

# Minutes

## OF A MEETING OF THE

# Council



Listening Learning Leading

**HELD ON THURSDAY 15 JULY 2021 AT 6.00 PM**

**FIRST FLOOR, 135 EASTERN AVENUE, MILTON PARK, MILTON, OX14 4SB**

### **Present:**

Jo Robb (Chair)

Ken Arlett, Pieter-Paul Barker, David Bartholomew, Tim Bearder, Robin Bennett, David Bretherton, Sam Casey-Rerhaye, Sue Cooper, Peter Dragonetti, Maggie Filipova-Rivers, Stefan Gawrysiak, Kate Gregory, Victoria Haval, Lorraine Hillier, Alexandrine Kantor, Mocky Khan, Lynn Lloyd, Axel Macdonald, Jane Murphy, Caroline Newton, Andrea Powell, Leigh Rawlins, Sue Roberts, David Rouane, Anne-Marie Simpson, David Turner and Celia Wilson

Councillors in attendance remotely (not eligible to vote): Anna Badcock, Kellie Hinton, Ian Snowdon, Andrea Warren and Ian White

**Officers:** Steven Corrigan and Mark Stone (in person). Steve Culliford and Margaret Reed (remotely).

### **Apologies:**

Elizabeth Gillespie, George Levy and Alan Thompson tendered apologies.

## **18 Minutes**

**RESOLVED:** to approve the minutes of the meeting held on 20 May 2021 as a correct record and agree that the Chair sign them as such.

## **19 Declarations of disclosable pecuniary interest**

None.

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

At the request of Councillor Robb, Chair of council, Mark Stone, Chief Executive, made the following statement in respect of the council's five-year land supply:

"Thank you Chair,

Our stated position is that our current land supply position is 5.33 years for the period from 2021 to 2026. This is the figure published following the annual reporting, in line with national guidance, by the Head of Planning, and the research and review work undertaken by the planning team that looks at actual and projected delivery rates.

It is worth noting that the lower figure advanced by the appellants in a recent case and accepted by the Inspector was for the period 2020-2025, so we are comparing different five-year periods.

For this reason, the published land supply figure of 5.33 years is the figure that planning officers and members of the planning committee will be continuing to work to at this time. Both need to continue to make decisions in accordance with the adopted development plan which remains in force.

Neighbourhood plans should continue, as they have been, to plan proactively for their areas. As the Government itself states “Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community’s needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.”

It is also the case that where made neighbourhood plans are less than two years old, and contain housing allocations, these neighbourhood areas are only required to demonstrate a three-year housing land supply rather than a five-year supply\*. The greater share of the Community Infrastructure Levy\*\* these areas receive is a further benefit of having a neighbourhood plan that plans positively and proactively. We encourage parishes to continue with plans under preparation, and as always, our neighbourhood plan team are available to assist with any queries.

In the meantime, we are reviewing the Inspectors decision, and it is only right that we look to provide ourselves with further assurance in light of its challenge on our five-year supply figure. That work includes a review led by our new Head of Policy and Programmes, who has also engaged independent planning advice and additional external legal support.

I expect us to update scrutiny and planning committee on the outcome of that work as part of our normal processes, and Members more widely once the work has concluded. I will ensure that we also issue a further communication to all Town and Parish Councils at that time as I appreciate this in an important area for them, and our residents.

\*National Planning Policy Framework (paragraph 14)

\*\* (25% as opposed to 15% elsewhere).”

## **21 Public participation**

None.

## **22 Petitions**

None.

## **23 Review of planning application town and parish trigger arrangements for decision making**

Council considered the report of the head of legal and democratic inviting Council to review the town and parish trigger arrangements in the scheme of delegation to the head of planning.

Notwithstanding the officer recommendation, to make permanent the current temporary town and parish trigger arrangements, Councillor Barker moved, and Councillor Bretherton seconded, the following motion:

“That Council:

1. recognises that many important points have been raised by officers in the report of the head of legal and democratic on town and parish trigger arrangements;
2. acknowledges that it remains critically important to meet statutory planning decision deadlines, both to protect the council from undesirable consequences and to provide a high quality and efficient planning service to our residents, and to continue the improved engagement with town and parish councils;
3. notwithstanding the above, does not accept the recommendation that the temporary change to town and parish trigger arrangements should be made permanent as parish and town councils have a vital role in the democratic legitimacy of the planning process;
4. agrees that the temporary arrangement set out in paragraph 7 of the report will lapse with effect from the date of this meeting;
5. asks the head of legal and democratic and the head of planning to meet with group leaders to discuss proposals for improving the system and to report back to Council as part of the next Constitution review”.

In supporting the motion, a number of councillors expressed the view that they recognised the importance of the risks identified in the officer report of not making the temporary arrangements permanent, including not meeting statutory deadlines, a higher number of appeals for non-determination, and pressure on staff arising from more meetings. However, councillors supported the view that it was important to reinstate the ability of parish and town councils to call in minor applications themselves without them needing to secure the support of the local district council ward member to do so.

A number of councillors expressed concern regarding, what they perceived as, the lack of balance in the officer report which provided strong one-sided arguments for retaining the current temporary arrangements which, whilst necessary during the height of the pandemic, should now be allowed to lapse.

### **RESOLVED:**

That Council:

1. recognises that many important points have been raised by officers in the report of the head of legal and democratic on town and parish trigger arrangements;

2. acknowledges that it remains critically important to meet statutory planning decision deadlines, both to protect the council from undesirable consequences and to provide a high quality and efficient planning service to our residents, and to continue the improved engagement with town and parish councils;
3. notwithstanding the above, does not accept the recommendation that the temporary change to town and parish trigger arrangements should be made permanent as parish and town councils have a vital role in the democratic legitimacy of the planning process;
4. agrees that the temporary arrangement, set out in paragraph 7 of the report of the head of legal and democratic to the Council meeting on 15 July 2021, will lapse with effect from 15 July 2021;
5. asks the head of legal and democratic and the head of planning to meet with group leaders to discuss proposals for improving the system and to report back to Council as part of the next Constitution review.

## **24 Appointment of the council's monitoring officer, interim monitoring officer, electoral registration officer and returning officer**

Steven Corrigan and Mark Stone left the meeting during consideration of this item as the report included recommendations to appoint them to positions within the council.

Council considered the revised report of the deputy chief executive – transformation and operations, on the appointment of a monitoring officer, an interim monitoring officer, electoral registration officer and deputy electoral registration officer and a returning officer.

Councillor Cooper, Leader of the council, noted that this meeting was Margaret Reed's final Council meeting prior to her retirement. On behalf of councillors, Councillor Cooper thanked Margaret Reed for her many years of service to the council in a variety of roles. She would cover more detail in her Leader's report – see minute 25. Councillor Murphy, Leader of the main opposition group, also expressed her thanks and wished Margaret Reed a happy retirement.

### **RESOLVED: to**

1. appoint Patrick Arran as the council's monitoring officer with effect from his taking up his role as the councils' head of legal and democratic;
2. appoint Steven Corrigan, Democratic Services Manager, as the council's monitoring officer, on an interim basis, with effect from 16 July 2021 until Patrick Arran becomes monitoring officer when he takes up his role;
3. in terms of the Representation of the People Act 1983 and all related legislation, to appoint Mark Stone as the council's electoral registration officer with effect from 16 July 2021 and agree to continue the designation of Steven Corrigan as deputy electoral registration officer;

4. that in terms of section 35 of the Representation of the People Act 1983 and all related legislation, to appoint Mark Stone as the council's returning officer with effect from 16 July 2021, with authority to act in that capacity for elections to the council and all or any parish and town councils within the council's area;
5. authorise the council's electoral registration officer to act in respect of all related electoral, poll or referendum duties, including in relation to county council elections, and national, regional and local polls or referendums;
6. agree that in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the council is entitled by law to do so, the council shall take out and maintain in force insurance indemnifying the council and the returning officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the council or the returning officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the returning officer or any other person employed by or officially acting for him in connection with the election or poll);
7. agree that in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the council will indemnify the returning officer up to the value of such excess;
8. authorise the monitoring officer to make any consequential changes required to the Constitution to reflect these changes.

## **25 Report of the leader of the council**

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

Council showed its appreciation for Margaret Reed, Head of Legal and Democratic, on her retirement, with a round of applause.

## **26 Questions on notice**

### **A. Question from Councillor Jane Murphy to Councillor Sue Cooper, Leader of the council**

It is clear that the growing budget deficit cannot be bridged by income raising activity; to claim otherwise would be to mislead councillors and residents.

As the budget is a Council responsibility and not limited to the administration, will the Leader ask the Section 151 Officer to bring a report to Cabinet and Full Council on the full impact of all decisions taken?

### **Answer**

The council's finance position was laid out in detail in the budget setting report for 2021/22 that Cabinet and Council considered in February and which Councillor Murphy and her

group supported. A report on the background to budget setting for 2022/23 will come forward in the Autumn for Cabinet to consider. The budget setting reports for 2022/23 will come forward, as usual, to Scrutiny Committee, Cabinet and Council in February 2022. In the meantime, all cabinet and council reports include a section on financial implications that details the impact of all decisions on the council's finances.

The budget deficit is significant, and it will need a raft of measures to be implemented over time to reduce the draw on reserves. However, the deficit is something that we inherited from the previous Conservative administration and has been exacerbated by the Coronavirus pandemic. We also still have no idea what our future funding will be as the Conservative government continues to give us one-year settlements. With no indication of future funding financial planning is very difficult. As the previous administration took decisions that meant that we inherited the budget deficit, perhaps they would like to identify their solutions for the problems they created?

### **Supplementary question and answer**

Councillor Murphy asked whether Councillor Cooper was content that no member of the administration was in attendance at the July meeting of the Joint Audit and Governance Committee at which the Statement of Accounts were approved. Councillor Cooper responded that she was grateful to those councillors who did attend.

### **B. Question from Councillor Ken Arlett to Councillor Sue Cooper, Leader of the council**

At the end of June an inspector granted planning permission on appeal. The reason given was that South Oxfordshire District Council only had 4.21 years of land supply instead of the minimum five years. South Oxfordshire District Council is suggesting that it has 5.33 years of land supply.

What was the land supply level at the time of the appeal? If the answer is over five years as has been suggested, what action will the Leader and district council planning officers be taking against the inspector's decision?

### **Answer**

As the elected member will no doubt note from the published appeal decision, at the time of the appeal *"the difference between the main parties comes down to the Council's position that there is a 5.08 year supply of deliverable housing sites and the Appellant's assertion that it is instead a 4.21-year supply."*

Members will appreciate that land supply is never constant, and can be subject to significant changes at times as development moves forward or not, indeed I previously wrote to the Secretary of State in July 2020 specifically seeking relaxation of the five years housing land supply through the period of the COVID pandemic specifically because of the possibility that some of the wider impacts of the pandemic on housing completions could have a detrimental impact on housing completions during that period and temporarily impact our five years housing land supply. Several of the Council's group leaders also supported this view. Regrettably, the Secretary of State did not support such a change, perhaps because at that time he did not consider the pandemic as something that would still be significantly impacting residents and businesses across the country some 12 months later.

The Council is reviewing the inspector's decision carefully and will take a view on any appropriate action or response in due course.

**Supplementary question and answer**

In response to a supplementary question from Councillor Arlett regarding what action the council could take and the timescales for any action, Councillor Cooper replied that the council was awaiting legal advice and had six weeks to respond.

**C. Question from Councillor Stefan Gawrysiak to Councillor Anne-Marie Simpson, Cabinet member for planning**

Recently "Bioabundance" have pursued three requests for permission to pursue a judicial review through the courts.

Can the Cabinet portfolio holder for planning please state?

- a) The cost of these cases to the district councils
- b) The hours of officer's/legal time spent preparing the district council's defence

**Answer**

- a) The Council spent £6,765 on external legal advice, drafting of documents and court appearances. A costs Order was made in the council's favour to reclaim costs of £8,265.69 from Bioabundance, in respect of external legal expenditure and a contribution to in-house legal officer time.
- b) Not all staff record their time, but we estimate that in-house legal staff, planning officers, communications officers and senior management team have spent in excess of 200 hours in total on this judicial review.

**Supplementary question and answer**

In response to a supplementary question from Councillor Gawrysiak asking that all officer hours should be recorded at any future judicial reviews and reclaimed in successful outcomes, Councillor Simpson responded that she would take this view on board.

**D. Question from Councillor Celia Wilson to Councillor Sue Cooper, Leader of the council**

Will you, as Leader of the council, support (and encourage others to support) the principle and process of achieving a Minor Injuries Unit (MIU) in Didcot, to serve people living in both the South Oxfordshire and Vale of White Horse parts of Didcot town and in the surrounding villages?

If so, would your support include any or all of the following measures, or others:

- work cross-authority and cross-party to encourage South Oxfordshire District Council, Vale of White Horse District Council and Oxfordshire County Council to make it their policy to promote the proposal actively to Oxfordshire Clinical Commissioning Group (OCCG)

- become active in pressing the OCCG to commit to providing Didcot MIU as a matter of urgency
- provide financial support and attendance at public meetings on the matter
- Be instrumental in introducing appropriate public transport to serve the Unit from the more difficult areas
- other financial and community involvement led by local councillors and organisations

### Answer

As Leader, and with the support of officers, I met with Directors for the Oxfordshire Clinical Commissioning Group (OCCG) on 24 May 2021. A meeting is still in the process of being arranged with Buckinghamshire Clinical Commissioning Group.

The discussion with OCCG included discussion of how population forecasts are used to plan healthcare requirements in the district and how the council can improve working with the CCG to ensure healthcare needs are included in S106 agreements and ensuring the associated monies are spent in a timely manner.

Following that meeting, officers have put in place regular meetings with the OCCG to maintain these discussions and to provide an opportunity to discuss particular site issues, including Didcot. Personally, whilst I would like to see an Minor Injuries Unit in Didcot, as I believe it would reduce the need for residents to travel further afield to receive treatment, and would therefore align with our commitment to address the climate emergency, it is not within the district council's remit to put this in place. Consequently, I will ask officers, and work with them, to get a better understanding of the CCG's position and their evidence base, specifically around the need for an MIU in Didcot or elsewhere in South Oxfordshire, ensuring the Council is a positive and constructive partner to them.

Officers are also in the process of arranging a presentation for all councillors by the OCCG, which hopefully will give us all a greater understanding as to how they operate and propose and prioritise future reforms.

We have worked closely with the OCCG through the pandemic, developing a strong partnership approach which I look forward to continuing to develop, and as Leader of SODC, I fully support the principle of working with partners to deliver the very best possible health care provision for all our residents.

### Supplementary question and answer

In response to a supplementary question, Councillor Cooper stated that it was a matter for Councillor Wilson as to whether she submitted a motion to Council in support of a Minor Injuries Unit in Didcot, but it was important to recognise that the district council had no power to provide such a unit.

## 27 Motions on notice

- (1) Councillor Tim Bearder moved, and Councillor Andrea Powell seconded the motion as set out in the agenda at 11 (1)

Amendment



Councillor Roberts moved, and Councillor Casey-Rerhaye seconded, an amendment set out below, with additional words shown in bold and deleted words shown with a strikethrough, to provide specific detail about the location of the area referenced in the motion and to identify the need for larger areas of protection.

With the agreement of Council, the mover and seconder of the motion accepted the amendment.

~~“This Council recognises that after four years of delays to the long-awaited environment bill we are still without crucial laws to restore nature and tackle climate change.~~

We are alarmed by the 68% decline in global wildlife populations since 1970 and feel we must take measures to act in the face of Conservative high population growth aspirations for the Oxford/Cambridge Arc.

We welcome plans to extend the Chilterns AONB but recognise that all our residents deserve access to nature.

With this in mind this Council agrees to support, in principle, the creation of new protected areas in Oxfordshire.

~~Some outline plans have already been devised by local groups, like plans in Otmoor, which have the widespread support of local people and parish councils.~~

**Some outline plans have already been devised by local groups, like plans for a 36 sq mile park comprising Otmoor and the Royal Forests of Bernwood and Stowood, which have the widespread support of local people and parish councils.**

These kinds of plans fit with the government’s stated 25 Year Environment Plan commitments and its pledge to protect 30% of the UK’s land by 2030.

To ensure we are 'spade ready' for any expressions of interest, Council asks the Leader to bring a paper to Cabinet on:

~~How the Council can take a lead in developing and promoting “regional parks”~~ **How the Council can take a lead in developing and promoting regional parks including at the landscape-scale** as part of Oxfordshire’s nature recovery network through its partnerships, and with government agencies, investigating the most appropriate protections and designations to seek which are likely to attract funding”.

**RESOLVED:**

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(2) Councillor Sam Casey-Rerhaye moved, and Councillor Pieter-Paul Barker Seconded, the motion as set out in the agenda at item 11 (2)

The majority of councillors supported the motion. Those who expressed a view stated that participation in elections should be encouraged by all those who are qualified, regardless of age, ethnicity or income. Whilst any genuine concerns about voter fraud should be investigated, the introduction of voter ID would be a solution to a problem which has negligible impact in this country and any measures could make it harder for people to vote and could be considered an attempt to manipulate democracy. However, a number of councillors expressed the view that the voter ID pilots had not deterred people from voting. Voter IDs would address electoral fraud and increase public confidence in elections.

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

**RESOLVED: That Council notes:**

Councils are responsible for organising all elections in England. The recent Queen's Speech contained government proposals to require people to show identification including a photograph in order to vote in a General Election.

Allegations of electoral registration or voter fraud are very rare in South Oxfordshire.

**Council believes:**

Voting at elections is the cornerstone of democracy at both local and national level.

Participation in elections should be encouraged in all those who are qualified regardless of age, ethnicity or income.

Unnecessary barriers to voting are likely to reduce voter participation in elections, proper representation of all parts of the community and so legitimacy of those elected to office.

Voter ID is a solution without a problem and as such insinuates barriers to voting which should be of great concern to anyone who supports an open and effective democratic system of government.

**Council Resolves:**

To oppose the introduction of photo ID as a requirement to vote at polling stations.

To request the Leader to write to the relevant minister indicating this opposition and the reasons why and requesting this measure is not included in any forthcoming Bill.

That should mandatory photo ID be passed into law, this council will investigate low-cost options for residents, bearing in mind the barriers outlined and focus efforts to promote the ID to those who are most likely to need it.

(3) Councillor Jane Murphy moved, and Councillor Caroline Newton seconded, the motion as set out in the agenda at item 11 (3):

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

**RESOLVED:**

That Council notes our CEO is an LGA Peer and has previously asked group leaders to support our Council being peer challenged.

Council supports him in this and recognizes the contribution that our officers have made to national best practice.

The meeting closed at 8:15pm

Chair

Date

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