

# Minutes

OF A MEETING OF THE

# Council



Listening Learning Leading

HELD ON THURSDAY 8 OCTOBER 2020 AT 6.00 PM

AS A VIRTUAL MEETING

## Present:

David Bretherton (Chairman)

Ken Arlett, Anna Badcock, Pieter-Paul Barker, David Bartholomew, Robin Bennett, Sam Casey-Rerhaye, Sue Cooper, Peter Dragonetti, Maggie Filipova-Rivers, Stefan Gawrysiak, Elizabeth Gillespie, Sarah Gray, Kate Gregory, Victoria Haval, Simon Hewerdine, Lorraine Hillier, Kellie Hinton, Alexandrine Kantor, Mocky Khan, George Levy, Lynn Lloyd, Axel Macdonald, Jane Murphy, Caroline Newton, Andrea Powell, Leigh Rawlins, Jo Robb, Sue Roberts, David Rouane, Anne-Marie Simpson, Ian Snowdon, Alan Thompson, David Turner, Ian White and Celia Wilson

**Officers:** Steven Corrigan, Steve Culliford, Simon Hewings, Suzanne Malcolm, Margaret Reed and Mark Stone

## 92 Minutes

**RESOLVED:** to approve the minutes of the meetings held on 5 March and 16 July 2020 as correct records and agree that the Chairman sign them as such.

## 93 Declarations of disclosable pecuniary interest

None.

## 94 Urgent business and chairman's announcements

The chairman advised councillors of general procedures to be followed in virtual meetings.

## 95 Public participation

Mr Peter Richardson, Executive member of the Oxfordshire Neighbourhood Plan Alliance, submitted the following statement in support of Motion A of agenda item 18 on the Council agenda.

“Members of the Oxfordshire Neighbourhood Plan Alliance have raised concerns in respect of consistent officer recognition of the status of made Neighbourhood Development Plans as a key part of the Development Plan and in accordance with Paragraphs 28 – 30 of the NPPF.

This recognition relates to policy interpretation and a full understanding of the intent, purpose and effectiveness of made Neighbourhood Plans as a vital contribution made in adding a local layer of context and as a result of a lengthy and comprehensive process including extensive local engagement, examination and referendum.

South has 12 made plans whose groups are ONPA members.

For the past 12 months, ONPA have been seeking dialogue with the Head of Planning, Planning Managers, Team Leaders and Policy officers to discuss these issues with very little useful progress”.

## **96 Petitions**

None.

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

With the agreement of Council, Councillor Ian White withdrew Motion D as the subject of the motion would be addressed in the officer report at agenda item 14 of the agenda.

Council agreed to defer consideration of motions E and F until agenda item 18.

## **98 Treasury outturn 2019/20**

Council considered Cabinet’s recommendations, made at its meeting on 24 September 2020, on the outturn performance of the treasury management function for the financial year 2019/20. The Joint Audit and Governance Committee and Cabinet had considered the interim head of finance’s report and were satisfied that the treasury activities had been carried out in accordance with the treasury management strategy and policy.

**RESOLVED:** to

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

## **99 Budget 2020/21**

Council considered Cabinet’s recommendations, made at its meeting on 1 October 2020, on changes to the 2020/21 budgets to reflect the financial impact of the Coronavirus pandemic, and other matters, on the council.

**RESOLVED:** to

1. agree that the net revenue expenditure budget for 2020/21 be increased to £16.177 million, with the increase to be funded from revenue reserves; and
2. agree the additions to the capital programme to be funded from capital receipts, as detailed in Appendix 2 of the interim head of finance's report to Cabinet on 1 October 2020.

## **100 Corporate Plan 2020-2024**

Council considered Cabinet's recommendations, made at its meeting on 1 October 2020 on the corporate plan 2020-2024.

Councillors expressed disappointment at the lack of response from the young and BAME community and acknowledged that more work was required to both understand the reasons for this and to improve engagement.

### **RESOLVED:** to

1. adopt the South Oxfordshire District Council Corporate Plan 2020-2024 set out in Appendix 4 to the report of the acting deputy chief executive – transformation and operations to Cabinet on 1 October 2020, with a marketing material launch following on 30 October 2020; and
2. agree that the deliverability of the measures set out in Appendix 4 to the report of the acting deputy chief executive – transformation and operations to Cabinet on 1 October 2020 be kept under ongoing review.

## **101 Delegation of enforcement functions from Oxfordshire County Council to South Oxfordshire District Council under Covid-19 legislation**

Council considered Cabinet's recommendations, made at its meeting on 1 October 2020, 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.

### **RESOLVED** to:

1. accept the delegation of functions from Oxfordshire County Council to enable South Oxfordshire District Council to carry out the enforcement actions detailed in The Health Protection (Coronavirus, Restriction) (England) (No.3) Regulations 2020;
2. authorise the head of legal and democratic to enter into all necessary contracts and agreements to implement the delivery of the enforcement actions on behalf of Oxfordshire County Council under The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020;
3. authorise the head of legal and democratic to enter into all necessary contracts and agreements to implement the delivery of the enforcement actions on behalf of Oxfordshire County Council for any further period for which The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 may be extended by the Secretary of State for Health and Social Care and any enforcement actions

which Oxfordshire County Council may delegate to the council in pursuance of any other provision (whether by statute, regulation or direction) by which The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 may be replaced, amended or supplemented;

4. authorise the head of housing and environment to perform the enforcement actions set out in any such agreements referred to (1) to (3) above, and to authorise other officers to exercise any of these actions.

## **102 Report of the leader of the council**

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

Council noted the details of urgent decisions taken by Cabinet members and Cabinet as set out on the agenda in respect of the following issues:

- Discretionary grants fund
- Discretionary business grants round two
- Discretionary business grants top up fund
- Emergency Assistance Grant policy
- Commercial negotiations with Capita and the review of Exchequer Services and Finance IT systems

## **103 Review of the council's constitution**

Council considered the report of the head of legal and democratic and monitoring officer on proposed changes to the council's constitution.

Councillor Stefan Gawrysiak moved, and Councillor Maggie Filipova-Rivers seconded the following motion:

That Council:

1. agrees to amend the Summary and Explanation section of the constitution as follows:
  - (i) to use 'Chair' as the default term throughout the constitution,
  - (ii) to add the following definition of the leader of the opposition:  
"The opposition political group which holds the highest number of seats is known as the 'majority opposition group' with its leader known as the leader of the majority opposition group. If there are two or more larger opposition groups of the same size, the right of the title will alternate as agreed between the leaders of the groups or, in the absence of agreement, by Council".
2. agrees to amend the Council, Cabinet and all committee procedure rules to include:  
"The Chair may choose to indicate how they wish to be addressed, according to personal preference."
3. agrees to amend the Council procedure rules as follows:

- (i) procedure rule 4 be amended so that when the budget is discussed at Council meetings, questions and motions from councillors will follow consideration of the budget,
  - (ii) procedure rule 33 be amended to allow councillors to also ask questions of representatives appointed to outside bodies or joint committees,
  - (iii) procedure rule 36 be amended to require written answers to councillors' questions at Council meetings, to be provided to Democratic Services for circulation at least 24 hours before a Council meeting to allow more time for councillors to digest the answer and draft a supplementary question,
  - (iv) procedure rule 40 be amended to state that motions to Council may not relate to a decision on an individual case, or a decision made on an individual case under planning, licensing or other regulatory legislation;
4. agrees to amend the Joint Audit and Governance Committee procedure rules to clarify that only South Oxfordshire District Council members should vote on matters that solely relate to South Oxfordshire, and Vale of White Horse District Council members should only vote on matters that relate solely to the Vale;
  5. agrees to amend the Joint Staff Committee procedure rules terms of reference by replacing "to undertake development and performance reviews for the chief executive and head of paid service (based on the objectives and targets for the chief executive and head of paid service set by the leaders)" with: "To review the objectives and targets set by the leaders for the chief executive and review the formal performance and development reviews undertaken by the leaders.";
  6. agrees to amend the scheme of delegation to the chief executive to add a delegation to allow the authorisation of additional senior officers to sign documents and to attest the affixing of the common seal, if this becomes necessary;
  7. agrees to amend the scheme of delegation to the acting deputy chief executive – transformation and operations, to act as the councils' data protection officer and the senior information risk owner;
  8. agrees to amend the scheme of delegation to the Electoral Registration Officer and Returning Officer as follows (new text in bold type): "1.3 As returning officer, to designate an alternative polling place if the designated polling place becomes unavailable for a particular election, **referendum or poll.**"
  9. agrees to amend the scheme of delegation to the head of development and regeneration as follows:
    - (i) add three paragraphs to the section relating to the Community Infrastructure Levy, as set out in paragraph 26 of this report,
    - (ii) amend paragraph 1.2 (b) regarding the surrender or termination of leases and licences as follows (new text in bold type):

"To approve and accept surrenders or terminations of leases and licences, and any ancillary documents (**including deeds of variation**), and determine applications for the assignment, sub lettings, and transfer of leases and licences and the granting of sub leases and under leases and other applications for consent required by lessees."
    - (iii) add a new paragraph 1.2 (m) as follows: "To grant the consent of the council and agree to release covenants in respect of land and property matters including

retrospective consents under restrictive covenants contained in historic conveyances and transfers of former council housing.”

10. agrees to amend the scheme of delegation to the head of housing and environment as follows:

(i) delete paragraphs 1.7, 1.10, 1.16, 1.17, 1.20 and 1.21, as set out in paragraph 30 of the report,

(ii) rename the section on ‘refuse and street cleaning’ to ‘waste and street cleaning’,

(iii) add the following paragraph to the section on waste:

“To authorise an exemption for residents who wish to pay their annual subscription to the garden waste service by means other than direct debit.”,

(iv) amend paragraph 16.2 relating to clean neighbourhoods as follows (additional text in bold; deletions shown crossed through):

~~“To exercise the council’s powers and duties authorise town and parish council officers and staff nominated by the district council’s contractors to implement the fixed penalty provisions of the Dogs (Fouling of Land) Act and the Clean Neighbourhoods and Environment Act 2005.”,~~

(v) amend paragraph 19.1 and delete paragraph 19.2 as follows:

“19.1 To exercise the council’s powers and duties under the Animal Welfare Act 2006, **the Dangerous Wild Animals Act 1976, The Zoo Licensing Act 1981**, including licensing and registration functions, service of notices, taking of enforcement action, inspections, **risk assessing**, powers of entry and the appointment of inspectors.

~~19.2 To exercise the council’s powers and duties under The Dangerous Wild Animals Act 1976, The Pet Animals Act 1951, The Breeding of Dogs Acts 1973 and 1991, The Animal Boarding Establishments Acts 1963 and 1970, The Zoo Licensing Act 1981, and The Riding Establishments Acts 1964 & 1970, and the Breeding and Sale of Dogs (Welfare) Act 1999, including licensing and registration functions, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.”~~

(vi) amend paragraph 22.2 relating to private water supplies as follows:

“To give authority to approved companies or organisations to carry out **risk assessment functions and** water sampling on behalf of the council under the Water Industry Act 1991.”;

11. agrees to amend the scheme of delegation to the head of planning as follows:

(i) that paragraph 1.15 relating to neighbourhood plans also applies to South Oxfordshire:

“1.15 To designate neighbourhood planning areas.” (This delegation is subject to consultation with the Cabinet member for planning.),

(ii) add a paragraph to allow the designation of a neighbourhood plan forum, where there is a parish meeting but no parish council,

(iii) add a paragraph to allow a neighbourhood plan to proceed to referendum;

12. adds to the list of Proper Officer and Authorised Officer appointments, as set out in the appendix 1 to the report,

13. amends the Financial Procedure Rules as follows:

(i) amend paragraph 61 to require that any sale of property resulting in a significant reduction in income of £100,000 or more, impacting on the current budget and the medium term financial plan, must be referred to full Council for consideration,

(ii) amend paragraphs 74 and 75 to refer to head of development and regeneration following the transfer of responsibility for Community Infrastructure Levy spending from the head of planning under the management restructure;

14. authorises the head of legal and democratic to update the constitution to reflect the agreed amendments with effect from 1 November 2020; and

15. authorises the head of legal and democratic to make any minor or consequential amendments to the constitution for consistency.

### **Amendment**

Councillor Ken Arlett moved, and Councillor David Bartholomew seconded an amendment to amend Planning Committee Procedure Rule 4 to allow members of the Planning Committee to participate in the debate and vote on planning applications in their ward.

Those councillors who spoke in support of the amendment expressed the view that local ward councillors had the local knowledge and information relating to planning applications in their ward which would benefit the decision making process. Councillors who had predetermined their view should be trusted to step down from the committee on that item. However, other councillors expressed the view that the existing rule served to protect both the council and ward councillors from allegations of bias and predetermination and facilitated ward councillors in their advocacy role.

On being put to the vote the amendment was declared carried.

A councillor expressed the view that the leader of the opposition group with the largest number of seats should be referred to as the leader of the opposition and not merely as the leader of the majority opposition group as set out in 1(ii).

On being put to the vote the motion as amended was declared carried.

**RESOLVED:** That for South Oxfordshire District Council, Council:

1. agrees to amend the Summary and Explanation section of the constitution as follows:

- (i) to use 'Chair' as the default term throughout the constitution,
- (ii) to add the following definition of the leader of the opposition:

"The opposition political group which holds the highest number of seats is known as the 'majority opposition group' with its leader known as the leader of the majority opposition group. If there are two or more larger opposition groups of the same size, the right of the title will alternate as agreed between the leaders of the groups or, in the absence of agreement, by Council".

2. agrees to amend the Council, Cabinet and all committee procedure rules to include: "The Chair may choose to indicate how they wish to be addressed, according to personal preference."

3. agrees to amend the Council procedure rules as follows:

- (i) procedure rule 4 be amended so that when the budget is discussed at Council meetings, questions and motions from councillors will follow consideration of the budget,
- (ii) procedure rule 33 be amended to allow councillors to also ask questions of representatives appointed to outside bodies or joint committees,
- (iii) procedure rule 36 be amended to require written answers to councillors' questions at Council meetings, to be provided to Democratic Services for circulation at least 24 hours

before a Council meeting to allow more time for councillors to digest the answer and draft a supplementary question,

(iv) procedure rule 40 be amended to state that motions to Council may not relate to a decision on an individual case, or a decision made on an individual case under planning, licensing or other regulatory legislation;

4. agrees to amend the Planning Committee procedure rules to allow members of the Planning Committee to participate in the debate and vote on planning applications in their wards;
5. agrees to amend the Joint Audit and Governance Committee procedure rules to clarify that only South Oxfordshire District Council members should vote on matters that solely relate to South Oxfordshire, and Vale of White Horse District Council members should only vote on matters that relate solely to the Vale;
6. agrees to amend the Joint Staff Committee procedure rules terms of reference by replacing “to undertake development and performance reviews for the chief executive and head of paid service (based on the objectives and targets for the chief executive and head of paid service set by the leaders)” with: “To review the objectives and targets set by the leaders for the chief executive and review the formal performance and development reviews undertaken by the leaders.”;
7. agrees to amend the scheme of delegation to the chief executive to add a delegation to allow the authorisation of additional senior officers to sign documents and to attest the affixing of the common seal, if this becomes necessary;
8. agrees to amend the scheme of delegation to the acting deputy chief executive – transformation and operations, to act as the councils’ data protection officer and the senior information risk owner;
9. agrees to amend the scheme of delegation to the Electoral Registration Officer and Returning Officer as follows (new text in bold type): “1.3 As returning officer, to designate an alternative polling place if the designated polling place becomes unavailable for a particular election, **referendum or poll.**”
10. agrees to amend the scheme of delegation to the head of development and regeneration as follows:
  - (i) add three paragraphs to the section relating to the Community Infrastructure Levy, as set out in paragraph 26 of the report of the head of legal and democratic and monitoring officer to Council on 8 October 2020,
  - (ii) amend paragraph 1.2 (b) regarding the surrender or termination of leases and licences as follows (new text in bold type):

“To approve and accept surrenders or terminations of leases and licences, and any ancillary documents (**including deeds of variation**), and determine applications for the assignment, sub lettings, and transfer of leases and licences and the granting of sub leases and under leases and other applications for consent required by lessees.”
  - (iii) add a new paragraph 1.2 (m) as follows: “To grant the consent of the council and agree to release covenants in respect of land and property matters including retrospective consents under restrictive covenants contained in historic conveyances and transfers of former council housing.”
11. agrees to amend the scheme of delegation to the head of housing and environment as follows:
  - (i) delete paragraphs 1.7, 1.10, 1.16, 1.17, 1.20 and 1.21, as set out in paragraph 30 of this report,
  - (ii) rename the section on ‘refuse and street cleaning’ to ‘waste and street cleaning’,

(iii) add the following paragraph to the section on waste:

“To authorise an exemption for residents who wish to pay their annual subscription to the garden waste service by means other than direct debit.”,

(iv) amend paragraph 16.2 relating to clean neighbourhoods as follows (additional text in bold; deletions shown crossed through):

**“To exercise the council’s powers and duties** ~~authorise town and parish council officers and staff nominated by the district council’s contractors~~ to implement the fixed penalty provisions of the Dogs (Fouling of Land) Act and the Clean Neighbourhoods and Environment Act 2005.”,

(v) amend paragraph 19.1 and delete paragraph 19.2 as follows:

“19.1 To exercise the council’s powers and duties under the Animal Welfare Act 2006, **the Dangerous Wild Animals Act 1976, The Zoo Licensing Act 1981**, including licensing and registration functions, service of notices, taking of enforcement action, inspections, **risk assessing**, powers of entry and the appointment of inspectors.

~~19.2 To exercise the council’s powers and duties under The Dangerous Wild Animals Act 1976, The Pet Animals Act 1951, The Breeding of Dogs Acts 1973 and 1991, The Animal Boarding Establishments Acts 1963 and 1970, The Zoo Licensing Act 1981, and The Riding Establishments Acts 1964 & 1970, and the Breeding and Sale of Dogs (Welfare) Act 1999, including licensing and registration functions, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.”~~

(vi) amend paragraph 22.2 relating to private water supplies as follows:

“To give authority to approved companies or organisations to carry out **risk assessment functions and** water sampling on behalf of the council under the Water Industry Act 1991.”;

12. agrees to amend the scheme of delegation to the head of planning as follows:

(i) that paragraph 1.15 relating to neighbourhood plans also applies to South Oxfordshire: “1.15 To designate neighbourhood planning areas.” (This delegation is subject to consultation with the Cabinet member for planning.),

(ii) add a paragraph to allow the designation of a neighbourhood plan forum, where there is a parish meeting but no parish council,

(iii) add a paragraph to allow a neighbourhood plan to proceed to referendum;

13. adds to the list of Proper Officer and Authorised Officer appointments, as set out in appendix 1 of the report of the head of legal and democratic and monitoring officer to Council on 8 October 2020,

14. amends the Financial Procedure Rules as follows:

(i) amend paragraph 61 to require that any sale of property resulting in a significant reduction in income of £100,000 or more, impacting on the current budget and the medium term financial plan, must be referred to full Council for consideration,

(ii) amend paragraphs 74 and 75 to refer to head of development and regeneration following the transfer of responsibility for Community Infrastructure Levy spending from the head of planning under the management restructure;

15. authorises the head of legal and democratic to update the constitution to reflect the agreed amendments with effect from 1 November 2020; and

16. authorises the head of legal and democratic to make any minor or consequential amendments to the constitution for consistency.

## **104 Review of planning application call-in and trigger arrangements for decision making**

Council considered the report of the head of legal and democratic on three aspects of the scheme of delegation to the head of planning

Councillor Anne-Marie Simpson moved, and Councillor Peter Dragonetti seconded the following motion:

That Council

1. agrees, with effect from the date of this meeting, to extend the temporary change in town or parish trigger arrangements agreed by the chief executive under emergency powers on 18 May 2020 so that minor applications (e.g. 1-9 new houses) continue not to be automatically triggered and referred to the Planning Committee where the officer's recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the town or parish council;
2. agrees to further review the operation of these town or parish trigger arrangements at a Council meeting by no later than 31 July 2021;
3. agrees, with effect from the date of this meeting, that a ward councillor (to include adjacent ward councillor whose parish has been consulted) may call in a planning application (except an application for a certificate of lawful use or development, prior approval or notification), within 28 days of the start of the consultation period, to be considered by the Planning Committee. This request must be in writing and refer to material planning matters to ensure the audit trail for making that decision is clear and unambiguous;
4. agrees, with effect from the date of this meeting, to make permanent the change that prior approvals and notifications are no longer referred to the Planning Committee;
5. authorises the head of legal and democratic to make the necessary changes to the Constitution and to make any minor or consequential amendments to the Constitution and the rules for consistency and to reflect the council's style guide.

In moving the motion, Councillor Anne-Marie Simpson stated that there was an increasing number of planning applications waiting to be considered by the planning committee and therefore the temporary change in town and parish council trigger arrangements needed to continue to help reduce a building backlog of applications waiting for a committee decision. The motion sought to simplify the ward councillor call-in arrangements with the removal of the previous consultation arrangements with the head of planning and chair and vice chair of the planning committee. Ward councillors would now have an automatic right to refer an application to the planning committee thus recognising the local community leadership role of ward councillors.

### **Amendment 1**

Councillor Stefan Gawrysiak moved, and Councillor Mocky Khan seconded an amendment to restore the automatic trigger and referral of minor applications (e.g. 1-9 houses) to the

planning committee where the officer's recommendation for approval/consent is in direct conflict with the views of the town or parish council.

Those who supported the amendment expressed the view that it was important to restore the local democratic right of parish/town councils to have such applications considered by the planning committee. However, the majority of councillors supported the view that going back to the old scheme at this time would mean more planning committee meetings with their associated costs and with slow progress on committee decisions there was an increased risk of planning appeals for non-determination. The motion provided for the call in of applications to the committee by ward councillors who should liaise with their parish/town councils in respect of any concerns they have with particular applications.

In accordance with Council Procedure Rule 67, which provides for a recorded vote if three councillors request one, the chairman called for a recorded vote on the amendment which was declared lost with the voting as follows:

<b>For</b>	<b>Against</b>	<b>Abstain</b>
<b>Councillors</b>	<b>Councillors</b>	<b>Councillors</b>
Ken Arlett	Pieter-Paul Barker	Anna Badcock
Stefan Gawrysiak	Robin Bennett	David Bartholomew
Kellie Hinton	David Bretherton	Lorraine Hillier
Mocky Khan	Sam Casey-Rerhaye	Lynn Lloyd
Axel Macdonald	Sue Cooper	Caroline Newton
Celia Wilson	Peter Dragonetti	Ian Snowdon
	Maggie Filipova-Rivers	Alan Thompson
	Elizabeth Gillespie	
	Sarah Gray	
	Kate Gregory	
	Victoria Haval	
	Simon Hewerdine	
	Alexandrine Kantor	
	George Levy	
	Jane Murphy	

<b>For</b>	<b>Against</b>	<b>Abstain</b>
	Andrea Powell	
	Leigh Rawlins	
	Jo Robb	
	Sue Roberts	
	David Rouane	
	Anne-Marie Simpson	
	David Turner	
	Ian White	
<b>6</b>	<b>23</b>	<b>7</b>

## **Amendment 2**

Councillor Simon Hewardine moved, and Councillor Robin Bennett seconded an amendment to include the following wording at the end of 2 of the motion to ensure that the provisions agreed at the meeting would not continue without a Council vote at the proposed review.

“these trigger arrangements will automatically lapse unless full Council votes to renew them at the review”.

With the agreement of Council, the mover and seconder of the original motion accepted the amendment.

On being put the motion as amended was carried.

### **RESOLVED:** to

1. agree, with effect from the date of this meeting, to extend the temporary change in town or parish trigger arrangements agreed by the chief executive under emergency powers on 18 May 2020 so that minor applications (e.g. 1-9 new houses) continue not to be automatically triggered and referred to the Planning Committee where the officer’s recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the town or parish council;
2. agree to further review the operation of these town or parish trigger arrangements at a Council meeting by no later than 31 July 2021; these trigger arrangements will automatically lapse unless full Council votes to renew them at the review;

3. agree, with effect from the date of this meeting, that a ward councillor (to include adjacent ward councillor whose parish has been consulted) may call in a planning application (except an application for a certificate of lawful use or development, prior approval or notification), within 28 days of the start of the consultation period, to be considered by the Planning Committee. This request must be in writing and refer to material planning matters to ensure the audit trail for making that decision is clear and unambiguous;
4. agree, with effect from the date of this meeting, to make permanent the change that prior approvals and notifications are no longer referred to the Planning Committee;
5. authorise the head of legal and democratic to make the necessary changes to the Constitution and to make any minor or consequential amendments to the Constitution and the rules for consistency and to reflect the council's style guide.

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

Council considered 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 to undertake a review of the councillors' allowances scheme and make recommendations to Council.

**RESOLVED:** to:

1. appoint a joint independent remuneration panel with Vale of White Horse District Council to carry out reviews of the councillors' allowances schemes at both councils and make recommendations on any changes to the schemes to the relevant Council;
2. make the appointment of the Joint Independent Remuneration Panel effective until May 2024, one year after the 2023 district council elections;
3. to appoint South East Employers as one of the members of the Joint Independent Remuneration Panel, to act as chair and provide training to new panel members;
4. authorise the head of legal and democratic to make appointments to the Joint Independent Remuneration Panel.

### **106 Re-appointment of independent persons to advise on code of conduct issues**

Council considered 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.

**RESOLVED:** to authorise the monitoring officer to extend the terms of office of George Green and Chris Smith, the council's independent persons for code of conduct matters, until 31 May 2021.

## **107 Questions on notice**

No questions were submitted by councillors under Council Procedure Rule 33.

## **108 Motions on notice**

Prior to consideration of the motions, Council agreed, prior to the expiry of two and a half hours, in accordance with council procedure rule 12, to extend the duration of the meeting by half an hour.

As per minute (97/10/20) Council considered the motions adjourned from the meeting held on 16 July 2020.

### **Motion E from the July Council meeting**

With the agreement of Council Councillor Jane Murphy moved, and Councillor Caroline Newton seconded the following altered motion from that submitted to the Council meeting in July.

This Council recognises the excellent work of all local government staff across Oxfordshire during the ongoing COVID-19 crisis. Councils have worked together in these difficult times, demonstrating the clear benefits to residents of integrated delivery. All Councils have gone the extra mile in delivering services to residents and have prioritised the most vulnerable members of our communities. This has inevitably incurred additional costs – c. £90 million across all tiers. Whilst welcome, the additional Government funding provided to date does not cover all our increased costs.

Councils across Oxfordshire are now considering how they can balance budgets and protect frontline services, as we are later tonight. No Councillor nor party wants to see drastic cuts to vital Council services. We, as a group of democratically elected Councillors, should take the initiative to ensure that we continue to provide the best possible public services for our residents; we have a duty to respond to the national financial challenge ahead and to be open and honest with our residents.

### **Council therefore agrees that:**

Further to the motion passed at the December 2019 Council meeting, reflecting that much has changed since, the Leader should write to the Secretary of State, noting that not all Districts are interested only in self-preservation and request that he actively pursues consideration of unitary options for Oxfordshire. Recognising the current pressures on our staff and partners from addressing the COVID pandemic, and the increasing in the infection rates both nationally and regionally, the Leader should request that the Secretary of State ask MHCLG officials to convene and support a wide-ranging conversation with our local authority partners, business communities, residents and wider stakeholders, as soon as is practicable in 2021 to explore all viable unitary options for Oxfordshire that increase local accountability and maintain strong democratic links with communities”.

During the course of the debate on this motion Councillor Jane Murphy, with the agreement of her seconder, Councillor Caroline Newton, agreed to withdraw her motion on the understanding that the issue of local government reform and unitary options would come before councillors shortly after Christmas.

## **Motion F from the July Council meeting**

With the agreement of Council, Councillor Jo Robb moved, and Councillor Andrea Powell seconded the following altered motion from that submitted to the Council meeting in July. On being put the motion was declared carried.

### **RESOLVED:**

That 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 sewage spills 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.

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.

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, DEFRA, The Rivers Trust and Surfers Against Sewage to explore 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 officers to work alongside the Thames Champion, Thames Water, the Environment Agency, neighbouring Councils and others to achieve an end to sewage discharges, and 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."

- A. Councillor Ken Arlett moved, and Councillor Stefan Gawrysiak seconded the motion as set out in the agenda at agenda item 18

On being put to the vote the motion was declared carried.

**RESOLVED:** That 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. Councillor Jo Robb did not move the motion as set out in the agenda having moved altered wording to her motion previously submitted to the July Council (see motion F from the July Council meeting above).

During the consideration of Motion C, Council agreed, prior to the expiry of two and a half hours, in accordance with council procedure rule 12, to extend the duration of the meeting by half an hour

- C. Councillor Alexandrine Kantor moved, and Councillor Kate Gregory seconded the motion as set out in the agenda at agenda item 18

The majority of councillors supported the motion as drafted. However, the view was expressed that, whilst supporting the sentiment of the motion, it should focus on areas the council could directly influence. The motion as drafted was too long and included background information and references to other countries.

In accordance with Council Procedure Rule 67, which provides for a recorded vote if three councillors request one, the chairman called for a recorded vote on the amendment which was declared carried with the voting as follows:

<b>For</b>	<b>Against</b>	<b>Abstain</b>
<b>Councillors</b>	<b>Councillors</b>	<b>Councillors</b>
Ken Arlett		David Bartholomew
Anna Badcock		Lorraine Hillier
Pieter-Paul Barker		Alan Thompson
Robin Bennett		
David Bretherton		
Sam Casey-Rerhaye		
Sue Cooper		
Peter Dragonetti		
Maggie Filipova-Rivers		
Stefan Gawrysiak		
Elizabeth Gillespie		

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Sarah Gray		
Kate Gregory		
Victoria Haval		
Simon Hewerdine		
Kellie Hinton		
Alexandrine Kantor		
Mocky Khan		
George Levy		
Lynn Lloyd		
Axel Macdonald		
Jane Murphy		
Caroline Newton		
Andrea Powell		
Leigh Rawlins		
Jo Robb		
Sue Roberts		
David Rouane		
Anne-Marie Simpson		
Ian Snowdon		
David Turner		
Ian White		
Celia Wilson		
<b>33</b>	<b>0</b>	<b>3</b>

**RESOLVED:** That 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. Councillor Axel Macdonald moved, and Councillor Celia Wilson seconded the motion as set out in the agenda at agenda item 18

On being put to the vote the motion was declared carried.

**RESOLVED:** That 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.

## 109 Exclusion of the public

**RESOLVED:** to exclude members of the press and public from the meeting for the following item 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) it involves the likely disclosure of exempt information as defined in paragraph 3 of 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.

## **110 Impact of Covid-19 on leisure facilities**

At its meeting on 1 October 2020 Cabinet considered the confidential report of the interim head of development and regeneration on the impact of Covid-19 on leisure facilities. Cabinet made no recommendation to Council at this time.

Councillor Maggie Filipova-Rivers, Cabinet member for community services, provided a verbal update to Council.

## **111 Budget 2020/21**

Council noted the revised confidential appendix 1, circulated following the Cabinet meeting on 1 October 2020, and confidential appendix 2 to the interim head of finance's report to Cabinet on 1 October 2020.

The meeting closed at 9:30pm

Chairman

Date