

Minutes

OF A MEETING OF THE

Council



Listening Learning Leading

HELD ON THURSDAY 20 FEBRUARY 2020 AT 6.00 PM

THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK, CROWMARSH
GIFFORD

Present:

David Bretherton (Chairman)

Pieter-Paul Barker, David Bartholomew, Robin Bennett, Sam Casey-Rerhaye, Sue Cooper, Peter Dragonetti, Stefan Gawrysiak, Elizabeth Gillespie, Sarah Gray, Victoria Haval, Simon Hewerdine, Lorraine Hillier, Alexandrine Kantor, Mocky Khan, George Levy, Lynn Lloyd, Axel Macdonald, Andrea Powell, Leigh Rawlins, Jo Robb, Sue Roberts, David Rouane, Anne-Marie Simpson, Alan Thompson, David Turner, Ian White and Celia Wilson

Apologies:

Ken Arlett, Anna Badcock, Maggie Filipova-Rivers, Kate Gregory, Kellie Hinton, Jane Murphy, Caroline Newton and Ian Snowdon tendered apologies.

Officers: Steven Corrigan, Simon Hewings, Margaret Reed and Mark Stone

68 Declarations of disclosable pecuniary interest

None.

69 Urgent business and chairman's announcements

The chairman provided general housekeeping information and advised there were no items of urgent business.

70 Public participation

No members of the public had registered to address Council.

71 Petitions

No petitions were submitted from members of the public.

72 Council tax 2020/21

Council considered the report of the interim head of finance on the setting of the Council Tax for the 2020/21 financial year.

In accordance with regulations requiring councils to record the names of those councillors voting in favour, against or abstaining from any vote on the council tax the chairman called for a recorded vote which was carried with the voting being as follows:

For	Against	Abstain
Councillors	Councillors	Councillors
Pieter-Paul Barker		
David Bartholomew		
Robin Bennett		
David Bretherton		
Sam Casey-Rerhaye		
Sue Cooper		
Peter Dragonetti		
Stefan Gawrysiak		
Elizabeth Gillespie		
Sarah Gray		
Victoria Haval		
Simon Hewerdine		
Lorraine Hillier		
Alexandrine Kantor		
Mocky Khan		
George Levy		
Lynn Lloyd		
Axel Macdonald		
Andrea Powell		

For	Against	Abstain
Leigh Rawlins		
Jo Robb		
Sue Roberts		
David Rouane		
Anne-Marie Simpson		
Alan Thompson		
David Turner		
Ian White		
Celia Wilson		
28	0	0

RESOLVED:

1. To note that at its meeting on 19 December 2019 the council calculated the council tax base 2020/21:
 - (a) for the whole council area as 57,848.5 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the “Act”)]; and
 - (b) for dwellings in those parts of its area to which a parish precept relates as in column 1 of appendix 1.
2. That the council tax requirement for the council’s own purposes for 2020/21 (excluding parish precepts) is £7,302,795
3. That the following amounts be calculated for the year 2020/21 in accordance with Sections 31 to 36 of the Act:
 - (a) £77,801,531 being the aggregate of the amounts which the council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by parish councils.
 - (b) £64,974,585 being the aggregate of the amounts which the council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £12,826,946 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at (3)(b) above, calculated by the council, in accordance with Section 31A(4) of the Act as its council tax requirement for the year. (Item R in the formula in Section 31B of the Act).

- (d) £221.73 being the amount at (3)(c) above (Item R), all divided by Item T (1(a) above), calculated by the council, in accordance with Section 31B of the Act, as the basic amount of its council tax for the year (including parish precepts).
- (e) £5,524,151 being the aggregate amount of all special items referred to in Section 34(1) of the Act, as set out in column 2 of appendix 1.
- (f) £126.24 being the amount at (3)(d) above less the result given by dividing the amount at (3)(e) above by Item T (1(a) above), calculated by the council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no parish precept relates.

4. To note that for the year 2020/21 Oxfordshire County Council has stated the following amounts in precepts issued to the council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	£1,018.29
Band B	£1,188.01
Band C	£1,357.72
Band D	£1,527.44
Band E	£1,866.87
Band F	£2,206.30
Band G	£2,545.73
Band H	£3,054.88

5. To note that for the year 2020/21 the Police and Crime Commissioner for Thames Valley has stated the following amounts in precepts issued to the council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	£144.19
Band B	£168.22
Band C	£192.25
Band D	£216.28
Band E	£264.34
Band F	£312.40
Band G	£360.47
Band H	£432.56

6. That the council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in appendix 3 as the amounts of council tax for 2020/21 for each part of its area and for each of the categories of dwellings shown in appendix 3.

1. To determine that the council's basic amount of council tax for 2020/21 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

73 Items from Council meeting held on 13 February

The chairman advised that three motions were deferred from the Council meeting held on 13 February 2020 which would be taken at agenda item 10.

74 Report of the leader of the council

Councillor Sue Cooper, Leader of the council, referred to her update provided at the Council meeting held on 13 February 2020. In response to a question she advised that there was no further update on the Didcot Gateway project.

75 Questions on notice

No questions were submitted by councillors under Council procedure rule 33.

76 Motions on notice

A. With the agreement of Council Councillor Kantor moved and Councillor Casey-Rerhaye seconded, the altered motion set out below with the deleted words shown by a strikethrough and additional wording shown in bold:

Council notes the International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism is the most widely accepted and recognized definition of anti-Jewish racism. It states that: Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of Antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Council notes the All Party Parliamentary Group on British Muslims (APPG) definition of Islamophobia: Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.

Council notes that, by using these definitions, it helps to understand, identify, and tackle Antisemitism and Islamophobia.

Council holds the right to freedom of speech and freedom of religion as fundamentals but freedom of speech is not an unlimited right, and should not be used to advocate racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Council resolves to:

- condemn all hate crimes and deplore the rise in hate crimes against members of the Jewish and Muslim communities in Britain.

- ~~condemn all inflammatory rhetoric in political discourse: including antisemitic and islamophobic tropes used by politicians and public servants.~~

condemn inflammatory rhetoric in political discourse that is antisemitic or islamophobic.

- adopt the IHRA definition of Antisemitism in full and without amendment.
- adopt the APPG definition of Islamophobia in full and without amendment.

- ask officers to update this council's equality policies to this effect.

After debate and on being put to the vote the motion was agreed. Whilst the majority of councillors supported the motion a number expressed concern regarding the definitions of antisemitism and islamophobia referred to in the motion.

RESOLVED:

That Council notes the International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism is the most widely accepted and recognized definition of anti-Jewish racism. It states that: Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of Antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Council notes the All Party Parliamentary Group on British Muslims (APPG) definition of Islamophobia: Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.

Council notes that, by using these definitions, it helps to understand, identify, and tackle Antisemitism and Islamophobia.

Council holds the right to freedom of speech and freedom of religion as fundamentals but freedom of speech is not an unlimited right, and should not be used to advocate racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Council resolves to:

1. condemn all hate crimes and deplore the rise in hate crimes against members of the Jewish and Muslim communities in Britain;
2. condemn inflammatory rhetoric in political discourse that is antisemitic or islamophobic;
3. adopt the IHRA definition of Antisemitism in full and without amendment;
4. adopt the APPG definition of Islamophobia in full and without amendment;
5. ask officers to update this council's equality policies to this effect.

B. Councillor Anne-Marie Simpson moved, and Councillor Victoria Haval seconded, the motion as set out at agenda item 15 (2) for the Council meeting on 13 February 2020

After debate and on being put to the vote the motion was agreed unanimously.

RESOLVED:

That Council notes the risks associated with modern life are significantly different from those of 1847 when the Town Police Clauses Act was passed, and even from those of the 1970s when the Local Government (Miscellaneous Provisions) Act 1976 came into force. Clearly, the legislation has not kept pace with developments, in particular with the way we use technology, apps, and mobile phones. It is difficult to facilitate a regulatory system when the legislation is based on the use of horse drawn carriages and landline phones.

There is also a lack of consistency across the legislation. For example, the law requires a person who takes bookings for private hire vehicles to be licensed but there is no similar requirement for someone who does the same for hackney carriages. This lack, apart from the potential for sensitive personal information to fall into the wrong hands, can make it

very difficult to investigate allegations of improper conduct by drivers of hackney carriages. This could undermine public confidence in the licensing regime. In addition, it provides a mechanism for private hire operators who have lost their licence to continue in business. They simply move to only “operating” hackney carriages, and no controls can be placed on them at all.

Examples of recent local issues include hackney carriage ‘operators’ who have pressured drivers to work excessively long hours with no proper breaks, and those who do not maintain their vehicles properly and continually present vehicles to testing stations which fail the test. The overriding aim of any licensing authority when carrying out its functions relating to the licensing of hackney or private hire drivers, vehicle proprietors, and operators is the protection of the public.

The Oxfordshire district councils and the county council share information under a Joint Operating Framework, and there is a national register of revoked and refused licences operated by the National Anti-Fraud Network. However, this does not address situations where drivers have allowed their licence to lapse pending enforcement action at one local authority and apply to another authority without declaring that enforcement action or the previous licences held. Local authority prosecutions are not currently detailed on enhanced DBS disclosures and there are recent local examples of the councils only finding out about such prosecutions by chance and after the licence has been granted.

Council therefore requests that the Leader of the council write to the district’s two Members of Parliament and to the Minister for Transport to request that the following action be taken:

1. The Government should move forward without delay on the three key measures recommended to achieve a safe service for passengers in the Taxi and PHV Licensing Task and Finish Group report, namely:
 - The introduction of a national taxi licensing database;
 - Some form of cross border enforcement for local authorities;
 - National minimum standards for licences.
2. The Government should provide an update in respect of how they propose to deal with cross-border working;
3. The Government should legislate to require any person taking bookings for more than one vehicle to be licensed as an operator, with national standards for the information recorded by licensed operators in respect of bookings.

C. In the absence of Councillor Kate Gregory and Councillor Ken Arlett, Councillor Anne-Marie Simpson moved, and Councillor Robin Bennett seconded the motion as set out at agenda item 15 (3) for the Council meeting on 13 February 2020

After debate and on being put to the vote the motion was agreed unanimously.

RESOLVED:

That Council notes the views of the Local Government Association and the Royal Town Planning Institute, who recognise that problems have been caused by the 2013 deregulation of the Planning System which allows offices to be converted into homes without planning permission. Currently, developers do not have to contribute towards affordable Social Housing or local infrastructure and there is no ability to consider whether

the development provides suitable levels of internal or external amenity space, privacy, sunlight, daylight or outlook.

Council asks the leader of the council to write to the Secretary of State for Housing, Communities and Local Government to call for a review of the wide-ranging impacts of permitted development rights which allow change of use into residential homes.

D. Councillor Sue Roberts moved, and Councillor Celia Wilson seconded the motion as set out at agenda item 10 for the meeting of Council on 20 February 2020

After debate and on being put to the vote the motion was agreed unanimously.

RESOLVED:

That Council notes that paragraph 73 of the NPPF, on ‘maintaining supply and delivery’ requires planning authorities ‘to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement’. This deliverability rule is commonly known as the ‘5-year housing land supply’.

Unfortunately, this phrase leads to the misconception that councils that cannot demonstrate a 5-year housing land supply cannot do so because they have failed to allocate or approve sufficient sites. This is not the case for councils with adopted local plans consulted upon and found sound at examination, who are keeping up with changes to methodology which might require increased housing numbers. Such councils, provided they have gone on to approve sufficient applications, by definition would indeed have allocated sufficient land for housing.

But lost 5-year housing land supply can result if developers fail to build out at the required rate on the sites allocated in the local plan. They then, themselves, have created strong planning grounds for granting of planning permissions on new sites that they apply for; sites that were specifically not in the local plan. This often results in appeals, which are time-consuming, extremely costly, and distressing for the council and residents alike.

George Freeman (Cons MP Mid Norfolk) summed this up in a House of Commons debate (Hansard, 4th July 2018): *“developers are banking...permissions for later, because they know that they will get them, and using the five-year land supply to force the wrong development in the wrong places”. “Through the Localism Act 2011, we set out to [give] local communities the chance to shape their future. We are now in danger of looking like we are in favour of speculators, profiteers and out-of-town developers, who dump housing estates that we legislate for, with no responsibility being taken locally.”*

Council therefore requests that the Leader write to the Minister for Housing Communities and Local Government requesting:

- That the Minister notes the severe problems that exist with the ‘5-year housing land supply’ rules in the National Planning Policy Framework as outlined above
- That the Minister considers revising the housing land supply rules (5-year or other durations) such that, provided the planning authority has allocated sufficient land to housing, and has not unreasonably withheld planning permissions, the authority shall have been deemed to have met its obligations and there would be no grounds for third parties to demand the release of further land for development

- That any other measures introduced to ensure appropriate delivery of homes should be actionable by the local authorities themselves on behalf of local people and not subject to external factors beyond their control, thus re-instating the primacy of residents and their elected representatives in ensuring that the right homes are built for the right people, in the right places, in a planned and organised manner”.

The meeting closed at 7.15pm

Chairman

Date