2022/23 was

that Bank Rate would increase from 0.25 per cent in April 2022 to 0.75 per cent by March 2023.

15. Interest rate forecasts initially suggested only gradual rises in rates during 2022/23 but by August it had become clear that inflation was moving up towards 40 year highs, and the Bank of England engaged in monetary policy tightening at every Monetary Policy Committee meeting during 2022, and into 2023, increasing Bank Rate at each meeting. The CPI measure of inflation remained above 10 per cent throughout the second half of 2022-23, falling to 8.7 per cent in April 2023. It is currently 7.9 per cent and is expected to fall back towards four per cent by the end of the financial year, however there remain significant risks to the central forecast.
16. The increases in Base Rate from the start of the financial year allowed both councils to place deposits at above budgeted interest rates and generate investment returns above the budget forecasts. However, as the pace of increase was unexpected existing longer-term deposits placed prior to the start of the financial year pulled the average portfolio return down below the market rate benchmark.

### Summary of investment activities during 2022/23

17. Prudential limits (security). Both councils are required by the Prudential Code to report on the limits set each year in the TMS. The purpose of these limits is to ensure that the activity of the treasury function remains within certain parameters, thereby mitigating risk and reducing the impact of an adverse movement in interest rates. However, if these limits are set to be too restrictive, they may impair the opportunities to reduce costs/improve performance. These limits are shown in **appendix B**.
18. Yield - the performance of the two councils is summarised in the tables below.

South		Treasury investments £000	Non treasury loan £000	Sub Total £000	Property investment £000	Overall total £000
1	Average investment balance	177,022	15,000	192,022	8,207	200,227
2	Budgeted investment income	1,154	623	1,777		
3	Actual investment income	3,166	623	3,789	418	4,207
4	surplus/(deficit) (3) - (2)	2,012	0	2,012		
5	Rate of return (3) ÷ (1)	1.79%	4.15%	1.97%	5.09%	2.10%

Vale		Treasury investments £000	Property investment £000	Overall total £000
1	Average investment balance	166,887	5,070	171,956
2	Budgeted investment income	489		
3	Actual investment income	2,574	237	2,811
4	surplus/(deficit) (3) - (2)	2,085		
5	Rate of return (3) ÷ (1)	1.54%	4.68%	1.63%

19. Both South and Vale exceeded treasury budgeted investment income this year in terms of actual income against budget, and rates of return on their in-house managed portfolios. This was a result of interest rates increasing above the rates anticipated in the budget.
20. Detailed reports on the treasury activities for each council and performance for 2022/23 against prudential indicators and benchmarks set for the year are contained in **appendix C** – South Oxfordshire DC and **appendix D** – Vale of White Horse DC.

21. A detailed list of both councils' treasury investments as at 31 March 2023 is shown in **appendix E**.

### **Debt activity during 2022/23**

22. During 2022/23, there has not been a need for either council to borrow and both councils continue to take a prudent approach to their debt strategy. The prudential indicators and limits set out in **appendix B** provide the scope and flexibility for the council to borrow in the short-term, if such a need arose, for cash flow purposes to support the council(s) in the achievement of their service objectives.

### **Climate and ecological impact implications**

23. There are no climate or ecological implications arising from this report, however the Council can make significant impact via future investment opportunities and operational changes. Numerous changes have already been made to ensure that climate is a key consideration in key documents and processes (such as the procurement strategy), and this will become more evident in future decision making. As opportunities to support the climate ambitions of the Councils arise, they will be considered and appropriately weighted to include any climate or ecological impacts.

24. In order to comply with treasury management professional guidance, the Council's investments must prioritise security, liquidity and yield in that order. Environmental, Social and Governance (ESG) factors represent a fourth consideration in the decision-making process and whilst this is something that the councils are exploring it is in the context of the need to comply with the priorities outlined in the guidance.

25. The councils had no direct investments during the financial year with companies engaged in environmentally harmful activities. The councils' externally managed pooled investment fund managers are founding members of the Net Zero Asset Managers Initiative.

### **Financial implications**

26. The treasury investments arranged in 2022/23 generated £3.2 million of investment income for South during the year and £2.6 million for Vale. Income earned from investments supports the councils' medium term financial plans and contributes to the councils' balances or supports the in-year expenditure programmes.

### **Legal implications**

27. There are no significant legal implications. Compliance with the CIPFA Code of Practice for Treasury Management in the Public Services and the MHCLG Local Government Investment Guidance provides assurance that the councils' investments are, and will continue to be, within their legal powers.

### **Risks**

28. During the financial year, the Council's operated within the treasury limits and Prudential Indicators set out in their Treasury Management Strategies approved by Council in February 2022.

## **Conclusion**

29. Despite a turbulent operating environment, both councils continued to make investments during 2022/23 that maintained security and liquidity and took advantage of the increases in interest rates in line with the parameters of their respective treasury management strategies.

## **Background papers**

- Chartered Institute of Public Finance and Accounting (CIPFA) code of practice for treasury management in the public sector.
- DCLG Local Government Investment Guidance
- CIPFA treasury management in the public services code of practice and cross sectoral guidance notes
- Treasury Management Strategy 2022/23 – Councils in February 2022.

## **Appendices**

- A. Interest rate forecasts
- B. Prudential limits
- C. SODC – Treasury activities 2022/23
- D. VWHDC – Treasury activities 2022/23
- E. Treasury investments as at 31 March 2023
- F. Glossary of terms



Appendix A

Link Group Interest Rate Forecasts

Link Group Interest Rate View		26.06.23											
	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26
<b>BANK RATE</b>	5.00	5.50	5.50	5.50	5.25	4.75	4.25	3.75	3.25	2.75	2.75	2.50	2.50
3 month ave earnings	5.30	5.60	5.50	5.30	5.00	4.50	4.00	3.50	3.00	2.70	2.60	2.50	2.50
6 month ave earnings	5.80	5.90	5.70	5.50	5.10	4.60	4.00	3.50	3.00	2.70	2.60	2.60	2.60
12 month ave earnings	6.30	6.20	6.00	5.70	5.30	4.80	4.10	3.60	3.10	2.80	2.70	2.70	2.70
5 yr PWLB	5.50	5.60	5.30	5.10	4.80	4.50	4.20	3.90	3.60	3.40	3.30	3.30	3.20
10 yr PWLB	5.10	5.20	5.00	4.90	4.70	4.40	4.20	3.90	3.70	3.50	3.50	3.50	3.40
25 yr PWLB	5.30	5.40	5.20	5.10	4.90	4.70	4.50	4.20	4.00	3.90	3.80	3.80	3.70
50 yr PWLB	5.00	5.10	5.00	4.90	4.70	4.50	4.30	4.00	3.80	3.60	3.60	3.50	3.50

## Prudential limits (indicators) as at March 2023

Prudential indicators as at 31 March 2023				
	Vale		South	
	Original estimate	Actual position	Original estimate	Actual position
	£m	£m	£m	£m
<b>Authorised limit for external debt</b>				
Borrowing	30	0	30	0
Other long-term liabilities	5	0	5	0
	<b>35</b>	<b>0</b>	<b>35</b>	<b>0</b>
<b>Operational boundary for external debt</b>				
Borrowing	25	0	25	0
Other long-term liabilities	5	0	5	0
	<b>30</b>	<b>0</b>	<b>30</b>	<b>0</b>
<b>Investments</b>				
<b>Interest rate exposures</b>				
Limits on fixed interest rates %	100%	92%	100%	78%
Limits on variable interest rates £k	100	11	100	38
<b>Maximum principal sums invested &gt; 364 days</b>				
Upper limit for principal sums invested > 364 days £k	45	24	65	11
<b>Limit to be placed on investments to maturity</b>				
1 - 2 years	NA	NA	NA	NA
2 - 5 years	NA	NA	NA	NA
5 years +	NA	NA	NA	NA

**Prudential indicators – explanatory note****Debt**

There are two limits on external debt: the 'Operational Boundary' and the 'Authorised Limit'. Both are consistent with the current commitments, existing plans and the proposals in the budget report for capital expenditure and financing, and with approved treasury management policy statement and practices. They are both based on estimates of most likely, but not worst case, scenario.

The key difference is that the Authorised Limit cannot be breached without prior approval of the Council. It therefore includes more headroom to take account of eventualities such as delays in generating capital receipts, forward borrowing to take advantage of attractive interest rates, use of borrowing in place of operational leasing, "invest to save" projects, occasional short-term borrowing to cover temporary revenue cash flow shortfalls as well as an assessment of risks involved in managing cash flows.

The Operational Boundary is a more realistic indicator of the likely position.



### **Interest rate exposures**

The maximum proportion of interest on borrowing which is subject to fixed/variable rate of interest.

### **Investments**

#### **Interest rate exposure**

The purpose of these indicators is to set ranges that will limit exposure to interest rate movement. The indicator required by the Treasury Management Code considers the net position of borrowing and investment and is based on principal sums outstanding.

#### **Principal sums invested**

This indicator sets a limit on the level of investments that can be made for more than 364 days.

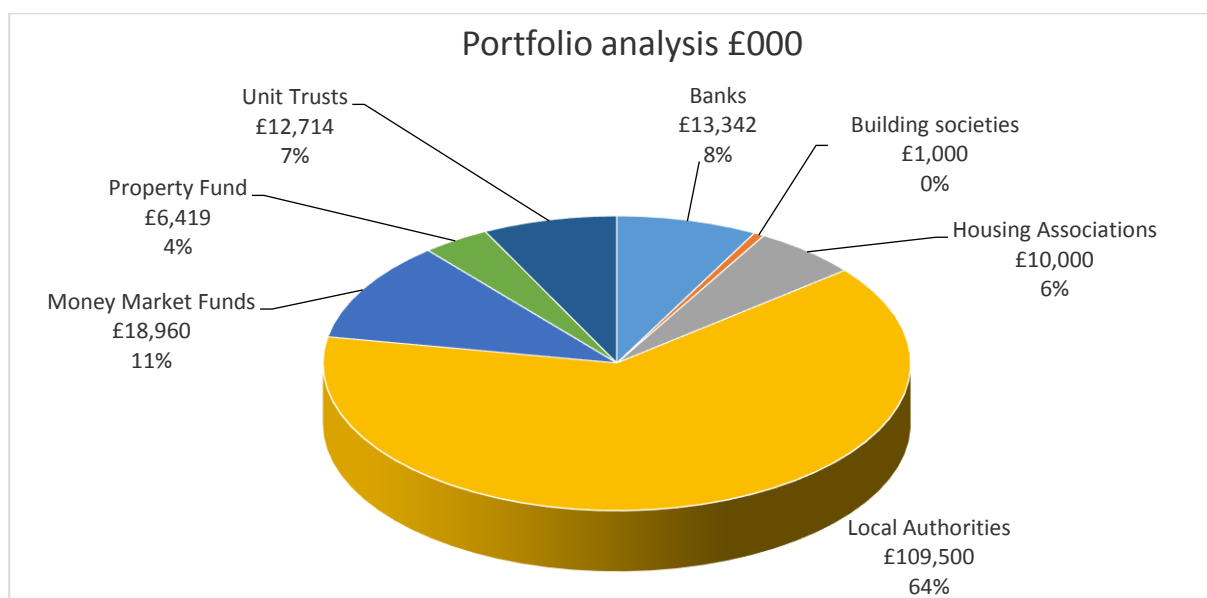
## SODC treasury activities in 2022/23

### Council treasury investments as at 31 March 2023

- The council's treasury investments, analysed by maturity as at 31 March 2023 were as follows:

<b>Table 1: Maturity structure of investments at 31 March 2023</b>		
	<b>£000</b>	<b>% holding</b>
Call	342	0%
Money market fund	18,960	11%
<b>Cash available within 1 week</b>	<b>19,302</b>	<b>11%</b>
Up to 3 months	71,500	42%
4-6 months	31,000	18%
6 months to 1 year	20,000	12%
Over 1 year	11,000	6%
<b>Total cash deposits</b>	<b>152,802</b>	<b>89%</b>
CCLA Property Fund	6,419	4%
Equities	12,714	7%
<b>Total investments</b>	<b>171,935</b>	<b>100%</b>

- The majority of the funds invested were held in the form of fixed interest rate and term cash deposits. These provide some certainty over the investment return.
- The investment profile is organised to ensure sufficient liquidity for revenue and capital activities, security of investments and to manage risks within all treasury management activities.
- The chart below shows in percentage terms the portfolio above analysed by counterparty type:



### Treasury investment income

5. The total income earned on investments during 2022/23 was £3.166 million, compared to the original budget of £1.154 million, as shown in table 2 below:

<b>Table 2: Investment interest earned by investment type</b>			
<b>Investment type</b>	<b>Annual</b>	<b>Actual</b>	<b>Variation</b>
	<b>Budget</b>	<b>Interest</b>	
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Fixed deposits and Short-term liquidity accounts	524	2,474	1,950
Unit Trust	352	414	62
CCLA property fund	278	277	(1)
	1,154	3,165	2,011

6. The actual return achieved was £2.01 million more than the original budget. This was principally due to:

- Interest earned on cash deposits being £1.95 million higher than forecast in the 2022/23 budget, due to UK interest rates rising much quicker and to a higher level than anticipated when the budget was set.
- Dividends accumulated by the Unit Trust were £62,000 above budget due to an improvement in the FTSE All-Share Index during 2022/23. The Unit Trust objective is to provide growth by investing in shares that closely track the performance of the Index.

- Dividends received from the CCLA Property Fund were almost as forecast. However, the total return of the fund was negative due to a reduction in capital value. The Fund's unit price fell by 16.5 per cent.
7. The actual average rate of return on internally managed treasury deposits for the year was 1.68 per cent (1.14 per cent in 2021/22).

### Performance measurement

8. A list of treasury investments as at 31 March 2023 is shown in **appendix E**. All investments were with approved counterparties. The average level of investments held was £177 million. Table 3 below shows in summary the performance of the council's treasury investments against the benchmarks set out in the Treasury Management Strategy. These benchmarks are used to assess and monitor the council's treasury investment performance for each type of investment.
9. The £177 million does not represent the council's usable, cash backed reserves, which at 31 March 2023 totalled £128 million, including capital grants received in advance of spend. The difference represents the council's working capital balance and timings of cashflows.

Table 3: Treasury investment returns achieved against benchmark				
	Benchmark Return	Actual Return	Growth (Below)/above Benchmark	Benchmarks
Deposits & Short term liquidity funds - internally managed	2.72%	1.68%	(1.04%)	3 Month SONIA
Unit Trust *	2.36%	2.31%	(0.05%)	FTSE All Shares Index
Property Fund *	(14.11%)	(13.27%)	0.84%	IPD balanced property unit trust index

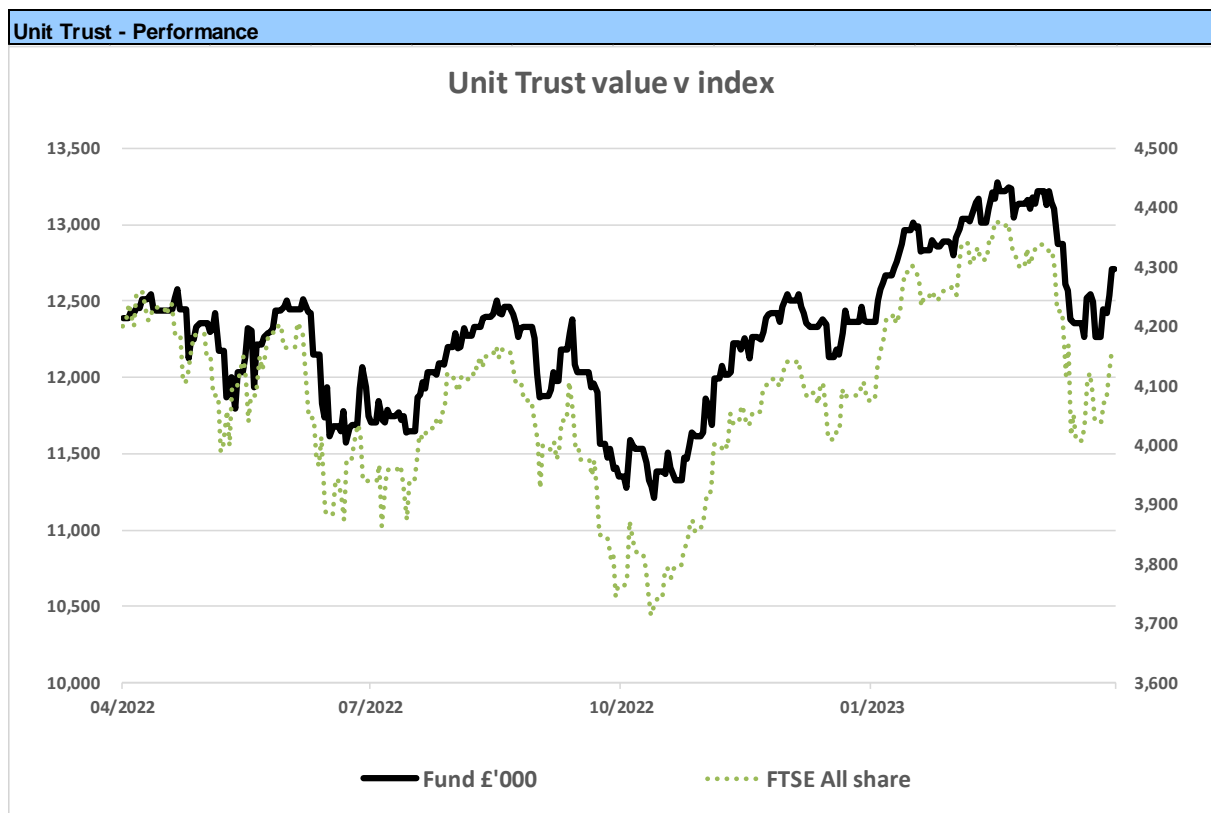
\* Returns include income and capital growth

Note: the benchmark return for unit trusts and CCLA includes the movement in capital value. All other benchmarks reflect earnings of treasury investment income.

10. Daily cashflow balances are managed in-house with the portfolio of fixed-term deposits, call accounts and money market fund balances benchmarked against the three-month SONIA rate, which was an average of 2.72 per cent for 2022/23. The performance for the year of 1.68 per cent fell below the benchmark by 1.04 per cent as existing deposits prior to the unexpected pace of the rise in market rates brought down the average portfolio returns.
11. The CCLA property fund initial principal investment of £5 million (March 2013) decreased in value during 2022/23 from £7.6 million to £6.4 million. Dividends received in the year totalled £0.28 million. Both the capital appreciation and the interest earned are included in the performance of -13.27 per cent achieved above. The capital loss is however not realised and so for comparison purposes, the actual rate of return of income received during the year net of fees is 3.8 per cent.

**Equities**

12. The council’s holdings with the Legal & General (L&G) UK Index Trust were purchased in 2000/01 at an initial cost of £10 million. This is an authorised unit trust incorporated in the United Kingdom and regulated by the FSA. The trust’s objective is to provide growth by tracking the capital performance of the UK equity market as represented by the FTSE All-Share index.
13. The index is comprised of shares in all eligible companies listed on the London Stock Exchange’s main market. The Fund seeks to replicate as closely as possible the constituents of the benchmark index, by holding all, or substantially all, of the assets comprising the FTSE All-Share Index in similar proportions to their index weightings. It may also hold shares in companies which are reasonably expected to become part of the Benchmark index in the near future. At 31 March 2023 the UK Index Trust Fund comprised 582 holdings.
14. The Fund performance as shown in Table 3 is comprised of income and capital growth. The capital growth performance is based on volatile market values and is unrealised. The price of units in the fund ranged from a low price of 325.4p per unit on 13 October 2022 to a financial year high price of 385.3p per unit on 16 February 2023.
15. The chart below shows the performance of the Unit Trust during 2022/23



16. The Fund invests in UK companies and aims to replicate the FTSE All Share with returns broadly in line with the performance of the Index. The constituents of the Fund will not always exactly match the Index and therefore performance may be

positively or negatively impacted by the constituent and weighting variations and other factors such as trading costs for example.

17. The performance of the fund over the past five years compared to the benchmark index is summarised in table 4 below.

Table 4: Unit Trust returns achieved against benchmark					
12 months to 31 March	2023	2022	2021	2020	2019
	%	%	%	%	%
L&G UK Index Trust	2.31	12.88	27.63	-18.84	5.87
Index	2.36	13.07	28.77	-19.06	6.01
Relative to Index	-0.05	-0.19	-1.14	0.22	-0.14

18. The council holds accumulation units where income attributable to the unit class is automatically reinvested in the in the Fund and is reflected in the price of each accumulation unit, rather than being distributed to unit holders. Consequently, no cash distribution payments were received during the year. Officers monitor the performance of the unit trust holding on a regular basis.

### Non-treasury investment loan

19. During 2013/14, the council entered into a secured loan agreement with SOHA to enable them to finance affordable housing schemes. The Council lent £15 million over 20 years at a fixed rate of 4.15 per cent. Interest is paid quarterly and during 2022/23, the council received £0.6 million.

### Land and property

20. The Council holds a portfolio of investment properties, which includes land, depots, garages, and shops that are let on a commercial basis. These assets are valued on an annual basis and had average net book value of £8.2 million during 2022/23 (£8 million 2021/22). Income generated was £0.42 million in 2022/23 (£0.49 million in 2021/22) giving a gross rate of return of 5.09 per cent.
21. Due to movement in property values and the exclusion of whole life costs, these rates of return should not be taken as a direct comparison with the performance of other classes of investment.

### Liquidity and yield

22. The council uses short-term investments to meet daily cash-flow requirements and aims to invest a proportion of the portfolio in longer-term instruments where possible.
23. The average daily balance held in short-term notice accounts during 2022-23 was £22.9 million.

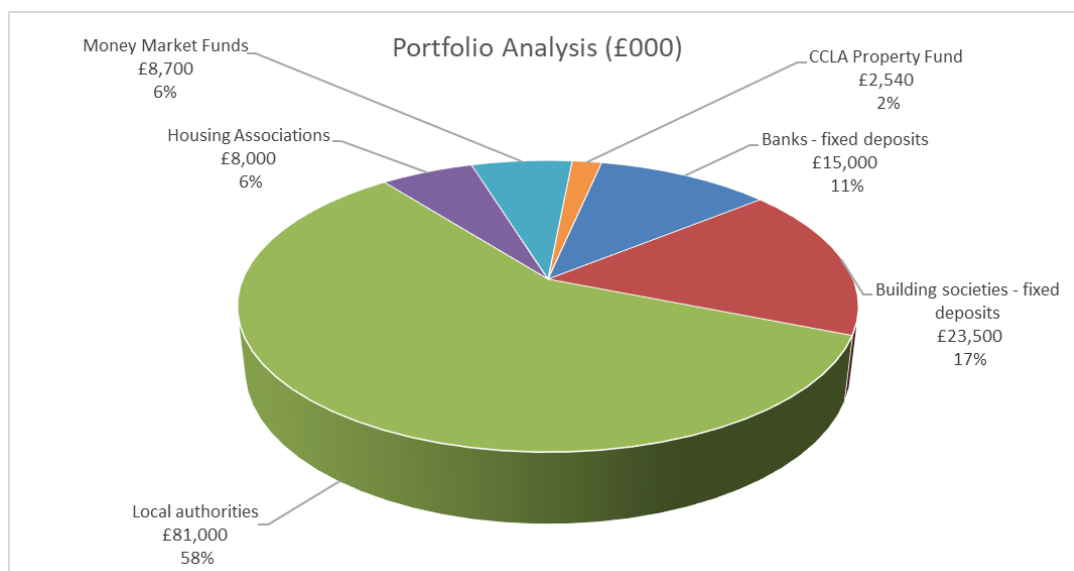
## VWHDC detailed treasury performance in 2022/23

## Council treasury investments as at 31 March 2022

1. The council's treasury investments analysed by age as at 31 March 2023 were as follows:

Table 1: maturity structure of investments at 31 March 2023:		
	£000	% holding
Money market fund	8,700	6%
<b>Cash available within 1 week</b>	<b>8,700</b>	<b>6%</b>
Up to 3 months	37,500	27%
4-6 months	31,000	22%
6 months to 1 year	38,000	27%
Over 1 year	21,000	15%
<b>Total cash deposits</b>	<b>136,200</b>	<b>98%</b>
CCLA Property Fund	2,540	2%
<b>Total investments</b>	<b>138,740</b>	<b>100%</b>

2. The majority of the funds invested were held in the form of fixed interest rate and term cash deposits. These provide some certainty over the investment return.
3. The investment profile is organised to ensure sufficient liquidity for revenue and capital activities, security of investments and to manage risks within all treasury management activities.
4. The chart below shows in percentage terms how the portfolio above is spread across investment types:



### Treasury investment income

5. The total interest earned on treasury investments during 2022/23 was £2.6 million compared to the original budget estimate of £0.49 million as shown in table 2 below:

Table 2: Investment interest earned by investment type				
		Annual	Actual	Variation
Investment type		Budget	Interest	
		£000	£000	£000
Fixed term and call		405	2,464	2,059
CCLA Property Fund		84	110	26
<b>Total Interest</b>		<b>489</b>	<b>2,574</b>	<b>2,085</b>

6. The actual rate of return achieved was £2.1 million higher than the original budget. This was primarily due to higher than forecast interest rates throughout the year, as a result of the Bank of England increasing rates at each Monetary Policy Committee meeting.
7. The actual average rate of return on internally managed treasury deposits for the year was 1.54 per cent.

### Performance measurement

8. A list of treasury investments as at 31 March 2023 is shown in **appendix E**. All investments were with approved counterparties. The average level of investments held was £172 million. Table 3 below shows in summary the performance of the council's treasury investments against the benchmarks set out in the Treasury Management Strategy. These benchmarks are used to assess and monitor the council's treasury investment performance for each type of investment.
9. The £172 million does not represent the council's usable cash backed reserves, which at 31 March 2023 totalled £50 million including capital grants received in advance of spend. The difference represents the council's working capital balance and timing of cashflows.

Table 3: Treasury investment returns achieved against benchmark				
	Benchmark return	Actual return	Growth (below)/above Benchmark	Benchmarks
Bank & Building Society deposits - internally managed	2.72%	1.54%	-1.18%	3 Month SONIA
Property related funds (CCLA)*	(14.11%)	(13.27%)	0.84%	IPD balanced property unit trust index
* Returns include income and capital growth				

10. Daily cashflow balances are managed in-house with the portfolio of fixed-term deposits, call accounts and money market fund balances benchmarked against



the three-month SONIA rate, which was an average of 2.72 per cent for 2022/23. The performance for the year of 1.54 per cent was below the benchmark by 1.18 per cent as existing deposits prior to the unexpected pace of the rise in market rates brought down the average portfolio returns.

11. The CCLA property fund initial principal investment of £2 million (April 2013) increased in value to £3 million prior to the start of the year but, fell back to £2.54 million at 31 March 2023. Dividends received in the year totalled £0.11 million. Both the capital appreciation and the interest earned are included in the performance of -13.27 per cent achieved above. The capital loss is however not realised and so for comparison purposes, the actual rate of return of income received during the year is 3.8 per cent.

### **Land and Property**

12. The council holds a portfolio of investment properties, which includes land, offices and shops that are let on a commercial basis. These assets are valued on an annual basis and had an average net book value of £5.1 million during 2022/23 (£5.1 million as at 31 March 2022). Income generated was £0.24 million (£0.23 million in 2021/22). This is equivalent to a gross return of 4.68 per cent.
13. Due to movement in property values and the exclusion of whole life costs, these rates of return should not be taken as a direct comparison with other classes of investment.

### **Liquidity and yield**

14. The council uses short-term investments to meet daily cash-flow requirements and also aims to invest a proportion of the portfolio in longer-term instruments where possible.
15. The average daily balance held in short-term notice accounts during 2022-23 was £27.7 million.

## South Oxfordshire District Council investments as at 31 March 2023

Counterparty	Deposit Type	Maturity Date	Principal	Rate
Places for People	Fixed	03-Apr-23	5,000,000.00	1.00%
Places for People	Fixed	10-May-23	2,000,000.00	1.00%
Places for People	Fixed	23-Jun-23	3,000,000.00	1.00%
Blaenau Gwent CBC	Fixed	06-Apr-23	3,000,000.00	0.28%
Thurrock BC	Fixed	18-Apr-23	5,000,000.00	0.75%
National Counties Building Society	Fixed	28-Apr-23	1,000,000.00	1.63%
Thurrock BC	Fixed	28-Apr-23	3,000,000.00	0.75%
Thurrock BC	Fixed	19-May-23	5,000,000.00	0.75%
Blaenau Gwent CBC	Fixed	26-Jun-23	5,000,000.00	0.50%
Goldman Sachs International Bank	Fixed	01-Sep-23	4,000,000.00	4.05%
Goldman Sachs International Bank	Fixed	12-Sep-23	2,000,000.00	4.04%
Uttlesford District Council	Fixed	12-Sep-23	7,000,000.00	3.00%
National Bank of Kuwait	Fixed	15-Sep-23	3,000,000.00	4.15%
London Borough Of Haringey	Fixed	26-Sep-23	5,000,000.00	3.00%
Craven District Council	Fixed	05-May-23	2,000,000.00	3.45%
Cheshire West & Chester Council	Fixed	20-Oct-23	1,000,000.00	4.05%
North Lanarkshire Council	Fixed	13-Nov-23	5,000,000.00	4.00%
Rushmoor Borough Council	Fixed	16-May-23	3,000,000.00	3.55%
Goldman Sachs International Bank	Fixed	17-Nov-23	3,000,000.00	4.53%
Aberdeen City Council	Fixed	02-Jun-23	6,000,000.00	3.30%
Surrey County Council	Fixed	08-Jun-23	5,000,000.00	3.55%
Highland Council	Fixed	09-May-23	4,000,000.00	3.19%
Surrey County Council	Fixed	13-Jun-23	5,000,000.00	3.40%
Wirral Borough Council	Fixed	19-Apr-23	3,000,000.00	3.48%
Goldman Sachs International Bank	Fixed	19-Jan-24	1,000,000.00	4.35%
Highland Council	Fixed	24-May-23	3,000,000.00	3.71%
Cornwall Council	Fixed	28-Apr-23	3,000,000.00	3.57%
Rushmoor Borough Council	Fixed	31-Jul-23	5,000,000.00	3.90%
Birmingham City Council	Fixed	29-Aug-23	5,000,000.00	4.20%
West Dumbartonshire Council	Fixed	12-Mar-24	5,000,000.00	4.70%
Dorset Council	Fixed	16-Jun-23	3,000,000.00	3.92%
London Borough of Southwark	Fixed	18-Mar-24	5,000,000.00	4.45%
Cornwall Council	Fixed	05-Apr-23	2,500,000.00	4.30%
Gravesham Borough Council	Fixed	24-Apr-24	3,000,000.00	1.00%
Gravesham Borough Council	Fixed	31-Mar-27	3,000,000.00	1.00%
London Borough of Barking & Dagenham	Fixed	13-Apr-25	5,000,000.00	0.30%
Santander Reserve Account	Call		242,579	variable
Royal Bank of Scotland	Call		99,295	variable
Goldman Sachs	MMF		18,395,000	variable
Blackrock	MMF		565,000	variable
L&G Equities	Unit Trust		12,714,020	variable
CCLA	Property Fund		6,418,609	variable
<b>TOTAL</b>			<b>171,934,503</b>	

## Vale of White Horse District Council investments at 31 March 2023

Counterparty	Deposit Type	Maturity Date	Principal	Rate
Gravesham Borough Council	Fixed	24-Apr-24	3,000,000	0.30%
PCC for West Yorkshire	Fixed	11-Apr-23	5,000,000	4.50%
Yorkshire Housing Ltd	Fixed	28-Apr-23	5,000,000	1.00%
Places For People Homes Ltd	Fixed	28-Apr-23	1,000,000	0.85%
Wrexham County Borough Council	Fixed	30-May-23	5,000,000	3.30%
Newcastle Building Society	Fixed	08-Jun-23	3,000,000	1.65%
Places for People Homes Ltd	Fixed	16-Jun-23	2,000,000	1.00%
Furness Building Society	Fixed	23-Jun-23	3,000,000	2.50%
National Counties Building Society	Fixed	23-Jun-23	1,000,000	2.40%
Wrexham County Borough Council	Fixed	27-Jun-23	5,000,000	3.40%
National Bank of Kuwait (Int)	Fixed	28-Jun-23	5,000,000	2.88%
Newcastle Building Society	Fixed	29-Jun-23	2,500,000	2.10%
Rushmoor Borough Council	Fixed	03-Jul-23	5,000,000	3.75%
Progressive Building Society	Fixed	05-Jul-23	3,000,000	2.40%
National Counties Building Society	Fixed	24-Jul-23	1,000,000	2.45%
North Lanarkshire Council	Fixed	23-Aug-23	5,000,000	3.70%
Saffron Building Society	Fixed	31-Aug-23	3,000,000	2.75%
National Counties Building Society	Fixed	07-Sep-23	1,000,000	2.98%
Principality Building Society	Fixed	07-Sep-23	3,000,000	2.98%
Bournemouth, Christchurch & Poole Council	Fixed	14-Sep-23	5,000,000	4.00%
London Borough of Haringey	Fixed	26-Sep-23	5,000,000	3.00%
Eastleigh Borough Council	Fixed	05-Oct-23	5,000,000	4.20%
Birmingham City Council	Fixed	27-Oct-23	5,000,000	4.00%
Goldman Sachs International Bank	Fixed	02-Nov-23	3,000,000	4.53%
National Counties Building Society	Fixed	14-Nov-23	3,000,000	4.15%
Goldman Sachs International Bank	Fixed	21-Dec-23	5,000,000	4.75%
Conwy County Borough Council	Fixed	15-Jan-24	5,000,000	3.95%
Ashford Borough Council	Fixed	23-Jan-24	5,000,000	4.00%
North Lanarkshire Council	Fixed	02-Feb-24	5,000,000	3.95%
Goldman Sachs International Bank	Fixed	28-Feb-24	2,000,000	4.75%
Rotherham MBC	Fixed	25-Jun-24	5,000,000	variable
Kirklees Metropolitan Council	Fixed	18-Mar-25	5,000,000	0.80%
LB Barking & Dagenham	Fixed	14-Apr-25	5,000,000	variable
Gravesham Borough Council	Fixed	17-May-27	3,000,000	variable
Goldman Sachs	MMF		5,700,000	variable
LGIM	MMF		3,000,000	variable
CCLA	Property fund		2,540,053	
<b>GRAND TOTAL</b>			<b>138,740,053</b>	

Note – these tables show principal investment values, whereas figures in table 1 of appendix C and appendix D are shown at the fair values of investments held.

## GLOSSARY OF TERMS

<b>Basis point (BP)</b>	1/100th of 1%, i.e. 0.01%
<b>Base rate</b>	Minimum lending rate of a bank or financial institution in the UK.
<b>Benchmark</b>	A measure against which the investment policy or performance of a fund manager can be compared.
<b>Bill of Exchange</b>	A non-interest-bearing written order used primarily in international trade that binds one party to pay a fixed sum of money to another party at a predetermined future date.
<b>Callable Deposit</b>	A deposit placed with a bank or building society at a set rate for a set amount of time. However, the borrower has the right to repay the funds on pre agreed dates, before maturity. This decision is based on how market rates have moved since the deal was agreed. If rates have fallen the likelihood of the deposit being repaid rises, as cheaper money can be found by the borrower.
<b>[Cash] Fund Management</b>	Fund management is the management of an investment portfolio of cash on behalf of a private client or an institution, the receipts and distribution of dividends and interest, and all other administrative work in connection with the portfolio.
<b>Certificate of Deposit (CD)</b>	Evidence of a deposit with a specified bank or building society repayable on a fixed date. They are negotiable instruments and have a secondary market; therefore the holder of a CD is able to sell it to a third party before the maturity of the CD.
<b>Commercial Paper</b>	Short-term obligations with maturities ranging from 2 to 270 days issued by banks, corporations and other borrowers. Such instruments are unsecured and usually discounted, although some may be interest bearing.
<b>Corporate Bond</b>	Strictly speaking, corporate bonds are those issued by companies. However, the term is used to cover all bonds other than those issued by governments in their own currencies and includes issues by companies, supranational organisations and government agencies.
<b>Counterparty</b>	Another (or the other) party to an agreement or other market contract (e.g. lender/borrower/writer of a swap/etc.)
<b>Credit Default Swap (CDS)</b>	A swap designed to transfer the credit exposure of fixed income products between parties. The buyer of a credit swap receives credit protection, whereas the seller of the swap guarantees the credit worthiness of the product. By doing this, the risk of default is transferred from the holder of the fixed income security to the seller of the swap.

<b>Capital Financing Requirement (CFR)</b>	The amount the council has to borrow to fund its capital commitments.
<b>CIPFA</b>	Chartered Institute of Public Finance and Accountancy.
<b>CLG</b>	[Department for] Communities and Local Government.
<b>Derivative</b>	A contract whose value is based on the performance of an underlying financial asset, index or other investment, e.g. an option is a derivative because its value changes in relation to the performance of an underlying stock.
<b>Debt Management Account Deposit Facility (DMADF)</b>	Deposit Account offered by the Debt Management Office, guaranteed by the UK government
<b>European Central Bank (ECB)</b>	European Central Bank – sets the central interest rates in the EMU area. The ECB determines the targets itself for its interest rate setting policy; this is to keep inflation within a band of 0 to 2%. It does not accept that monetary policy is to be used to manage fluctuations in unemployment and growth caused by the business cycle.
<b>European and Monetary Union (EMU)</b>	The Economic and Monetary Union (EMU) is an umbrella term for the group of policies aimed at converging the economies of all member states of the European Union.
<b>Equity</b>	A share in a company with limited liability. It generally enables the holder to share in the profitability of the company through dividend payments and capital appreciation. Equity values can decrease as well as increase.
<b>Forward Deal</b>	The act of agreeing today to deposit funds with an institution for an agreed time limit, on an agreed future date, at an agreed rate.
<b>Forward Deposits</b>	Same as forward dealing (above).
<b>Fiscal Policy</b>	The government policy on taxation and welfare payments.
<b>GDP</b>	Gross Domestic Product.
<b>[UK] Gilt</b>	Registered UK government securities giving the investor an absolute commitment from the government to honour the debt that those securities represent.
<b>LIBID</b>	London inter-bank bid rate (phased out in December 2021)
<b>LIBOR</b>	London inter-bank offered rate (phased out in December 2021)

<b>Money Market Fund</b>	A well rated, highly diversified pooled investment vehicle whose assets mainly comprise of short-term instruments. It is very similar to a unit trust, however in a MMF.
<b>Monetary Policy Committee (MPC)</b>	Government body that sets the bank rate (commonly referred to as being base rate). Their primary target is to keep inflation within plus or minus 1% of a central target of 2% in two years time from the date of the monthly meeting of the committee. Their secondary target is to support the government in maintaining high and stable levels of growth and employment.
<b>Other Bond Funds</b>	Pooled funds investing in a wide range of bonds.
<b>PWLB</b>	Public Works Loan Board.
<b>QE</b>	Quantitative Easing.
<b>Retail Price Index</b>	Measurement of the monthly change in the average level of prices at the retail level weighted by the average expenditure pattern of the average person.
<b>SONIA</b>	Sterling Overnight Index Average (SONIA) is the effective interest rate paid by banks for unsecured transactions in the UK sterling market. The rate is published by the Bank of England.
<b>Sovereign Issues (excl UK Gilts)</b>	Bonds issued or guaranteed by nation states, but excluding UK government bonds.
<b>Supranational Bonds</b>	Bonds issued by supranational bodies, e.g. European Investment Bank. The bonds – also known as Multilateral Development Bank bonds – are generally AAA rated and behave similarly to gilts, but pay a higher yield (“spread”) given their relative illiquidity when compared with gilts.
<b>Treasury Bill</b>	Treasury bills are short-term debt instruments issued by the UK or other governments. They provide a return to the investor by virtue of being issued at a discount to their final redemption value.

# Council Report



Report of Head of Finance

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To: COUNCIL on 13 December 2023

## Council tax reduction scheme 2024/25

### Recommendations

- (a) It is recommended that for the 2024/25 financial year onwards the council continues to adopt the previous 2023/24 Council Tax Reduction (CTR) Scheme but with the following amendment:

Where the council has identified that a taxpayer has failed to notify the Department of Work and Pensions (DWP) of a relevant change in circumstances, affecting their legacy benefit or Universal credit, then (where necessary) their entitlement to CTR will be stopped, until that notification has taken place and revised DWP benefit entitlement known.

- (b) That the above change is incorporated into the council's CTR Scheme for the oncoming 2024/25 financial year onwards.

### Purpose of Report

1. The purpose of this report is to enable the council to adopt and implement a modified council tax reduction scheme for the financial years 2024/2025 onwards.

### Corporate Objectives

2. The council is required by statute to adopt a scheme to help those on low incomes to meet their council tax liability. In accordance with the strategic objective "running an efficient council" by having a scheme we meet this objective.

## Background

3. From April 2013, the national scheme to help people on low incomes pay their Council Tax (Council Tax Benefit), was abolished and a local scheme was introduced called Council Tax Reduction (CTR) scheme. The Government continued to fund the new scheme, but with a 10 per cent reduction in funding from the previous CTB scheme. In 2013, the council decided to keep the new CTR scheme as close to the old CTB scheme as possible.
4. For the financial year 2014 onwards, the council decided several changes for working age people (the scheme for people of pension age is decided nationally by the Government) would be made, which included, changes surrounding second adult rebate, introduction of a working age CTR cap (91.5 per cent) and CTS banding cap.
5. For the financial year 2023 onwards, the council decided to remove these capping restrictions from 2014 as part of their response to the cost-of-living crisis.
6. Throughout, joint working with the DWP has remained essential in maintaining accurate CTR entitlement when known taxpayer(s) change in circumstances occur.

## Proposals for 2023/24 onwards

7. It is proposed to insert a requirement for individuals to demonstrate (where necessary) that they have notified the DWP that they have had a change in their circumstances.
8. The current CTR scheme is designed that any person in receipt of one of the below benefits is deemed as passported.
  - Employment and Support Allowance
  - Income Support
  - Job Seekers Allowance
  - Universal Credit

The requirement is for the person to notify any changes in circumstances to the DWP and not necessarily the council. Therefore, in circumstances where the council has identified undeclared changes, it is unable to currently correct any discrepancy until the individual has notified the DWP any revised UC or legacy benefit entitlement determined. This can lead to lengthy delays and CTR being wrongly claimed. Joint working with the DWP, to investigate cases where changes may not have been brought to their attention, would help minimise risk, however, due to recent changes within the DWP (covered below) has meant that this approach can currently no longer be relied upon. The introduction of this rule will allow the council to require individuals to provide evidence that a change in circumstance has been reported to the DWP and allow the council to stop CTR entitlement (where necessary) until this requirement has been done. This addition to the current CTR Scheme is required to prevent error and ensure CTR is only being awarded where entitled. It will also help reduce fraudulent activity.

9. The CTR scheme was designed that anyone in receipt of a passported benefit (listed above) must notify the DWP (as the central point of contact) of any change in circumstance and they then drive the CTR award based on the outcome from that



change. However, where the council's investigations team has established an undeclared change in circumstance to the DWP, the council is unable to correct or terminate the CTR until the DWP have adjusted their benefit first. This can lead to error, fraud at the taxpayers expense, and highlights why working with the DWP proved essential to conduct joint investigations. Due to recent changes within the DWP means this joint working has now been significantly impacted and is why this proposed CTR change is necessary in order to continue to protect the public purse and minimise fraud.

10. The Council has recently been informed by the DWP that their local offices at Oxford, Reading and Slough are being closed and will remain closed until April 2024 at the very earliest (likely to be much longer) and there is risk that they may not reopen. As such, DWP has notified the council that the former joint working arrangements have ceased. Any reports of fraud, error, and undeclared changes, which are identified by the councils investigation team, are therefore having to be passed to the Gloucester DWP and only the largest value cases are being investigated, meaning lower value overpayments, such as Council Tax reductions, are passed back.
11. The current system was designed to ensure that an individual only notifies one central point, however, if they fail to notify that central point then, with the current wording of the rules, it does leave the councils open to risk, especially with the local DWP offices disbanding. The proposed amendment to the current scheme will remove this risk.

## **Options**

12. Based on the current situation it is recommended that Council proceed with the modifications detailed below. Therefore, in view of the foregoing, the scheme that is recommended to Council to adopt for 2024/25 onwards is the 2023/24 scheme but with the following amendment:

To include that, where requested, an individual is required to demonstrate that they have notified the DWP of a change of circumstance which may affect the amount of Council Tax Reduction they are in receipt of. Failure to do so can lead to the council stopping ongoing CTS entitlement.

13. The only other option is to do nothing.

## **Climate and ecological impact implications**

14. None

## **Financial Implications**

15. If the proposal is accepted into the CTR scheme there will be ongoing protection of the public purse. Individuals are currently able to continue receiving Council Tax Reduction when the investigations team has identified undeclared changes to DWP which would affect their benefit entitlement.
16. Since 2023 the councils investigations team has identified 11 cases where we have been unable to progress, due to failure of the DWP to offer a joint investigation. It is estimated that these cases would equate to approximately £25,700 in CTR and/or other discount being incorrectly applied. This demonstrates the exposed risk and the need for the recommended change to the scheme to protect the council for all future years.

17. Any council decision that has financial implications must be made with the knowledge of the council's overarching financial position. For Vale, the position reflected in the council's medium-term financial plan (MTFP) as reported to full Council in February 2023 showed that the council was able to set a balanced budget for 2023/24, but that there is expected to be a budget gap in future years. However there is great uncertainty over this caused by a lack of clarity from government.
18. The future funding gap is predicted to increase to over £7.8 million by 2027/28, based on current cautious officer estimates of future funding levels. Whilst it is anticipated that overall funding for the council will remain relatively unchanged in 2024/25, the lack of certainty on future local government funding from 2025/26 onwards means the level of funding, and the resulting estimated funding gap, could be significantly different from current officer estimates in either a positive or negative way. Every financial decision, particularly those involving medium-term funding commitments (i.e. those beyond 2024/25), needs to be cognisant of the potential for significant funding gaps in future years.

### **Legal Implications**

19. The current council tax reduction scheme was adopted in 2023/24. There is a statutory duty to adopt a 2024/25 scheme by 11 March 2024. If this deadline is not adhered to, the council's 2023/24 scheme will automatically be rolled over as a consequence.

### **Procurement implications**

20. Any council decision that involves buying goods, services or works must comply with the Procurement Procedure Rules and the councils' Procurement Strategy.
21. This recommendation does not involve the need for any procurement

### **Risks**

22. There is a risk that the current CTR rules allow an individual to continue claiming CTR, without the council being able to make sure its correct. The current risk is to the public purse due to error and fraud, through undeclared changes in circumstances.
23. Changing a council tax reduction scheme which levels up categories of all claimants without being supported by robust principles and consultation, could be open to legal challenge on equalities grounds. However, to mitigate this, the council has ensured that it has fully complied with the necessary equality requirements.

### **Other implications**

24. As this modification to the current scheme is designed to minimise error and help protect the public funds then no other considerations have been deemed necessary. No Equality Impact Assessment (EIA) of the proposed change has been conducted, as by its nature, the proposal purely addresses an administration risk which currently exists for undeclared changes.

### **Conclusion**

25. The council must adopt a local council tax reduction scheme for 2024/25 by 11 March 2024 and it is proposed that this be based on a scheme which intends to support all

residents on low incomes with help towards paying their council tax. The proposal in this report as proposed by the Cabinet Member for Finance, is to enhance the current scheme to ensure it helps residents during the cost-of-living crisis; continues to be fair on all residents, protects the vulnerable, and helps minimise error and potentially fraudulent activity.

## **Background Papers**

None

# Council Report



Report of Head of Finance

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To: COUNCIL on 13 December 2023

## Council tax base 2024/25

### Recommendations: To

1. Approve the report of the head of finance for the calculation of the council's tax base and the calculation of the tax base for each parish area for 2024/25.
2. Agree that, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Vale of White Horse District Council as its council tax base for the year 2024/25 be 58,103.8.
3. Agree that, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Vale of White Horse District Council as the council tax base for the year 2024/25 for each parish be the amount shown against the name of that parish in **Appendix A** of the report of the head of finance to Council on 13 December 2023.

### Purpose of Report

1. The purpose of this report is to ask Council to approve the council tax base for 2024/25.

### Corporate Objectives

2. The calculation of the tax base is a legal requirement and an essential part of the tax setting process which helps to achieve the council's corporate objectives.

## Background

3. Before the council tax can be set by the council, a calculation has to be made of the council tax base, which is an estimate of the taxable resources for the district as a whole and for each parish area.
4. The council tax base for the district has to be notified to Oxfordshire County Council and the Police and Crime Commissioner for Thames Valley by 31 January 2024. Each parish and town council is also notified of the figure for its area.
5. The legislation requires that the council tax base is approved by full council or a non-executive body with delegated powers. No such delegation exists. At its meeting held on 1 December 2023, Cabinet recommended to Council the schedule set out in **Appendix A** as the council tax base for the district as a whole and for each parish area.

## Options - Calculation of the tax base

6. The starting point for the calculation is the total number of dwellings and their council tax band.
7. The council then allows for the following information, for each band:
  - (a) dwellings which will be entirely exempt, so no tax is payable (e.g., those occupied entirely by students)
  - (b) dwellings which will attract a 25 per cent reduction (e.g., those with a single adult occupier)
  - (c) dwellings which will attract a 50 per cent reduction (e.g., those where all the adult residents qualify for a reduction)
  - (d) dwellings which will be treated as being in a lower band because they have been adapted for a severely disabled person. The regulations provide methodology to take account of the reduction available to those in band A dwellings
  - (e) dwellings which will be on the valuation list, but which attract discounts or disablement relief or are exempt, for only part of the year
8. Each band is then converted into "band D equivalents" by applying the factor laid down by legislation. For example, a band A dwelling is equal to  $\frac{2}{3}$  of a band D dwelling and is therefore multiplied by  $\frac{2}{3}$  to arrive at the band D equivalent figure, whilst a band H dwelling is equal to twice a Band D dwelling and is therefore multiplied by two to arrive at the Band D equivalent figure. All these are then added together to give a total of band D equivalents.
9. A final adjustment is required to allow for non-collection. The council is required to decide what its collection rate is likely to be and apply this to its council tax base. Historically the council has assumed a 98 per cent collection rate, however, it would be more appropriate for this to be set at 98.5 per cent for 2024/25. A bad debt provision of 1.5 per cent is therefore proposed for 2024/25.

## **Taxbase for 2024/25**

10. Based on the assumptions detailed above, the council tax base for 2024/25 is 58,103.8.
11. Similar calculations are required for each parish in order to calculate the proportion of the district's tax base which relates to its area. A schedule of the tax base for each parish is set out in **Appendix A**.
12. To calculate the council tax amounts payable per property band for the council, its council tax requirement (i.e., the amount of council tax to be raised) is divided by the Band D equivalent (tax base). This will be finalised during January and February, culminating in the council tax being set by council in February 2024 (the exact date is subject to the council being notified of the major precepting authorities' council tax requirements).

## **Financial Implications**

13. Any council decision that has financial implications must be made with the knowledge of the council's overarching financial position. For Vale, the position reflected in the council's medium-term financial plan (MTFP) as reported to Full Council in February 2023 showed that the council was able to set a balanced budget for 2023/24, but that there is expected to be a budget gap in future years. However, there is great uncertainty over this caused by a lack of clarity from government.
14. The future funding gap is predicted to increase to over £7.8 million by 2027/28, based on current cautious officer estimates of future funding levels. Whilst it is anticipated that overall funding for the council will remain relatively unchanged in 2024/25, the lack of certainty on future local government funding from 2025/26 onwards means the level of funding, and the resulting estimated funding gap, could be significantly different from current officer estimates in either a positive or negative way. Every financial decision, particularly those involving medium-term funding commitments (i.e. those beyond 2024/25), needs to be cognisant of the potential for significant funding gaps in future years.

## **Legal Implications**

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

## **Climate and ecological impact implications**

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

## **Equalities implications**

17. The calculation of the tax base is a legal requirement and there are no equalities implications with this process.

## **Risks**

18. The council's methodology for calculating the tax base involves basing the calculation on actual dwellings at a certain point in time, rather than forecasting on potential new dwellings that may be built in the future. Because of this the risk exposure is considered to be low.

## **Other Implications**

19. n/a

## **Conclusion**

20. As covered above, the calculation of the tax base is a legal requirement. Council is asked to approve the council tax base for 2024/25 in accordance with Appendix A, as recommended by Cabinet.

## **Background Papers**

None

## PARISH COUNCIL TAX BASES - 2024-25

PARISH/TOWN COUNCIL	NUMBER OF DWELLINGS 2024-25	NUMBER OF DWELLINGS 2023-24	PARISH TAX BASE 2024-25	PARISH TAX BASE 2023-24	% CHANGE ON YEAR
ABINGDON	15,214	15035	12,646.3	12,467.9	1.43%
APPLEFORD	147	146	168.1	163.8	2.63%
APPLETON WITH EATON	405	403	458.2	457.9	0.07%
ARDINGTON AND LOCKINGE	232	228	235.3	229.8	2.39%
ASHBURY	267	259	283.4	274.3	3.32%
BAULKING	44	42	51.8	49.9	3.81%
BESSELSLEIGH	69	66	82.1	78.1	5.12%
BLEWBURY	821	813	748.0	745.0	0.40%
BOURTON	136	138	151.7	151.0	0.46%
BUCKLAND	265	266	337.8	337.3	0.15%
BUSCOT	87	87	86.9	86.0	1.05%
CHARNEY BASSETT	128	127	153.5	153.7	-0.13%
CHILDREY	228	228	244.5	240.6	1.62%
CHILTON	674	673	701.5	692.5	1.30%
COLESHILL	74	74	69.1	68.1	1.47%
COMPTON BEAUCHAMP	31	31	38.2	39.4	-3.05%
CUMNOR	2,856	2833	3,039.2	3,020.3	0.63%
DENCHWORTH	84	84	88.6	88.8	-0.23%
DRAYTON	1,279	1274	1,215.0	1,209.0	0.50%
EAST CHALLOW	541	502	479.0	435.4	10.01%
EAST HANNEY	574	544	619.8	598.7	3.52%
EAST HENDRED	610	607	636.2	630.0	0.98%
EATON HASTINGS	35	35	35.0	34.8	0.57%
FARINGDON	4,083	3935	3,357.4	3,208.8	4.63%
FERNHAM	103	103	124.6	122.9	1.38%
FRILFORD	105	102	149.5	141.6	5.58%
FYFIELD AND TUBNEY	200	201	244.9	247.7	-1.13%
GARFORD	70	70	84.5	83.4	1.32%
GOOSEY	60	57	68.9	66.9	2.99%
GREAT COXWELL	164	164	191.7	195.8	-2.09%
GROVE	3,994	3835	3,380.5	3,249.1	4.04%
HARWELL (*)	1,399	1396	1,358.0	1,347.8	0.76%
WESTERN VALLEY	958	889	792.5	743.6	N/A
HATFORD	39	38	48.9	47.9	2.09%
HINTON WALDRIST	154	153	156.5	157.0	-0.32%
KENNINGTON	1,788	1784	1,736.7	1,725.6	0.64%
KINGSTON BAGPUIZE AND SOUTHM	1,778	1746	1,810.0	1,766.8	2.45%
KINGSTON LISLE	113	112	120.4	117.5	2.47%
LETCOMBE BASSETT	78	79	90.6	93.4	-3.00%
LETCOMBE REGIS	387	386	364.7	362.1	0.72%
LITTLE COXWELL	68	70	81.4	81.6	-0.25%
LITTLEWORTH	98	97	125.8	123.5	1.86%
LONGCOT	241	241	247.2	251.0	-1.51%
LONGWORTH	252	250	291.1	285.8	1.85%
LYFORD	23	23	24.9	25.8	-3.49%
MARCHAM	966	946	955.6	931.4	2.60%
MILTON	777	710	759.0	691.5	9.76%
NORTH HINKSEY	2,659	2599	2,203.5	2,168.7	1.60%
PUSEY	30	30	40.8	40.4	0.99%
RADLEY	1,241	1118	1,131.7	1,002.2	12.92%
ST HELEN WITHOUT	855	856	841.1	834.6	0.78%
SHELLINGFORD	87	87	87.4	84.3	3.68%
SHRIVENHAM	1,554	1468	1,520.9	1,444.1	5.32%
SOUTH HINKSEY	174	173	201.6	199.9	0.85%
SPARSHOLT	140	140	154.2	154.5	-0.19%
STANFORD IN THE VALE	1,153	1109	1,066.9	1,024.2	4.17%
STEVENTON	937	932	894.5	883.0	1.30%
SUNNINGWELL	384	385	449.1	451.8	-0.60%
SUTTON COURTENAY	1,341	1285	1,289.3	1,215.9	6.04%
UFFINGTON	369	365	377.0	370.2	1.84%
UPTON	185	184	225.4	225.8	-0.18%
WANTAGE	6,474	6215	5,487.7	5,281.8	3.90%
WATCHFIELD	1,139	1139	1,039.0	1,035.0	0.39%
WEST CHALLOW	99	99	112.3	111.2	0.99%
WEST HANNEY	274	261	321.0	303.4	5.80%
WEST HENDRED	151	150	171.8	166.4	3.25%
WOOLSTONE	62	62	80.0	78.6	1.78%
WOOTTON	1,198	1199	1,188.3	1,182.4	0.50%
WYTHAM	73	73	85.8	85.7	0.12%
<b>TOTAL</b>	<b>63,278</b>	<b>61,811</b>	<b>58,103.8</b>	<b>56,665.0</b>	
% increase compared to last year	2.4%		2.5%		



# Council Report



Report of Head of Finance – Simon Hewings

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To: COUNCIL

Date: 13 December 2023

## **Section 106 (S106) Request – Chilton Parish Council – Play area / Recreation ground improvements.**

### **Recommendations**

1. To create a budget for £116,000 towards new play area equipment and recreation ground improvement at Chilton parish village play area project, to be funded by the S106 contributions set out in this report.
2. To delegate authority to the Head of Finance to approve the award to Chilton Parish Council of £116,000 in S106 funding towards the play area / recreation ground improvement project at Chilton parish active play area subject to and in accordance with the funding agreement.
3. To agree and enter into a funding agreement with Chilton Parish Council regarding the terms of use of the S106 funding; and to protect the interests of Vale of White Horse District Council as the provider of the funding by undertaking legal and financial due diligence including being satisfied that the funding is lawful and compliant with subsidy control provision.

## Purpose of Report

1. To consider a request from Chilton Parish Council, to release funds of £116,295.07 from two S106 contributions towards play area / recreation ground improvement project at Chilton village active play area.
2. Chilton active play area is located adjacent to the village hall off Church Hill, Chilton, Oxon, OX11 0SH. This is a Chilton Parish Council owned and managed facility and once the new equipment is installed it will be the responsibility of the parish council to maintain.
3. The figures and relevant dates for the amount requested of **£116,295.07** are set out in the summary table below. In accordance with the Constitution of South Oxfordshire District Council and Vale of White Horse District Council – 6 October 2023 Financial procedure rules (para 75 (c) (Appendix Two)) for agreements of greater than £100,000 budgets, where section 106 or CIL agreements have not provided clear and unambiguous details on how the receipts are raised, must be approved by Council.

Agreement Ref.	Contribution towards (extracts from S106 agreement)	Amount in Agreement	Contributions Received (incl indexation)	Amount requested	Previously Allocated	Projected Balance
<b>09V19</b>	Equipped Activity Area Contribution to be used for the provision of an Equipped Activity Area for children aged 11 to 18	£155,000	£208,404.58 received on 24.11.14, spend within 10 years	£72,644.58	£135,760	£0
<b>16V80</b>	Recreation Ground Contribution - Towards improving the recreation ground facilities in the Parish	£39,855	£43,650.49 received on 06.08.19, spend within 10 years	£43,650.49	£0	£0

4. The overall project cost will be £128,771.00 the shortfall of £12,475.93 will be met by Chilton Parish Council as they have received a £5,000 grant from Magnox, £3,000 from Oxfordshire County Council Councillor Priority Fund and £4,475.93 will come from the parish council own reserves.

## Corporate Objectives

5. Building healthy communities, working in partnership and working in an open and inclusive way

## Background

6. The project will enhance, refresh, improve and/or replace aging play equipment and outdoor facilities at the play area in Chilton village (known as the active play area). The new equipment and facilities will allow children from a range of ages, backgrounds, interests and disabilities to be able to play together. Two new accessible items of play equipment are a trampoline and roundabout.

There will be new flooring/safety matting throughout, and new path surfaces (replacing the grass) to make it accessible to users who may use a wheelchair or wheeled access, or maybe find grass more difficult to traverse. The current play area fence will stay in situ.

The current team tarmac area, where children can play as a larger team, will remain, and a second 'end' will be added (currently only one brick wall). The introduction of two 'ends' (one of them interactive) allows for a more balanced team game and symmetrical play area. One basketball net is staying, and the other removed as it is at a 90 degree angle to the tarmac area. The interactive equipment uses low power and energy efficient LEDs.

The introduction of a lined 'track' also means that other activities can take place at the same time and gives the area a different use.

In 2021 Chilton Parish Council established a Play Area working Committee. It comprised two current parish council members and four Chilton village parents. Eleven 'Expression of Interest' were sent to prospective parties, with the remit of being able to help drive, consult, design, project manage and install the play equipment for an inclusive cost. Three companies responded and after a criteria assessment and scoring methodology Jupiter Play was awarded the contract in early 2022.

In the summer 2022 two in person (at two different sites) and one online consultation events were organised by the play area working committee with Jupiter Play. This was to allow parents and children to express their needs and wants and for the committee and Jupiter to take feedback. These consultations were promoted via social media Facebook, Chilton Chronicle (every Chilton home receives), within the local school, and to users of the village hall such as Brownies/Scouts. Jupiter Play provided boards that included elements of play e.g. traversing, climbing, swing, hang, etc, with accompanying examples. These boards helped spark discussion about what children liked best. The results of the consultation survey, led to three designs being put forward. This did not include for a fully enclosed MUGA as the cost is high and they are not welcoming to girls as they find the enclosed spaces intimidating. However, Jupiter Play produced a fourth options of a fully enclosed MUGA but it would mean that other new equipment and refurbishments would not be possible.

A second consultation took place in January 2023 again with Jupiter Play present; two in person at two different sites and online to look at four final designs (provided on boards), asking users to vote for their favourite, to provide feedback and say if anything was drastically not liked. Verbal feedback received on the day said how good the designs were and how it had really felt like a community involved project. In total approximately 120 responses were received. Option two received the most votes and with a few tweaks the final design has been achieved.

The redesign of both areas will increase its use. The reconditioned tarmac will level out the undulations, meaning that wheeled toy (roller skates, scooters, bikes) play, team games and interactive play, will be usable by those of all ages and abilities as well. By having an additional 'end' it will make team games even. The new 'end' is interactive, it will bring new challenges and a more modern feel, as children will be able to accurately get real time feedback (from hitting targets) as well as a modern twist with the targets illuminating. There will be the addition of different markings to the tarmac area.

The inclusion of wheelchair access to the play area and accessible items of play will give those who are less able bodied, the ability to play with their friends and siblings and be included. With the addition of seating, which was asked for by parents, carers and grandparents, they will be able to stay longer whilst looking after children.

7. Planning permission has been granted under planning application P23/V1203/FUL.
8. At the Cabinet meeting on 1 December 2023, Cabinet resolved to recommend to Council to create a budget for £116,000 towards new play area equipment and recreation ground improvement at Chilton parish village play area project, to be funded by the S106 contributions set out in this report.

## **Options**

9. Chilton Parish Council are seeking S106 funds to use towards the refurbishment / update of the Chilton active play area located at the recreation ground. Facilities will be provided that cover a wide range of ages and abilities as well as a picnic table making it a destination play area and recreation ground. The Infrastructure Implementation and Funding Team have not received any competing applications for these funds. If the Council were to consider not awarding the requested S106 funds or to only award the use of one of the S106 contributions, then the project could not be delivered or would be significantly delayed whilst alternative funds is sought.

## **Financial Implications**

10. The overall project cost will be £128,771.00 the shortfall of £12,475.93 will be met by Chilton Parish Council as they have received a £5,000 grant from Magnox, £3,000 from Oxfordshire County Council Councillor Priority Fund and £4,475.93 will come from the parish council own reserves.
11. No further funding is available from the district council towards this project, and it is under no obligation to meet any additional costs.

## **Legal Implications**

12. Legal responded to say that the proposed use for the S106 contributions complies with the obligations in the S106 agreements.
13. As the funding requested is above £100,000, under the terms of the Constitution of South Oxfordshire District Council and Vale of White Horse District Council – 6 October 2023 Financial procedure rules (para 75 (c) (Appendix Two)) approval is required by full council. It is recommended that Council delegate authority to the Head of Finance to award the funding in accordance with the S106 agreement.
14. A legal funding agreement will be secured with Chilton Parish Council before the S106 funds are transferred, up to a maximum amount of £116,295.07. This will reduce risks to the Council regarding inappropriate use of the funds.
15. The award of S106 funds is not subject to the Subsidy Control rules as it is being passed to a public body for use in the exercise of their public functions as reflected in clause 7(a) of the Subsidy Control bill.

16. Chilton Parish Council has provided the conveyance document of 13 August 1973 showing that the land was purchased by Chilton Parish Council for £1,800.

## **Climate and ecological impact implications**

17. As part of Chilton Parish Council's scoring matrix sustainability was one of the elements. Jupiter Play scored higher on their sustainability, than the other companies. Jupiter Play only work with ISO 14001 certified companies meaning all of their materials are sustainably sourced and the picnic table utilises recyclable material in its construction. The major element to the MUGA is the surfacing which is pre existing mitigating the environmental impact of laying a new foundation. The removed play equipment that is fit for purpose will be refurbished and installed at the Chilton Community play area.
18. Chilton Parish Council has decided not to add any more trees around the playing fields or play apparatus, as this would restrict more 'open play' of ball games or 'running around' as children.
19. The above has been shared with the Climate Action team who replied to say it was helpful that these implications have been taken into account during the project planning phase.

## **Procurement implications**

20. This is a Council decision to award S106 funding and will not involve the Council in any decision to buy goods, services or works.

## **Equalities implications**

21. The Councils Equality and Inclusivity officer commented that this is a well thought out project where people who will use the space have been consulted. Refreshing to see accessible play equipment and a picnic table with an extended end overhang for those in a wheelchair to be able to share the table space.
22. Chilton Parish Council have taken on board the comments from Jupiter Play not to have a full enclosed MUGA as these can be unwelcoming to girls as they find the enclosed spaces intimidating. This is reiterated in the 'Make Space for Girls' research report of 2023.

## **Risks**

23. The project is only part funded by S106 contributions, totalling £116,295.07. The remaining funds required are £12,475.93 and Chilton Parish Council have shown where this funding has been obtained from.

## **Other Implications**

24. No further impacts or implications identified.

## **Conclusion**

25. The redesign of both areas will increase its use and bring added benefit with up to date play equipment, the inclusion of wheelchair access paths and accessible items of play

contributing to an inclusive theme and the addition of seating makes it a more pleasant experience. The reconditioned tarmac area offers space for wheeled toys and the new interactive end wall is very modern with illuminating target.

26. The proposed project conforms to the spending parameters of the S106 agreements and is a suitable use of the funds.

27. The risks identified have been shown to be manageable within reasonable tolerances, and through appropriate funding mechanisms.

28. The alternative options of either not funding or only part funding the project have been discounted.

29. It is therefore recommended that the S106 funds identified be awarded subject to the necessary funding agreement.

## **Background Papers**

- None

**Financial contributions:**

**Development:** Land to the South of Chilton Field, Avon Road, Chilton

**Planning Ref:** P05/V1086/O

**S106 Ref:** 09V19

**Date of agreement:** 13 November 2009

**Obligation:** "Equipped Activity Area Contribution" means the sum of one hundred and fifty five thousand pounds (£155,000) to be used for the provision of an Equipped Activity Area in the event that the Owner does not install such equipment and more particularly described in clause 4 of the Second Schedule (see below).

**Expiry Date:** 24 November 2024

**Planning Decision:** Delegated decision

**Development:** Land to north of Manor Close, Chilton OX11 0SS

**Planning Ref:** P16/V1243/O

**S106 Ref:** 16V80

**Date of agreement:** 21 October 2016

**Obligation:** "Recreation Ground Contribution" means the sum of thirty nine thousand eight hundred and fifty five pounds (£39,855) to be paid to the District Council to be used towards improving the recreation ground facilities within the Parish

**Expiry Date:** 6 August 2029

**Planning Decision:** Committee decision

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**Planning Ref: P05/V1086/O - S106 Ref: 09V19 - Clause 4 of Second Schedule:**

4.0 EQUIPPED ACTIVITY AREA

- 4.1 Subject to paragraph 4.2 of this Schedule not to cause or permit the Commencement of Development until a scheme to provide the Equipped Activity Area has been agreed with the Council such agreement not to be unreasonably withheld or delayed and for the avoidance of doubt the Owner shall not be obliged under this Agreement to supply equipment, materials and/or labour amounting to more than the total value of one hundred and fifty five thousand pounds (£155,000) in relation to the Equipped Activity Area .
- 4.2 In the event that it is agreed by the Council in consultation with the Parish and notified in writing to the Owner before the intended date of Commencement of Development (as notified to the Council in accordance with clause 10.2 of the main body of this Agreement) that the Equipped Activity Area is to be provided by the Parish the Owner shall not cause or permit the Occupation of the one hundredth (100<sup>th</sup>) Dwelling for General Market Housing until the Equipped Activity Area Contribution has been paid to the Council and upon the said notification in writing being sent to the Owner, paragraphs 4.1 and 4.3 of this Schedule shall cease to exist and shall be of no further effect
- 4.3 In default of written notification to the Owner of the Parish Council's decision by the deadline referred to in paragraph 4.2 above or in the event that it is agreed by the Council in consultation with the Parish that the Equipped Activity Area is to be provided and installed by the Owner and the Owner is notified of the same in writing the Owner shall not cause or permit the Occupation of the one hundredth (100<sup>th</sup>) Dwelling for General Market Housing until the Equipped Activity Area is equipped as agreed in writing with the Council
- 4.4 Not to cause or permit the Occupation of the one hundred and fiftieth (150<sup>th</sup>) Dwelling for General Market Housing until the Equipped Activity Area Commuted Sum has been paid to the Council

### Constitution October 2023

#### Section 106 and community infrastructure levy (CIL) income and related expenditure

Page 224-225 Constitution of South Oxfordshire District Council and Vale of White Horse District Council – 6 October 2023 Financial procedure rules

73. The head of planning shall be responsible for negotiating and gaining the relevant approval for section 106 agreements. Receipt of a section 106 or CIL income does not confer the power to spend. Appropriate budgets must be created in accordance with the financial procedure rules to give heads of service authority to incur expenditure on schemes funded from section 106 or CIL income. Part 2 of this constitution sets out delegations to the heads of service relating to the community infrastructure levy.

74. For section 106 or CIL agreements that provide clear and unambiguous details on how the receipts raised must be used, where that agreement has been approved by the Planning Committee and over which further discretion cannot be applied then the head of finance can approve the creation of the relevant revenue or capital budget.

75. For all other section 106 and CIL agreements where contributions are received by the council a budget for the spending of the receipt must be created as follows:

- (a) For agreements of up to £20,000 budgets can be approved by the head of finance.
- (b) For agreements greater than £20,000 up to £100,000 budgets can be approved by the relevant Cabinet member in consultation with the Cabinet member for finance.
- (c) For agreements of greater than £100,000 budgets must be approved by Council.



# Council Report



Report of Head of Legal and Democratic

Author: Emily Barry

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To: COUNCIL

DATE: 13 December 2023

## **Local Authorities (Members' Allowances) (England) Regulations 2003 – proposal to re-appoint a joint Independent Remuneration Panel**

### **Recommendations**

Subject to the agreement of South Oxfordshire District Council, to:

- (a) appoint a joint independent remuneration panel with South Oxfordshire District Council to carry out reviews of the councillors' allowances schemes at both councils and make recommendations on any changes to the schemes to the relevant Council;
- (b) make the appointment of the Joint Independent Remuneration Panel effective until May 2028, one year after the 2027 district council elections;
- (c) authorise the head of legal and democratic to make appointments to the Joint Independent Remuneration Panel.

### **Purpose of Report**

1. To invite Council to appoint a joint independent remuneration panel with South Oxfordshire District Council for the purposes of reviewing the councillors' allowances schemes and making recommendations to the councils.

### **Strategic Objectives**

2. Working in an open and inclusive way and working in partnership as set out in the Corporate Plan 2020 – 2024.

## Background

3. The council has a duty to establish and maintain an independent remuneration panel to review councillors' allowances and make recommendations to full Council. Council can only approve a councillors' allowances scheme having first considered the report of its panel. The panel's recommendations will include the level of the Basic Allowance received by all councillors, as well as the level of Special Responsibility Allowances and to whom they should be paid. While it is up to the Council to agree its Scheme of Allowances, under the Regulations it must have regard to the advice and recommendations from its panel before making any changes.
4. The council adopted its current scheme following consideration of the panel's report at its meetings on 10 February 2021, with the new scheme taking effect from 1 April 2021, and 6 October 2021 with the revised scheme taking effect from April 2022.

## The previous independent remuneration panel

At its meeting on 7 October 2020 Council agreed to appoint a joint independent remuneration panel with South Oxfordshire District Council, until May 2024, to carry out reviews of the councillors' allowances scheme at both councils and make recommendations on any changes to the schemes to the relevant Council. At that meeting Council appointed South East Employers as one of the members of the panel, to act as chair and provide training to other panel members, and authorised the head of legal and democratic to make appointments to the panel. Three panel members were subsequently appointed as panel members. Officers from democratic services provided administrative support.

## Proposal for a joint panel

5. Officers see merit in the continuation of a joint panel and propose that Council should re-appoint a joint independent remuneration panel. This will reduce the time taken to review the two councils' schemes. The aim is as far as possible to produce one joint scheme for South and Vale, which would be more efficient. However, the final decision on a scheme is for Council and therefore the schemes could differ. Currently the South and Vale schemes only differ slightly in the award of special responsibility allowances where there is a council specific role.
6. The panel must consist of a minimum of three independent persons who cannot be members of either council, nor be anyone who is disqualified from being an elected member of the council. Officers propose to follow an advertisement, and full application appointment process which would commence in early 2024. An advert will be placed on the council's website, via social media and press releases issued for new panel members as this has been a successful route to recruitment in the past. Councillors will be updated of the outcome of the appointments process. Officers are not proposing that the council re-appoints SEE to progress the review. It is felt that with the correct recruitment process there is sufficient knowledge and experience amongst officers to support the panel to carry out a comprehensive review.
7. The joint panel should ideally be appointed for a number of years to allow it to build up expertise in the councils' schemes, the regulations, government guidance and other best practice. Officers recommend that the panel is appointed until May 2028, one year after the 2027 district council elections. Council is asked to authorise the head of legal and democratic to make appointments to the joint panel.

## **Timetable for the review**

8. Subject to Council approval of the recommendations, the appointments process will take place between January and April 2024 with the panel commencing the review process in May 2024.
9. It is anticipated that the panel will invite comments from councillors on the current scheme by way of a questionnaire. It is also anticipated that the panel will undertake some more detailed interviews with individual members, particularly those with special responsibilities, either in person or via virtual means. The panel recommendations will be submitted to the October Council meeting.
10. The proposed terms of reference for the review are set out below:

### **South Oxfordshire and Vale of White Horse district councils**

- The amount of basic allowance that should be payable to its elected members and the expenses that is it deemed to include
- The responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance.
- The level of the deputy leader's allowance when the role is shared (as currently at South).
- The level of allowance payable to the leader of the main opposition group – to include the definition of leader of the main opposition group and a mechanism to address what would happen if opposition groups had the same numbers.
- The duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance, including the circumstances in which taxis may be used.
- Whether the councils' allowances schemes should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
- Whether the councils' allowances schemes should continue to include a parental leave allowance.
- Whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended.
- Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run.
- Any matters that are brought to the attention of the Panel in their consultation with councillors and briefings from officers.
- Duration of the scheme.

## **South Oxfordshire and Vale of White Horse parish councils**

To consider and make recommendations to Parish Councils regarding:

- Basic allowance
- Chair's allowance
- Travel and subsistence allowance
- Indexing

11. Council should note that the council's independent remuneration panel will act as the parish remuneration panel, as provided for in the 2003 Regulations, and will make recommendations as to whom an allowance should be paid and the level of allowances. Parish councils do not have to pay allowances, but if they do, they should have regard to the recommendations of the parish remuneration panel.

### **Financial Implications**

12. The appointment of a single joint independent remuneration panel should bring economies of scale with less time required to conduct reviews. Not employing SEE will provide a modest saving to each council. The process of reviewing the councils' schemes should be simpler and avoid duplication of resources. The data gathering exercise in any review will be shorter as information can be shared across the two councils. While the aim will be to develop one joint scheme for operation across both councils, it is possible that there may be differences in the schemes the joint panel recommends to the two councils or in the scheme that each council decides to adopt. However, the schemes will have many similarities resulting from government regulations and guidance on councillors' allowances schemes, and that both councils operate a leader and Cabinet style of executive arrangements, and scrutiny committees. The remainder of the committee structures are similar also.

### **Legal Implications**

13. In accordance with the Local Government and Housing Act 1989, the Local Government Act 2000, and The Local Authorities (Members' Allowances) (England) Regulations 2003, councils have a duty to consider the findings of an independent remuneration panel before determining any councillors' allowances scheme. The regulations place a statutory obligation on the council to establish and maintain an independent remuneration panel to look at councillors' allowances and report its views to the council. There is a statutory obligation for a panel of at least three panel members, none of whom is also a member of the council or is a member of a committee or subcommittee of the council, nor disqualified from being an elected member of the council (s.80 of the Local Government Act 1972, and s79 and 83(ii) of the Local Government Act 2000).

### **Climate and ecological impact implications**

14. There are no climate or ecological impact implications to re-appointing this panel.

## **Equalities implications**

15. When carrying out interviews and making appointments to the panel officers will follow established HR recruitment procedures and have regard to the council's equalities duties and in particular to those set out in section 149 of the Equality Act 2010.

## **Risks**

16. Whilst the two councils' schemes currently align there was previous concern expressed that the two councils' schemes were significantly different. There is still room for local differentiation where it can be justified but by carrying out a joint review risk is mitigated.

## **Other Implications**

17. None.

## **Conclusion**

18. The Council is recommended to re-appoint a joint independent remuneration panel with South Oxfordshire District Council. This will avoid duplication of effort to conduct reviews of the councillors' allowances schemes and create parity if the councils adopt a single scheme. The Council is also recommended to authorise the head of legal and democratic to make appointments to the panel.

## **Background Papers**

None.

# Council Report



Listening Learning Leading



Report of the head of legal and democratic

Author: Steve Culliford

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To: COUNCIL

DATE: 13 December 2023 (Vale) and 14 December 2023 (South)

## Review of the council's Constitution

### Recommendations

That Council:

- (a) adopts the following sections of the Constitution with immediate effect:
  - (i) the revised Scrutiny Procedure Rules regarding scrutiny call-in, as set out in paragraph 9 of this report;
  - (ii) the revised Joint Audit and Governance Committee Rules regarding the terms of reference for the appointment of the independent person, as set out in paragraph 13 of this report; and
- (b) authorises the head of legal and democratic to make these changes and any further minor or consequential amendments to the Constitution.

### Purpose of Report

1. This report proposes revisions to the current Constitution to ensure it is up-to-date and reflects the council's changing environment.

### Strategic Objectives

2. The Constitution underpins all the council's decision-making and therefore supports all Corporate Plan objectives.

### Background

3. South Oxfordshire District Council and Vale of White Horse District Council have adopted a joint Constitution. The majority of the Constitution applies equally to both

councils, with a few minor differences. Periodically the councils undertake a Constitution review in pursuance of the requirements in Section 37 of the Local Government Act 2000.

4. The Joint Constitution Review Task Group was appointed by the two Councils to conduct this review. The task group consists of six members, being three from each council and is cross-party. The task group has met regularly since August. Two co-chairs were appointed to the review group to alternate the chairing role: Councillor Sue Cooper from South Oxfordshire and Councillor Oliver Forder from the Vale. The task group is supported by the head of legal and democratic, officers from democratic services, as well as service-specific officers where appropriate.
5. Only full Council can amend the Constitution. This report is being submitted to the South and Vale Council meetings and sets out the task group's recommendations, together with an additional recommendation from the Joint Audit and Governance Committee.

### **Scope of this review**

6. The task group is in the process of reviewing the Constitution from front to back to reflect the model Constitution adopted by most councils. The task group is aware of the size of this undertaking and has adopted a step-by-step approach. This report forms part of a series of regular reports to recommend new sections. A revised version of the Constitution is published after Council has approved changes.
7. A full schedule of the sections of the new Constitution and the progress made by the task group is shown in the contents and action tracker, attached at **Appendix A**.

### **Suggested changes to the Constitution**

#### **Part 4 – Scrutiny Procedure Rules**

8. The task group considered the scrutiny call-in procedure, which is set out in the Scrutiny Procedure Rules. The rules do not currently require members to give reasons for a call-in request. The task group considered that scrutiny call-in of executive decisions should be seen as a positive step but to avoid unnecessary call-in, reasons should be given for any call-in request. The task group considered that scrutiny call-in should only be used in circumstances where members have evidence that the decision-maker did not follow the principles of decision-making. These principles are currently included in paragraph 18 on page 11 of the Constitution. Adding to these principles, the task group supported a further list of reasons that could be used in such circumstances. These reasons are set out in the proposed new paragraph 74 below.
9. The task group recommends to Council that the following new paragraph 74 should be added to the Scrutiny Procedure Rules (with subsequent paragraphs renumbered thereafter).

New paragraph 74:

“Call-in should only be used in circumstances where members have evidence which suggests that a decision was taken where the decision

maker did not follow the principles of decision making, set out in the Constitution, and other matters as set out below. The signatories to the call-in should explain how these principles were not followed when the decision was taken and submit their request on the form available from democratic services.

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and equalities;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes (link between corporate plan and implementation);
- (f) in accordance with the law and the council's agreed procedures, as set out in the Constitution;
- (g) inaccurate information of a substantial nature was given to the decision taker;
- (h) alternative options were not given sufficient consideration or were inadequately appraised; or
- (i) insufficient information was available for the person requesting the call-in to determine if the decision had been made correctly."

10. If the Council supports this addition, members will be asked to complete the scrutiny call-in request form attached at **Appendix B** when requesting an executive decision to be called-in.

#### **Part 4 – Joint Audit and Governance Committee Procedure Rules**

11. This matter has not been considered by the task group directly but has been considered by the Joint Audit and Governance Committee.
12. The Council previously approved the appointment of an independent person to be a co-opted member of the Joint Audit and Governance Committee. At its meeting on 3 October 2023 the committee reviewed its terms of reference for the appointment of the independent member. The committee considered that a mechanism should be provided to remove the independent person if they did not perform to the expected standard; the report provided some suggested wording.
13. Overall, the committee was satisfied with the suggested wording but also concluded that the independent person should have appropriate time to respond before being removed. The committee has therefore recommended to Council to adopt the revised terms of reference for the appointment of an independent person on the Joint Audit and Governance Committee (as part of the committee's procedure rules), as set out at below, with immediate effect. It will be included in Part 4 of the new Constitution.

"The committee may consider the removal of the independent person from the committee if it is agreed that they are not making a meaningful contribution to the work of the committee. Any request for their removal must be made to the co-chairs of the committee who will consult with the monitoring officer and section 151 officer. The committee will make a final decision on the matter. The independent person will have the



opportunity to respond to the proposal at the committee if there is cause to consider such a proposal.”

## **Financial Implications**

14. There are minimal financial implications for amendments to the Constitution as no paper copies are printed. The Constitution is published to the council’s website and the public, councillors and officers are encouraged to refer to this online version.
15. The review of the Constitution is aimed at making the council’s procedures more efficient and therefore there may be some financial gains as a result of the proposed changes.

## **Legal Implications**

16. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review. The Monitoring Officer is responsible for ensuring that the council operates within the law and that the Constitution is fit for purpose.

## **Climate and ecological impact implications**

17. There are no climate implications from these recommendations.

## **Equalities implications**

18. There are no equalities implications from these recommendations.

## **Conclusion**

19. This report sets out proposals to further amend the Constitution on recommendations from the Joint Constitution Review Task Group and the Joint Audit and Governance Committee, and invites Council to authorise the head of legal and democratic to make these changes and any further minor or consequential amendments.
20. The Constitution review is a continual process. Any changes adopted by Council can be subject to further review or adjustment. The task group will continue with the review and will make further recommendations to Council in due course.

## **Appendices**

- A – the Constitution Contents and Action Tracker
- B – the Scrutiny Call-In Request Form

## **Background Papers**

None

# APPENDIX A

## Constitution Contents and Action Tracker South Oxfordshire and Vale of White Horse District Councils

Section	Description	Review status	Date approved by Task Group	Date adopted by Council
<b>Contents Page</b>				
<b>Part 1 Summary and Explanation</b>		Complete	29 April 2022	12/13 October 2022
<b>Part 2 Articles of the Constitution</b>				
	1 – The Council Constitution	Complete	20 June 2022	12/13 October 2022
	2 – Members of the Council			
	3 – Residents and the Council			
	4 – The Full Council			
	5 – Chair of Council			
	6 – Scrutiny Committees			
	7 – The Cabinet			
	8 – Regulatory and Other Committees		16 August 2022	
	9 – Ethical Standards Complaints Panel			
	10 - Joint Arrangements			
	11 - Officers			
	12 - Decision Making			
	13 - Finance, Contracts and Legal Matters			
	14 - Review and Revision of the Constitution			
	15 - Suspension, Interpretation and Publication of the Constitution			
<b>Part 3 Responsibility for Functions</b>				
	3 (A) Introduction, Key Decisions, Forward Plan	Under review		

Section	Description	Review status	Date approved by Task Group	Date adopted by Council
	3 (B) Council Functions			
	3 (C) Committee Functions	Under review		Part adopted by Council in October 2022
	3 (C) (a) Working Groups and Advisory Bodies			
	3 (D) Non-Executive Delegations			
	3 (E) Executive Functions and Cabinet Member Responsibilities			
	3 (E) (a) Table of Executive Functions			
	3 (F) Statutory and Proper Officer List			
<b>Part 4 Rules of Procedure</b>				
	4 (1) Council Procedure Rules			
	4 (2) Cabinet Procedure Rules			
	4 (3) Access to Information Procedure Rules			
	4 (4) Budget and Policy Framework			
	4 (5) Overview and Scrutiny Procedure Rules			
	4 (6) Audit Procedure Rules			
	4 (7) Financial Rules			
	4 (8) Procurement Procedure Rules	Complete	8 November 2022	7/8 December 2022
	4 (9) Officer Employment Procedure Rules	Complete	29 September 2022	12/13 October 2022
<b>Part 5 - Codes and Protocols</b>				
	5 (1) Members' Code of Conduct	New Oxfordshire code of conduct adopted by both	Not required	18/19 May 2022

Section	Description	Review status	Date approved by Task Group	Date adopted by Council
		Councils in May 2022		
	5 (2) Officers' Code of Conduct	Complete	29 September 2022	12/13 October 2022
	5 (3) Whistleblowing Policy	Complete	8 November 2022	7/8 December 2022
	5 (4) Protocol on Member and Officer Relations	Complete	29 September 2022	12/13 October 2022
	5 (5) Planning Protocol	Being reviewed by officers		
	5 (6) Licensing Protocol			
	5 (7) Protocol for the Attendance of Officers and Members at Meetings			
	5 (8) Anti-Fraud, Corruption and Bribery Policy	Complete	8 November 2022	7/8 December 2022
	5 (9) Arrangements for assessing allegations of a breach of the Member Code of Conduct	Revised arrangements adopted by both Councils	Not required	8/9 December 2021
	5 (10) Role Profiles for Councillors			
	5 (11) Local Petitions Scheme			
	5 (12) Code of Governance	Under review by Task Group		
	<b>Optional</b>			
	Social Media Protocol for Members			
	Press and Media Protocol	Complete	16 August 2022	12/13 October 2022
	Councillor Call for Action			
	Members' Parental Leave Policy	Complete	Not required	8/9 December 2021

Section	Description	Review status	Date approved by Task Group	Date adopted by Council
<b>Part 6 – Members Allowances Scheme</b>				
	South and Vale Councillors’ allowances schemes	Updated 1 April 2022 to reflect new allowances approved by the Council	Not required	6/7 October 2021
<b>Part 7 - Management Structure</b>				
	Management structure May 2023	Approved by Chief Executive under delegated powers	Not required	Not required

**KEY**

YELLOW HIGHLIGHTING	UNDER REVIEW BY TASK GROUP OR BEING RECOMMENDED TO COUNCIL
GREEN HIGHLIGHTING	ADOPTED BY COUNCIL

# APPENDIX B

## Scrutiny Call-In request form



Listening Learning Leading

Please return to [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) at the latest, 5pm on the fifth working day after the publication of the decision (this is the end of the call-in period)



Date form completed:.....

1) Council in which the decision relates to (delete as appropriate: South/Vale/both)

2) Your name:

3) Decision to be called in:

Date of decision:

Decision maker:

4) Which of the principles of decision making do you think have not been applied? (required)

See the summary and explanation section (para 17 and 18) of the constitution and paragraph 74 of the Scrutiny Procedure Rules.

Tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) due consultation and the taking of professional advice from officers;	
(c) respect for human rights and equalities;	
(d) a presumption in favour of openness;	

(e) clarity of aims and desired outcomes; (link between corporate plan and implementation);	
(f) in accordance with the law and the council's agreed procedures, as set out in the constitution.	
(g) inaccurate information of a substantial nature was given to the decision taker;	
(h) alternative options were not given sufficient consideration or were inadequately appraised; or	
(i) insufficient information was available for the person requesting the call-in to determine if the decision had been made correctly.	

**5) Evidence which demonstrates the alleged breach(es) indicated**

**6) Documents or additional information requested** (note that the ICMD/cabinet report and minutes related to the decision will be included in the call-in meeting agenda)

**7) Witnesses requested**

**8) Signed (not required if sent by council email): .....**

**9) Notes**

Call-in requests need to be supported by either the chair of the Scrutiny Committee, or any three members of the council (one of whom must be a member of the Scrutiny Committee).

This call-in form and supporting requests must be received by 5pm on the fifth working day after the decision was published on our website(s).

The form and/or supporting requests must be sent by email from a member's email account (no signature required) to [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)

Although we would accept a paper copy of this form, there is a deadline for call-in requests to be received. Therefore, you should notify democratic services if you are sending a paper copy, so that they may know to expect it. The call-in request is only valid when physically received by democratic services (in paper copy or by email). As a result, it would be more practical to email your request where possible to ensure it is received in time.



# Council Report



Report of Deputy Chief Executive – Transformation and Operations

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To: COUNCIL

DATE: 13 December 2023

## Appointment of interim monitoring officer

### Recommendation

That Council appoints Vivien Williams, interim Head of Legal and Democratic, as the council's monitoring officer with immediate effect, this appointment to run until Council appoints a permanent Monitoring Officer at a later date.

### Purpose of report

1. This report recommends Council to appoint an interim monitoring officer.

### Corporate objectives

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

### Background

3. Following the very sad news of the passing of Patrick Arran, former Head of Legal and Democratic and Monitoring Officer, both councils need to appoint a monitoring officer to come into effect immediately.

### Appointment of monitoring officer

4. Under section 5 of the Local Government and Housing Act 1989, Council is required to appoint one of its officers as its monitoring officer. Like almost all council staff, the monitoring officer is a shared role and the postholder works across both councils. The role of the monitoring officer includes such responsibilities as ensuring the lawfulness and fairness of the council's decision making; promoting and maintaining high standards of conduct; reporting to Council on any instances of maladministration; and reviewing the councils' Constitution on an ongoing basis.

5. With the sad news of the death of Patrick, the councils do not have a named officer holding the position of monitoring officer. The job role for the head of legal and democratic includes, subject to full Council approval, the statutory function of monitoring officer for both councils. The process for the recruitment to this position will commence at an appropriate time during 2024. Until that time, the councils need to make an interim monitoring officer appointment to fulfil their statutory functions.
6. Council is therefore recommended to appoint Vivien Williams, whose substantive post is Deputy Head of Legal (Governance), but has been confirmed Interim Head of Legal and Democratic, as the council's monitoring officer, with immediate effect, until the appointment of a permanent monitoring officer by the Council, which will not occur until a recruitment process for a permanent head of legal and democratic has been completed during the 2024 calendar year. Vivien has acted as District Solicitor and Monitoring Officer at Chichester District Council, Head of Legal and Democracy & Deputy Monitoring Officer at Ashford Borough Council and deputy monitoring officer in other previous roles as well as having been appointed deputy monitoring officer at South and Vale. At the request of the Chief Executive, subject to the agreement of Council, Vivien has agreed to take on the responsibilities of Monitoring Officer.

### **Climate and ecological impact implications**

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

### **Financial Implications**

8. There are no direct financial implications arising from this report as in line with all posts, payment to the role will be made at the commensurate rate.

### **Equalities implications**

9. There are no direct equalities implications arising from this report.

### **Legal Implications**

10. Appointing a permanent and interim monitoring officer will fulfil the councils' duty under section 5 of the Local Government and Housing Act 1989.

### **Risks**

11. The council has a statutory duty to appoint a monitoring officer. Making the appointment suggested in this report meets this duty.

### **Conclusion**

12. This report asks Council to appoint an interim monitoring officer.

### **Background Papers**

- None