

Minutes

OF A MEETING OF THE

Council



Listening Learning Leading

**Held on Thursday 8 December 2022 at 6.00 pm
Didcot Civic Hall, Britwell Road, Didcot, OX11 7JN**

Present in the meeting room:

Councillors: David Turner (Chair), Anna Badcock, Pieter-Paul Barker, David Bartholomew, Tim Bearder, Robin Bennett, David Bretherton, Sam Casey-Rerhaye, Sue Cooper, Peter Dragonetti, Maggie Filipova-Rivers, Stefan Gawrysiak, Elizabeth Gillespie, Kate Gregory, Victoria Haval, Lorraine Hillier, Kellie Hinton, Alexandrine Kantor, Mocky Khan, Lynn Lloyd, Axel Macdonald, Jane Murphy, Andrea Powell, Leigh Rawlins, Jo Robb, Sue Roberts, David Rouane, Anne-Marie Simpson, Alan Thompson, Andrea Warren, Ian White and Celia Wilson

Officers: Steven Corrigan, Democratic Services Manager

Remote attendance:

Officers: Patrick Arran, Head of Legal and Democratic

Apologies for absence:

Apologies for absence were submitted on behalf of Councillors Ken Arlett, Caroline Newton and Ian Snowdon

Council observed a minute's silence in memory of former Councillor John Stimson who had recently died.

Councillor David Turner, Chair of council, presented Councillor Jo Robb with the past chairs badge in recognition of her service as Chair of council in 2021/22.

48 Minutes

RESOLVED: to approve the minutes of the Council meeting held on 13 October 2022 as a correct record and agree that the Chair sign them as such.

49 Declarations of interest

Patrick Arran and Steven Corrigan, both deputy returning officers, declared interests in agenda item 11 – Elections – scale of fees and charges, as likely recipients of fees agreed by Council.

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50 Urgent business and chair's announcements

The Chair provided general housekeeping advice. The Chair provided details of the events he had attended since the last meeting of Council.

51 Public participation

- A. The following question was submitted by Need Not Greed Oxfordshire (NNGO) and circulated to all councillors prior to the meeting. No representative was in attendance to ask the question.

Following the demise of the Oxfordshire Plan, each Council is now assessing its own housing numbers but, as we know, decisions taken by Oxford City are likely to have significant ramifications for the surrounding Districts. A high level of due diligence over the process is therefore required.

Our understanding is that Oxford City Council is proposing to use an alternative method to calculate (and thereby increase) its housing "need". The City's housing figures are being prepared by the same consultants who prepared the original Oxfordshire Growth Needs Assessment. We believe they will almost certainly be inflated by overly optimistic economic growth projections and substantial affordable housing uplifts and will not align with what most of us understand to be actual housing need. And this is being proposed by the City in the full knowledge that it will be looking to the District Councils to provide the housing for this unmet "need".

Need not Greed Oxfordshire would therefore like to ask the South Oxfordshire District Council whether:

1. It is supportive of Oxford City's proposal to use an alternative method to calculate (and to thereby increase) its housing "need"?
2. It intends to cooperate with Oxford City Council by agreeing to meet its unmet housing, even when this does not represent need as assessed by the Standard Method?
3. It agrees it would be beneficial for the City to use different consultants from those used to prepare the Oxfordshire Growth Needs Assessment which was widely regarded as not fit for purpose?
4. It agrees that, in order to avoid conflicts of interest, it would be wise for each of the Oxfordshire Local Authorities to avoid the use of housing market assessment consultants who receive substantial amounts of their income from developers?

Councillor David Rouane, Leader of the council, provided the following response.

Q1. It is supportive of Oxford City's proposal to use an alternative method to calculate (and to thereby increase) its housing "need"?

The Government's Planning Practice Guidance sets out "there is an expectation that the standard method will be used, and that any other method will be used only in exceptional circumstances". To use an alternative method, the City Council must demonstrate that such exceptional circumstances exist. As we set out in our recent response to Oxford's Local Plan consultation, the situation has changed significantly since the last round of local plans meaning that the original exceptional circumstances would not continue to justify a departure from the standard method. In our view Oxford City has not yet demonstrated that the exceptional circumstances threshold is met to justify a departure from the standard method, so we would expect need to be calculated using the Standard Method.

South Oxfordshire District Council's response to the Oxford City Local Plan consultation, November 2022, is available on our website at <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2022/11/South-response-letter-to-Oxford-Local-Plan-FINAL.pdf>

Q2. It intends to cooperate with Oxford City Council by agreeing to meet its unmet housing, even when this does not represent need as assessed by the Standard Method?

It is too early in the plan-making processes to make this determination. Oxford City Council has not completed its new housing need evidence nor made a formal request to this Council around taking further unmet housing need. South Oxfordshire has already made a significant contribution to Oxford's unmet needs, taking 4,950 homes for Oxford in our local plan which was adopted in 2020. We responded to Oxford's statement in their recent preferred options consultation that "Oxford can never meet its full housing need" by pointing out that we consider this premature and unambitious, an unhelpful predetermination prior to collection of necessary evidence.

We have pointed out that the City Council has had the opportunity to provide significant numbers of homes on a number of sites that have become available for redevelopment in recent years but have chosen to not build homes on those sites.

Q3. It agrees it would be beneficial for the City to use different consultants from those used to prepare the Oxfordshire Growth Needs Assessment which was widely regarded as not fit for purpose?

We have no influence over the City's choice of consultants and make no comment on this.

Q4. It agrees that, in order to avoid conflicts of interest, it would be wise for each of the Oxfordshire Local Authorities to avoid the use of housing market assessment consultants who receive substantial amounts of their income from developers?

Avoiding conflicts of interest when appointing consultants is a matter for individual local authorities to determine via their procurement process.

- B. Councillor John Gilbert addressed Council on behalf of Tetsworth Parish Council and neighbouring parish councils (Aston Rowant, Great Milton, Great Haseley and Lewknor) seeking policy changes as part of the development of the Joint Local Plan in respect of large-scale solar farms. Mr Gilbert stated that, whilst there was support for the national and local climate mitigation initiatives including the development of solar farms, the current approval of developments demonstrated a policy deficit. Permissions were being granted irrespective of the cumulative environmental impact on rural communities and the loss of productive agricultural land. He stressed the need for a spatial strategy to direct solar power generation to new build commercial and domestic developments and to brownfield sites.

The Chair of Council thanked Mr Gilbert for his statement and confirmed that his supporting documents would be passed to the relevant councillors and officers.

52 Petitions

None.

53 Community Infrastructure Levy Charging Schedule Adoption

Council considered Cabinet's recommendations, made at its meeting on 10 November, on a review of the Community Infrastructure Levy (CIL) Charging Schedule.

In introducing the item and moving Cabinet's recommendations, Councillor Anne-Marie Simpson responded to Scrutiny Committee's concern in respect of developments that were originally not liable for CIL but could change use to become CIL liable as expressed in the committee's recommendation set out on the agenda for the Council meeting on 8 December 2022.

Councillor Simpson advised that officers had explored this issue and recommended a way forward. It was not possible to make additions to the CIL Charging Schedule because it had been through examination and Government guidance advises that generally, the charging schedule should not be amended after an examination until an authority chooses to undertake a full review and consult on a new schedule. In addition, changing the CIL Charging Schedule would not necessarily resolve the issue because the role of the Charging Schedule is to set CIL rates and not how CIL is applied which is set out in Regulations and Government guidance.

Whilst the CIL Charging Schedule could not be used to restrict permitted changes of use, where there are good planning reasons, measures to restrict the use of land can be captured in Section 106 agreements. Officers had therefore made a minor amendment to paragraph 1.11 of the revised Developer Contributions Supplementary Development Document to reflect this and require a developer to notify the council of a change of use to ascertain whether the development would be CIL liable or require infrastructure to be provided in the event of a change of use. Officers had also updated the CIL Frequently Asked Questions to reflect to provide further detail on how change of use applications would be handled in respect of CIL liability and clarify that, in some circumstances, such developments could become CIL liable.

A number of councillors expressed concern that the Scrutiny Committee had not reviewed the CIL Charging Schedule prior to Cabinet making recommendations to Council or as part of the consultation process and reiterated the concerns raised by the Scrutiny Committee in respect of change of use. The majority of councillors supported the recommendations welcoming the zoning proposals and the collection of higher rates.

RESOLVED: to

1. adopt the Community Infrastructure Levy Charging Schedule (as set out at Appendix 1 to the head of policy and programmes' report to Cabinet on 10 November 2022) and the Community Infrastructure Levy Instalments Policy (as set out at Appendix 2 to the same report), with implementation anticipated in early January 2023; and
2. authorise the head of policy and programmes, in consultation with the Cabinet member for planning, to make any necessary further minor changes to the documents or a change to the implementation date for the new Community Infrastructure Levy rates.

54 Housing Delivery Strategy and Action Plan

Council considered Cabinet's recommendations, made at its meeting on 10 November 2022, to use capital funding to invest in property to become social housing.

Cabinet had supported the housing delivery strategy and action plan as it would allow the council to pursue a range of options to provide housing, from exemplar schemes to retro-fitting existing homes, and bringing empty properties back into use.

Whilst the majority of councillors supported the recommendation, a number expressed concern regarding the lack of detail on timing, location and delivery of the schemes.

RESOLVED: to use of up to £2m of capital funding to invest in the purchase of property with the aim of them becoming social housing, as outlined in section 25-26 of the report of the deputy chief executive – place, to Cabinet on 10 November 2022.

55 Council tax base 2023/24

Council considered Cabinet's recommendations, made at its meeting on 2 December 2022, on the council tax base for 2023/24.

RESOLVED: to

1. approve the report of the head of finance for the calculation of the council's tax base and the calculation of the tax base for each parish area for 2023/2024;
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 2023/24 be 61,349.5; 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 2023/24 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 1 December 2022.

56 Joint Henley and Harpsden Neighbourhood Development Plan

Council considered the recommendation of Councillor Simpson, Cabinet member for planning, made on 29 November 2022, to make the Joint Henley and Harpsden Neighbourhood Development Plan part of the development plan for South Oxfordshire.

RESOLVED:

1. To make the Joint Henley and Harpsden Neighbourhood Development Plan Review, so that it continues to be part of the council's development plan.
2. To authorise the Head of Policy and Programmes, in consultation with the appropriate Cabinet member and in agreement with the Qualifying Body, Henley Town Council, to correct any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

57 Appointment of an independent member to the Joint Audit and Governance committee

Council considered the recommendations of the Joint Audit and Governance Committee, made at its meeting on 15 November 2022, on the appointment of an independent person to the committee and a proposal that the Independent Remuneration Panel consider an appropriate level of allowance for such a position and the independent persons who assist the monitoring officer with code of conduct matters.

RESOLVED: to

1. co-opt one independent person on to the Joint Audit and Governance Committee on a non-voting basis;
2. approve the person specification attached at appendix 1 to the report of the head of legal and democratic and monitoring officer to the meeting of the Joint Audit and Governance Committee held on 15 November 2022;
3. authorise the head of legal and democratic and monitoring officer and the section 151 officer, in consultation with the Joint Audit and Governance Committee co-chairs, to undertake the recruitment process and appoint an independent person to the Joint Audit and Governance Committee for a period of four years until May 2027;
4. authorise the head of legal and democratic to make changes to the councils' constitution to reflect the appointment;
5. ask the Independent Remuneration Panel to consider an appropriate level of remuneration for the role of independent person to the Joint Audit and Governance Committee and the independent persons dealing with code of conduct matters.

58 Review of the council's constitution

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

RESOLVED: to

1. adopt the following sections of the Constitution with immediate effect:
 - a) the Procurement Procedure Rules, set out in Appendix B of the report of the head of legal and democratic to Council on 8 December 2022, as Part 4 (8);
 - b) the Anti-Fraud, Corruption and Bribery Policy, set out in Appendix C of the report of the head of legal and democratic to Council on 8 December 2022, as Part 5 (8);
 - c) the Whistleblowing Policy, set out in Appendix D of the report of the head of legal and democratic to Council on 8 December 2022, as Part 5 (3); and
2. authorise the head of legal and democratic to make these changes and any further minor or consequential amendments to the Constitution.

59 Elections - scales of fees and charges

Steven Corrigan, a deputy returning officer, left the room during the debate and vote on this item. Patrick Arran, a deputy returning officer, was unable to hear or observe the debate or vote on the item.

Council considered the report of the returning officer on the setting of fees and charges for district and parish elections.

RESOLVED: to

1. agree the scales of fees for district and parish council elections, parish polls and neighbourhood planning referendums as set out in the Appendix to the report of the returning officer to Council on 8 December 2022;
2. agree that the scales of fees for staffing positions are amended to reflect those adopted by Oxfordshire County Council and authorise the returning officer to make such changes;
3. agree to continue to charge parish and town councils for running elections on their behalf.

60 Report of the leader of the council

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

61 Questions on notice

Question from Councillor Sam Casey-Rerhaye to Councillor David Rouane, Leader of the council

HIF2 has been paused for review because of issues with escalating costs and the impact on the Compulsory Purchase Orders. Consequently, this Council needs to be informed of any possible changes to or impacts on the delivery of HIF1 from inflation or other costs pressures from, e.g. construction supply issues. I am particularly concerned as Cycle Champion of any impact increased costs might have on the delivery of the active travel features of the project as these are vital to both SODC and OCC's travel and carbon reduction targets. Please can the Leader seek reassurance from OCC that these features will not be downgraded or dropped if costs rise further and that South Oxfordshire District Council will be the first to be informed of any proposed changes or issues to the delivery of HIF1?

Written Response

I can confirm that, at my request, our officers have recently been in contact with Oxfordshire County Council seeking confirmation that HIF1 will progress as planned. I am pleased to be able to confirm that in response, the County Council has confirmed that OCC is fully committed to HIF1 and its outcomes.

They advise that they are continuing with the delivery of the project as planned, and that as well as having submitted a live planning application, they are continuing with the design and land acquisition work for the scheme. HIF1 contains some vital components of what I hope will be a wider and sustained commitment to active travel solutions and both I, and our officers, will continue to emphasise to Oxfordshire County Council that it is important that the scheme as a whole, particularly the active travel elements, are delivered in full.

I recognise that delivery and accountability for the scheme rests with OCC, but given its importance to our residents, I have asked the Leader of OCC to ensure that South Oxfordshire District Council remains informed of any developments relating to it in a timely and appropriate fashion. I will also ensure that the areas raised within the question are raised formally as part of the next bi-lateral meeting between South Oxfordshire District Council and Oxfordshire County Council, as I have done before.

Supplementary question

Thank you, I appreciate that you have contacted Oxfordshire County Council already and are ensuring that the issues I raise are in turn raised formally at the next bi lateral meeting with them.

Further I ask that you as Leader ensure the District Council is made aware of the traffic calming measures that are being discussed between the Parish Councils and OCC but are yet to be proposed in any formal way, e.g. the changing of access of the two old bridges at Long Wittenham and Culham both of which are in my ward. If we are to avoid the fate of all new roads and not have more car journeys generated as the direct result of having these new roads we must work with parish councils and the County Council to explore and help them implement changes to the existing transport infrastructure - I ask as Cycling champion for the District and from my concern that we must encourage, at every opportunity, people to use their cars less and to facilitate safe infrastructure to allow people to do this; and because, as the planning authority, it is our council that has proposed the new housing which has necessitated new transport infrastructure. And as chair of the Climate and Ecological Emergencies Advisory Committee I am all too aware of our net zero carbon target of 2030 for the whole district.

Answer

In response Councillor Rouane confirmed that he would ask Oxfordshire County Council to make the District Council aware of any such proposals.

62 Motions on notice

No motions were submitted for consideration by Council.

The meeting closed at 7.55pm

Chair

Date

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