

Council



Listening Learning Leading

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Summons to attend a meeting of Council

to be held on

THURSDAY 19 DECEMBER 2019 AT 6.00 PM

at

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK, CROWMARSH
GIFFORD**

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MARGARET REED
Head of Legal and Democratic

Note: Please remember to sign the attendance register.

Agenda

Map

A map showing the location of Howbery Park is attached, as is a plan showing the location of the Fountain Conference Centre on the Howbery Park site.

1 Apologies for absence

To record apologies for absence.

2 Minutes (Pages 13 - 33)

To adopt and sign as a correct record the Council minutes of the meeting held on 10 October 2019 - 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 Making the Berrick Salome Neighbourhood Development Plan (Pages 34 - 38)

Cabinet, at its meeting on 5 December 2019, considered the head of planning's report on the Berrick Salome Neighbourhood Development Plan.

The report of the head of planning, which Cabinet considered on 5 December, is attached.

Cabinet has recommended to Council as follows:

RECOMMENDATION TO COUNCIL: to

1. make the Berrick Salome Neighbourhood Development Plan so that it continues to be part of the council's development plan; and
2. authorise the head of planning, in consultation with the Cabinet member for planning, and in agreement with the Qualifying Body, to correct any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

8 Treasury Management Outturn 2018-19 (Pages 39 - 59)

Cabinet, at its meeting on 5 December 2019, considered the report of the head of finance on the outturn performance of the treasury management function for the financial year 2018/19.

The report of the head of finance, which the Joint Audit and Governance Committee considered on 14 October 2019 and Cabinet considered on 5 December 2019, is **attached**.

The Joint Audit and Governance Committee made no recommendations to Cabinet but noted the report and was satisfied that the treasury activities were carried out in accordance with the treasury management strategy and policy.

RECOMMENDATION TO COUNCIL: to

1. approve the treasury management outturn report 2018/19; and
2. approve the actual 2018/19 prudential indicators within the report.

9 Council tax base 2020/21 (Pages 60 - 63)

Cabinet, at its meeting on 5 December 2019, considered a report on the council tax base for 2020/21.

The report of the head of finance, which Cabinet considered on 5 December, is **attached**.

RECOMMENDATION TO COUNCIL:

1. that the report of the head of finance to Cabinet on 5 December 2019 for the calculation of the council's tax base and the calculation of the tax base for each parish area for 2020/21 be approved;
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 2020/21 be 57,848.5; 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 2020/21 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 5 December 2019.

10 Designating the council's section 151 chief finance officer (Pages 64 - 66)

To consider the report of the chief executive – attached.

11 Report of the leader of the council

To receive any update from the leader of the council.

12 Questions on notice

To receive questions from councillors in accordance with Council procedure rule 33.

1. Question from Councillor Ken Arlett to Councillor David Rouane, Cabinet member for housing and environment

How many vehicles/drivers have been caught feeding the meters for over 3 hours, in both the Kings Road and Greys Road car parks in Henley over the past 3 months?

2. Question from Councillor Ken Arlett to Councillor David Rouane, Cabinet member for housing and environment

Since the reduction of car park spaces in the Kings Road Car Park and the closure of one of the two entrances, what has been the loss on revenue since April?

3. Question from Councillor Ken Arlett to Councillor David Rouane, Cabinet member for housing and environment

Is it correct that takings from all town/parish council car parks are not kept separately?

4. Question from Councillor Ken Arlett to Councillor Sue Cooper, Leader of the council

Can the leader of the council confirm that the following issues will be considered by the constitution review working group?

- to allow local ward councillors to take part in the debate and vote at planning committee meetings
- to reduce public speaking time for each group of speakers to 3 minutes at planning committee meetings.
- to allow planning committee members to only ask one question per application to speakers, and one question to officers.

13 Motions on notice

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

1. Motion to be proposed by Councillor Robin Bennett, seconded by Councillor David Rouane

Council notes that South Oxfordshire District Council's current position is support for an Oxfordshire County Unitary; in March 2017 this council voted to support 'Better Oxfordshire', a proposal to create a unitary authority.

The approach of 'Better Oxfordshire' was for a single unitary authority based on the current County Council boundary. Oxfordshire County Council and Vale of the White Horse District Council also took formal decisions to support the proposal.

The proposal was submitted to the Secretary of State for approval under legislative provisions containing a sunset clause, which expired in March of 2019, meaning that at this time the proposal is not under active consideration.

Government's current stated intention, according to recent statements by Robert Jenrick, in his role as Secretary of State for Housing, Communities and Local Government, is to move away from smaller district councils and towards Unitary and/or Combined Authority models of Governance.

Council recognises that:

Democratic institutions should be responsive and accountable to their electorate as well as being efficient and achieving value for money for their services. South Oxfordshire District Council's status enables a close connection to residents and communities, especially with regard to planning, and it is a democratically accountable body with the powers and resources to work with other organisations and deliver services in ways that more distant organisations cannot.

Therefore, any future move towards Unitary status should be on the basis of the smallest viable geography that enables a similarly close link to communities and should not prevent independent candidates and smaller political parties competing for seats alongside the major political parties.

Should such structural change occur in the future, in addition to securing increased value for money in service delivery, it must also aim to increase, not reduce, localised accountability for service provision and resource allocation, and should support the devolution of power to the lowest sustainable level.

Council therefore confirms that:

- A. It recognises that much of the financial and economic data and analysis that underpinned the 'Better Oxfordshire' submission is now out of date; and
- B. Due to an absence of up to date analysis, South Oxfordshire District Council can no longer support a view that a County-wide single Unitary currently represents

the best governance model for Oxfordshire: and proposes that:

- i. Officers explore alternative governance approaches that protect, and enhance, the democratic link to local communities, to assist council in taking a new, updated view;
- ii. As part of this, officers should make contact with the MHCLG to explore the approach the new Secretary of State will take to any proposals for unitary based re-organisation; and asks that
- iii. A report on this matter is brought to full Council, by the Chief Executive and Leader, outlining their understanding of the new Government's intentions and possible approaches available to this council, by Summer 2020.
- iv. A cross party 'governance model' working group is formed to support the Council's review of this area; and notes that
- v. Should any revised unitary proposal be developed in future, the Constitution Review Group will be asked to recommend appropriate constitutional models for consideration by Council.

2. Motion to be proposed by Councillor Robin Bennett, seconded by Councillor Sue Roberts

Council notes the continuing development of the Oxfordshire Plan 2050 – a joint statutory spatial plan based on the boundary of the County.

Council sees merit in regional - and county - scale planning for biodiversity and environmental sustainability matters, such as “nature recovery networks”, as well as for public transport infrastructure, but considers that **all** allocations (including strategic sites), planning policies and other related matters continue to be best dealt with at the local district planning authority level, and should not form part of the Oxfordshire 2050 plan.

Council therefore asks:

That officers and any councillor representing the council ensure this position is reflected in all engagement with, and contributions to, the Oxfordshire 2050 plan making process, and that the Council's position is made known, and emphasised, to key partners and Government.

3. Motion to be proposed by Councillor Sue Cooper, seconder to be notified

Recognising the financial position of the Council, and the need to ensure that residents are represented by a robust and sustainable council, officers are asked to bring forward proposals for South Oxfordshire District Council to consider whether or not a formal merger with the Vale of White Horse District Council, with the same total number of district councillors, creating a single district council based on their combined geography with increased financial resilience would be beneficial. This work should also consider the options for the development of area committees within this model, to ensure that decision making is devolved to the lowest

appropriate level.

Should any formal merger proposal be developed in future, the Constitution Review Group will be asked to recommend appropriate constitutional models for consideration by Council.

4. Motion to be proposed by Councillor Sue Cooper, seconded by Councillor Maggie Filipova-Rivers

Council:

1. Believes that young people should be allowed a say over their future.
2. Recognises that 16 and 17 year olds are knowledgeable and passionate about the world in which they live and are as capable of engaging in the democratic system as any other citizen.
3. Notes that there is currently an unequal situation across the United Kingdom, with 16 and 17 year olds having voting rights in Scotland and Wales that are not available to them in England and Northern Ireland.
4. Supports the need for greater engagement with young people, leading to greater involvement of young people in the decisions that affect their community.
5. Believes that lowering the voting age to 16, combined with strong citizenship education, would empower young people to better engage in society and influence decisions that will define their future.
6. Believes that people aged 16 and 17, who can consent to medical treatment, work full-time, pay taxes, get married or enter a civil partnership and join the armed forces, should also have the right to vote.
7. Recognises and supports the ongoing 'Votes at 16' campaign by the British Youth Council, the UK Youth Parliament and other youth organisations, supported by thousands of young people across the UK.
8. Calls for 16 and 17 year olds to have the right in all elections and referendums across the UK.

Council therefore:

1. Requests that the Leader write to relevant Ministers and local MPs: expressing this Council's support for the Votes at 16 campaign; calling for the extension of the franchise to 16 and 17 year olds in all elections and referendums across the UK
2. Requests that the Leader write to the local MYPs and the British Youth Council expressing this Council's support for the Votes at 16 campaign
3. Asks the Electoral Registration Officer/ Returning Officer to consider participating in any pilot scheme.

5. Motion to be proposed by Councillor Sue Roberts, seconded by Councillor Kellie Hinton

Council notes

Paragraph 73 of the NPPF, on 'maintaining supply and delivery' requires planning authorities to identify '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 land supply' requirement. Unfortunately, this phrase leads to the misconception that councils that cannot demonstrate a 5-year land supply cannot do so because they have failed to allocate sufficient sites. This is not the case for councils with 'made' local plans, who by definition would indeed have allocated sufficient land, with their plans consulted upon and passed at

inspection.

For complete clarity, 'land supply' in this sense does not mean 'supply of land'. An authority can have an up-to-date plan with sufficient sites allocated to meet its targets for the duration of the plan, say 15 years. In normal parlance, that would indicate a 15-year land supply. But if, for whatever reason, the *developers* fail to build out at rates to meet the council's target every year for the next 5 years, then it is the council that is deemed to have failed, not the developers.

The consequences of the land supply rules are catastrophic for local people. If developers fail to build out at the required rate on the sites allocated in the local plan, they 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 and specifically not to be built upon.

We have the paradox of development occurring everywhere but on the sites allocated by councils. A council may attempt to defend the community and refuse planning permission, but it is then likely to face the developers at appeal. This is time-consuming, extremely costly, and distressing, for the council and residents alike. It should be noted that appeal's inspectors themselves have targets to allow a certain proportion of appeals through.

This consequent transfer of power away from local councils, power to determine where homes should go, sits uneasily with the Localism Act of 2011 which aimed to ensure "that power should be exercised at the lowest practical level – close to the people who are affected by decisions".

Development may stall for all sorts of reasons: the market may slow, and developers sensibly slow their build-out rate; they do not want to be left with homes they cannot sell, nor will they build to cause the market-price to drop. (And nor would anybody wish to see a housing crash). Very high house building targets in some areas have never before been accomplished; and there can be shortages of skilled workers and materials. It is even in the interests of developers to 'land-bank'.

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 housing delivery test, (the '5-year land supply' rules) in the National Planning Policy Framework (NPPF) as outlined above
- That the Minister considers rendering the 5-year housing supply rules, null and void in order to re-instate the primacy of residents and their elected planning authorities in ensuring that homes are for the right people, in the

- right places
- That any other measures introduced to ensure appropriate delivery of homes should be actionable by the local authorities themselves on behalf of local people

6. Motion to be proposed by Councillor Sue Roberts, seconded by Councillor Simon Hewerdine

Council notes that:

- South Oxfordshire District Council (SODC) will be undertaking a constitutional review beginning in January 2020. A working group, with representation from all political groups, has been set up to conduct this review.
- Other motions tonight relate to consideration of whether the council should consider a merger with Vale of White Horse with whom SODC shares an officer-corps, and wider unitary related decisions.
- It should be ensured that the Constitution Review Working Group gets sufficient training to enable it to make informed decisions. Training might be required from external experts, and information may be required through visits to or from other councils.

This Council agrees that the Constitution Review Working Group will include the following topics in its considerations:

- Whether there would be a benefit to residents in terms of decision-making, representation, and transparency were South Oxfordshire District Council to move to a committee-based structure:
- Whether the Climate Change Advisory Committee should become a Committee of Council and what, if any, amendments should be made to its terms of reference; and that
- Training should be made available to the Constitution Review Working Group and to all members on the matters referred to herein. Council asks Cabinet to reflect the cost of this in any budget proposals they bring forward.

7. Motion to be proposed by Councillor Sam Casey-Rerhaye, seconded Councillor Andrea Powell

The Council notes that:

- Cycling and walking are healthy, climate-friendly modes of transport
- In 2018, of fatalities on the road caused by vehicles crashes, 31% were people walking or on pedal cycles
- Many people are put off cycling because of perceived and actual dangers
- Electric bicycles could be a revolution in bringing more people to cycling and cycling further
- In a rural District many roads are narrow, winding and without pavements for walking
- A number of the towns in the District suffer from poor air quality that have

- major health impacts, particularly for children
- Physical inactivity is a contributor to diseases such as diabetes, heart disease, osteoporosis, depression and dementia
- The Council has a goal to achieve a carbon-neutral District by 2030
- Infrastructure needs to be developed rapidly to support more active travel, including for electric bicycles, to achieve national and local climate and health goals
- travel habits need changing urgently and that cycling and active travel need be easy and safe to be chosen over alternatives
- the Council already has a walking and cycling policy: T7

This Council therefore calls upon the relevant Cabinet members to:

- i) develop a prioritised plan of where new and improved cycle and walking infrastructure is needed in the District to contribute to a SATN (Strategic Active Travel Network) and actively seek, and support the County to actively seek, capital and revenue funding for delivery of it through local and national sources
- ii) update planning policy to better achieve active travel outcomes across the district and with greater urgency, noting such further policy development is currently unfunded (and is subject to Council having planning powers to do this).
- iii) work to prioritise active travel in planning policy and use walking and cycling as an improvement to urban and rural communities in terms of community cohesion, wellbeing, and tackling inequalities
- iv) engage in active travel promotion with relevant partners to encourage travel behaviour change
- iv) urge the County Council to prioritise quality control of all active travel infrastructure in accordance with the Oxfordshire Cycling Design Standards, ensuring all proposals are audited for safety and encouragement of active travel

14 Exclusion of the public

To consider whether 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.

15 Confidential Minutes (Page 68)

To adopt and sign as a correct record the confidential Council minutes of the meeting held on 10 October 2019 - **attached**.

MARGARET REED

Head of Legal and Democratic Services