

Council Agenda



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Date: 9 July 2024

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Summons to attend a meeting of Council

to be held on Wednesday 17 July 2024 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 8 - 19)

To adopt and sign as a correct record the Council minutes of the meeting held on 22 May 2024.

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. Local Authority Housing Fund: Round 3

Cabinet, at its meeting on 28 June 2024, considered a report on the additional grant funding made available under Local Authority Housing Fund 3 (LAHF 3) to support the provision of housing for the council's refugee accommodation programme building on previous rounds which the council has taken advantage of.

The Cabinet [agenda](#) circulated to all members includes the relevant report.

Cabinet resolved to accept the Department for Levelling Up, Housing and Communities' grant of £747,000 (indicative Local Authority Housing Fund 3 allocation) to deliver four homes that meet the eligibility criteria outlined within the Local Authority Housing Fund 3 prospectus, and to authorise the deputy chief executive – transformation and operations to sign the Memorandum of Understanding with the Department for Levelling Up,

Housing and Communities, which sets out the understanding between both parties for the use of funding.

RECOMMENDATION TO COUNCIL: To add £1.644 million to the capital programme, part funded by Local Authority Housing Fund 3 funding of £747,000 to purchase four homes under the Local Authority Housing Fund (LAHF) scheme.

8. S106 Request - Milton Parish Council - New Community Hall with Sporting Facilities, Potash Lane, Milton

(Pages 20 - 29)

To consider the report of the head of finance on a proposal to award funds to Milton Parish Council towards a new community hall with sporting facilities in Milton parish – attached.

9. Review of political balance and allocation of seats to committees

(Pages 30 - 35)

To consider the report of the head of legal and democratic on a review of the political balance – attached.

10. Statutory Officer Appointments: Monitoring Officer, Electoral Registration Officer, and Returning Officer

(Pages 36 - 40)

To consider the report of the head of corporate services on the appointment of a monitoring officer, and electoral registration officer and a returning officer – attached.

11. Report of the leader of the council

To receive the report of the leader of the council.

12. Questions on notice

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

A. Question from Councillor Povolotsky to Councillor Thomas, Leader of the council

Can the leader please explain why she has not made any attempts to meet with GARD - The Group Against Reservoir Development, despite their continued requests to meet, since she became leader in late 2022?

B. Question from Councillor Debby Hallett to Councillor Mark Coleman, Cabinet Member for Environmental Services and Waste

For the 13 years I've been a member of this council, I have tried to urge the council to improve the litter and detritus removal on the verges and in the shrubs and trees alongside the A34.

The A34 is almost always strewn with rubbish, tyres and detritus. Highway repair crews leave their cones and frames and sandbags behind. Right now, the weeds have grown

up enough that it's harder to see. (I recognise that there was recently a one-off blitz to get some control back. I am more concerned with the regular maintenance programme and less in heroics that make for good social media posts.)

What is Vale's responsibility to residents regarding litter removal from the A34, and what is our strategy for meeting that responsibility?

C. Question from Councillor Robert Clegg to Councillor Helen Pighills, Cabinet Member for Community Health and Wellbeing

The Joint Street Trading Policy, adopted by the Vale of White Horse District Council and South Oxfordshire District Council in 2014, sets out our framework for the management of street trading across the two district areas. The only substantial amendment to this policy since its adoption came into effect in 2020 and related to food hygiene and health and safety. The policy sits within the national legislative framework set out by the Local Government (Miscellaneous Provisions) Act of 1982.

In the decade since our policy was first adopted, the catering industry has faced many headwinds and has suffered as a consequence. The number of public houses across the UK has plummeted and street food vendors have also struggled, a situation exacerbated by but not limited to the Covid-19 pandemic. Those who have survived have often done so by innovating, adopting new approaches to better serve their customers.

Partnerships between "wet-led" public houses and mobile caterers, serving high-quality food from customised trucks or stalls, are one such innovation that has proven successful under these challenging market conditions. The Crown Inn in Marcham, in the ward which I serve, frequently hosts food trucks owned & operated by small, local businesses. After decades of the Crown struggling to stay open, the pub is now thriving and is a source of great pride to the village. The food trucks arrangement has proven immensely popular, to the benefit of the pub, the trucks, and the community. I understand that the chain owning the Crown has achieved similar success across the Vale, and also in South Oxfordshire. However, the variety of food offered by the mobile caterers at the Crown is constrained by the specifics of the Joint Street Trading Policy.

Could the Cabinet member please outline what opportunities there may be for making the policy more flexible and supportive of the local businesses of today, while still consistent with the relevant national legislation? For example, the Vale's [Application for a Street Trading Consent](#) form constrains applicants to specify their Days and Hours of Operation (Section 4) within a regular, weekly pattern, despite the 1982 Act (Sections 3.2.b, 4.1.a) being worded in a less specific manner. Other district councils have adopted more flexible approaches to licencing street trading, often aided by modern digital technology, and I know that many local residents would like to see the Council (and our colleagues in South Oxfordshire) to follow suit.

D. Question from Councillor Viral Patel to Councillor Bethia Thomas, Leader of the Council:

We've had some exciting times since we last met as a council, as Labour establish a new government we wait to see how well they govern in their first term in office. The manifesto promises cover many of the things our residents rely on to live happy, healthy and fulfilling lives, from homelessness, public ownership of rail, climate change, nature recovery and even the introduction of a National Care Service, it is a laundry list of needs

and wants, many of which directly reference the governance of our districts. Specifically, the Labour manifesto references:

[Labour will introduce] “new statutory requirement for Local Growth Plans that cover towns and cities across the country. Local leaders will work with major employers, universities, colleges, and industry bodies to produce long-term plans that identify growth sectors and put in place the programmes and infrastructure they need to thrive. These will align with our national industrial strategy.”

“Housing need in England cannot be met without planning for growth on a larger than local scale so we will introduce effective new mechanisms for cross-boundary strategic planning.”

[Labour] “will also widen devolution to more areas, encouraging local authorities to come together and take on new powers.”

“On housing and planning we will seek to consolidate powers to allow for improved decision making.”

Can the leader tell us how she believes these manifesto statements will impact the governance in the Vale of White Horse District Council and any implications for democratic accountability?

E. Question from Councillor Debra Dewhurst to Councillor Bethia Thomas, Leader of the council

For a number of years, local councillors, including myself and Councillor Gascoigne, have been pushing for much needed medical facilities in Blewbury and Harwell ward, in the form of the Health Centre on Great Western Park (GWP).

Can you please explain why it has only come to light recently, to elected representatives and parish councils, that progress could not have been made with the GWP Health Centre until the Integrated Care Board (ICB) approved a business case and why local representatives for the immediately affected parishes of Western Valley and Harwell were not informed this was what was needed?

13. Motions on notice

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

- (1) Motion to be proposed by Councillor Katherine Foxhall, seconded by Councillor Eric de la Harpe:

This council recognises that:

- The UK is committed by the Climate Change Act and by the Glasgow Climate Pact to reducing its carbon emissions to net zero by 2050, and to reducing them by 68% from 1990 levels by 2030.
- The Climate Change Committee has estimated that Local Authorities have powers or influence over roughly a third of emissions in their local areas.
- This council is already committed to reducing its own carbon emissions to net zero

by 2030 and to supporting our District to achieve the same by 2045.

This council resolves to:

- Ask Cabinet to consider the use of SMART (Specific, Measurable, Achievable, Relevant and Time-bound) targets and reporting to deliver and monitor our carbon emissions reduction targets for Council and District emissions.
- Consider innovative financing options to deliver the climate action that we need to meet our targets and to support a just transition for our residents.
- Ask the Leader to write to the Secretary of State to request that all Local Authorities are given statutory duties, powers and funding to enable them to deliver locally for a Net Zero transition in line with the UK's legal commitments.

(2) Motion to be proposed by Councillor Max Thompson, seconded by Councillor Jill Rayner:

LGBTQ+ people have a long contributed to political, economic, social and cultural life in the Vale of White Horse, the UK, and the wider world. However, their stories have often been omitted from history books and wider discourse.

Vale has a proud record of recognising and supporting the importance of equality and diversity. Examples include the fact that Council has an adopted Diversity and Inclusion strategy and since 2019 has reconfirmed its commitments to Equality, Diversity and Inclusion in motions on Islamophobia, and anti-Semitism, and trans rights and we strive to embed those values across our service delivery.

Regrettably however, some politicians and political campaigns still seek to vilify and ridicule members of the LGBTQ+ community and there has been an uptick of violence and hate crimes towards LGBTQ+ persons in recent years.

There are many important international days for LGBTQ+ awareness that Council does not currently mark externally, including International Day against Homophobia, Biphobia and Transphobia, which falls on 17 May, and Transgender Day of Remembrance, which falls on 20 November. February 2025 marks 20 years of LGBT+ history month, which Council has not hitherto marked with any large-scale external communications or events.

Council therefore resolves to:

- Recognise the damage done to individuals across the LGBTQ+ community by Section 28 of the Local Government Act (1988), which required local authorities to take restrictive approaches across areas such as education, publicity and communications, which means that the harm done to the LGBTQ+ community, and others, has extended long past the legislation's removal in 2003.
- Restate its belief that LGBTQ+ persons are valued members of our community.
- Endorse the view that support for LGBTQ+ groups is not, and must not, be limited to raising the flag during Pride month.
- Ask cabinet to consider developing a communications strategy that highlights and marks the International Day against Homophobia; Biphobia and Transphobia, the

Transgender Day of Remembrance 17th May, 20th November and LGBT+ History month. The development of such a strategy could support and make visible the various initiatives across the Vale and periods of LGBTQ+ awareness beyond pride.

- Ask Cabinet to consider how the Council could best support organising an annual public event from February 2025 to mark LGBT+ history month.
- Ask the Leader of the Council to write to the relevant Government Minister asking that they note the commitment to supporting equality for all of this Council, emphasising the importance of education and understanding as key drivers against intolerance in all spheres.
- Note that the Leader has asked the EDI Champions to meet with officers and report back to her, and update Council as required, on matters relating to the above on a bi-annual basis.

14. Exclusion of the public

To consider whether to exclude members of the press and public from the meeting for the following item of business under Section 12A of the Local Government Act 1972 as amended on the grounds that:

- (i) It is likely that there will be disclosure of exempt information as defined in paragraph 3 of Schedule 12A, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15. End of Capita contract in September 2025 and options for the services still within the contract

(Pages 41 - 48)

To consider the report of the Deputy Chief Executive: Partnerships – attached.

Minutes

of the annual meeting of the

Council



held on Wednesday, 22 May 2024 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: Kiera Bentley (Chair), Oliver Forder (Vice-Chair), Ron Batstone, Cheryl Briggs, Mark Coleman, Andy Cooke, Andy Crawford, Eric de la Harpe, Debra Dewhurst, 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, Sally Povolotsky, Jill Rayner, Judy Roberts, Val Shaw, Andrew Skinner, Emily Smith, Bethia Thomas and Max Thompson

Officers: Emily Barry, Democratic Services Officer, Steven Corrigan, Democratic Services Manager, Mark Stone, Chief Executive and Vivien Williams, Head of Legal and Democratic and Monitoring Officer (interim)

1. Election of Chair

Councillor Bentley invited nominations for Chair.

Councillor Bentley was nominated as chair for the 2024/25 municipal year. Councillor Thomas as proposer and Councillor Coleman as seconder spoke in support of the nomination.

RESOLVED: to elect Councillor Bentley as Chair of the council for the 2024/25 municipal year, until the next annual meeting of the Council in May 2025.

Councillor Bentley signed the declaration of acceptance of office and made an acceptance speech. She thanked Councillor Povolotsky, previous Chair of the council, for her support. She would be working with Councillor Povolotsky to distribute the charitable funds raised during the previous municipal year. The Chair advised that her husband would be acting as her escort.

2. Appointment of Vice-Chair

Councillor Forder was nominated as vice-chair for the 2024/25 municipal year. Councillor Thomas as proposer and Councillor Coleman as seconder spoke in support of the nomination.

RESOLVED: to elect Councillor Forder as vice-chair of the council for the 2024/25 municipal year, until the next annual meeting of the Council in May 2025.

Councillor Forder signed the declaration of acceptance of office and made an acceptance speech.

3. Apologies for absence

Apologies for absence were received from Councillors Barrow, Caul, Clegg, Cox, Edwards and Farrell.

4. Minutes

In response to a question in respect of the detail included in the minutes, the democratic services manager advised that the minutes were a record of decisions made and, whilst they included a summary of discussions, it was not council practice to reference individual councillors unless referencing a recommendation to council, formally submitted question on notice, a specific question/statement or a specific ward related matter (eg Neighbourhood Development Plan).

RESOLVED: to approve the minutes of the meeting held on 22 February 2024 as a correct record and agree that the Chair sign them as such.

5. Declarations of interest

None.

6. Urgent business and chair's announcements

The Chair advised that there was no urgent business.

The Chair referred to the recent resignation of Richard Webber as the district ward councillor for Sutton Courtenay and, on behalf of Council, thanked him for his service to both the council and his constituents. Councillor James, a neighbouring ward councillor, made a statement in agreement with the Chair's words and thanking Richard Webber for his support when she was first elected as a district councillor.

The Chair advised that she would be raising funds for the following charities:

- Letcombe Brook Project
- Faringdon Folley Tower & Woodland Trust

7. Appointments to committees, panels and joint committees for 2024/25

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

The chair referred to the recommendations set out in the report, and circulated at the meeting, which covered the committee appointments for the 2024/25 municipal council year.

These recommendations were that Council:

1. appoints the committees and panels for the 2024/25 year and allocate seats to each political group as set out in the schedule circulated prior to the meeting;
2. appoints councillors and substitutes to sit on the committees and panels as set out in the schedule circulated prior to the meeting;
3. appoints councillors to the Licensing Acts Committee as set out in the schedule circulated prior to the meeting;

4. appoints councillors to the Climate Emergency Advisory Committee as set out in the schedule circulated prior to the meeting;
5. appoints chairs and vice-chairs as set out in the schedule circulated prior to the meeting;
6. appoints all local members representing the wards covered by the relevant area committees to those committees for the 2024/25 municipal year – Abingdon and North East, Faringdon and Wantage;
7. appoints Paul Barrow as the council’s representative and Ron Batstone as substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee;
8. appoints Neil Fawcett as the council’s representative and Helen Pighills as substitute on the Thames Valley Police and Crime Panel;
9. appoints Emily Smith, Debby Hallett and Andy Cooke to the Future Oxfordshire Partnership Scrutiny Panel;
10. authorises the head of legal and democratic to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

A number of councillors expressed concern that the independent councillors had no representation on committees and spoke in support of the Council making such provision. Other councillors noted that, as set out in the report, non-group councillors were not automatically entitled to committee seats. Such provision required no councillor voting against such a proposal and this was not guaranteed.

RESOLVED: That for the 2024/25 municipal year to:

1. appoint the following committees and panels for the 2024/25 municipal year and to appoint the membership, substitutes and chairs and vice-chairs as indicated to sit on them (see table below);

Planning Committee, 9 Members	
Liberal Democrat (8)	Green (1)
Ron Batstone	Cheryl Briggs
Jenny Hannaby	
Scott Houghton	
Rob Maddison	
Mike Pighills	
Jill Rayner	
Val Shaw (Vice-Chair)	
Max Thompson (Chair)	
Preferred substitutes	
Liberal Democrat (8)	Green (3)
Paul Barrow	Katherine Foxhall
Robert Clegg	Sarah James
Andy Cooke	Viral Patel
Amos Duveen	
Oliver Forder	

Hayleigh Gascoigne	
Judy Roberts	
Emily Smith	

Scrutiny Committee, 9 Members	
Liberal Democrat (8)	Green (1)
Ron Batstone	Katherine Foxhall (Chair)
James Cox	
Eric de la Harpe	
Oliver Forder	
Hayleigh Gascoigne	
Debby Hallett	
Rob Maddison	
Judy Roberts (Vice-Chair)	
Preferred substitutes	
Liberal Democrat (8)	Green (3)
Paul Barrow	Viral Patel
Kiera Bentley	Sarah James
Robert Clegg	Cheryl Briggs
Andy Cooke	
Amos Duveen	
Jenny Hannaby	
Emily Smith	
Max Thompson	

Joint Scrutiny Committee, 5 Members	
Liberal Democrat (4)	Green (1)
Andy Cooke	Katherine Foxhall (Co-Chair)
Ron Batstone	
Judy Roberts	
Andrew Skinner	
Preferred substitutes	
Liberal Democrat (4)	Green (3)
Kiera Bentley	Sarah James
Mike Pighills	Viral Patel
Patrick O'Leary	Cheryl Briggs
Max Thompson	

Joint Audit and Governance Committee, 4 Members

Liberal Democrat (4)

Oliver Forder

Judy Roberts

Andrew Skinner

Emily Smith (Co-Chair)

Preferred substitutes

Liberal Democrat (4)

Andy Cooke

Eric de la Harpe

Jenny Hannaby

Mike Pighills

Community Governance and Electoral Issues Committee, 6 Members

Liberal Democrat (5)

Ron Batstone

Oliver Forder

Diana Lugova

Rob Maddison (Chair)

Max Thompson (Vice-Chair)

Green (1)

Sarah James

Preferred substitutes

Liberal Democrat (5)

Eric de la Harpe

Neil Fawcett

Scott Houghton

Patrick O'Leary

Mike Pighills

Green (3)

Cheryl Briggs

Katherine Foxhall

Viral Patel

Joint Staff Committee, 5 Members

Liberal Democrat (4)

Mark Coleman

Neil Fawcett

Andy Foulsham

Bethia Thomas

Substitutes

Green (1)

Viral Patel

The Leader may be substituted by another Cabinet member.
Other members of the committee may be substituted by any other member of the council.

General Licensing Committee, 12 Members

Liberal Democrat (11)	Green (1)
Paul Barrow	Cheryl Briggs
Ron Batstone (Chair)	
Kiera Bentley	
Lucy Edwards	
Neil Fawcett	
Oliver Forder	
Diana Lugova	
Patrick O'Leary (Vice-Chair)	
Val Shaw	
Andrew Skinner	
Bethia Thomas	
NO SUBSTITUTES	

Licensing Acts Committee, 12 Members

Liberal Democrat (11)	Green (1)
Paul Barrow	Cheryl Briggs
Ron Batstone (Chair)	
Kiera Bentley	
Lucy Edwards	
Neil Fawcett	
Oliver Forder	
Diana Lugova	
Patrick O'Leary (Vice-Chair)	
Val Shaw	
Andrew Skinner	
Bethia Thomas	
NO SUBSTITUTES	

Appeals Panel, 3 Members

Liberal Democrat (3)

Paul Barrow

Rob Clegg (Chair)

Jill Rayner

PREFERRED SUBSTITUTES

Liberal Democrat (3)

Mark Coleman

Debby Hallett

Val Shaw

Climate Emergency Advisory Committee, 7 Members

Liberal Democrat (6)

Kiera Bentley

Robert Clegg

Eric de la Harpe (Vice Chair)

Hayleigh Gascoigne (Chair)

Scott Houghton

Max Thompson

Green (1)

Sarah James

Preferred substitutes

Liberal Democrat (6)

Ron Batstone

Amos Duveen

Rob Maddison

Mike Pighills

Jill Rayner

Val Shaw

Green (3)

Viral Patel

Katherine Foxhall

Cheryl Briggs

2. appoints all local members representing the wards covered by the relevant area committees to those committees for the 2024/25 municipal year – Abingdon and North East, Faringdon and Wantage;
3. appoints Paul Barrow as the council's representative and Ron Batstone as substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee;
4. appoints Neil Fawcett as the council's representative and Helen Pighills as substitute on the Thames Valley Police and Crime Panel;
5. appoints Emily Smith, Debby Hallett and Andy Cooke to the Future Oxfordshire Partnership Scrutiny Panel;
6. authorises the head of legal and democratic to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

8. Making the East Hanney Neighborhood Plan

Council considered the recommendation of Councillor Foulsham, Cabinet member for corporate services, policy and programmes, made on 7 May 2024, to make the East Hanney Neighbourhood Development Plan part of the development plan for Vale of White Horse.

Councillor Povolotsky, the local ward member, made a statement in support of the adoption of the Plan.

RESOLVED: to

1. make the East Hanney Neighbourhood Development Plan, so that it becomes part of the council's development plan.
2. authorise the head of policy and programmes, in consultation with the Cabinet member for corporate services, policy and programmes in agreement with the Qualifying Body – East Hanney Parish Council, to correct any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

9. Making the Sutton Courtenay Neighbourhood Plan

Council considered the recommendation of Councillor Foulsham, Cabinet member for corporate services, policy and programmes, made on 7 May 2024, to make the Sutton Courtenay Neighbourhood Development Plan part of the development plan for Vale of White Horse.

RESOLVED: to

1. make the Sutton Courtenay Neighbourhood Development Plan, so that it becomes part of the council's development plan.
2. authorise the head of policy and programmes, in consultation with the Cabinet member for corporate services, policy and programmes in agreement with the Qualifying Body – Sutton Courtenay Parish Council, to correct any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

10. Code of Corporate Governance

Council considered the report of the head of legal and democratic on the revised local Code of Corporate Governance, which had been recommended for adoption by the Joint Audit and Governance Committee at their meeting on the 15 April 2024.

Council was satisfied with the revised code of corporate governance and agreed that it should be included in the council's constitution.

RESOLVED: to adopt the revised local code of corporate governance attached to the report of the head of finance to the Joint Audit and Governance Committee on 15 April 2024 and include it in the council's constitution.

11. Report of the leader of the council

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

Council noted the details of the special urgency decision taken by the Cabinet member for Finance and Property to participate in the government funded scheme to provide financial compensation to households and businesses adversely affected by the flooding impacts from Storm Henk.

12. Questions on notice

A. Question from Councillor Katherine Foxhall to Councillor Bethia Thomas, Cabinet member for Climate Action and the Environment.

The Environment Agency (EA) is currently developing the Thames Valley Flood Scheme, identifying places that could be used to store floodwater to reduce flood risk across the non-tidal Thames Valley. From an initial list of over 700 potential locations, 17 potential locations remain (according to the EA) “that might be suitable to store flood water on some of the rivers that feed into the river Thames”. Two of these remaining sites are in the Vale – although the exact locations are vague, one is on the National Trust estate at Buscot and Coleshill, and the other appears to be southwest of Abingdon, just south of the River Ock, a site many of our members are of course familiar with as the proposed site of Thames Water’s massive reservoir.

Given the EA’s stated aims of working “in partnership to deliver a wide range of environmental and other benefits” can the Cabinet member please advise what contact have officers had with the Environment Agency during the planning process for this scheme, and are we confident that we are being fully informed of the implications of any finalised locations for example in allocating land within our new local plan?

Written response

Thank you for your question about the Thames Valley Flood Scheme. As you say, this scheme is currently in the process of identifying potential sites for storage of flood water in the upstream parts of the Thames catchment area, and there are two possible locations in the Vale which will be subject to further consideration.

Our officers have been in regular contact with the Environment Agency about this project, with their most recent meeting having taken place on 11 April this year.

At this stage the EA has confirmed that they are a long way from any decisions on specific locations and from entering into planning processes, so we should not expect any request for the safeguarding of land in our local plan as yet. The EA team has committed to carrying out consultation with all relevant parties as the project progresses.

When we make decisions about whether to support these types of schemes, we will seek to ensure that we strike the right balance between protecting existing green space, or agricultural land, both of which have their own intrinsic value, and the need to protect homes and businesses from flooding. It was only a few months ago that we saw families threatened by rising water levels, including those in Buscot, a village in your ward, and very close to one of the possible sites in the flood scheme.

I know that our officers are already working closely with the EA on other projects and I’m sure they will continue to keep a close eye on this one as well.

B. Question from Councillor Viral Patel to Councillor Bethia Thomas as Cabinet member for Leisure Centres and Community Buildings.

Over the last decade we have seen a growth in population of 14% across the Vale, with a further growth of 25% expected in the next 15 years. A significant proportion of this growth has been in Wantage, Faringdon, Stanford and Shrivenham, with the arrival of so many more residents it is good to see the focus on expanding our capacity at leisure facilities. For my ward I am particularly pleased to see the addition

of a learner pool at Faringdon, and at Wantage, with both facilities in proximity for residents of my ward.

In the Vale Leisure Facilities Assessment and Strategy Report the lack of capacity at Wantage and its low quality were highlighted, along with the need to increase capacity at Faringdon. Further, in assessing the future needs for the Vale, Shrivenham was highlighted for pool facilities as where “the most unmet demand can be met”, however at present that was deemed not enough to validate the consideration for a new pool facility in the locality.

Does the Cabinet member agree with me that, while we expect to see continued growth in our population, we should be looking to support our residents, including those on the outskirts of the county, with facilities we have assessed to be vital for their wellbeing and without expecting them to travel to neighbouring districts to meet those needs? Further, can I ask the Cabinet member if we could undertake a more detailed viability assessment for providing for the highlighted deficit in swimming facilities in the western Vale, to support those residents and provide a better distribution of leisure facilities across the district?

Written response

Thank you for your kind words about the draft leisure and playing pitch strategies. Our consultation on these draft documents ended on 24th April 2024, and we are now reviewing the comments we received and considering what changes we need to make with our consultants, Stuart Todd Associates. It would not be appropriate for me to comment in detail on your questions at this time while we review the consultation comments.

I would like to emphasise that the strategies' role is to identify the need for new facilities, and they are not a definitive list of facilities for the council to deliver."

On the subject of the availability of swimming facilities, I am aware that there might be some concern among residents in the east of the district following the announcement from Oxford Brookes University that it intends to close its pool at Harcourt Hill later this year. While this pool was coming toward the end of its life, I think the university's decision to close it earlier than we were expecting highlights the significant financial challenges being faced by all types of organisations running swimming pools, not just local authorities.

This announcement came after we had closed the consultation on our leisure and playing pitch strategy, so while we review and analyse the responses to the consultation, we will also review what implications - if any - that the university's decision could have on the draft strategy, taking external expert advice as and where necessary. The outcomes of the consultation and our review of the impact of the university closing its pool will be reported on later in the year.

Supplementary question

I thank the cabinet member for their response, and the details around the closure of Oxford Brookes' facility to the east of the Vale, and how that may change the way we view our strategy going forward. I am sure some of my ward residents may have made use of the facility at Harcourt Hill, likely their route to the Brookes facility would have taken them past either the Wantage or Faringdon Vale facilities, as such I suspect that specific change in circumstances will have limited impact on them and they would be far more interested in addressing the needs in the west of the Vale.

In your reply you refer to the “strategies’ role is to identify the need for new facilities”, the Leisure Facilities Assessment 2024 (carried out by Stuart Todd Associates) had identified 7 large pools in the district, with only 4 being open to the public (which now

reduces to 3), Abingdon, Wantage and Faringdon. In addition to the assessment highlighting the largest deficit being in Shrivenham (in my ward), it also highlighted almost all (unmet demand) is from residents located too far from a facility.

Is the cabinet member able to outline what weight will be given to the needs of those furthest from an existing facility when making any decision on provisioning leisure facilities?’

Written response

Councillor Thomas undertook to provide a written response.

C. Question from Councillor Viral Patel to Councillor Andrew Crawford as Cabinet member for Finance and Property.

Over the last few years local authorities of varying sizes have chosen to bring leisure facilities back in house. In North Yorkshire, a Conservative led upper tier authority, the cabinet member expressed one of the reasons as “All outsourcing does is encourage very good local government officers to move to the private sector to manage services they were managing in the first place”. North Yorkshire joins Stroud (a Green-LibDem-Independent led council), Haringey and Wiltshire (who started in-housing in 2020). Each of these authorities have chosen to in-source leisure facilities for reasons based on the needs of the local population, the position of the council and other local conditions.

In our own council, we have chosen to bring many services in house following poor service and excessive contract costs of outsourcing over recent decades. As we look to renegotiate contracts with our leisure facilities suppliers in the near future, I would expect the process to be far more challenging than it has been in past years, largely down to the financial burdens faced in all sectors of the economy, not least in council finances and especially given the high inflationary pressures felt over recent years. An example of this can be seen with the bidding process carried out by Rutland County Council, where no supplier was willing to take on the full running costs resulting in Rutland needing to restart the process in a weaker position.

Can the Cabinet member update us on what work is taking place to assess the viability of bringing our leisure services in-house, in order to put us in the strongest possible position in renegotiating contracts?

Written response

The requirement to achieve best value, and consider all options including in house provision, is a legislative one, but even if it were not, it is certainly an option that I would want to ensure was fully considered.

I can confirm, as I have previously committed to full council, that any decision regarding our long-term model for future Leisure provision will consider all options. Should we proceed with an external tender, the existing provider GLL would of course, alongside other potential operators, be able to engage with any procurement process.

During the last five years this council has successfully brought several services in house such as Property Management, Grounds Maintenance, and our Human Resources provision. Officers within our Development and Corporate Landlord service area have already engaged specialist support for the assessment of leisure options, our prudent budgeting over the past five years means that we can secure dedicated officer support for this key area of work.

A report will be coming forward later this year setting out the approach that officers will take should Cabinet decide to proceed with a revised Leisure Procurement. However, I can confirm that I, and the Leader, have emphasised to officers that should they recommend it, the insourcing of the service is something the Cabinet would consider very seriously indeed. Key elements of our consideration will, of course, be value for money, the likely quality of service and the wider financial and risk factors of any change to our existing model of delivery.

There will also be the Scrutiny process to ensure any decision-making processes are clear and accessible to the public.

I trust that this answers your question.

Supplementary question

Councillor Patel thanked the Cabinet member for his thorough and detailed response and commended him and officers on their prudent budgeting which had left the council with head room to consider wider options.

In addition to the financial aspects, he asked if the Cabinet member would identify which other criteria the Cabinet would consider when deciding how leisure procurement was to proceed and what relative priorities they would be given?

Response

Councillor Crawford referred to his written response which set out the areas for consideration but added that it was too early to confirm priorities.

The meeting closed at 7.50pm

Chair:

Date:

Council Report



Report of Head of Finance – Simon Hewings

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Cabinet member responsible: Councillor Andy Crawford, Cabinet Member for Finance and Property

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To: Council

Date: 17 July 2024

S106 Request – Milton Parish Council – New Community Hall with Sporting Facilities, Potash Lane, Milton

Recommendation(s)

For Council to approve the recommendations of the 19 April 2024 Cabinet meeting as set out below, subject to planning permission for the facility being in place prior to consideration of the funding award by Council;

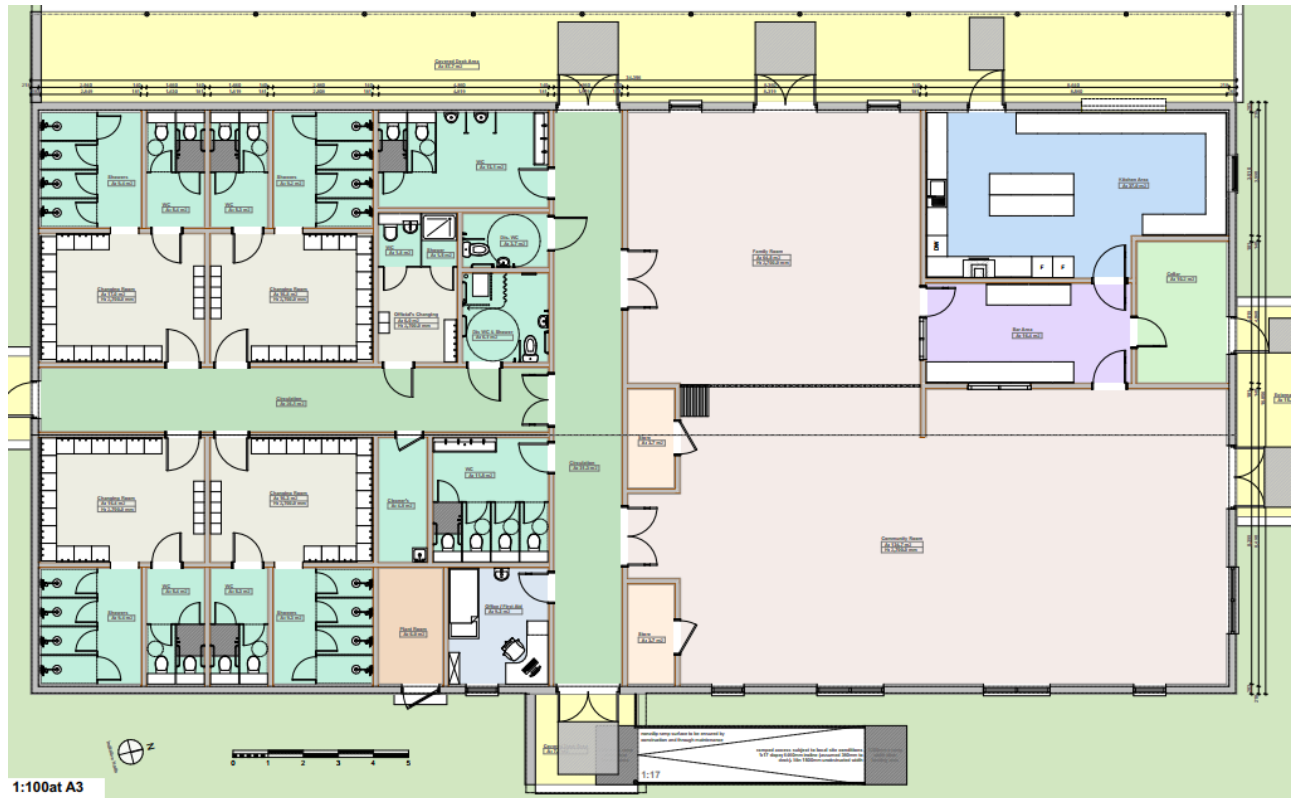
1. To create a budget for £876,572.22 towards a new community hall with sporting facilities, at Potash Lane in Milton Parish, from the accumulated section 106 contributions set out in the head of finance's report to Cabinet on 19 April 2024.
2. To authorise the Head of Finance, in consultation with the Head of Legal and Democratic to:
 - agree and enter into a funding agreement with Milton Parish Council regarding the terms of use of the S106 funding; the instalments in which the funding is paid; the timing of instalments; the conditions subject to which instalments are paid and to otherwise 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 provisions
 - approve the payment to Milton Parish Council of up to £876,572.22 towards a new community hall with sporting facilities, at Potash Lane in Milton Parish, subject to and in accordance with the funding agreement.

Purpose of Report

1. To inform Council and seek approval of the recommendations made by Cabinet on 19 April 2024 following the receipt of an application for funds, submitted by Milton (Abingdon) Community and Sports Limited (MSCL), for a total sum of £876,572.22, to be awarded to Milton Parish Council as the funding recipient. This will be spent towards a new community hall with sporting facilities in Milton Parish. The sum is to be taken from six contributions secured under S106, from legal agreements linked to four developments.
2. The development will consist of:
 - i. A new community building with sporting facilities with a dedicated and flexible, commercial catering standard kitchen, bar and improved storage.
 - ii. A new family and function room, with full, internal and external bar and kitchen facilities. Four team and two officials' changing rooms to Sport England specification, to replace the two existing team changing rooms and officials changing rooms which currently fall well short of the required FA standards.
 - iii. A community room with full bar and professional standard catering and kitchen facilities with the ability to be separated into two rooms should demand require it, via the closure of a central partition.
 - iv. Disabled access throughout the building with disabled toilet facilities.
 - v. Visual representations of the building can be seen in the images below (subject to change)







3. The contribution amounts totalling £876,572.22 are summarised in the table below, with full legal wording in appendix one.

Agreement Ref.	Contribution towards: (extracts from S106 agreement)	Amount in Agreement	Contributions Received (incl indexation)	Amount requested	Previously Allocated	Projected Balance
15V51 Reason code COM	Clubhouse Contribution - to be used towards a clubhouse in the Vicinity (5 miles)	£7,911	£8,728.16 received on 02.08.18, spend within 10 years	£4,728.16	£4,000	£0
15V62 Reason code COM	towards the provision or enhancement of a clubhouse and/or changing room facilities associated with sports pitches in the Parish	£17,708	£19,979.07 received on 15.08.18, spend within 10 years	£19,979.07	£0	£0
17V60 Reason code COM	Provision of new Community Hall/rooms (Milton Parish)	£425,473	£469,933.88 received on 06.01.20, spend within 10 years	£469,933.88	£0	£0

17V60 Reason code COM	Provision of new football Pavilion/clubhouse on land at Milton United football club or in Milton parish	£307,074	£347,293.98 received on 06.01.20, spend within 10 years	£347,293.98	£0	£0
17V60 Reason code OUT	Provision of youth sport within Milton Parish	£28,750	£34,637.13 received on 15.02.22, spend within 10 years	£34,637.13	£0	£0

Corporate Objectives

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

Background

5. Milton United Football Club are currently located at the Potash Lane site, their home ground is known as Milton Heights. The existing football pavilion at the site was always intended to be a temporary building and has reached the end of its useful life. Milton Parish has also been without a community hall for many years.
6. The financial package secured by Vale of White Horse District Council in relation to the Redrow Homes' "Blaise Park" development nearby includes contributions for a community hall and rooms, and a new football club pavilion/clubhouse for Milton United FC. It has been jointly decided by both Milton Parish Council (the owners of the freehold of the land upon which the new building will be built) and Milton United Football Club that the best and most effective use of these funds would be to build a single replacement building providing state of the art facilities for a wide range of community uses as well as accommodating the ever growing operational needs of the football club, the bowls club and the pigeon club, all of whom use the building currently.
7. Based on recent analysis (prior to the 2020 pandemic), the existing building and adjoining football pitches, bowls club and pigeon club attract approximately 15,000 visits a year with a core of approximately 500 people using the facilities regularly. This presents a solid foundation for growth and the new facilities are expected to double that usage within three years, by recruiting not just new members for the current clubs but by attracting new clubs representing different disciplines. The club anticipate opening longer hours to cater for more hires and social functions and casual use from the ever growing local population of Milton Heights.
8. From a sporting perspective the new facility will double the changing room capacity, allowing the football club to fully realise the potential of both their second senior football pitch and the two new nine a side junior football pitches. This will allow more sport to be played at Milton Heights and to develop as a centre of regional excellence, particularly for women's and youth football.

9. The general sporting demand in the area is growing with all age groups of the Football Club membership expanding and demand exceeding supply. It is also anticipated that the proposed, and FA funded, construction of a full size artificial pitch on site, planned as part of the VOWH Local Football Facilities Plan (LFFP), will only further increase that demand.
10. The new Milton Community Hall will provide locally managed community and ancillary sports and social facilities for both local community users and the general public alike, as well as an office and regular public meeting place for Milton Parish Council. There will also be the potential for a variety of sports clubs and community groups to hire the facilities, daytime community activities, and as a potential facility for St Blaise School's external activities.
11. The centre will be operated by MCSL, a company limited by guarantee (Company Number: 14172566), incorporated in June 2022 for this sole purpose. MCSL contains members with voting rights from both Milton United FC and Milton Parish Council. MCSL is an entity set up to promote, encourage and support community and amateur sport within the local community.

Options

12. The applicant is seeking funds to develop the scheme in accordance with planning application reference P24/V0432/FUL. The Infrastructure Implementation Team have not received any competing applications for these funds. The alternative options would be for the Council to consider only part funding, or not funding the project. Both these options have been discounted as they would put the delivery of this project at serious risk of not proceeding, given the overall cost, or being subject to significant delay whilst alternative funds are sought.

Climate and ecological impact implications

13. The Vale Corporate Plan 2020-2024 states that we will implement a climate emergency programme focussed on encouraging the wider district community to reduce its carbon footprint, in order to meet the climate emergency targets. In June 2022 we adopted the Joint Design Guide which includes guidance on sustainable development, reducing carbon emissions through design and construction and the natural environment. The Joint Design Guide is a supplementary planning document and is a material consideration when determining planning applications.
14. Although there are no constraints imposed by the legal agreements, given the substantial funding being requested in this case we should expect higher energy and carbon saving standards from buildings funded by developer contributions. Examples would include; sustainable construction techniques, the application of renewable energy schemes (e.g. solar and wind), the incorporation of trees and other green infrastructure on the site to sequester carbon and increase biodiversity, insulation levels above those required by building regulations, triple glazing, low carbon heating systems, water saving appliances, electric vehicle charge points and bicycle racks.

Financial Implications

15. The total anticipated cost of the project is £900,000, funded by developers' contributions only. A previous S106 application ref: P23V2148 was considered in September 2023, the district council awarding an initial £18,255.50 towards the project towards professionals' fees. Therefore awarding £876,522.22 should cover the remaining cost. Milton Parish Council have agreed to provide a contingency if required.
16. The Grants Team have confirmed no other district council funds have been allocated to this project.
17. The funding application was received from MSCL but a subsequent request was made for the funding award and associated funding agreement to be between the district council and the parish council, the latter of which is the land owner. A delegation was made to the Head of Finance at the Cabinet meeting of 19 April, to determine the most suitable recipient of the funding. This revised approach has been reviewed by officers and distribution of funds to the parish council is considered as the most appropriate route for the allocation and release of funding for the delivery of the facility.

Legal Implications

18. A legal agreement will be secured with Milton Parish Council before any payment, to reduce risks to the Council regarding use of the funds. A maximum amount of £876,572.22 will be paid once the agreement has been signed, planning permission has been granted and evidence of land ownership has been supplied.

The terms of the legal agreement should include that;

- i. A qualified surveyor must be appointed to review a specification for the building and inspect during construction
- ii. A copy of the build contract signed by the parish council and the selected contractor is supplied
- iii. The proposed building works comply with Building Regulations
- iv. Limitation of the Councils liability in its release of funding towards the project in the event of building contract failure or contractor insolvency

19. It is recommended that the parish council seek independent legal advice in response to the agreement. The recipient of the funding must be aware of subsidy control implications related to their proposal.

20. This application is to utilise five contributions from three legal agreements. The wording of each agreement (as listed in appendix one) apart from one are unambiguous, either including the words 'clubhouse' or 'pavilion' in the 'parish' or

'Milton Parish' or 'vicinity' which is defined as under 5 miles from the development.

21. £34,637.13 from contribution 17V60 is for the 'Provision of youth sport within Milton Parish'. The applicant has reported that 90% of the teams at Milton Utd FC are now classed as 'youth', and that number is set to increase as the local school have allowed use of their smaller 9v9 football pitch. A second 9v9 pitch is planned on land which has recently been offered to the club by the developer.
22. MCSL will be entering into a lease with the landowner, Milton Parish Council. The three main activity groups within the organisation are Milton Utd FC, Milton Bowls Club and Milton Pigeon Club. Each section already has its own committee, accounts and banking, and typically its own membership and subscription arrangements. This will continue. All clubs are well established and experienced in operating premises. The constitution of the new organisation will be written in such a manner that other clubs may join if they wished in future.
23. Grassroots sporting activities, including members' clubs that do not operate on the market may set reasonable membership fees without being considered an enterprise. In view of this guidance the funding is not considered to be a subsidy as the recipient of the funding is not an enterprise, no economic advantage is being conferred, nor does the funding have an effect on competition or investment within the UK, or on trade or investment between the UK and another country or territory, or both.

Risks

24. S106 funding could be at risk if the building contract fails, or the building contractor becomes insolvent. The funding agreement will limit the district council's liability in its release of funding towards the project.

Other implications

25. At the point the funding request was considered by Cabinet on 19 April 2024, planning permission was not in place for the new facility. In accordance with the S106 funding approval procedure, planning permission, where required, must be in place before funding can be approved. As such, this funding request will only be considered by Council once the relevant permissions have been granted.

Conclusion

26. Using these funds to create a single replacement building will provide a state of the art facility for a wide range of community and sport uses, as well as

accommodating the ever growing needs of the residents of the parish and beyond.

27. The request for funding S106 funding towards this project has been evidenced to meet the requirements of spend, contained within the S106 agreements identified against this proposed project.
28. The risks identified have been shown to be manageable within reasonable tolerances, and through appropriate funding mechanisms.
29. The alternative options of either not funding or only part funding the project have been discounted.
30. It is therefore recommended that the s106 budget identified be allocated, and distributed subject to the agreement on the necessary funding agreement.

Appendix one

Financial contributions

The contribution of £876,572.22 is requested from the following agreements:

Development: Land adjoining Drayton Road Milton

Planning Ref: P14/V0052/O

S106 Ref: 15V51

Date of agreement: 22 April 2015

Decision: Planning Committee

Obligation: The “Clubhouse Contribution” means ‘the sum of seven thousand, nine hundred and eleven pounds (£7,911) to be paid by the Owners to the District Council to be used towards a clubhouse in the Vicinity.’ (Defined as within five miles of the development).

Spend by Date: 02 August 2028

Development: Land at Milton Hill

Planning Ref: P13/V0467/O

S106 Ref: 15V62

Date of agreement: 21 October 2015

Decision: Planning Committee

Obligation: The “Sports Pavilion Contribution” means ‘the sum of seventeen thousand, seven hundred and eight pounds (£17,708) to be paid to the Council to be used towards the provision or enhancement of a clubhouse and/or changing room facilities associated with sports pitches in the Parish’

Spend by Date: 15 August 2028

Development: Land to East of Milton Hill

Planning Ref: P16/V2900/FUL

S106 Ref: 17V60

Date of agreement: 26 October 2017

Decision: Planning Committee

Obligation 1: The “Community Hall/Rooms Contribution” means ‘the sum of Four Hundred and Twenty Five Thousand Four Hundred and Seventy Three Pounds (£425,473) Index Linked towards the provision of a new community hall/rooms within Milton Parish’

Spend by Date: 06 January 2030

Obligation 2: The “New Football Pavilion/Clubhouse Contribution” is defined as ‘the sum of Three Hundred and Seven Thousand and Seventy Four Pounds (£307,074) Index Linked, towards the provision of a new football pavilion or clubhouse on land at Milton United Football Club or in Milton Parish’

Spend by Date: 06 January 2030

Obligation 3: The “Youth Sport Contribution” is defined as ‘the sum of Twenty Eight Thousand Seven Hundred and Fifty Pounds (£28,750) Index Linked towards the provision of youth sport within Milton Parish’

Spend by Date: 15 February 2032

Council report



Report of Head of Legal and Democratic

Author: Steven Corrigan, Democratic Services Manager

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

To: COUNCIL

DATE: 17 July 2024

Review of political balance and allocation of seats to committees

Recommendations

That Council approves:

1. the revised political balance calculation set out in paragraphs 8 and 9 of this report;
2. the allocation of seats to committees set out in paragraphs 10-11 of this report;
3. the allocation of seats to the Climate Emergency Advisory Committee in accordance with paragraphs 14 and 15 of this report;
4. the allocation of seats to the Licensing Acts Committee in accordance with paragraphs 16-18 of this report;
5. appoints members to the committees as set out in the schedule circulated prior to the meeting;
6. authorises the head of legal and democratic to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

Purpose of report

1. This report invites Council to agree appointments to those committees required to be politically balanced together with the Climate Emergency Advisory Committee and the Licensing Acts Committee.

Background

2. Since the last review of political balance in May 2024, there has been a change in the political make up of the Council following the resignation of Debra Dewhurst as a member of the Liberal Democrat Group, the election of Peter Stevens as the ward councillor for Sutton Courtenay at the by election held on 20 June 2024, with Councillor Stevens formally joining the Liberal Democrat Group, and the

establishment of a new political group, Independent Voice for Vale, comprising Councillors Dewhurst and Povolotsky.

3. Section 15 of the Local Government and Housing Act 1989 imposes a duty on a local authority at its annual meeting, or as soon as possible after it, to review the allocation of seats on the committees of the Council between the political groups. The Council may carry out such a review at any other time and may do so if requested by a political group.
4. In summary the Council has a duty to ensure the following principles are adhered to:
 - (i) where there is more than one political group, not all seats are allocated to the same political group
 - (ii) a majority group should get the majority of seats on each committee
 - (iii) the seats allocated to groups on a committee reflect the membership of the Council as a whole
 - (iv) the allocation of the total number of seats on all committees reflects the membership as a whole.
5. Ordinary committees are those that have decision-making powers but excluding the Licensing Acts Committee and area committees.

Strategic Objectives

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

Political balance

7. The current political composition of the Council's 38 seats is as follows:
 - Green Group – 4 (11%)
 - Liberal Democrat Group - 32 (84%)
 - Independent Voice for Vale – 2 (5%)
8. The Local Government (Committees and Political Groups) Regulations 1990 require a constituted political group to be two or more members.

Composition of committees

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

Committee	Members	Comments
Vale Scrutiny Committee	9	
Joint Scrutiny Committee	5	10 in total with South Oxfordshire District Council
Joint Audit and Governance Committee	4	8 in total with South Oxfordshire District Council
Planning Committee	9	

General Licensing Committee	12	
Community Governance and Electoral Issues Committee	6	
Appeals Panel	3	
Joint Staff Committee	5	10 in total with South Oxfordshire District Council
Totals	53	

- The membership of the General Licensing Committee and the Licensing Acts Committee are the same, although they are two separate entities. This allows for a sufficiently large, well trained pool of councillors from which to draw the Taxi Licensing and Licensing Panels and avoids confusion as to which members are on which committee. These committees may appoint the same, or different chairs and vice chairs.
10. The political balance calculation and the entitlements to seats on committees are set out in the tables below. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up.

Groups	Group members	Number of committee seats
Liberal Democrat	32	45
Green	4	6
Independent Voice for Vale	2	3
TOTAL	38	54(-1)

- Council will need to agree the adjustment shown in brackets with one group foregoing a committee seat.

Committee	Total number of seats	Liberal Democrat	Green	Independent Voice for Vale
Scrutiny	9	8	1	0
Planning	9	8	1	0
General Licensing Committee	12	10	1	1
Appeals Panel	3	3	0	0
Joint Scrutiny	5	4	1	0
Joint Audit and Governance	4	4	0	0
Community Governance and	6	5	1	0

Electoral Issues Committee				
Joint Staff Committee	5	4	1	0
Total	53	46(-1)	6	1 (+2)

- To obtain balance across the committees and overall, the Independent Voice for Vale Group must gain two seats and the Liberal Democrat Group must lose a seat. Council will need to agree the adjustments shown in brackets.
- In addition Council will need to agree which political group should forego a committee seat overall, as shown in the previous table above, and on which committee to achieve the allocation to 53 committee seats.

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

Substitutes

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

Climate Emergency Advisory Committee

13. This advisory committee with a membership of seven members is not subject to the regulations detailed in paragraph 3 of this report and, therefore, has no effect on the overall allocation of seats. For this committee to be politically balanced alone, it is suggested that 6 seats are allocated to the Liberal Democrat Group and 1 to the Green Group.

14. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 13 above.

Licensing Acts Committee

15. The Licensing Acts Committee is a statutory committee and is not required to be included in the calculation of political balance. The whole committee meets rarely to deal with licensing and gambling policy matters but a membership of 12 provides a pool of councillors from which panels of three can be drawn to deal with hearings relating to premises licence applications and reviews, and gambling matters.

16. Council has previously agreed to appoint a committee in accordance with the political balance of the Council. The membership will mirror the membership of the General Licensing Committee and will, therefore, be politically balanced but will not in itself contribute to the total political balance of the council's committees.

17. As a statutory committee with a specified membership substitutes may not be appointed.

Eligibility to sit on committees and panels.

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

Appointments

18. Officers will seek to agree the adjustments with group leaders and have invited group leaders to submit the names of councillors they wish to sit on each of the above bodies. A table of nominations will be circulated prior to the meeting.

Financial implications

19. There are no direct financial implications.

Legal implications

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

Climate and ecological impact implications

21. There are no climate or ecological implications arising from this report.

Equalities implications

22. There are no equality implications arising from this report.

Conclusion

23. Following the resignation of Councillor Dewhurst as a member of the Liberal Democrat Group, the election of Councillor Stevens as ward councillor for Sutton Courtenay and the establishment of a new political group, Council is invited to review the political balance of committees and allocate seats to the political groups

and appoint members to them. If the committee seats and substitute places are not filled at the meeting, Council is invited to delegate authority to the head of legal and democratic to make appointments in accordance with the wishes of the relevant group leader.

Background Papers: None.

Council



Report of Head of Corporate Services
Author: Abi Witting
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To: VALE COUNCIL
DATE: 17 July 2024

To: SOUTH COUNCIL
DATE: 17 July 2024

Statutory Officer Appointments: Monitoring Officer, Electoral Registration Officer, and Returning Officer

Recommendations

That Council

- (a) considers the recommendation of the Joint Staff Committee's (JSC), and if in agreement, appoints the recommended candidate as the councils' Monitoring Officer for both councils with effect from them commencing their role as the councils' Head of Legal and Democratic services (NB a verbal update of the recommended; candidate will be given at the meeting due to interview process timescales),
- (b) in terms of the Representation of the People Act 1983 and all related legislation, appoints Steven Corrigan as the council's Electoral Registration Officer with immediate effect and to designate Susan Baker as Deputy Electoral Registration Officer,
- (c) that in terms of section 35 of the Representation of the People Act 1983 and all related legislation appoints Steven Corrigan as the council's Returning Officer with immediate effect, with authority to act in that capacity for elections to the council and all or any parish and town councils within the council's area,
- (d) authorises the council's Electoral Registration Officer to act in respect of all related electoral, poll or referendum duties, including in relation to county council elections, national, regional, and local polls, or referenda,
- (e) authorises the Monitoring Officer (currently an interim arrangement) to make any consequential changes required to the Constitution to reflect these changes.

Purpose of report

1. This report asks Council to consider the recommendation of the Joint Staffing Committee (JSC), and if satisfied, to appoint a Monitoring Officer (MO) for both the councils. Council is also asked to approve the appointments of an Electoral Registration Officer (ERO) and a Returning Officer (RO).

Corporate objectives

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

Background

3. As recognised at the recent JSC meeting, and following an extensive recruitment exercise, both councils need to appoint a new MO. Details of the preferred candidate will be given at this meeting.
4. This report also provides revisions to the councils' nominated Electoral Registrations Officer and Returning Officer, which are planned to come into effect with immediate effect.

Appointment of the Monitoring Officer

5. Under section 5 of the Local Government and Housing Act 1989, Council is required to appoint one of its officers as its MO. The MO is a shared role and the postholder works across both councils (South and Vale). The role of the MO includes such responsibilities as ensuring the lawfulness and fairness of the councils' 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.
6. Following an extensive recruitment process, the JSC will at its meeting on 16 July 2024 be invited to appoint a new Head of Legal and Democratic Services (NB the recommended candidate's name will be provided verbally at the Council meetings). As required by the councils' officer employment procedure rules and the Local Authorities (Standing Orders) (England) Regulations 2001, all members of the cabinets will be informed of the decision to appoint and given an opportunity to raise any objections.
7. The job role for the Head of Legal and Democratic Services includes, subject to Council approval, the statutory function of MO for both councils. The JSC will be invited to recommend to Vale Council on 17 July 2024 and South Council on 17 July 2024 to appoint the successful candidate as the councils' MO.
8. It is therefore recommended that Council formally appoints JSC's preferred candidate as the councils' MO with effect from them taking up their role as the councils' Head of Legal and Democratic Services.
9. It is anticipated they will assume their role in mid-late October. Vivien Williams, Deputy Head of Legal (Governance), will continue as the councils' MO, on an interim basis, until the recommended candidate takes up their role at which point, subject to Council approval they will become the substantive Monitoring Officer replacing the interim arrangements that are currently in place.

10. The remuneration for the successful candidate will be as per the Councils' agreed pay policy statement which is approved annually by council and reflects the ongoing collective bargaining agreement between the council and Unison.

Appointment of Electoral Registration Officer and Returning Officer

11. In order to be able to vote in elections, a person's name must be included in a register of electors. Responsibility for compiling the register of electors lies with the Electoral Registration Officer (ERO). Section 8 of the Representation of the People Act 1983 requires every district council to appoint an officer of the council to be the ERO.
12. The ERO has a duty to maintain registers of electors that contain the details of all those who are registered to vote. The ERO must publish registers that are as accurate and complete as possible. The councils must provide the electoral registration officer with the resources they need to discharge their statutory functions.
13. Council can approve the appointment of one or more deputy EROs. Unlike a Returning Officer (RO), the ERO cannot appoint a deputy themselves, unless the power to do so has been delegated to them by Council. It is therefore recommended that Susan Baker is re-confirmed as the Deputy ERO.
14. Section 35 of the Representation of the People Act 1983 requires every district council to appoint a RO for district and parish council elections. The role is to ensure that the elections are administered effectively and that, as a result, the experience of voters and those standing for election is a positive one.
15. The RO is personally responsible for the administration of the local government election including nominations, the provision of polling stations, the appointment of presiding officers and poll clerks, management of the postal voting process and the verification and counting of votes.
16. The duties of a RO are separate from the duties held by that individual as a local government officer. A RO is not responsible to the councils but is a separate legal entity to that of the council which appointed them and is directly accountable to the courts as an independent statutory office holder.
17. ROs should have a working knowledge of the relevant legislation governing the conduct of the elections. This means that, in addition to having a clear understanding of the statutory functions, they should have an overview of what the legislation contains and an understanding of how it affects the administration of the elections, so that they can review, question where necessary, and quality-assure the whole process in their council area.
18. The roles of ERO and RO are currently held by the Chief Executive which is the most common (but not universal) practice across the country as is confirmed in the councils' current Pay Policy. Although the law allows a council to appoint different people to the roles of ERO and RO, it is beneficial for both roles to be undertaken by the same person because of the close interaction between the two roles and the reliance on the same staffing resources from an operational perspective.

Like most chief executives, Mark Stone has worked closely with electoral registration and election teams throughout his career and has undertaken

various roles within the administration of elections including as ERO and RO. Within a South and Vale context, during the electoral period, he participates in many aspects of the elections due to his role as Chief Executive and this will continue. The recommendation is to maintain the separation of the roles of MO and ERO and RO to enable a degree of independence when both post holders are requested to provide advice on elections or in relation to council functions.

19. Steven Corrigan the Democratic Services Manager has supported the Chief Executive in their capacity as ERO and RO during several recent elections, including during elections counts dealing with electoral agents and candidates on their behalf and meetings with neighbouring authorities. Therefore, it is recommended that Steven Corrigan is appointed as the Council's ERO and RO with immediate effect. These changes will therefore regularise these existing electoral arrangements and in turn give the new ERO and RO the relevant authority to act independently. Council is invited to appoint Susan Baker, Electoral Services Team Leader, as Deputy Electoral Registration Officer.
20. Steven Corrigan has extensive experience and is the Chief Executive's recommended appointment for both the Electoral Registration Officer and Returning Officer.
21. In separating the roles officers believe this will make clearer the Chief Executive's ability to allocate staff to work on election activities (or indeed any other activities) via the delegations afforded to them as the Councils Head of Paid Service and will help prevent any confusion regarding the legislative basis that staff are being allocated to tasks under.
22. The appointments of any deputy returning officers are made by the RO and are not therefore a matter for Council.
23. These arrangements will be kept under review in the future should the need of the councils change and/or there are changes in personnel.

Climate and ecological impact implications

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

Financial Implications

25. The post of Head of Legal and Democratic is contained within the staffing budgets of the councils.
26. Both councils have agreed scales of fees and charges for local elections, referenda, and polls and these were reviewed before the council elections in 2023. There are statutory fee scales for national elections and referendums. National elections are funded from central government grant and costs associated with the designated RO post are met from this grant.
27. Full Council has previously agreed to indemnify the RO for any insurance 'excess' and it is proposed that this situation continues. This would be met from the council's contingency budget. This arrangement would cover the personal liability and insurance position.

Legal Implications

28. Appointing a permanent MO will fulfil the councils' duty under section 5 of the Local Government and Housing Act 1989.
29. Appointing an ERO and a RO will fulfil the councils' duties under sections 8 and 35 of the Representation of the People Act 1983.
30. Each year the councils are required to approve a Pay Policy statement in accordance with the Localism Act 2011. If agreed, the appointment of a new RO, will amend the councils' Pay Policy agreed in February 2024, and in particular paragraph 18 which noted that the Chief Executive was the councils' designated RO and had waived their right to additional payment for that activity. This amendment will be reflected in the next Pay Policy Statement.
31. The councils have power to agree to indemnify the RO up to the value of any excess on their insurance for elections, polls, and referendums.

Risks

32. The council has a statutory duty to appoint a Monitoring Officer, an Electoral Registrations Officer, and a Returning Officer. Making the appointments suggested in this report, including the ongoing interim arrangements, will ensure that the council meets these duties throughout whilst mitigating the associated risks of one or two officers holding multiple key roles. The Electoral Commission will be informed of the change in the council's Electoral Registrations Officer and a Returning Officer.

Conclusion

33. This report asks Council to appoint a new Monitoring Officer following the recommendations from the JSC, it is also proposed that the interim arrangements to cover the MO will continue until the new post holder is in post.
34. The report also recommends the appointment of Steven Corrigan as ERO and RO, and the appointment of Susan Baker as Deputy. It also asks Council to agree to continue the existing insurance and indemnity arrangements for these roles.

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

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