

Minutes

OF A MEETING OF

Council



Listening Learning Leading

HELD AT 6.00 PM ON THURSDAY 14 DECEMBER 2017

THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD

Present

Imran Lokhon (Vice-Chairman in the chair), Joan Bland, Felix Bloomfield, Nigel Champken-Woods, John Cotton, Pat Dawe, David Dodds, Stefan Gawrysiak, Elizabeth Gillespie, Will Hall, Tony Harbour, Paul Harrison, Lorraine Hillier, Elaine Hornsby, Mocky Khan, Sue Lawson, Lynn Lloyd, Jane Murphy, Caroline Newton, David Nimmo-Smith, Richard Pullen, Ian Snowdon, David Turner and Ian White

Apologies:

Apologies for absence were submitted on behalf of Anna Badcock, Kevin Bulmer, Jeannette Matelot, Robert Simister and Alan Thompson

Officers:

Steven Corrigan, Andrew Down, William Jacobs, Adrianna Partridge, Margaret Reed, Mark Stone and Chris Wheeler

54 Minutes

RESOLVED: to approve the minutes of the special meetings of Council held on 28 September and 23 November 2017 and the Council meeting held on 12 October 2017 as correct records and agree that the Chairman sign them as such.

55 Declarations of disclosable pecuniary interest

None.

56 Urgent business and chairman's announcements

The Chairman provided housekeeping information.

57 Public participation

None.

58 Petitions

No petitions were submitted by members of the public.

59 Council tax base 2018/19

Council considered Cabinet's recommendations, made at its meeting on 7 December 2017, on the council tax base for 2018/19.

RESOLVED:

1. To approve the report of the head of finance to Cabinet on 7 December 2017 for the calculation of the council's tax base and the calculation of the tax base for each parish area for 2018/19;
2. That, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by South Oxfordshire District Council as its council tax base for the year 2018/19 be 56,163.3; and
3. That, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by South Oxfordshire District Council as the council tax base for the year 2018/19 for each parish be the amount shown against the name of that parish in Appendix 1 of the report of the head of finance to Cabinet on 7 December 2017.

60 Community governance reviews

Council considered a recommendation from the Community Governance and Electoral Issues Committee to rescind a Council resolution agreed at the Council meeting on 17 July 2014 (minute 20(b) /07/14 refers) in respect of an automatic trigger for a community governance review.

RESOLVED: to rescind the following resolution:

"that a significant development proposal that sits adjacent to or straddles a parish boundary should automatically trigger a community governance review, such a review to take place on the inclusion of a site in a document that forms part of the approved Local Plan or when planning permission has been granted for the development of the site".

61 Review of the council's constitution

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

RESOLVED: to

1. agree to amend the constitution in the Summary and Explanation section and the Cabinet Arrangements and Procedure Rules to update the key decision definition by removing reference to strategic directors;
2. agree to amend the Summary and Explanation section and the Joint Audit and Governance, Planning and Scrutiny Committees' procedure rules to make explicit that councillors have the right to attend committee meetings

- where they are not a member, including where confidential or exempt information is being discussed;
3. agree to amend paragraph 15 of the Planning Committee Procedure Rules so that “no meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, votes for the meeting to continue to complete the item under discussion”;
 4. authorise the Head of Legal and Democratic Services to update the scheme of delegation to officers in Schedule 1 to specifically reflect the Council’s changes to officers’ responsibilities under the revised management structure;
 5. agree to amend the scheme of delegation to the head of planning to:
 - (i) add the following text to paragraph 1.1(a)ii regarding ward councillors’ right to call-in planning applications for consideration by Planning Committee: “This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous.”
 - (ii) change paragraph 11.9 to read “To deal with the recovery of the Community Infrastructure Levy including stop notices, liability orders and other enforcement mechanisms under Regulation 89 to 94 and 111 of the Community Infrastructure Levy Regulations 2010.”
 - (iii) add the following paragraph “To express the opinion of the council as local planning authority on whether a neighbourhood plan requires Strategic Environmental Assessment (Environmental Assessment of Plans and Programmes Regulations 2004) and/or an appropriate assessment (Conservation of Habitats and Species Regulations 2010 (as amended 2011)).”
 6. agree to amend paragraph 14.3 of the scheme of delegation to the interim head of waste, leisure and environmental health “To give authority to police community support officers to issue fixed penalty notices in respect of litter and dog fouling offences under the Clean Neighbourhoods and Environment Act 2005.”
 7. agree to amend the Joint Staff Committee Procedure Rules as set out in appendix 1 of the head of legal and democratic services and monitoring officer’s report to Council on 14 December 2017;
 8. agree to amend the Officer Employment Procedure Rules as set out in appendix 2 of the head of legal and democratic services and monitoring officer’s report to Council on 14 December 2017;
 9. authorise the head of legal and democratic services to update the constitution to reflect the agreed amendments with effect from 1 January 2018; and
 10. authorise the head of legal and democratic services to make any minor or consequential amendments to the constitutions for consistency and to reflect the council’s style guide.

62 Report of the leader of the council

Councillor Cotton, Leader of the council, provided the following updates:

- Oxfordshire Housing Deal – progress was being made and Council would have the final vote on any deal.
- He had been elected as Chair of the “Oxford-Cambridge Arc” which would have a role in the future growth and significant investment in the area including any Oxford-Cambridge expressway.
- The district council had agreed to be part of a Government initiative to review why approved planning sites were not coming forward for development.

63 Questions on notice

Question from Councillor Mocky Khan to the Leader of the council, Councillor John Cotton:

"Please can the Leader explain the recruitment process for selecting the Chair of the Didcot Garden Town Management Board? Was it flawed given that Elizabeth Paris has decided not to take up the post, and what is going to happen now?"

Answer

In response Councillor Cotton stated that the Didcot Garden Town Project Board had agreed that any potential independent Chair would need to have previously held a senior level position in either the public or private sector and be:

- politically neutral,
- willing to take on the role in a non-remunerated capacity, and
- capable of mobilising support for the Didcot Garden Town amongst key public and private stakeholders, and the local community.

Relatively few people fit these criteria and Elizabeth Paris was identified as one such person and when approached to determine whether she would be willing to put herself forward for the role of Chair she confirmed she would. As a Deputy Lord Lieutenant for Oxfordshire it was always known that she would not be able to assume the role, if any activity related to Didcot Garden Town was likely to bring disrepute upon the office of the Lord Lieutenant - this eventuality was considered unlikely.

However, following the publication of an article in a local newsletter by certain Didcot Town Councillors claiming that Elizabeth Paris should not take on the role of Chair because it somehow clashed with her role as a Deputy Lord Lieutenant, she decided that becoming the centre of a debate on the rights or wrongs of her appointment, due to her position as Deputy Lord Lieutenant, was indeed likely to bring the office of the Lord Lieutenant into disrepute. She therefore reluctantly felt obliged to withdraw her interest in becoming Chair of the Didcot Garden Town Project Board.

The decision was forced upon her and she would be extremely difficult to replace, and doing so may take a considerable period of time.

Regarding the future, it has become clear in recent weeks that the Government may be willing to provide Oxfordshire and Didcot Garden Town with some infrastructure funding. However, the exact amount and terms of this are yet to be finalised and any funding agreement may well require local authorities to put in place robust delivery

mechanisms that ensure these funds are used to accelerate key infrastructure development projects as quickly as possible and to demonstrate increased political oversight.

If this is the case, the governance arrangements for Didcot Garden Town may well need to be re-assessed. If this is the case, finalising the governance arrangements for Didcot Garden Town, and the appointment of a new Chair, will inevitably be delayed pending clarification on the nature and terms and of the central government funding needed to implement key projects within the Garden Town Delivery Plan.

Supplementary question

In response to a supplementary question Councillor Cotton confirmed that there would be a delay in the appointment of a Chair until the outcome of the discussions with the Government.

64 Motions on notice

No motions were submitted by councillors under Council procedure rule 38.

65 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 paragraphs 1,2 and 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.

66 Minutes

RESOLVED: to approve the confidential minutes of the meeting of Council held on 12 October 2017 and the special Council meeting held on 23 November 2017 as correct records and agree that the Chairman sign them as such.

67 Staffing matters (appointment of a permanent chief executive)

Mark Stone left the meeting during the consideration of this item.

Council considered the recommendations of the Joint Staff Committee on the appointment of a permanent chief executive.

RESOLVED: to

1. appoint Mark Stone as permanent chief executive and head of paid service of South Oxfordshire District Council with effect from 1 January 2018, on the terms and conditions set out in the report of the interim head of corporate services to the Joint Staff Committee on 6 December 2017;
2. authorise the interim head of corporate services to finalise the terms and conditions and the contract of employment of the chief executive in accordance with the terms agreed by the Joint Staff Committee;

3. agree to place the chief executive at the disposal of Vale of White Horse District Council and to share the employee costs in accordance with the existing agreement between the two councils under section 113 of the Local Government Act 1972;
4. authorise the chief executive and head of paid service to nominate appropriate officers to deputise in his absence;
5. authorise the interim head of corporate services to make any necessary amendments to the council's published pay policy statement arising from the agreed terms and conditions of appointment of the chief executive.

68 Corporate services contracts (separate confidential minute)

Council considered the recommendations of Cabinet, made at its meeting on 7 December 2017, on the corporate services contracts. Council agreed the confidential recommendations.

69 Management restructure

Andrew Down, William Jacobs, Adrianna Partridge and Margaret Reed left the meeting during the consideration of this item as officers affected by the management restructure.

Council considered the recommendations of Cabinet, made at its meeting on 7 December 2017, on a revised management structure. In moving Cabinet's recommendations Councillor Cotton, Leader of the council, moved and Councillor Murphy seconded the following to provide the chief executive with the flexibility to implement the restructure on a phased basis:

"Council notes that the implementation of the restructure will be phased due to the nature of the appointments process, and that the retention of interim arrangements may be required in the short term, and authorises the Chief Executive to make any interim arrangements that may be necessary to support the full implementation of the approved structure."

RESOLVED: to

1. approve the revised management structure attached as appendix 3 to the chief executive's report to Cabinet on 7 December 2017 and the costs associated with it;
2. authorise the head of finance to include the ongoing costs associated with the restructure as identified in paragraph 16 of the chief executive's report to Cabinet on 7 December 2017 in the budgets and medium term financial plans as essential growth; and
3. note that the implementation of the restructure will be phased due to the nature of the appointments process, and that the retention of interim arrangements may be required in the short term, and authorise the chief executive to make any interim arrangements that may be necessary to support the full implementation of the approved structure.

The meeting closed at 6.50pm

Chairman