

WEST OXFORDSHIRE DISTRICT COUNCIL

At a Meeting of the
WEST OXFORDSHIRE DISTRICT COUNCIL
held in the Council Chamber, Council Offices, Woodgreen,
Witney, on Wednesday 6 September 2017 at 2:00pm.

PRESENT

Councillors: N A MacRae MBE (Chairman), Mrs M J Crossland (Vice Chairman), A J Adams, Mrs J C Baker, M A Barrett, A C Beaney, R J M Bishop, Mrs L C Carter, Mrs L J Chapman, A S Coles, J C Cooper, D A Cotterill, C Cottrell-Dormer, C G Dingwall, P J G Dorward, P Emery, D S T Enright, Mrs E H N Fenton, E J Fenton, A M Graham, J Haine, A D Harvey, Miss G R Hill, H J Howard, E H James, 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, H E T St John, C J A Virgin and B J Woodruff.

21. MINUTES

RESOLVED: that the Minutes of the meeting of the Council held on 21 June 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

22. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors N G Colston, Mrs J M Doughty, H B Eaglestone, S J Good, P J Handley, P D Kelland, R A Langridge and G H L Wall.

23. DECLARATIONS OF INTEREST

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

24. RECEIPT OF ANNOUNCEMENTS

24.1 Mr P (Peter) Green and Mr P A C (Pat) Madden

The Chairman advised Members of the death of two former Members of the Council; Mr Peter Green who had represented Witney South from 2002 until 2008 and Mr Pat Madden who had represented the Filkins and Langford Ward from 1995 to 1998.

During his time with the Council Mr Green served on the Development Control Committee and the Lowlands Area Planning Sub-Committee throughout his period of office and also served on the Economic and Social Overview and Scrutiny Committee and the General Purposes Committee.

Mr Madden served on the Public Health and Recreation Committees.

Mr Mills recalled first meeting Mr Green at an event organised by the Witney Twinning Association during which he introduced the visiting guests to traditional local pub games. He reminded Members that, following the 2004 Indian Ocean tsunami, Mr Green had founded the village to village fund and two years later the fund, organised by the Witney Rotary Club, had been able to restore the fresh water supply to a village in the Maldives. Mr Mills remembered Mr Green for his kindness, generosity and good company which would be sadly missed.

24.2 Major D M (David) Bond MBE

The Chairman advised Members of the death of the Council's former Emergency Planning Officer, Major D M Bond.

Those present stood in silence in memory of those former Members and Officers and as a sign of respect for all those who had lost their lives or suffered as a result of recent terrorist incidents and natural disasters.

24.3 GLL Lifeguarding Competition

The Chairman was pleased to advise Members that a team from the Windrush Leisure Centre had reached the finals of the GLL lifeguarding competition which was to be held at the aquatic Centre in Stratford later in the Month. Mr MacRae advised that he would be representing the Council at this event.

24.4 Emergency Planning Briefing

The Chairman reminded Members that a briefing on the Council's arrangements for Emergency Planning was to be held immediately following the meeting and urged all Members to attend.

24.5 Publica Workshop – 21 September 2017

The Chairman reminded Members that a Member Workshop was to be held on 21 September commencing at 6:00pm.

24.6 Data Protection Briefing – 25 October 2017

The Chairman advised Members that a briefing on the new data protection requirements was to be held following the next Council meeting on 25 October. He emphasised the importance of data protection and encouraged all Members to attend.

24.7 Pollution Incidents in Witney

Mrs Reynolds made reference to the two pollution type incidents in Witney recently; one on Saturday 26 August and the other on Thursday 31 August. She advised that, following these incidents she liaised with the Group Manager Environmental and Regulatory Services and Emergency Planning who informed her that the incidents were both being investigated by The Environment Agency which is responsible for regulating main water courses, including the River Windrush, where the incidents took place.

The Chairman of the Environment Overview and Scrutiny Committee had asked Officers to obtain information from the Environment Agency about the incidents for the next meeting of that Committee.

24.8 Ovo Energy Tour of Britain 2017

Mrs Baker advised Members that Stage seven of the Tour of Britain, the route of which ran between Hemel Hempstead to Cheltenham was to take place on 9 September. The riders would be passing through Charlbury at about 12:45 and Mrs Baker indicated that the event was a good opportunity to promote healthy activity.

24.9 Local Plan Examination in Public

Mr Haine indicated that some Members had expressed concern over the potential outcome of stage three of the Local Plan Examination in Public. Contrary to that view, Officers were happy with the proceedings and confident that the Council would soon have a Local Plan in place.

Mr Haine advised that the Local Plan Inspector had written to the Council on 25 July seeking further clarification and information with regard to matters that had been raised.

The Head of Planning and Strategic Housing had provided an initial response and further information regarding Environmental Impact and impact upon the AONB, which was being produced by external consultants, would be available by mid-October.

Mr Haine considered that it was likely that the plan would be in place by the end of the year or early next.

24.10 Rural Superfast Broadband Project.

Mr Dingwall advised that three high quality bids had been received for the Rural Superfast Broadband Project which was intended to provide 100% coverage for residents of West Oxfordshire. Following evaluation of the tender submissions it was anticipated that a final successful candidate would be identified shortly. Mr Dingwall wished to put on record his thanks to Frank Wilson, Phil Martin and Will Barton for their work on the project and Mr Simon Furminger of Broadband Delivery UK for his assistance.

Ms Leffman welcomed the project and enquired whether coverage was also to be extended to commercial and industrial properties. Mr Dingwall confirmed that this was indeed the case.

24.11 Local Authority Partnership Purchase Mortgage Support Scheme

Mr Morris advised Members that the Local Authority Partnership Purchase Mortgage Support Scheme had been launched on 21 August. The scheme had been well received and 37 applications had been received to date. Whilst it had originally been intended that the scheme would remain open until 31 October, as at 1 September, 14 applications had gone forward to the broker with a further 14 being held on a waiting list.

Mr Morris made reference to recent television coverage regarding the failure of a similar scheme in Slough, contrasting this with the carefully designed scheme West Oxfordshire had put in place.

25. PARTICIPATION OF THE PUBLIC

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

26. LONG SERVICE AWARD – MS MANDY FATHERS

The Chairman took pleasure in presenting Ms Mandy Fathers, Business Service Manager for Revenues and Benefits, with a certificate in recognition of her service with the Council.

Ms Fathers joined the Council in July 1992 as a Clerical Assistant in the Benefits Service and has held a variety of roles within the Revenues and Benefits Service since that time. As Fraud and Compliance Manager from 2004 to 2013 she developed one of the most successful fraud detection and prevention teams in the country. She was directly involved in saving public funds running into the millions.

During the first half of 2013 Ms Fathers took up a role as Joint Operations Lead and was instrumental in the development of the Revenues and Benefits Shared Service with Cotswold District Council. This led to the appointment to her current role as Business Service Manager for Revenues and Benefits in July 2013, which is her current role, overseeing the collection of over £250,000,000 per year in local taxation and the payment of over £50,000,000 per year in Housing Benefit and Council Tax Support.

27. RECOMMENDATIONS FROM THE EXECUTIVE AND COUNCIL COMMITTEES

It was noted that no recommendations had been made by the Cabinet or the Council's Committees between 29 June and 23 August 2017.

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

The reports of the meetings of the Cabinet and the Council's Committees held between 29 June and 23 August 2017 were received:

28.1 RAF Brize Norton

Minute No. E&S/22.2/2017/2018

Mrs Crossland enquired whether, when requesting that Officers write to the local Member of Parliament, Secretary of State for Defence and the Chief of the Air Staff expressing their concern at the continued delay in the redevelopment of MOD land in Carterton, the Committee had been aware that their support in expediting this project had already been sought as part of an ongoing initiative.

In the Chairman's absence, Mrs Fenton confirmed that the Committee had been aware that it was adding support to the previous requests.

28.2 Thames Water Flood Prevention and Infrastructure Issues

Minute No. ENV/19/2017/2018

Mr Graham made reference to a question he had raised regarding the steps taken by Thames Water to safeguard the water supply, indicating that he could not see reference to the response in the minutes of the meeting. The Chairman advised that this was a matter more appropriately addressed at the next meeting of the Committee.

28.3 Community Housing Fund

Minute No. CAB/30/2017/2018

Mr Graham noted that Central Government funding for this initiative had only been made available for a two year period and questioned the sustainability of the projects. He enquired whether the Council would continue to provide financial support once Government funding ceased.

In response, Mr Mills indicated that, whilst the Government's scheme was a welcome initiative, there was no single answer to the housing issue. There were many reasons for the difficulties experienced and a need for a wide ranging response. The Council was pursuing a range of initiatives to help to address the situation.

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.

28.4 Oxford City Local Plan 2036 – Preferred Options Consultation

Minute No. CAB/31/2017/2018

Mr Cooper enquired what steps were being taken to identify suitable sites for development within Oxford City to address its unmet housing need.

In response, Mr Haine advised that the Head of Planning and Strategic Housing had been looking at Cherwell District Council's Local Plan partial review in great detail.

29. COUNCIL RETAINED OFFICER STRUCTURE AND DELEGATIONS AS A CONSEQUENCE OF ESTABLISHMENT OF SHARED SERVICES COMPANY

The Council received and considered the report of the Strategic Director and Head of Paid Service regarding proposed arrangements to enable the Council to continue to

discharge its functions once the Council entered into contracts with its own local authority company, Publica, for the delivery of services.

In proposing the recommendations set out in the report, Mr Mills indicated that the Officer roles set out at (a) were designations of statutory roles, not appointments. With regard to the proposed Council structure set out at page 5 of the report he noted that some Members had enquired who would be filling the remaining roles.

Mr Mills reiterated that neither the public, nor Members of the Council should expect to see any changes as the same Officers as at present would continue to provide services to the Council. The Member Workshop to be held on 21 September would offer the opportunity to discuss arrangements in more detail but the recently concluded vires audit had identified the posts that had to remain as Council employees.

The recommendations were then proposed by Mr Mills and seconded by Mr Dingwall.

In accordance with Paragraph 12 (iv) (Motions Without Notice), of the Council's Rules of Procedure, Mr Cooper proposed an amendment that the matter be referred to the Human Resources Committee. He suggested that it was unusual for such matters to be considered directly by Council rather than through the Human Resources Committee and considered that there was a need for further analysis to enable other options to be explored. Mr Cooper considered that there was a lack of robustness in the democratic process in bringing the matter directly to Council.

In making his proposition, Mr Cooper emphasised that it was in no way a reflection upon the individual Officers identified in the report but motivated by a concern over process.

In seconding the amendment, Ms Leffman noted that the Human Resources Committee had not met for some considerable time.

Mr Enright expressed his support for the amendment, indicating that it had the additional benefit of delaying determination of the matter until after the forthcoming Publica workshop had taken place. This briefing would enable Members to consider such issues as how the Council would exercise control over the Company, how it could prevent the Company from being sold off and how it could dismiss Directors.

Speaking to the amendment, Mr Morris indicated that this was not a case of appointing candidates to roles but simply one of designating certain necessary statutory functions. He noted that a similar process had been followed in the designation of Frank Wilson as Head of Paid Service following David Neudegg's appointment as Managing Director of Publica.

The amendment was then put to the vote and was lost.

(Mr Bishop requested that his abstention from voting on the amendment be so recorded).

Returning to the substantive motion, Mr Enright acknowledged that the concerns that he held could be addressed at the impending workshop but questioned the value if this decision had already been made. He harboured worries over the potential for externalisation, the retention of identity, accountability, the ability to continue to work with other authorities within Oxfordshire and the question of cross subsidy between the partner authorities.

Mr Enright questioned whether there was a need for a separate company rather than a continuation of shared services and expressed concern over the lack of direct scrutiny arrangements.

He questioned how the Council could prevent the Company from being sold off and how it would protect its sovereignty and independence and how it would be possible for the Council to take back local control. Mr Enright also expressed concern as to how Officers

could continue to represent the Council's interests on outside bodies and questioned whether the Company would be subject to the Freedom of Information regime. In conclusion, like Mr Cooper, Mr Enright stressed that his concerns were not a reflection on existing Council Officers.

Mr Graham noted that similar concerns had also been expressed by local councils and indicated that communication to date had been inadequate with insufficient information having been provided to address issues of concern. He considered that it would be folly to take a decision on the recommendations before this information had been provided. With regard to the recommendation at (c), Mr Graham felt it inappropriate to make such a decision without having been made aware of the difference between the terms and conditions to be adopted by Publica and those of the Council.

Mr Emery felt it strange to be making such decisions in advance of the workshop and enquired whether it would be possible to make temporary designations to be confirmed after it had taken place.

Ms Leffman noted that scrutiny arrangements for Publica had yet to be agreed and questioned why this had not been addressed in the current report. She considered that this issue should be resolved before moving forward as Members needed to know how these arrangements would operate before the transfer was finalised.

Mr Cooper concurred with Mr Enright. Saying that this was simply a procedural matter of designations was not so. The roles in question held significant statutory responsibilities and had powers with far reaching consequences. He was not content with the recommendations as proposed

Mr Haine suggested that the concerns expressed were not pertinent to the matter before Members which was not concerned with the operation of Publica but just the designation of certain retained Officers. He suggested that the concerns raised could be addressed at the forthcoming workshop.

Mr Howard expressed some sympathy with the concerns raised and asked if there was any imperative requiring the matter to be resolved that day or if it could be deferred to the meeting in October. Given the concerns expressed, Mr Coles concurred and asked if the matter could be deferred to the meeting on 25 October.

Mr Morris indicated that this was just another step in an agreed direction; the same Officers would be in the same roles providing advice to Members. He advised that he would not accept a loss of individual sovereignty and emphasised that the Council was already undertaking shared services. Publica was just a different employment arrangement providing a single delivery vehicle for service provision. Members would continue to decide what was to be done and Officers would put these decisions into action.

Mr Morris noted that all three of the Council's Overview and Scrutiny Committees had considered the scrutiny process during the last cycle of meetings and had expressed themselves content with the current arrangements. The forthcoming workshop would allow Members to explore arrangements in greater detail but policy matters would continue to be set by the Council.

Mr Bishop agreed with the concerns raised and indicated that he would support Mr Howard's suggestion of deferral should he wish to make that proposition.

Mr Postan indicated that this was simply a question of Officer designations. The Finance and Management Overview and Scrutiny had already raised the question of oversight and Mr Postan suggested that Members move to the vote.

Mr Dingwall reminded Members that the Council had already voted to establish Publica as a response to the financial pressures faced by local government. He noted that, with the exception of a single Visitor Information Centre in Woodstock, West Oxfordshire had not made any cuts to services. The 2020 programme had been a long process and the current recommendations were just a part of that journey. Publica was owned by the partner councils and was no more than a delivery vehicle for the provision of services.

Summing up, Mr Mills sought to address the concerns that had been raised, acknowledging that change always gave rise to uncertainty. He drew attention to paragraph 4.12 of the report which made it clear that the vires audit which had examined all the relevant legal aspects of the project. As part of that process of due diligence, the question of accountability had been addressed.

The principle of individual sovereignty underpinned the project and Mr Mills stressed that he would not have been such a strong advocate for the programme had this not been the case. With regard to working conditions, he noted that West Oxfordshire would be giving trade union recognition for the first time.

This was the largest shared working partnership established in the Country and it had been developed over a number of years. Publica would be a Tekel company, solely owned by the partner authorities and working for their benefit.

Whilst Officers might accompany Members to meetings of outside bodies, it was the elected members who represented the Council in such instances. Mr Mills indicated that he was confident that the same high quality Officer support would be available to Members post transfer.

Mr Mills acknowledged concerns expressed over communication. He suggested that the workshop would go some way towards addressing this and, with regard to external communication, explained that it had been thought better to limit publicity until arrangements were secure and in place rather than to run the risk of reputational damage should the project stall.

The principle of Publica had already been discussed at length and agreed; the current report related solely to the discharge of statutory functions and would have no substantial impact upon the day to day activities of the Officers involved.

Mr Mills encouraged those with questions to attend the Workshop on the 21st. Publica represented an exciting opportunity offering economies of scale, the opportunity to raise income and the resilience to face future challenges.

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

RESOLVED:

- (a) That the following officers be appointed to the specified statutory officer roles with effect from the date of transfer:-

Giles Hughes – Head of Paid Service
Jenny Poole – Section 151 Officer

- (b) That the structure in the report be approved, and the Head of Paid Service be authorised to determine the manner in which the discharge by the authority of their different functions is co-ordinated in conjunction with Publica in line with paragraph 4.16 of the report;
- (c) That officers employed either solely or partly by the Council be employed using the same terms and conditions, HR policies and procedures as Publica employees;

- (d) That the Head of the Paid Service be designated as the Council's Proper Officer for any functions or purposes where the matter does not fall within the specific authority of one of the statutory officers or any of the roles where dual employment will apply; and
- (e) That the Monitoring Officer be authorised to make any necessary changes to the Council's constitution as a result of the changes approved pursuant to this report.

(Mr R M Bishop, Mr P Emery and Mr H J Howard requested that their abstention from voting on this matter be so recorded)

30. QUESTIONS BY MEMBERS

It was noted that, in accordance with paragraph 10 (b) of the Council's Rules of Procedure, Mr A M Graham had given notice of the following question, addressed to the Leader of the Council:-

“Does the Leader of this Council believe that this council is fulfilling its legal obligations in supporting the homeless and can he confirm what the latest figures are and how this council is going to counter the abject lack of emergency accommodation in the district and will he join me in positive action by arranging a briefing for all councillors so we can all join together to ensure an effective plan is in place to tackle the homeless need in our district?”

In order to provide a comprehensive response, Mr Mills had prepared a written answer which would be circulated to all Members after the meeting. A copy of that letter is attached as an appendix to the original copy of these minutes.

31. SEALING OF DOCUMENTS

The Council received and noted the report of the Head of Paid Service which gave details of documents numbered 11378 to 11404 sealed since the last meeting.

The meeting closed at 3:00pm

CHAIRMAN