

Written responses to questions – 13 December 2023 Council meeting

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?

Response

Yes, the District Council has responded to this consultation to say we support proposals to reduce local smoking prevalence to 5% by 2030. We welcome the initiative of ring-fenced funding to support local authority stop smoking services. (Note – these services are commissioned by Oxfordshire County Council). We particularly support the call for evidence-based measures to tighten the promotion, packaging, branding and pricing of vapes to reduce their appeal to children and young people while ensuring vapes continue to be available for adult smokers who would benefit from using them to quit smoking.

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?

Response

It is great to hear that councillors, and communities, want to do all they can to help their local environment, and the service, to be successful, and we are mindful of maximising that support.

The key issue to publishing a rota would be how accurately the council can predict, when a street cleanse may occur, and then communicate to residents. It would not be desirable for residents to move vehicles only for the street cleanse not to occur at the previously communicated time!

Currently we don't communicate locally on how street cleansing happens in any given specific area.

The forthcoming Waste and Street cleansing strategy will need to consider the most effective and efficient way to clean the streets. This could be done through an input

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based service (where each road gets a set frequency of cleanse, regardless of how clean or dirty the road actually is). Alternatively we could have an output based service where streets are cleansed when needed to maintain a clean output. Providing residents with a detailed schedule of road cleaning could only meaningfully happen under an input based service, and this does come with two major drawbacks:

1. An input based expectation of service would not be mindful of the need to change the date/time depending on a large number of factors (for example weather, road closures, staff shortages, emergency requests). This could then lead to a perception of a failed service when this may not be the case.
2. The inefficiency of cleaning roads that don't need cleansing, whilst not cleaning those roads that need a clean, quickly enough.

What makes this trickier is that the predictability of when a street cleanse happens on any given road can vary. For example, town centres and their off-shoots are very predictable as they have a high degree of footfall and therefore usually require a daily presence. However, for medium and lower intensity areas they generally work to an 8-week schedule but this is less predictable due to the factors mentioned above, and due to the lean nature of the current contract and its resources. There is not always the capacity to catch up, so some of these planned sweepings then get missed. However, if there is a significant issue in one of these areas, then as part of managing the resources, Biffa can send a team to respond. Operationally, officers are working with Biffa to provide more data when cleanses are missed so we can understand the reasons for this in more detail.

How can we resolve this?

Providing accurate dates and times may be difficult to achieve under the current arrangements, but officers will consider whether providing the week, or ideally day, that a cleanse is due to occur may be possible. Finding suitable ways to communicate this also need to be considered.

The team are planning more communication around fast road (A34 etc) cleansing for when and where it happens.

The new Waste and Street Cleansing strategy will guide on what the service could look like following the end of the current contract. Things that will be considered will include:

- How we balance community engagement to direct the requirements against set schedules
- Better use of technology around street sweeping, such as in cab technology
- Better data recording
- Better benchmarking against other councils.

In summary, it would not provide meaningful information for residents to publish street cleansing schedules under the current service set up, but the service is not complacent about street cleansing, and changes will certainly be coming in the next few months and years as we move out of the current contractual situation and into

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one where we can better understand what is happening and direct information at a local level.

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?

Response

Thank you for your question. For almost five years, our council has prioritised taking action on the climate declaring a climate emergency in February 2019 and setting a target to be a carbon neutral district by 2045, with an aim for a 75 per cent reduction in carbon emissions in the district by 2030.

Solar development can assist in achieving this target. The Council's current position on solar development, as set out in the Vale Local Plan Part 1 Core Policy 41 is supportive, unless a proposal causes a significantly adverse effect to landscape, biodiversity, the historic environment, the visual amenity and openness of the Green Belt, local residential amenity, the safe movement of traffic and pedestrians, and the cumulative impacts of these combined.

The Botley West Solar Farm Proposal is currently at the pre-application stage in the National Strategic Infrastructure Project process, which is administered by The Planning Inspectorate. To date, officers and councillors have engaged with the developer team to discuss technical matters to be assessed and as part of the process have formally responded to:

- The Environmental Impact Assessment Scoping Opinion consultation from the Planning Inspectorate in July 2023
- The developer's draft statement of community involvement in August 2023

Our responses are online (<https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/planning-and-development/botley-west-solar-farm/>)

The Council will be responding in the New Year to the statutory pre-application consultation currently underway as a consultee identified under Section 42 of the Planning Act 2008.

Council officers will also continue to proactively engage with the developer leading up to the submission of an application to the Planning Inspectorate, in summer 2024. The Council will act on its statutory duties as part of that process once an application has been formally accepted by the Planning Inspectorate.

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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?

Response

Thank you for your question; I completely agree with you that the communication from National Highways about works on the Botley Interchange has been awful, as has their management of the works on the ground.

I recognise that the bridge maintenance work is necessary and that some delays were to be expected, but what has happened in practice has often not matched the advance communications. Residents are entitled to expect better. Our own communications team has worked very hard to engage with National Highways but in practice they seem reluctant to work with us in any meaningful way.

Unfortunately, as the question suggests, the county council has no powers to direct national agencies. The A34 is a trunk road under the responsibility of National Highways, and the work at Oxford station which has closed Botley Road is the responsibility of National Rail. Although the Botley Road closure has naturally been disruptive and there is always room for improvement, Network Rail have engaged positively and communicated widely throughout the project. They have been holding monthly briefing sessions for key stakeholders, which I attend, and they send weekly news bulletins to anybody who wants to subscribe.

Utility companies such as Thames Water are expected to liaise with the county council's network management team which has a role in coordinating all roadworks. We now know that Thames Water is planning work to make a permanent replacement for the temporary water main on Botley Road, and that this is expected to mean single lane closures at Osney Bridge until March 2025. This project has been frustratingly slow to get started, although it is a complex repair involving the footbridge as well as the water main, and the river must be kept open for navigation.

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Thames Water have recently been liaising with the county council's network management team as expected.

There is an officer group which aims to coordinate communications on major works with the other agencies, and which has been attended by a Vale officer. The effectiveness of such a group depends upon the good will of the agencies taking part. I'm happy that this council should continue to support it but sadly there is a limit to our influence especially on works taking place outside our district.

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?

Response

Thank you for your question. As you say we recognise that each enforcement matter must be assessed on its individual circumstances. To enforce preoccupation planning conditions, we would follow our normal procedures set out in the Planning Enforcement Statement.

Following Government guidance, if there is a breach of a condition to a planning permission, we would give the developer the opportunity to remedy the breach.

Developers/landowners have a statutory right to connect to the surface water and foul sewage network. The planning system can only therefore manage development where it has the control.

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Depending on the level of planning harm and circumstances of each case we could take the following actions:

- **Serve a Breach of Condition Notice.**
This requires the developer/landowner to follow the steps set out in the condition. There is no right of appeal to this type of notice. If they don't comply the matter becomes a criminal offence, and the council can prosecute for non-compliance. The maximum fine is currently £2,500. This is due to change to an unlimited fine once the relevant section in the Levelling Up and Regeneration Act 2023 comes into force.
- **Serve an Enforcement Notice, and if required, a Stop Notice.**
To stop the further occupation of any houses. These formal Notices are revealed in any land charge search undertaken during the process of buying a property. A stop notice can only be served accompanying an enforcement notice. Only in exceptional circumstances can the development be stopped immediately. A stop notice usually stipulates a stop of work within 3 days. There is a right of appeal to an enforcement notice which could take many months to resolve. There are implications on Human Rights from stopping someone occupying their primary residence. This is carefully considered prior to any formal action.
- **Serve an injunction.**
To stop any further occupation of the houses. This is possible but this would again have implications on Human Rights as mentioned above.

If there is a known issue with drainage or this becomes apparent during the processing of a planning application, then planning permission would only be granted where the details to mitigate impacts can be secured, either through the permission or through a planning condition. Best practice is to use a condition precedent. This means a prohibitive condition that stipulates that 'no development can commence on site (or off site) until....'. In such circumstances the drainage details will have been agreed in writing by the planning authority and implemented before a trigger. There may also be an option of including the drainage construction timing and implementation monitoring within a legal agreement if there are particularly difficult circumstances.

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".

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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?

Response

Climate Emergency UK are a pressure group formed to hold UK local Authorities to account on Climate Action and are responsible for publishing Climate Action Scorecards. Since the scorecards were first launched in 2022, when Vale failed to register a score, the council has made significant progress - scoring 42% against a District Council average of just 29%. This puts the Vale 17th out of 153 District Councils in England which is a significant achievement.

However, officers have concerns about the robustness of the process that Climate Emergency UK use to compile the Scorecards which has led to anomalies in reported scores; even Vale and South differ when they clearly have a similar offer. Other local authorities share these concerns and the way these scores are calculated with data collected from website searches and Freedom of Information requests without direct communication with officers.

That said, I believe the Scorecards are of some value in benchmarking our progress nationally and we are planning to use them to help identify new actions and areas of further work when developing our new Climate and Nature Recovery Action Plan in the coming year.

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?

Response

Thank you for the question. Yes, I absolutely share the concerns regarding the future of local government financing. Inflation has been over ten per cent for much of this year, leading to increased costs in providing services, yet last week's Local Government Finance Policy Statement outlined an intention from Government that means some councils will only see an increase in core revenue spending power of

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three per cent in 2024/25, whilst this council will likely only be able to increase council tax by 3.3 per cent without requiring a referendum.

In 2015/16 government grant funding included in the settlement, which includes New Homes Bonus, was £6.9 million. In 2023/24 it was £7.2 million. It was therefore only five per cent, or £300,000, more than the support we received eight years before, clearly significant real terms cut in actual spending power. Moreover, for many of the services which this Council is required to deliver we are restricted in the level of fees we are permitted to charge which can mean that such services must be supported by Council Taxpayers.

I am also worried about the future, and the potential for future funding cuts that may mean that we have to prioritise the valuable services we provide.

Councillor Foxhall will have no doubt read the dire predictions of the possible implications of the Chancellor's disastrous mini-budget on local government finance on Councils of all political hues across the country. I can put it no better than the Chair of the Local Government Association who said "it is hugely disappointing that today's Autumn Statement has failed to provide funding needed to protect the services the people in our communities rely on every day."

We will continue to lobby for an increased level of funding for district councils that reflects the increasing costs of providing the key services that we provide and for more flexibility in the fees we can charge for services provided. Compared to the national average cost per resident for district councils, and that of our statistical near neighbours, our costs are already below average, and we will strive to maintain that through ongoing review of our budgets, and also our transformation work. We will also continue to seek external funding opportunities, which has already brought in significant extra funding so that we can deliver on our priorities.