

WEST OXFORDSHIRE DISTRICT COUNCIL

At a Meeting of the
WEST OXFORDSHIRE DISTRICT COUNCIL
held in the Council Chamber, Council Offices, Woodgreen,
Witney, on Wednesday 21 June 2017 at 2:00pm.

PRESENT

Councillors: N A MacRae MBE (Chairman), Mrs M J Crossland (Vice Chairman), Mrs J C Baker, A C Beaney, R J M Bishop, M Brennan, Mrs L C Carter, Mrs L J Chapman, A S Coles, N G Colston, J C Cooper, D A Cotterill, C G Dingwall, P J G Dorward, Mrs J M Doughty, H B Eaglestone, P Emery, D S T Enright, Mrs E H N Fenton, E J Fenton, S J Good, A M Graham, J Haine, P J Handley, Miss G R Hill, H J Howard, E H James, P D Kelland, Ms E P R Leffman, Mrs L E C Little, R D J McFarlane MBE, J F Mills, T J Morris, T N Owen, Dr E M E Poskitt, A H K Postan, Mrs C E Reynolds G Saul, T B Simcox and G H L Wall.

Prior to the commencement of the meeting, those present stood in silent reflection in memory of Mr R G Mason and of those involved in recent terrorist incidents in Manchester, Westminster Bridge, London Bridge, Borough Market and Finsbury Park and in the recent fire at Grenfell Tower.

The Chairman stressed that extremism in any form had no place in West Oxfordshire and the Council prided itself in welcoming diversity in the community. The Leader of the Council concurred with these comments.

11. MINUTES

RESOLVED: that the Minutes of the meeting of the Council held on 26 April 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A J Adams, M A Barrett, C Cottrell-Dormer, A D Harvey, R A Langridge, K J Mullins, H E T St John, C J A Virgin and B J Woodruff.

13. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to items to be considered at the meeting.

14. RECEIPT OF ANNOUNCEMENTS

14.1 Mr R G (George) Mason

The Chairman advised that he had represented the Council at the funeral of Mr George Mason on 16 June. Mr Mason was elected to represent Carterton North East in May 1999, and served until his retirement in 2010.

During his time with the Council Mr Mason served on the Housing Committee, Environment Committee, Planning Committee and the Lowlands Area Planning Sub-Committee, the Economic and Social Overview Committee, Environment Overview and Scrutiny Committee and the Licensing Committee. In 2001 he was appointed Vice-Chairman of the General Purposes Committee, a position he held until 2006 and also served as Vice-Chairman of the Miscellaneous Licensing Sub-Committee.

Mr Mills remembered Mr Mason's steadfast contribution to the work of the Council and recalled his quiet commitment to public service as being amongst the defining features of his character. When attending Mr Mason's funeral he had learned that his deafness had been a result of his service in the Royal Air Force and, in particular, his participation in nuclear weapons tests in the 1950's.

14.2 Emergency Planning Seminar

Mr Mills advised Members that a seminar on the Council's Emergency Planning arrangements would be held on 6 September at the conclusion of the next Council meeting.

Mr Enright welcomed the proposed seminar and enquired whether the fire at Grenfell Tower had any implications for the Council as a housing authority. Mr Mills confirmed that Officers had been in contact with other authorities on this matter and that the Cabinet had met with representatives of the Cottsway Board.

Ms Leffman indicated that the question of safety was of equal significance in the private rented sector and made reference to the recent introduction of legislation enabling councils to publish a list of 'rogue landlords'. She urged the Council to create such a list and make it available to private tenants. Mr Mills agreed that this was something that could be considered and suggested that the relevant overview and scrutiny committee could look at the detail.

14.3 Local Plan Examination in Public

Mr Haine advised Members that the next phase of the Local Plan Examination in Public was to commence on 11 July. This phase would examine the sites put forward by the Council and was expected to last for two weeks.

15. PARTICIPATION OF THE PUBLIC

There were no submissions from members of the public under the provisions of the Council's Rules of Procedure.

16. RECOMMENDATIONS FROM THE EXECUTIVE AND COUNCIL COMMITTEES

The Council considered the report of the Head of Democratic Services setting out recommendations made by the Cabinet and the Council's Committees in the period from 11 May to 15 June 2017.

The recommendations were proposed by Mr Mills and seconded by Mr Morris.

With regard to the recommendations arising from the 2016/2017 Financial Outturn and Performance Report, Mrs Carter suggested that, rather than transfer revenue budget underspend of £51,445 to the General Fund Reserve, the Council should consider establishing a transitional fund to support community groups following reductions in County Council funding.

In response, Mr Morris advised that, as indicated in the Cabinet report, a number of areas had already been identified and some £150,000 was to be transferred to an earmarked reserve to assist in dealing with transition where appropriate. He stressed that the Medium Term Financial Strategy was still subject to significant financial pressure and that the use of earmarked reserves would be considered in detail in the future.

The recommendations were then put to the vote and were carried.

RESOLVED: that the recommendations made by the Cabinet and the Council's Committees in the period from 11 May to 15 June 2017 be approved in relation to:

- (a) The award of the contract for the management of the Council's leisure facilities (Minute No. CT/11/2017/2018); and
- (b) The Council's financial and operational performance in 2016/2017 (Minute No. CT/21/2017/2018).

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

The reports of the meetings of the Cabinet and the Council's Committees held between 11 May and 15 June 2017 were received:

17.1 Data Protection Policy Minute No. CT/8/2017/2018

Mr Cooper enquired whether the Council would have any objection to the Woodstock Town Council using the District Council's Data Protection Policy as a template for its own. In response, Mr Morris confirmed that West Oxfordshire would be happy to help any local council in this respect and suggested that this could be mentioned at the Parish Forum meetings.

17.2 Madley Park Playing Fields Project Minute No. E&S/9/2017/2018

Mr Enright advised that he had received extensive correspondence on this issue and was reassured by the Cabinet's decision to refer the matter back to the Overview and Scrutiny Committee for further consideration once the final design for the play area had been completed.

17.3 Leisure Management Contract Minute No. E&S/11.4/2016/2017

Mr Cooper questioned how it would have been possible for Members of the Economic and Social Overview and Scrutiny Committee to have requested to consider the report on the award of the contract for the management of the Council's leisure facilities submitted to the Cabinet on 17 May when that item had not appeared on the Cabinet Work Programme put before the Committee at its meeting on 19 January.

Mr Handley, the Chairman of the Committee, undertook to respond to Mr Cooper in detail in writing.

17.4 Electric Vehicle Charging Points Minute No. F&M/11/2017/2018

In response to a question from Mr Postan, it was noted that the Working Party intended to submit a final report to the Committee in October.

17.5 Protection of the Council's Assets Minute No. F&M/15.1/2017/2018

Ms Leffman thanked Officers for the information provided at the Member briefing held on 14 June and enquired how the Council would scrutinise the activities of the Publica Group. Mr Mills advised that the 2020 Partnership Joint Committee had considered the question of scrutiny and ways in which to offer reassurance over control and ownership of the company at its meeting the previous week. He undertook to make the minutes of that meeting available to Members once published but advised that these included a request that the Committee meet regularly to scrutinise activity. In addition, there would still be a role for the Council's own scrutiny committees to hold the Company to account.

17.6 Open Space Grass Cutting
Minute No. ENV/8.2/2017/2018

Dr Poskitt indicated that it was important for parish councils to be informed of land ownership and maintenance responsibilities and expressed her concern at the prospect of this project being discontinued.

Dr Poskitt also noted that Ubico was offering contracts for grounds maintenance to local councils.

Mr Cotterill advised that the information obtained to date could be accessed using maps on-line and any information that could be provided by parishes would be welcomed. He assured Dr Poskitt that there was no intention to discontinue the project which had simply been adjourned for the present to be revisited when resources allowed.

Mr Cotterill also noted that many local councils had their own local arrangements in place with a variety of contract terms that would make rationalisation problematic.

Mr Mills advised that the County Council's area steward had been helpful in acting in a co-ordinating role in Witney and Bampton and suggested that this approach might prove fruitful in other areas.

Mr Coles advised that he would remain opposed to any suggestion that the project be dropped.

17.7 Car Parking Strategy
Minute No. ENV/8.3/2017/2018

Mr Saul noted that it was not possible to seek developer contributions to fund the provision of additional car parking in Chipping Norton and other parts of the District in the absence of viable, fully worked up schemes. He enquired what priority would be given to devising such schemes and, in particular, in addressing the need for an additional 70 spaces in Chipping Norton by 2031.

In response, Mr Cotterill acknowledged the difficulties experienced in Chipping Norton and other parts of the District and advised that Officers were exploring ways in which the recently approved Parking Strategy could be delivered.

Mrs Reynolds confirmed that this remained a live issue although there were difficulties in identifying suitable locations.

Mr Enright enquired whether there had been any progress in working with the County Council to relax potentially out-dated Traffic Regulation Orders. Mr Cotterill advised that it was the town and parish councils, not West Oxfordshire, that were working with the County and Mr Morris indicated that some £50,000 had been allocated to support the implementation of the Parking Strategy

18. ALLOCATION OF COMMITTEE SEATS TO THE POLITICAL GROUPS

The Council received and considered the report of the Strategic Director and Head of Paid Service regarding the apportionment of seats on the Committees of the Council, in accordance with the Constitution and, where applicable, the rules relating to political balance, consequent on the outcome of the by-election held in The Bartons Ward on Thursday 4 May.

The recommendations set out in the report were proposed by Mr Mills and seconded by Mr Morris and on being put to the vote were carried.

RESOLVED:

- (a) That the previously approved allocation of seats to the political groups be varied as set out under paragraph 3.3 of the report, by the allocation of one additional seat on the Development Control Committee to the Conservative Group, and the reduction in the allocation to the Liberal Democrat Group from three to two seats; and
- (b) That (i) the additional seat be filled in accordance with the wishes of the Conservative Group; and (ii) the Liberal Democrat Group be requested to notify the Head of the Paid Service as to which of its members currently appointed to the Development Control Committee would cease to be a member of the Committee.

19. NOTICE OF MOTION – RIGHT TO REQUIRE VOTES TO BE RECORDED

At the meeting of the Council held 26 April 2017, Mr A S Coles had proposed:

“That Rule 15 in the Council Procedure Rules set out in Part 4 of the Constitution be amended by the addition of the wording shown in italics below;

Right to require Vote(s) to be recorded

Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the question or whether they abstained from voting.

Where all the members of a political group have voted for or against a question, and if requested by the leader or spokesperson of that political group immediately after the vote is taken, the votes of the members of that political group will be recorded in the minutes to show whether they voted for or against the question or whether they abstained from voting.

Where any member requests prior to a vote being taken, and is supported by three other members who signify their support by standing, the vote will be taken by roll-call, and each member present shall signify whether he or she is voting in favour of the question, against the question, or is abstaining, which shall be recorded in the minutes of the meeting.”

At that meeting 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) was, when proposed and seconded, adjourned without discussion to the next ordinary meeting of the Council.

In speaking to the Motion, Mr Coles advised that it was intended to improve accountability, openness and transparency as local residents had a right to know how their elected representatives had voted. Mr Coles suggested that the proposal was in line with arrangements adopted by many other councils and explained that the requirement that the support of four Members would be necessary to initiate a recorded vote was intended to preclude the frivolous application of the provision and to be consistent with the number of supporters required for the call-in of a Cabinet decision. In conclusion, Mr Coles thanked the Leader of the Council for his support and Mr Fenton for seconding the Motion.

In seconding the proposition, Mr Fenton expressed the hope that it would not prove to be contentious as he believed that it was important that residents could know how Members had voted.

Whilst supportive of the underlying rationale, Mr Cooper cautioned that the Woodstock Council had been inundated with requests for recorded votes which were time consuming and detrimental to the efficient conduct of the Council’s business.

Mr Handley questioned whether this provision would be applicable to all Committees and the Head of Democratic Services advised that, whilst certain of the Councils Rules of Procedure were applicable to full Council meetings only, it was specified that Rule 15 (Voting) was equally applicable to meetings of Committees and Sub-Committees.

Ms Leffman indicated that, whilst she was happy to have her own vote recorded, she was concerned that recording votes in this way might dissuade some individuals from voting against the wishes of their particular political group.

Mr Coles advised that it had been his intention for the new provision to apply to Council meetings only and the Head of Democratic Services advised that, whilst the Motion as submitted would apply to Committees and Sub-Committees, it could be amended to apply to full Council meetings only.

Mr Coles then indicated that he wished to amend the Motion accordingly and Mr Fenton concurred. Mr Handley considered that the provision ought to apply to all meetings and Mr Good expressed some concern that the recording of votes taken during consideration of exempt information during licensing hearings could put individual Members at risk. Mr Postan also suggested that recording votes in this way could give rise to intimidation and enquired as to the potential for electronic voting.

Dr Poskitt believed that the provision ought only to apply at full council. Mrs Chapman indicated that it was right that residents should know how Members voted on policy issues considered at full council but noted that significant issues were also addressed at the overview and scrutiny committees. Mr Graham considered that the provision should apply to full council only in the first instance and, whilst recognising Mr Handley's position, Mr Howard felt happy for it to apply to either, noting that individual Members already had the opportunity to request that their votes be recorded. Mr Handley reiterated his contention that the provision should apply to all committees.

In summing up, Mr Coles advised that he did not take issue with Mr Handley's position but considered that it would be preferable if the new provision applied only to full council in the first instance. He indicated that he would support a future proposition to extend the arrangements to all committees but for now wished to see it apply to full council only so that the concerns raised could be reassessed as things moved forward. He acknowledged concerns that recording votes could cause delay and, whilst he had previously requested that all decisions be recorded by roll call, he now recognised that this would be too time consuming. His intention had been to devise a system whereby voting on significant or controversial issues could be recorded, not for political reasons but to improve openness and accountability.

On being put to the vote the recommendation was carried.

RESOLVED: That Rule 15 in the Council Procedure Rules set out in Part 4 of the Constitution be amended by the addition of the wording shown in italics below;

Right to require *Vote(s)* to be recorded

Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the question or whether they abstained from voting.

Where all the members of a political group have voted for or against a question, and if requested by the leader or spokesperson of that political group immediately after the vote is taken, the votes of the members of that political group will be recorded in the minutes to show whether they voted for or against the question or whether they abstained from voting.

At meetings of the Full Council, where any member requests prior to a vote being taken, and is supported by three other members who signify their support by standing, the vote will be taken by roll-call, and each member present shall signify whether he or she is voting in favour of the question, against the question, or is abstaining, which shall be recorded in the minutes of the meeting.

(Mr P J Handley requested his vote against the foregoing resolution be so recorded)

20. SEALING OF DOCUMENTS

The Council received and noted the report of the Head of Paid Service which gave details of documents numbered 11348 to 11377A sealed since the last meeting.

The meeting closed at 2:55pm

CHAIRMAN