

WEST OXFORDSHIRE DISTRICT COUNCIL

At the Meeting of the
WEST OXFORDSHIRE DISTRICT COUNCIL
held in the Council Chamber, Council Offices, Woodgreen,
Witney, on Wednesday 14 May 2014 at 2.00 pm.

PRESENT

Councillors: D A Cotterill (Chairman), Mrs L J Chapman (Vice Chairman), A J Adams, Mrs J C Baker, M A Barrett, A C Beaney, M R Booty, M Brennan, A S Coles, Mrs E M Coles, J C Cooper, C Cottrell-Dormer, Mrs M J Crossland, H G Davies, C G Dingwall, P J G Dorward, Mrs J M Doughty, H B Eaglestone, D S T Enright, Mrs E H N Fenton, S J Good, J Haine, P J Handley, A D Harvey, Mrs H R Hibbert-Biles, Miss V E Hunt, E H James, P D Kelland, R A Langridge, Mrs L E C Little, N A MacRae MBE, J F Mills, B J Norton, T N Owen, L D Poole MBE, Dr E M E Poskitt, W D Robinson, G Saul and D A Snow.

72. MINUTES

RESOLVED: that the Minutes of the meeting held on 26 February 2014, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

73. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr N G Colston, Mr S J Hoare, Mr H J Howard, Ms E P R Leffman, Mr R D J McFarlane and Mr T J Morris

74. DECLARATIONS OF INTEREST

There were no declarations of interest from Councillors or Officers relating to items to be considered at the meeting at this juncture. Subsequently, whilst not a disclosable pecuniary interest, Mr Robinson indicated that he held a lease of one of the Council's industrial units at Swain Court, Witney, and would leave the meeting in the event of any discussion on that site arising from agenda item No. 12 (Sealing of Documents).

75. RECEIPT OF ANNOUNCEMENTS

75.1 Mr Patrick McHugh

The Chairman advised Members of the death of Mr Patrick McHugh who had served on the District Council as representative for Chipping Norton from 2008 until 2012. Mr McHugh served on the Audit and General Purposes Committee and the Environment Overview and Scrutiny Committee throughout his term of office.

Mr McHugh also represented the Council on the Chipping Norton Town Centre Steering Group and the Chipping Norton Traffic Advisory Committee.

All those present at the meeting then stood in silence in memory of Mr McHugh.

75.2 Retiring Members – Mr L D Poole, Ms A K Roy-Barker, Mr W A Goffe, Mr D E Millard, Mrs H R Hibbert-Biles and Miss Verena Hunt

The Chairman advised that the above Members had decided not to seek re-election to the Council at the forthcoming elections.

Larry Poole had represented Eynsham and Cassington since May 2010. Throughout his term of office Mr Poole served on the Finance and Management Overview and Scrutiny Committee and the Human Resources Committee and from 2011 he has been a member of the Development Control Committee and the Lowlands Area Planning Sub-Committee.

Mr Poole also served on the Audit and General Purposes Committee and represented the Council on the Eynsham Traffic Advisory Committee. Mr Cotterill indicated that his financial expertise and balanced judgement would be greatly missed.

Annie Roy-Barker was elected as representative for Chipping Norton in 2010 and appointed to serve on the Environment Overview and Scrutiny Committee, the Development Control Committee and the Uplands Area Planning Sub-Committee. In 2011 she was also appointed to the Licensing Committee. She served as the Council's representative to the Chipping Norton Theatre Council of Management, the Chipping Norton Traffic Advisory Committee, the Glyme Hall Management Committee and the Glyme Hall Youth Committee.

Arthur Goffe joined the Council in May 1994 and had represented The Bartons since that time.

He served on the Development Control Committee and the Uplands Area Planning Sub-Committee throughout his time with West Oxfordshire. Mr Goffe also served on the Public Health Committee and the Leisure and Tourism Committee and was appointed as Vice-Chairman of the Leisure and Tourism Sub-Committee in 2000.

Following the introduction of the Cabinet System, Mr Goffe was appointed to the Economic and Social Overview and Scrutiny Committee, transferring the following year to the Environment Overview and Scrutiny Committee.

As an advocate of both sport and rural life he represented the Council on the Oxfordshire Playing Fields Association and the Nature Conservation Forum and also served on the Waste Collection and Recycling Working Party, the Local Plan Review Working Party and the Local Communities Best Value Service Review Group.

Derrick Millard was first elected as representative for Combe, Fawler and Stonesfeld in 1976. Having decided to stand down in 2008 he was subsequently re-elected in 2012 and had served on the Council for a total of 34 years.

From the time he initially joined West Oxfordshire, Derrick maintained an interest in the provision, management and maintenance of social housing in the district, serving on the Housing Committee continuously for 26 years from 1976 until the introduction of the Cabinet system in 2001.

He became Vice-Chairman of the Committee in 1979 and Chairman the following year, serving in that capacity until 1984. In 1988 he was again appointed Vice-Chairman, holding that office until 1990 when he resumed the Chairmanship for a further four year period.

When the Council transferred its housing stock to Cottsway, Derrick became one of the Council's representatives on the Management Board, serving in this capacity for a further six years.

Derrick served on the Development Control Committee and the Uplands Area Planning Sub-Committee from 1984, re-joining both those and the Environment Overview and Scrutiny Committee on his return to the Council in 2012.

During the course of his long career in local government, Derrick served with distinction across the entire range of Council services in addition to acting as co-ordinator of the independent group from 1996 to 2008.

Hilary Biles first joined West Oxfordshire as the representative for Ascott and Shipton in May 2002 when she was appointed to the Economic and Social Overview and Scrutiny Committee, the Development Control Committee and the Uplands Area Planning Sub-Committee.

From 2003 until 2005 Mrs Biles served as Chairman of the Economic and Social Overview and Scrutiny Committee. During her Chairmanship she led a review of ambulance services in the District and has continued to press for equality of response times in rural areas.

In June 2005 Hilary was appointed to the Cabinet with responsibility for the housing portfolio and in 2007 assumed responsibility for Leisure and Tourism and Health. Leaving the Cabinet in 2010, Hilary returned to the Economic and Social Overview and Scrutiny Committee and later joined the Finance and Management O&S Committee.

In addition to representing the Council on the Oxfordshire Joint Health Overview and Scrutiny Committee, the Supporting People Commissioning Body, Thames Valley European Forum, Nexus west Oxfordshire Advisory Board and the Burford School Foundation Hilary also served on the Standards Committee and a number of working parties.

Throughout her period of office Hilary has remained a staunch supporter of leisure and tourism and advocate for rural services.

Verena Hunt was first elected as representative for Brize Norton and Curbridge in May 1998 and was appointed to the Finance and General Purposes Committee, Planning Committee and the Lowlands Area Planning Sub-Committee. Verena was appointed Vice-Chairman of the Sub-Committee the following year and Chairman of the Planning Committee in 2000.

With the introduction of the Cabinet system in 2001, Verena was appointed as Deputy Leader and Cabinet Member with responsibility for Strategic Planning and Economic Development, retaining the Planning Portfolio until standing down from the Cabinet in 2008.

Free of her Cabinet responsibilities she was appointed Chairman of the Lowlands Area Planning Sub-Committee serving in that capacity from 2008 until 2010.

In 2010 Verena was persuaded to re-join the Cabinet taking responsibility for Housing and Community Safety and in 2011 resumed the position of Deputy Leader before standing down from the Cabinet once more the following year.

In addition to retaining her interest in planning throughout her period of office, Miss Hunt also served on the Policy and Co-ordinating Committee, the Human Resources Committee, the Urgency Committee, the Large Scale Voluntary Transfer Sub-Committee, Licensing Sub-Committee, Housing Allocations and Affordable Housing Working Group and the Marriotts Close Working Party.

Verena also represented the Council on the Witney and District Citizen's Advice Bureau Management Committee, Age Concern (Oxfordshire), the Burford School Foundation, Carterton Town Centre Partnership, the Cotswold AONB Partnership/Conservation Board, Oxfordshire Affordable Housing Members Group, both County and District Safer Communities Partnerships, West Oxfordshire Drugs and Alcohol Action Group and the West Oxfordshire Landlords Forum.

Members joined the Chairman in expressing their thanks to the retiring Members and conveying their best wishes for the future.

75.3 Repatriations

The Chairman advised that the Council had been represented at the repatriation of Captain Thomas Clarke, Army Air Corps; Flight Lieutenant Rakesh Chauhan, Royal Air Force; Warrant Officer Class 2 Spencer Faulkner, Army Air Corps; Corporal James Walters, Army Air Corps and Lance Corporal Oliver Thomas, Intelligence Corps on Tuesday 6 May.

76. PARTICIPATION OF THE PUBLIC

No submissions were received from the public in accordance with the Council's Rules of Procedure.

77. RECOMMENDATION FROM THE EXECUTIVE AND COUNCIL COMMITTEES

The Council considered the report of the Chief Executive setting out recommendations made by the Cabinet and the Council's Committees from 12 March to 7 May 2014.

The recommendations were proposed by Mr Norton and seconded by Mr Booty and on being put to the vote were carried.

RESOLVED: that the recommendations made by the Cabinet and the Council's Committees from 12 March to 7 May 2014 be approved in relation to:

- (a) Food Safety and Hygiene (England) Regulations 2013 (Minute No. A&GP/44/2013/2014);
- (b) Carterton Town Centre Regeneration and Improvement – Allocation of Funding (Minute No. CT/142/2013/2014);
- (c) Service Review – Provision of Public Conveniences (Minute No. CT/143/2013/2014); and
- (d) Supplementary Estimate – Pension Fund Backfunding Payment (Minute No. CT/151/2013/2014)

78. REPORTS OF THE CABINET AND THE COUNCIL'S COMMITTEES

The reports of the meetings of the Cabinet and the Council's Committees held between 12 March and 7 May 2014 were received:

78.1 Recycling Facilities in Chipping Norton

(Minute No. ENV/64/2013/2014)

Mrs Coles advised that her suggestion for an appropriate location for 'pink bin' recycling facilities for small electrical equipment in Chipping Norton had been made in relation to the Albion Street Car Park, not that in New Street.

Mrs Biles suggested that following the closure of the facilities in the Cattle Market off Albion Street, as residential development in the District was likely to increase, the Council should re-open discussion with the County Council regarding the provision of an alternative 'bring site' to serve the town. In response, Mr Harvey advised that the Council was doing all it could to make sure that the County Council continued to look for an alternative site and were exploring an alternative at present.

78.2 Provision of Public Conveniences - Bladon

(Minute No. CT/143/2013/2014)

In response to a request for clarification from Mr Cooper, Mr Harvey advised that the problem of providing public conveniences in Bladon was not due to funding but the inability to identify an appropriate site. The Chief Executive explained that no capital provision had been made within the budget for this project in the absence of an identified site but that resources could be made available for a scheme if the Council was to approve its allocation.

78.3 RAF Brize Norton

(Minute No. E&S 75/2013/2014)

In response to a request from Mr Handley the Chief Executive advised that Officers had held a meeting with representatives from RAF Brize Norton and a further meeting was to be held the following week. Changes in personnel had caused some disruption in liaison with the base but this had now been re-established and arrangements were being put in place for a formal meeting of the liaison group to be held in the next two months.

78.4 South Central Ambulance Service

(Minute No. E&S 78/2013/2014)

Mrs Biles indicated that she believed that ambulance response times within West Oxfordshire had not improved since the review carried out by the Overview and Scrutiny Committee when she was Chairman of the Committee. She suggested that the Committee ought to undertake a further review to clarify the position. In response, Mr Handley advised that the Committee was keeping the matter under review and the Joint County Health Overview and Scrutiny Committee and the Commissioning Group were also looking into the situation. He confirmed that response rates at the eight minute target had fallen from 54% to 52% and suggested that the Commissioning Group was best placed to address this situation given that it had the ability to apply financial sanctions.

Mr Barrett confirmed that the County Joint Health Overview and Scrutiny Committee was seeking to compel improvements and was to take up the matter with the Chief Executive Officer of the Clinical Group. Mrs Biles suggested that a review by the Overview and Scrutiny Committee would develop an evidence base to assist in this respect.

79. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEES

Consideration was given to the report of the Chairmen of the Overview and Scrutiny Committees advising the Council of the work undertaken by the three Overview and Scrutiny Committees in the year 2013/2014.

RESOLVED: That the report be noted.

80. NOTICE OF MOTION - SUPPORT FOR LOCAL PUBLIC HOUSES

At the Council meeting held on 26 February 2014 the following motion was received in the names of Mr D S T Enright and Mr G Saul, namely:

“Pubs are important local assets and West Oxfordshire District Council has a record of supporting pubs across the District. They are under threat as a result of a number of pressures including the economic situation, the structure of the tied beer trade, and high property prices.

The Council therefore resolves to create a really simple "toolkit" or online nomination form so parishes and other bodies can nominate pubs as assets of community value, and promote the power to relevant bodies, as an enhancement of the details already available at <http://www.westoxon.gov.uk/residents/communities/community-rights/>.

In addition the Council supports the introduction of a statutory code, as follows, and will write to CAMRA and our MP to share our support:-

I. The Beer Tie, whereby landlords can only buy products from their PubCo, works for some licencees. However, for many others it means they can only buy limited products at inflated prices. We want every landlord to have the choice of whether to go free-of-tie. This would allow licencees to operate in a re-constructed market which would actually be more competitive.

2. When a new licensee takes over a pub, or when an existing rent contract expires and is renegotiated, there should be a fully transparent and independent rent review completed by a qualified surveyor.

3. There must be a truly independent body to monitor the regulations and adjudicate in disputes between licensees and pubcos”.

At that meeting it was agreed that, in accordance with paragraph 11(e) of the Council Procedure Rules, the Motion stand referred without discussion to the Economic and Social Overview & Scrutiny Committee.

The motion was considered by the committee at its meeting held on 24 April 2014 and the Council was invited to consider a report outlining the recommendations of the committee.

Mr Enright thanked Officers for their assistance in preparing the report to the Overview and Scrutiny Committee. He noted that all Members had acknowledged the difficulties facing public houses and recognised the important role they played within the community.

He explained that his original motion was in two parts. The first element related to the registration of premises as assets of community value under the Localism act; legislation that had enjoyed cross-party support. His suggestion was intended to make it more straightforward for residents to secure registration through the Council’s website. Whilst this aspect of the motion had failed to secure the support of the Overview and Scrutiny Committee, he suggested that the initiatives proposed were not difficult and, not having any significant impact in terms of resources, worthy of pursuing further.

The second element of the motion invited the Government to examine the impact of the beer tie. Mr Enright stressed that public houses operated within a regulated market hence the Government could explore the possibility of controlling this aspect of the trade. There had been a significant change in the structure of the industry in recent years with the break-up of the breweries and pub chains leading to the danger that pub management was seen as a property business rather than a retail operation with decisions being taken in light of the need to service the business’s debt. Consequently, he was asking the Council to write to CAMRA and the local Member of Parliament asking that the impact of the beer tie be considered in the terms set out above.

Mr Enright noted the Overview and Scrutiny Committee’s concern over venturing into commercial relationships but indicated that this was not the case as the licensed trade was a regulated business.

Mr Enright welcomed the Committee’s suggestion regarding the importance of planning legislation and local plan policies in protecting public houses and, in formally moving the motion, incorporated a revision by the inclusion of the following paragraphs between paragraphs one and two of the original motion as set out in the report:-

Therefore the Council supports the proposal that the government help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.

In addition officers be requested to consider strengthening local plan policies regarding change of use of public houses to help protect them as community hubs.

The revised motion was duly seconded by Mr Saul who expressed his support for the development of a statutory code to ensure that all premises were treated fairly and that tied tenants were no worse off than those not subject to a beer tie.

Mr Handley expressed his opposition to the motion and sought to propose an amendment in the terms of the recommendation made by the Economic and Social Overview and Scrutiny Committee alone. On the advice of the Chief Executive, the Chairman ruled that such an amendment was inadmissible, representing such a significant change as to substantially alter the intent of the original motion.

Mr Haine indicated that, whilst he agreed with the underlying principle, he considered it to be improper for the Council to seek to interfere with commercial arrangements, comparing the beer tie with franchise agreements. Mr Booty concurred, questioning what the outcome of the proposal would achieve and expressing concern at over-protecting poor landlords.

Mr Norton advised that the Council had always endeavoured to support local pubs but that he considered the motion as drafted to exceed the Council's remit by seeking to interfere with commercial issues. West Oxfordshire had already registered a number of premises as assets of community value but that process had to be subject to consultation so that both sides of the argument could be put. Mr Langridge concurred, referring to the Council's record of supporting public houses through the planning process and the register of community value. He questioned the need to create an on-line registration system, indicating that he considered the existing arrangements to be satisfactory but concurred with the need to strengthen local plan policies.

Mr Cooper acknowledged the Council's record of supporting the retention of public houses through the planning process but expressed his support for the motion as drafted.

Mr Norton expressed his support for the recommendation put forward by the Overview and Scrutiny Committee which acknowledged the pressures detailed in the notion whilst not following it word for word.

Mr Enright advised that the objective of his motion was the retention of public houses. Whilst some had been included on the register of community value, the scheme had not captured the public imagination as expected. Allowing on-line registration would promote a power supported by all parties.

With regard to concerns that seeking removal of the beer-tie would be going too far, Mr Enright indicated that he would wish to take all steps to protect public houses. The nature of the trade was not that of a commercial operation but was subject to regulation. The structure of the business had changed with large multi-national companies taking out loans secured against property values. Having been forced to restructure they were now looking to sell these off as properties rather than pubs to service these debts. Doing so would kill off the tied trade, a concern recognised in the recent Government consultation and by other authorities that had supported the introduction of a statutory code.

The motion as proposed by Mr Enright and seconded by Mr Saul was then put to the vote and

WAS LOST

The following recommendation based upon that of the Economic and Social Overview and Scrutiny Committee was then proposed by Mr Handley and seconded by Mr Haine:-

Public houses are important local assets and West Oxfordshire District Council has a record of supporting pubs across the District. They are under threat as a result of a number of pressures including the economic situation and high property prices.

Therefore the Council supports the proposal that the government help protect public houses in England by ensuring that planning permission and community consultation are required before public houses are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.

In addition officers be requested to consider strengthening local plan policies regarding change of use of public houses to help protect them as community hubs.

Mr Enright requested that the recommendation be referred to the Economic and Social Overview and Scrutiny Committee for further consideration. In response, Mrs Chapman indicated that the matter had been the subject of a comprehensive debate at the last meeting of that Committee and the recommendation as proposed was a reflection of the views expressed by all Members.

Mr Booty suggested that the recommendation as proposed would help to keep pubs open whilst the original motion would not. Removal of the beer tie and the introduction of independent rent reviews would result in licensed premises being kept vacant and if the owners could not tie and could not rent they would sell.

Mr Enright invited Mr Handley to accept the addition of the following words at the end of paragraph 1:-

and the structure of the tied beer trade.

Mr Handley declined to do so and Mr Enright proposed a formal amendment to the recommendation in the form set out above. The amendment was seconded by Mr Coles.

Mr Good reiterated that the Council had a good record of protecting pubs, citing a recent initiative in his ward. Mr Norton indicated that the Council had the ability to resist the loss of public houses through the planning process.

It was proposed by Mrs Biles that the question be now put. Having been duly seconded by Mr Owen the proposition

WAS CARRIED

The amendment as proposed by Mr Enright and seconded by Mr Coles was then put to the vote and

WAS LOST

The recommendation proposed by Mr Handley and seconded by Mr Haine was then put to the vote and

WAS CARRIED

RESOLVED: That public houses are important local assets and West Oxfordshire District Council has a record of supporting pubs across the District. They are under threat as a result of a number of pressures including the economic situation and high property prices.

Therefore the Council supports the proposal that the government help protect public houses in England by ensuring that planning permission and community consultation are required before public houses are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.

In addition officers be requested to consider strengthening local plan policies regarding change of use of public houses to help protect them as community hubs.

81. NOTICE OF MOTION – QUESTIONS BY MEMBERS ON ANNOUNCEMENTS

At the Council meeting held on 26 February 2014 the following motion was received in the names of Ms E P R Leffman and Mr J C Cooper, namely:

“This Council resolves to amend the procedural rules in Part 4 of the Constitution as follows, with additional wording shown in italics:

- (i) in Rule 2 relating to Ordinary Meetings of the Council, the amendment of paragraph (vi) to read “receive any announcements from the Chairman, leader, members of the cabinet or the head of the paid service and receive questions and answers on any such announcements”; and
- (ii) the amendment of Rule 10(a) relating to Questions by Members (without notice) to read:

A member of the Council may ask the leader or the Chairman of a Committee any question without notice upon an item in the report of the executive or a committee when the item is being received or is under consideration by the council.

Additionally, a member of the Council may ask the chairman, leader, members of the cabinet or the head of the paid service a question arising from an announcement made pursuant to Rule 2(vi).”

In accordance with paragraph 21(b) of the Council Procedure Rules the above Motion (being a Motion to add to the Council Rules of Procedure), when proposed by Ms Leffman and seconded by Mr Cooper, stood adjourned without discussion to this meeting of the Council.

In the absence of Ms Leffman, Mr Cooper proposed the motion which was duly seconded by Mr Poole.

On being put to the vote the motion was

CARRIED UNANIMOUSLY

(Mr N A MacRae left the meeting at this juncture)

82. NOTICE OF MOTION – LOCK KEEPERS

The following motion has been received in the names of Mr P D Kelland and Mr S J Good, namely:

‘This Council believes resident lock keepers play an important role in the life of and safety on the River Thames and calls upon the Environment Agency to retain the present system of lock keepers, in particular along the remote stretch of the river Thames which forms the southern boundary of our district and includes the locks at Buscot, Grafton, Radcot, Rushey, Shifford, Northmoor, Pinkhill and Eynsham’

In proposing the motion, Mr Kelland advised that the river Thames ran for some 28 miles along the District’s southern boundary in the course of which there were eight locks, all of which contributed to the heritage and history of the area. In addition to their normal duties, lock keepers had saved lives and contributed greatly to the safety of those using the river. Their expertise had been invaluable during recent flooding events when their knowledge of the river had been of immeasurable benefit.

(Mr D A Snow left the meeting at this juncture)

The motion was seconded by Mr Good and Mr Harvey emphasised the important role played by lock keepers in ensuring the safety of those enjoying the river for sport and recreation.

Mr Coles welcomed the motion, indicating that it reflected views previously expressed by the GMB Union. He indicated that the problem was a result of the Environment Agency's determination to rent out lock keepers cottages and drew attention to a recent feasibility study that revealed that, whilst response times to an incident by a resident lock keeper was some 15 minutes, under new proposals this would be increased to some two hours - an increase that would jeopardise lives.

Mr Norton, Mrs Biles and Mr Robinson reiterated the importance of the role of lock keepers in terms of safety, flood prevention and support for leisure and tourism, issues that were all reflected in Mr Good's summing up.

On being put to the vote the motion was

CARRIED UNANIMOUSLY

83. SEALING OF DOCUMENTS

The Council received and noted the report of the Chief Executive which gave details of documents numbered 10960 to 10989 sealed since the last meeting.

The meeting closed at 3:50pm

CHAIRMAN