

Council



Listening Learning Leading

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Summons to attend a meeting of Council

to be held on

THURSDAY 8 OCTOBER 2020 AT 6.00 PM

as a

VIRTUAL MEETING

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MARGARET REED
Head of Legal and Democratic

Agenda

1 Apologies for absence

To record apologies for absence.

2 Minutes (Pages 13 - 34)

To adopt and sign as a correct record the Council minutes of the meetings held on 5 March and 16 July 2020 - attached.

3 Declarations of disclosable pecuniary interest

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

4 Urgent business and chairman's announcements

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

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 Business adjourned from the last Council meeting held on 16 July 2020

At its meeting held on 16 July 2020, Council resolved to adjourn the debate on motion D until the next scheduled Council meeting in October. Council further agreed to adjourn the meeting, with motions E and F set out on the agenda to be included on the agenda for the next scheduled Council meeting in October.

For ease of reference the position on the debate on motion D prior to the adjournment debate motion is set out below. In light of this issue being the subject of an officer report at agenda item 14, Council will be invited to defer consideration of the motion until after that item.

Motion D: With the consent of Council, Councillor Ian White moved and, in the absence of Councillor Jane Murphy, Councillor Caroline Newton seconded the following motion which omitted reference to the ward councillor call-in issue which had been dealt with at agenda item 9 (words shown by a strikethrough).

Changes to the Council's Constitution have been made by the Chief Executive Officer (CEO) under Section 78 of the Coronavirus Act 2020, as documented in the CEO's Decision Notice of the 18 May 2020.

These include the removal of the automatic referral of planning applications to the Planning Committee where Parish or Town Councils views are at odds with officer recommendations. This is an unnecessary removal of transparency, an affront to the natural democratic process, is disproportionate and inappropriate.

~~Additionally, a requirement has been introduced that where a Ward Councillor refers an application to the Planning Committee it has to be subject to the agreement of two other Councillors, being the Chair and Vice Chair of the Planning Committee. This effectively creates a 'right of Veto' over a fellow Councillor, thus establishing an arbitrary two-tier system of Councillors where one Councillor effectively holds power~~

~~over another, with no mechanism for appeal. Again, this is undemocratic and inappropriate.~~

~~For these reasons, this Council instructs that the changes referred to should be rescinded immediately, thereby restoring democratic control.~~

~~Council therefore agrees to reinstate the automatic referral of such planning applications to the Planning Committee.~~

Amendment

Councillor Anne-Marie Simpson moved, and Councillor Leigh Rawlins seconded the following amendment with deleted words shown by a strikethrough and additional words shown in bold.

~~“Changes to the Council’s Constitution have been made by the Chief Executive Officer (CEO) under Section 78 of the Coronavirus Act 2020, as documented in the CEO’s Decision Notice of the 18 May 2020.~~ **under his emergency powers within the council’s constitution, which permit him to take any action considered necessary in an emergency in consultation with Group Leaders. The views of all group leaders were sought by Democratic Services on 15 May 2020 and occurred after the views of the Leader and Cabinet Member for Planning had been informally sought.**

~~These changes include the automatic referral of the automatic referral to the Planning Committee of minor planning applications (eg 1-9 new houses) where the officer’s recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the parish/town council or parish meeting. However, for all major applications (e.g. 10 houses plus) there has been no change and if there is a Town or Parish Council objection on an application where the officer recommends approval the application continues to go to the planning committee. to the Planning Committee where Parish or Town Councils views are at odds with officer recommendations. This is an unnecessary removal of transparency, an affront to the natural democratic process, is disproportionate and inappropriate.~~

~~Council therefore agrees to reinstate the automatic referral of such planning applications to the Planning Committee.~~

Council notes that these changes were intended to be reviewed after six months, as they were made in recognition of the additional work pressures on officers due to COVID19 and following an unsuccessful request to the Secretary of State for a temporary relaxation of statutory targets and the 5 year land supply requirement to avoid a return to speculative development across the district.

Council confirms that it supports the approach whereby this change is reviewed, as was expressly committed to in the Chief Executive’s decision and asks that the views of all Town and Parish Councils are actively sought as part of this review. Council further confirms that it wishes the recommendations from this review to be brought before Council in October 2020”.

E. Motion to be proposed by Councillor Jane Murphy, seconded Caroline

Newton

This Council recognises the excellent work of all local government staff across Oxfordshire during the COVID-19 crisis. Councils have worked together in difficult times, showing that organisational barriers to joint working can be overcome.

All Councils have gone the extra mile in delivering services to our residents that prioritise the most vulnerable. This has inevitably incurred additional costs – c. £90 million across all tiers. All Councils acknowledge the additional Government funding to date, but we have a duty to respond to the national financial challenge ahead and to be open with residents.

All Councils across Oxfordshire are now considering how they can balance budgets and protect frontline services. No Councillor nor party wants to see drastic cuts to vital Council services. We, as a group of democratically elected leaders, should take the opportunity provided by the devolution white paper to ensure that we provide the best possible public services for our residents.

Further to the motion passed at the December 2019 Council meeting, and reflecting that much has changed since, that Council calls on the Leader to write to the Secretary of State requesting that we re-open and actively pursue consideration of a Unitary Authority for Oxfordshire and re-start a wide-ranging conversation with our local authority partners, residents and stakeholders to explore all options for a new future for Oxfordshire. Our aims are clear: safeguard public services in the future, support a vibrant local democracy and ensure a strong economy.

F. Motion proposed by Councillor Jo Robb, seconded by Councillor Andrea Powell.

Council notes the growing popularity of wild swimming, paddling, kayaking and paddle boarding in the River Thames and its tributaries and, more importantly, the intrinsic value of clean water and healthy, biodiverse rivers.

The UK's water companies are permitted to release raw sewage into waterways in specific circumstances, under licence from the Environment Agency. Regulators rely on self-reporting on the part of the water companies and there is no way for river users to know in real time when these Controlled Sewage Overflows (CSOs) happen.

Hundreds of beaches around the UK have Bathing Quality Water status – this ensures the Environment Agency monitors and reports on water quality throughout the bathing season.

Only a handful of inland lakes in the UK – *and no rivers* – have Bathing Quality Water status.

Recognising the intrinsic importance of the River Thames as a natural asset of national significance and its value to our communities, this Council:

1. Asks officers to work with appropriate partners such as the Environment Agency, The Rivers Trust and Surfers Against Sewage to begin the process of applying for Bathing Quality Water status for the River Thames in South Oxfordshire;
2. Calls on Thames Water to draft and implement an action plan for the elimination of Controlled Sewage Overflows (CSOs) across its sewage treatment network;
3. Calls on Thames Water to provide accurate, real-time and publicly available information about Controlled Sewage Overflows into the Thames and its tributaries;
4. Asks the Leader of the Council to write to the leaders of neighbouring Councils along the river inviting them to appoint Thames Champions to work together to enhance the safety, cleanliness and biodiversity of the river and make the River Thames “Safe for All.”

8 Treasury outturn 2019/20 (Pages 35 - 55)

Cabinet, at its meeting on 24 September 2020, considered the report of the interim head of finance on the outturn performance of the treasury management function for the financial year 2019/20.

The report of the interim head of finance, which the Joint Audit and Governance Committee considered on 22 September 2020 and Cabinet considered on 24 September 2020, is **attached**.

The Joint Audit and Governance Committee noted the treasury management outturn report 2019/20 and was satisfied that the treasury activities were carried out in accordance with the treasury management strategy and policy.

RECOMMENDATION: to

1. approve the treasury management outturn report for 2019/20; and
2. approve the actual 2019/20 prudential indicators within the report.

9 Budget 2020/21 (Pages 56 - 62)

Cabinet, at its meeting on 1 October 2020, will consider the report of the interim head of finance on changes to the 2020/21 budgets to reflect the financial impact of the Coronavirus pandemic, and other matters, on the council.

The report, which Cabinet will consider on 1 October 2020, is **attached**.

Cabinet’s recommendations will be circulated to all councillors.

10 Corporate Plan 2020-2024 (Pages 63 - 562)

Cabinet, at its meeting on 1 October 2020, will consider the report of the acting

deputy chief executive – transformation and operations on the corporate plan 2020-2024.

The report, which Cabinet will consider on 1 October 2020, is **attached**.

Cabinet's recommendations will be circulated to all councillors.

11 Delegation of enforcement functions from Oxfordshire County Council to South Oxfordshire District Council under Covid-19 legislation (Pages 563 - 568)

Cabinet, at its meeting on 1 October 2020, will consider the report of the head of legal and democratic on the delegation of functions granted to Oxfordshire County Council under The Health Protection (Coronavirus, Restriction) (England) (No.3) Regulations 2020 that give local authorities powers relating to the control and prevention of coronavirus.

The report, which Cabinet will consider on 1 October 2020, is **attached**.

Cabinet's recommendations will be circulated to all councillors.

12 Report of the leader of the council

1. To receive the report of the leader of the Council
2. Urgent cabinet decisions

In accordance with the Scrutiny Committee Procedure Rules, a Cabinet or Cabinet member decision can be taken as a matter of urgency, if any delay by the call in process would seriously prejudice the council's or the public's interest or that the decision cannot reasonably be deferred. Treating the decision as a matter of urgency must be agreed by the chair of the Scrutiny Committee and must be reported to Council, together with the reasons for urgency.

Council is requested to note the details of the following urgent decisions.

Discretionary grants fund

On 27 May 2020, Councillor Leigh Rawlins, Cabinet member for finance, took a decision to approve the eligibility and funding level to distribute the Local Authority Discretionary Grants Fund (DGF) and authorise the acting deputy chief executive – place, jointly with the interim head of finance, to award the grants.

The chair of the Scrutiny Committee agreed to waive call in due to the Government requirement for the grant fund to open from 1 June 2020.

Discretionary business grants round two

On 18 June 2020, Councillor Leigh Rawlins, Cabinet member for finance, took a decision to approve Round Two of the Local Authority Discretionary Grants Fund (DGF) and authorise the acting deputy chief executive – place, jointly with the interim head of finance, to award the grants.

The chair of the Scrutiny Committee agreed to waive call in to ensure grants could be awarded to eligible businesses as soon as practicable.

Discretionary business grants top up fund

On 11 August 2020, Councillor Leigh Rawlins, Cabinet member for finance, took a decision to approve a top-up grant round of the Local Authority Discretionary Grants Fund (DGF) and to authorise the acting deputy chief executive – place, jointly with the interim head of finance, to award the grants.

The chair of the Scrutiny Committee agreed to waive call in due to the Government requirement for the grant fund to close on 28 August 2020.

Emergency Assistance Grant policy

On 27 August 2020, Councillor Sue Cooper, Leader of the council approved a grants policy and eligibility criteria to distribute the Local Authority Emergency Assistance Grant for food and other essential supplies.

The chair of the Scrutiny Committee agreed to waive call in due to the urgent need to open the grant scheme to allow the council to distribute the funds to support those in need.

Commercial negotiations with Capita and the review of Exchequer Services and Finance IT systems

Cabinet, at its meeting on 24 September 2020, considered a confidential report on the above issues.

The chair of the Scrutiny Committee agreed to waive call in to allow for the early implementation and progress of Cabinet's decisions.

13 Review of the council's constitution (Pages 569 - 582)

To consider the report of the head of legal and democratic and monitoring officer on proposed changes to the council's constitution – attached.

14 Review of planning application call-in and trigger arrangements for decision making (Pages 583 - 589)

To consider the report of the head of legal and democratic on three aspects of the scheme of delegation to the head of planning – attached.

15 Local Authorities (Members' Allowances) (England) Regulations 2003 - proposal to re-appoint a joint Independent Remuneration Panel (Pages 590 - 593)

To consider the report of the head of legal and democratic on the appointment of a joint independent remuneration panel with Vale of White Horse District Council – attached.

16 Re-appointment of independent persons to advise on code of conduct issues (Pages 594 - 596)

To consider the report of the head of legal and democratic and monitoring officer on extending the term of office of two independent persons to advise on code of conduct issues – attached.

17 Questions on notice

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

18 Motions on notice

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

A. Motion by Councillor Ken Arlett, seconded by Councillor Stefan Gawrysiak

South Oxfordshire District Council has made Neighbourhood Plans central to the planning process, in securing 40% affordable housing, employment land, green environment etc', this to stop developers running roughshod over our District.

Council requests the Planning Committee to support Neighbourhood Plans in its decision-making as far as it possibly can within planning law.

B. Motion by Councillor Jo Robb, seconded by Councillor Andrea Powell

A recent report by the Environment Agency found that every river in England is polluted beyond legal limits. Only 14% of English rivers can be considered ecologically healthy.

Our rivers and streams are under threat from sewage discharge, chemicals, agricultural waste and inappropriate abstraction.

Council notes the growing public concern around pollution in our rivers and the popularity of wild swimming, paddling, kayaking and paddle boarding in the River Thames and its tributaries.

More importantly, Council notes the intrinsic value of clean water and healthy, biodiverse rivers.

Recognising the importance of the River Thames and its tributaries as natural assets of national significance and their value to our District and its communities, this Council:

1. Asks officers to work with appropriate partners such as the Environment Agency, Thames Water, The Rivers Trust and others to work towards improved water quality and the elimination of sewage and agricultural pollution and inappropriate abstraction from the Thames and its tributaries;
 2. Asks officers to work alongside the Thames Champion and neighbouring Councils to call for an end to sewage discharges, and for the introduction of world-leading water quality legislation, a rigorous, enhanced water-testing regime and accurate up to date information on water quality and sewage spills to make the River Thames and its tributaries "Safe for All."
- C. Motion by Councillor Alexandrine Kantor, seconded by Councillor Kate Gregory

The Council recognises:

- The term BaME is not one that every person from an ethnic minority background identifies with but it is a term that everyone understands.
- The brutal, and unlawful, death of George Floyd in the United States of America has justifiably triggered global protests against institutional racism faced by Black people right across the world, including here in the United Kingdom. This support has been revived following the recent aggression of Jacob Blake leaving him paralyzed.
- These protests have come, alongside all the inequalities faced by Black people, in the wake of the devastatingly disproportionate impact of Covid-19 on BaME communities in Britain and other parts of the world.
- It is clear that this impact has been made far worse by the structural inequalities Black people face when it comes to health, education and housing amongst the numerous obstacles that Black people encounter daily in the UK.
- BaME people are 54% more likely than white people to be fined under the new coronavirus lockdown laws.
- In the UK, 26% of instances of police using firearms are against Black people, despite Black people making up only 3.3% of the population.
- 51% of young men in custody in the UK are from BaME backgrounds, despite these groups making up only 14% of the UK population.
- Around two thirds of healthcare staff who have died as a result of COVID-19

are from a BaME background whereas they make up 20% of the overall workforce.

The Council notes:

- That Black lives matter as much as all others.
- That George Floyd's brutal murder must be a catalyst for change across the world.
- That no country, city, police service or institution can absolve itself of the responsibility to do better.
- When the BaME communities will experience economic justice and opportunity, we all benefit. When our democracy works for Black Britain, it is a better democracy for all of us.
- That there is no place for racism or any form of xenophobia or bigotry anywhere in our society.
- That language is a powerful tool for inspiration and change, as well as oppression and ignorance and must be used wisely and respectfully.
- That it is necessary for our national and civic leaders to start an open and respectful conversation about who we are and what we stand for as a community.
- That the national conversation on institutional racism and immigration should be conducted with care for the dignity of people who are vulnerable, who do not have a voice in the public domain, and have to suffer the consequences of inaccurate, insulting and inflammatory language.
- That it is vital all efforts are taken to understand the impact of Covid-19 on BaME communities in South Oxfordshire and that we should work with all relevant stakeholders to mitigate the impact now and into the future.
- That whilst 3.9% of South Oxfordshire population is from a BaME background, that is not matched from the data available by the proportion of staff working at Grade 11 and above. The same is true for elected members of the Council.
- That we must stand together as one.

Council resolves to:

- Show leadership in the campaign to rid our district of bigotry and racism by creating a Diversity and Inclusion Strategy which will ensure that council is

inclusive to BaME and other diverse and hard to reach communities: in its staff recruitment, in its representation and in its service provision

D. Motion by Councillor Axel Macdonald, seconded by Councillor Celia Wilson

Due to Covid 19 and other pressures, the council is under significant economic pressure to reduce its costs and hence the council will be assessing its asset portfolio to see where cost savings can be made.

One of the council's assets is the Cornerstone in Didcot. This is the jewel in the council's crown providing a much needed and appreciated social and cultural centre.

The council should strive to ensure that the Cornerstone continues to be provided with suitable funding to safeguard its future. Didcot is undergoing significant growth and requires facilities like the Cornerstone to enable the town to offer residents in the town and district cultural opportunities that may not exist anywhere else close by.

19 Exclusion of the public

To consider whether to exclude members of the press and public from the meeting for the following items of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) they involve the likely disclosure of exempt information as defined in paragraph 3 Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

20 Impact of Covid-19 on leisure facilities (Pages 597 - 607)

Cabinet, at its meeting on 1 October 2020, will consider the confidential report of the interim head of development and regeneration on the impact of Covid-19 on leisure facilities.

The confidential report of the interim head of development and regeneration, which Cabinet will consider on 1 October 2020, is **attached**.

Cabinet's recommendations will be circulated to councillors.

21 Budget 2020/21 (Pages 608 - 609)

The confidential appendices to the budget 2020/21 item (agenda item 9) are **attached**.

MARGARET REED

Head of Legal and Democratic