

# Minutes

## OF A MEETING OF THE

# Council



Listening Learning Leading

**Held on Thursday 9 December 2021 at 6.00 pm  
First floor, 135 Eastern Avenue, Milton Park, Milton, OX14 4SB**

### **Present in the meeting room:**

Councillors: Jo Robb (Chair), Ken Arlett, Anna Badcock, Pieter-Paul Barker, David Bartholomew, Robin Bennett, David Bretherton, Sam Casey-Rerhaye, Sue Cooper, Peter Dragonetti, Maggie Filipova-Rivers, Elizabeth Gillespie, Victoria Haval, Lorraine Hillier, Kellie Hinton, Mocky Khan, Lynn Lloyd, Axel Macdonald, Caroline Newton, Andrea Powell, Leigh Rawlins, David Rouane, Anne-Marie Simpson, Ian White and Celia Wilson

Officers: Patrick Arran, Head of Legal & Democratic and Monitoring Officer, Steven Corrigan, Democratic Services Manager and Mark Stone, Chief Executive,

### **Remote attendance:**

Councillors: Alexandrine Kantor, George Levy, Jane Murphy, Sue Roberts, Ian Snowdon, Alan Thompson and Andrea Warren

Apologies for absence received on behalf of Councillors Tim Bearder, Stefan Gawrysiak, Kate Gregory and David Turner

## **49 Minutes**

**RESOLVED:** to approve the minutes of the extraordinary meeting of Council held on 24 September and the Council meeting held on 7 October 2021 (both the public and confidential minutes) as correct records and agree that the Chair sign them as such.

## **50 Declarations of interest**

None.

The Chair provided advice that the Monitoring Officer had advised that there was no requirement for councillors to declare an interest in agenda item 13, Parental Leave Policy.

## **51 Urgent business and chair's announcements**

None.

## **52 Public participation**

No members of the public had registered to address Council.

## **53 Petitions**

None.

## **54 Review of Joint Gambling policy**

Council considered Cabinet's recommendation, made at its meeting on 2 December 2021, on a review of the Joint Gambling Policy.

**RESOLVED:** to

1. adopt the proposed joint gambling policy;
2. authorise the head of housing and environment to make minor editorial changes to the joint gambling policy; and
3. authorise the head of housing and environment to publish the joint gambling policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

## **55 Treasury management mid-year monitoring report 2021/22**

Council considered Cabinet's recommendations, made at its meeting on 2 December 2021, on the treasury management performance in the first six months of 2021/22.

Councillor Rawlins, Cabinet member for finance, reported that income from treasury activities was under the budget forecast due to the lower than expected interest rates during that period. However, the council's performance had exceeded all benchmarks for the first six months of the year and there had been no need to borrow funds during the first six months of the financial year, nor was there any expectation of a need to borrow during the remainder of the year.

He reported a correction that in paragraph 25 of the report; the interest rates quoted should be amended from 10 per cent and 25 per cent to read 0.1 per cent and 0.25 per cent respectively.

Both the Joint Audit and Governance Committee at its meeting on 30 November and Cabinet at its meeting on 2 December 2021 were content that the treasury management activities had been carried out in accordance with the treasury management strategy and policy.

In response to a question seeking an update on progress towards the drafting of a climate change and nature friendly strategy, Councillor Rawlins responded that the council was taking external expert advice on the subject to take account of such ethical issues but that the council also had fiduciary responsibilities to both residents, and those on whose behalf the council holds funds, to ensure the security and liquidity of funds alongside the issue of yield.

**RESOLVED:** to

1. note the treasury management mid-year monitoring report 2021/22; and
2. note that Cabinet is satisfied that the treasury activities are carried out in accordance with the treasury management strategy and policy.

## **56 Council tax base 2022/23**

Council considered Cabinet's recommendations, made at its meeting on 2 December 2021, on the council tax base for 2022/23.

**RESOLVED:** to

1. approve the report of the head of finance to Cabinet on 2 December 2021 for the calculation of the council's tax base and the calculation of the tax base for each parish area for 2022/2023;
2. agree 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 2022/23 be 60,343.7; and
3. agree 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 2022/23 for each parish be the amount shown against the name of that parish in Appendix A of the report of the head of finance to Cabinet on 2 December 2021.

## **57 War and War Widow(er)s Pension Disregard top up in Housing Benefit**

Council considered Cabinet's recommendations, made at its meeting on 2 December 2021, to continue to disregard war pensions and war widow(er)'s pensions in calculating housing benefit entitlement.

**RESOLVED:** to re-affirm its decision to approve the disregard of War Pensions and War Widow(er)'s pensions:

1. in full as income above the statutory £10.00 per week disregard in the calculation of Housing Benefit entitlement; and
2. in full as income in relation to the means tested assessment of Council Tax Reduction Scheme discount.

## **58 Constitution Review Task Group**

Council considered a proposal to establish a Joint Constitution Review Task Group with Vale of White Horse District Council to undertake a review of the constitution and make recommendations to Council.

Council considered the officer's recommendation to establish a task group of six councillors with three from South Oxfordshire District Council and three from Vale of White Horse District Council.

A majority of councillors supported the view that each political group should have a representative on the task group therefore resulting in South Oxfordshire having six representatives. Contrary to this, the view was expressed that representation should be based on political proportionality. Equal representation from each political group, irrespective of the size of a political group, provided smaller groups with a disproportionate voice.

Council was advised that, at its meeting on Wednesday 8 December, Vale of White Horse District Council, agreed to establish a Joint Constitution Review Task Group with South Oxfordshire District Council comprising an equal number of councillors from each council with the number of members to match that agreed by South Oxfordshire District Council at this evening's meeting. Each council would therefore have the same level of representation.

Council supported the establishment of a joint task group with six councillors representing South Oxfordshire District Council – one from each political group.

**RESOLVED:** to.

1. establish a Joint Constitution Review Task Group with Vale of White Horse District Council comprising six councillors from each council;
2. allocate a seat to each political group;
3. agree that councillors from the same political group on the council may substitute for this council's appointed representatives;
4. authorise the head of legal and democratic to make appointments to the task group in accordance with the wishes of the relevant group leader.

## **59 Arrangements for investigating allegations under the member code of conduct**

Council considered the Joint Audit and Governance Committee's recommendation, made at its meeting on 30 November 2021, on revised arrangements for dealing with complaints under the code of conduct.

Councillor Mocky Khan, Co-Chair of the Joint Audit and Governance Committee introduced the recommendations of the committee, which if adopted would come into effect immediately.

He advised that the Monitoring Officer had reviewed the existing process since coming into post and formed the view that the process needed to be updated given the manner in which complaints were made and dealt with. There is a need to manage expectations about what complaints would be progressed and to implement a public interest test to ensure that resources are focussed on those complaints which involve a serious breach of the Nolan Principles. The review was undertaken against the backdrop of the best practice recommendations set out in the Committee on Standards in Public Life (CSPL) report called "Local Government Ethical Standards" dated 30 January 2019.

**RESOLVED:** to agree the arrangements for investigating complaints appended to the report of the monitoring officer to the Joint Audit and Governance Committee on 30 November 2021.

## **60 Councillors' Parental Leave Policy**

Council considered the report of the head of legal and democratic on the adoption of a Parental Leave Policy for councillors.

Whilst the majority of councillors supported the policy, a number of councillors expressed reservations regarding the provisions for the holder of a special responsibility allowance to retain the payment during a period of parental leave when they would not be fulfilling the duties associated with the role. Others expressed the view that it was important that a councillor in a special responsibility role was able to return to the role and not be financially disadvantaged.

Council supported the policy in contributing towards increasing the diversity of experience, age and background of councillors, the retention of experienced councillors and making public office more accessible. Council welcomed the gender neutral aspect of the provisions in the policy.

The view was expressed that officers should investigate whether a similar policy would be appropriate for councillors with caring responsibilities for relatives.

**RESOLVED:** to adopt the Parental Leave Policy attached at appendix 1 to the report of the head of legal and democratic to the Council meeting on 9 December 2021.

## **61 Council Motions Update - May 2019 - present**

Council received and noted a progress report on motions approved by Council since May 2019.

In response to a question in respect of motion South M36, adopted by Council at its meeting on 15 July 2021, Councillor Rouane, Leader of the council, advised that the appropriate body to take forward the idea of regional parks was the Environmental Advisory Group for Future Oxfordshire.

## **62 Report of the leader of the council**

Councillor Rouane, Leader of the council, provided an update report on a number of matters. The text of his address is attached.

## **63 Questions on notice**

### **Question from Councillor Sue Roberts to Councillor David Rouane, Leader of the council**

We encourage developers to deliver homes that are zero carbon both in operation and construction (Para 8.35 of our Local Plan). We should lead and set an example with the new Council office to be built in Didcot. The advice from the Climate Emergency Advisory Committee (now CEEAC), accepted by Cabinet, and concerning the original design for the

office at Crowmarsh, was that it should be as low carbon as *possible* in operation and construction.

Advice has not been sought from CEEAC on the very different design for the Didcot office. It will release 1670 Tonnes of CO<sub>2</sub> equivalent in the construction phase. By comparison, this would be around 300 years' worth of emissions from you or me. The final build will achieve only BREEAM excellent and not BREEAM outstanding.

I understand it would cost 10% extra to achieve BREEAM outstanding. This should be seen in the context of the *many-fold* increase in cost from the original specification to the current design.

My question, therefore, is given that we know it to be possible, why are we not building to the standard that we want others to build to? Could we please, at this stage, request a design and costing for a truly zero-carbon BREAM-outstanding construction?

I need hardly remind you that the magnitude of worldwide carbon emissions *in the next 9 years* are critical to keeping global heating to below 2°C above pre-industrial levels. Heating above that would be catastrophic. Our near-term (construction) emissions are even more important than our long-term (operational) emissions. The UK must take a lead in reducing carbon emissions, especially over the next year whilst we hold the Presidency of the Conference of Parties (COP) 26.

## **Answer**

Paragraph 8.35 of South Oxfordshire District Council's local plan states: New build non-residential buildings are required to meet the BREEAM excellent standard. This broadly represents performance equivalent to the top 10% of UK non-domestic buildings. Other recognised equivalent assessment methodology may be used, applicants are advised to check with the Council in order to ensure their alternative assessment methodology is acceptable. In addition to meeting the BREEAM excellent standard, new build non-residential development proposals of 1,000sqm or more, are required to achieve at least a 40% reduction in carbon emissions, increasing to 50% from 2026.

As set out in the concept design papers which went through Scrutiny, Cabinet and Full Council in September and October 2021, the approved concept design for office accommodation at the council's Didcot Gateway site is consistent with the requirements of the current local plan, and indeed it aims to exceed the 40% reduction in energy use target set in the plan. A robust approach was taken through the concept design phase to minimise the embodied carbon within the fabric of the building, following a detailed lifecycle analysis of potential construction materials based on our design and operational requirements, to the lowest possible level given site and project constraints. Additional sustainability options have also been incorporated to achieve carbon neutrality for regulated energy while in operation. Due to the size of the site, it is not possible to also generate enough power for unregulated energy, but as set out in the papers the proposal is to purchase this element from solely renewable resources via the grid.

To be truly sustainable, developments must strike a balance between the three pillars of sustainability – social, economic and environmental. We continue to keep our office accommodation requirements, the financial viability of the programme and our sustainability outcomes under review. The council also continues to consider the impacts

of all of our council operations and progress measures to meet our climate change commitments.

### **Supplementary question**

“I apologise - I should have referred to Para 8.34 rather than 8.35 of the final published version of the Local Plan. There, Council “implores” developers to do better with zero carbon than the levels that we set. And yet our building achieves only the required levels. Would you agree that senior management at the Council is not taking seriously the clear political intent of our administration to get our district to zero carbon?”

Further, Ridge’s Sustainability Statement is unclear and contains errors, for example a whole table where the numbers don’t add up, culminating in a bottom line of emissions without a decimal point, implying a thousand-fold greater emissions from construction than there will be. There is no mention of the important sequestering of carbon by timber elements (CLT and glulam) - it is often omitted from sustainability appraisals. Consideration of sequestered carbon is the means by which zero carbon can be achieved in construction. Please would you ask for a clear, new, sustainability appraisal of the Ridge building, including an option for zero carbon construction, for consideration by CEEAC?

Finally, Ridge intend to be the BREEAM accreditors for the building they have designed. Are you happy with them marking their own homework?”

### **Answer**

Councillor Rouane stated that the questions raised a level of technical detail which he could not provide answers to in the meeting. The project was at the concept design stage with a detailed design stage of the building to follow at which point the issues raised could be taken into account.

## **2. Question from Councillor Sue Roberts to Councillor David Rouane, Leader of the council**

This question is asked in the light of the critical need swiftly to reduce worldwide carbon emissions in the short-term. This urgency has become more apparent since the Conference of Parties (COP) 26.

We have a major task ahead of us to get our Council estate to net zero carbon by 2025 in accordance with the target set by this Council. Retrofitting our leisure centres and other buildings will consume labour, materials and money.

My question is about whether it might be better to use the existing Abbey House in Vale for our shared Council administration rather than building a new office in Didcot, following the precept of a circular economy; re-using rather than disposal.

I understand that the space there is more than sufficient. Abbey House itself would require full retrofitting for energy efficiency and updating for modern use. Transport links are poor. However, the draft Oxfordshire Plan 2050 vision is for a connected county, with good public transport. The Councils could use their influence and resources to kickstart superb connectivity for Abingdon. The land saved at Didcot could be used for all sorts of other purposes, such as social housing and a welcoming park. Most importantly, precious resource could be diverted from a brand-new build to attending to the retrofitting of our own estate.

Please could you tell me whether a *recent* assessment has been made, in the light of the climate and ecology priorities in our new Corporate Plan, of the suitability of Abbey House as a shared office space for the two councils? By recent, I mean since our Corporate Plan was published. If so, please could we see the resulting report? If not, could a new assessment be made, with a joint committee of Vale and South councillors set up for this purpose?

### **Answer**

On 24 September 2020, Cabinet considered a confidential report regarding office accommodation site allocation. This was shared with all councillors. This latest report included a high level review of sites across South and Vale, carried out by Cushman and Wakefield, the council's strategic property advisors. The review included existing sites owned by each council in each district and also reviewed third party sites that the councils could seek to rent or purchase. This review included Abbey House. Each site was assessed against a range of core criteria fundamental to delivery, namely specification, timescale and geography. Alongside these requirements more detailed analysis was carried out on the following criteria: programme to deliver, planning policy, impact on existing strategy for site, wider benefit of office use in this location, viability and potential alternative use values. The confidential decision taken by Cabinet at that meeting determined Didcot Gateway as the preferred site allocation for new office accommodation.

Since this review took place, the council has published its Corporate Plan, placing greater emphasis on strategic priorities such as: the need to take action on the climate emergency, a sustainable plan to develop Didcot Gateway, the delivery of sustainable new offices and to diversify our revenue streams. All of these would add weight to the choice of Didcot Gateway as the preferred site and diminish the case for Abbey House.

However, in line with best practice in any project, officers have continued to keep the Council's requirements under further review. Recognising that Abbey House is owned by the Vale and not South, I will continue to discuss with the Leader of the Vale the opportunity to jointly undertake an assessment of Abbey House as part of this work, though also recognising that Vale may have alternative plans for this property.

### **Supplementary question**

"You refer to a confidential report of the 24 September 2020. Please could that report be re-circulated?"

### **Answer**

Councillor Rouane confirmed that Councillor Roberts would be provided with a copy of the report.

## **64 Motions on notice**

Council considered the following motions from councillors in accordance with Council Procedure rule 38.

Prior to the expiry of two and a half hours, Council agreed, in accordance with council procedure rule 12, to extend the meeting by half an hour to allow Council to complete the consideration of the agenda items.



1. Councillor Caroline Newton moved, and Councillor Lorraine Hillier seconded the motion as set out in the agenda at agenda item 17

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

**RESOLVED:** That

Council:

- notes that the leader of the Liberal Democrats Party has re-stated his party's commitment to building 380,000 homes a year
  - notes that 380,000 homes pa is fully 25% higher figure than targets proposed by any other political party in recent years
  - considers it important to understand what this building target might mean for South Oxfordshire
  - requests the Leader of the council to write to the Liberal Democrats Party Leader seeking clarification of how many extra houses he envisages this would bring to South Oxfordshire.
2. With the consent of Council, Councillor David Rouane moved, and Councillor Sue Cooper seconded, the following motion to reflect proposed amendments from the Conservative Group – additional words shown in bold.

At its meeting on 25 March 2021 council passed a motion noting:

- the failure of healthcare services within the district to keep pace with the growth in the population, and
- the failure of the present system putting our planning service and planning committee under pressure to approve new housing without plans for healthcare in place.

The motion went on to call for officers to continue to try to engage with the Clinical Commissioning Groups (CCG) and for the Leader to request a meeting with the CCG to discuss these issues.

Council notes that in April 2022 the CCG will be replaced by the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System (ICS).

**At the previous meeting the Wards on the boundaries of Oxfordshire highlighted issues experienced during the pandemic. SODC Councillors with Oxfordshire residents registered with GPs linked to Buckinghamshire CCG did not receive the same level of information on local pandemic actions for those residents as they did for those registered with GPs within the Oxfordshire CCG area.**

Council therefore requests that the Leader seeks an early meeting with the Leadership of the ICS in order to raise the issues highlighted in the March motion to ensure that they are aware of the serious issues facing the district in term of healthcare provision and, in particular, the importance of the ICS engaging with the planning process to ensure that services keep pace with development.

**As the new ICS will cover Oxfordshire, Berkshire & Buckinghamshire, can the leader seek assurances that this issue will not occur in the future and that this will no longer be an issue across county boundaries.**

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

**RESOLVED:** That

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- the failure of healthcare services within the district to keep pace with the growth in the population, and
- the failure of the present system putting our planning service and planning committee under pressure to approve new housing without plans for healthcare in place.

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As the new ICS will cover Oxfordshire, Berkshire & Buckinghamshire, can the leader seek assurances that this issue will not occur in the future and that this will no longer be an issue across county boundaries.

3. Councillor Ian White moved, and Councillor Caroline Newton seconded, the motion as set out in the agenda at agenda item 17.

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

**RESOLVED:** That

Council asks the Leader to write to the Secretary of State for Levelling Up, Housing and Communities asking that he give focus to Planning Enforcement in his review of the Planning White Paper, including a review of the current powers and consideration to the introduction of additional powers available elsewhere in the UK, such as the requirement for developers to give notice of commencement and completion.

4. Councillor Sam Casey-Rerhaye moved, and Councillor David Rouane seconded, the motion as set out in the agenda at agenda item 17.

An amendment moved by Councillor Celia Wilson and seconded by Councillor Mocky Khan, to amend the second bullet point under of the “Council resolves, in line with the Glasgow Pact and associated declarations” heading was accepted by the mover and seconder of the original motion – omitted word shown by a strikethrough and additional word shown in bold:

- To publish ~~our~~ **a** Climate Action Plan as soon as possible, where we set out how we will accelerate work on waste reduction, circular economy initiatives, retrofitting our buildings, sustainable food strategies and natural carbon capture

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

**RESOLVED:** That

**Council Notes:**

- That this authority has declared both a climate and an ecological emergency
- That the [Glasgow Climate Pact](#) recognises a crucial role for communities and local authorities. By “recognizing the important role of ... local communities and civil society, including youth and children, in addressing and responding to climate change, and highlighting the urgent need for multilevel and cooperative action” the Pact makes plain the need for action at every level of government and society. Furthermore, the Pact explicitly calls on us “to actively involve ... local communities in designing and implementing climate action”.
- That shortly before the Glasgow conference the UK government published its Net Zero Strategy, which includes the intention to establish a Net Zero Forum to coordinate the strategy with local government.

**Council believes:**

- That COP26 failed to provide the national targets that could put the world on course for limiting global average temperature rise to 1.5C; it failed to provide the carbon price mechanisms needed to shift the world economy away from fossil fuels; it failed to provide the necessary finance for developing nations to develop without fossil fuels or to deal with the loss and damage caused to them by wealthier nations that are historically responsible; it failed to outlaw all loopholes in ‘offsetting’ mechanisms; it failed to commit to phasing out fossil fuels.
- That the chances for a strong outcome from COP26 were weakened by the UK government’s mixed messages on climate action; not least the reduction in tax on internal flights, the continued commitment to new fossil fuel extraction in Cumbria and the North Sea oil fields, and the cuts to overseas aid.
- That the Climate Change Committee is correct when it states that it is “crucial for the [Net Zero] Forum to promptly develop an agreed understanding of the role of local government in delivering Net Zero. Furthermore, Government must ensure that critical enabling processes, such as the planning system and appraisal methodologies, are properly aligned to these pathways.”

**Council resolves, in line with the Glasgow Pact and associated declarations:**

- To provide leadership in the form of clear and regular guidance and information on the road to net zero, with transparency regarding the council's work and honesty with regard to the changes in homes, transport and diets required of us all
- To publish a Climate Action Plan as soon as possible, where we set out how we will accelerate work on waste reduction, circular economy initiatives, retrofitting our buildings, sustainable food strategies and natural carbon capture
- To strengthen partnerships with other councils, local NHS trusts, businesses and OxLEP including through as the Future Oxfordshire Partnership, so all partners bring forward plans for decarbonising both their own activities and their supply chains.
- To play our part in the wider transport system transformation, including support for active travel, public and shared transport
- To investigate opportunities for local Green Investment Bonds (as promoted by LGA) which can enable those in our communities to invest to contribute to the development of local green infrastructure projects.

The meeting closed at 8:40pm

Chair

Date

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## Council 9 December 2021

### Leader's Report

#### BUDGET

Other than COVID, which I will come to later, the most pressing business of the council at the moment is the preparation of the budget for 2022/23. The approach of the cabinet, which has been shared with group leaders, was to ask officers to produce a draft budget which would demonstrate a direction of travel in terms of reducing the deficit over the medium term taking into account, among other things:

- Savings which could be identified within the base budget without having a detrimental effect on core services,
- Specific transformation measures identified by the cabinet and senior officers, and
- The use of S106, CIL, and other restricted funds to achieve strategic objectives,

We are still waiting to find out how much our funding from government will be, which obviously gives us a major degree of uncertainty at this stage, but we expect to find this out before Christmas. We will then be in position to submit a draft budget to Scrutiny early in the New Year.

#### 5Cs

We have been able to analyse potential savings better this year because we have brought the financial reporting function back in house. This was one of the core services of the council which were outsourced as part of the 5 Councils project. Councillors may know that one of the councils in this partnership, Mendip DC, is about to be subsumed into the new Somerset Council and the chief executives of the 4 remaining councils have written to the new authority to ask them to prioritise any decisions they might want to make about their future participation in order to give more certainty to the other partners.

## ARC

Councillors will recall that I wrote to the Secretary of State on behalf of the council asking him to pause work on the Oxford to Cambridge Arc until he could give some clarity as to the purpose of the project. Along with the other local authorities along the Arc have dedicated a great deal of time and effort into working together with government as we were told that this was the best way to gain environmental and infrastructure improvements for the area. However, the Comprehensive Spending Review contained no provision for such infrastructure and last week's meeting of councils across the Arc was cancelled at short notice. It seems that there will be no more progress on this until the Levelling Up White Paper is published next year and so I have asked staff to limit their contribution to this to only essential work for the time being.

## FOP

This makes our work in the Future Oxfordshire Partnership even more important. The Oxplan 2050 consultation has now closed and we are waiting for an analysis of the very large number of submissions which should be available early in the new year.

## COVID

The situation regarding COVID is changing daily with the impact of another new variant to be assessed. The Chief Executive and I receive briefings from public health and the council is proceeding with caution. Even before last night's announcement from the government, council staff were once again asked to work from home unless there is a particular need for them to come into the office and masks are being worn. However, as councillors we are required by the government to attend meetings like this one in person.

This has been a difficult year for us all, worrying about our own health and that of loved ones. As a council, we think particularly of three of our own staff who have passed away this year, and who will be sorely missed by everyone.

I hope that most of you will be able to take a much needed break this Christmas and we are all grateful to those staff who will be working to deliver essential services to those in need.

Thank you and have a Happy Christmas.