

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
WEST OXFORDSHIRE DISTRICT COUNCIL
held in the Council Chamber, Council Offices, Woodgreen,
Witney, on Wednesday 20 June 2018 at 2:00pm.

PRESENT

Councillors: Mrs M J Crossland (Chairman); A H K Postan (Vice Chairman); J R Acock, A J Adams, A Al-Yousuf, Mrs J C Baker, A C Beaney, Ms R M Bolger, A S Coles, Mrs L J Chapman, J C Cooper, D A Cotterill, C Cottrell-Dormer, Ms M E Davies, P J G Dorward, Mrs J M Doughty, H B Eaglestone, D S T Enright, Mrs E H N Fenton, E J Fenton, S J Good, A M Graham, J Haine, Miss G R Hill, D N Jackson, E H James, P D Kelland, R A Langridge, Ms E P R Leffman, N P Leverton, M D McBride, Mrs M L Mead, J F Mills, T J Morris, T N Owen, Dr E M E Poskitt, G Saul and H E T St John.

13. MINUTES

RESOLVED: that the Minutes of the annual meeting of the Council held on 16 May 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

14. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R J M Bishop, Mrs L C Carter, P J Handley, A D Harvey, N A MacRae, R D J McFarlane MBE, K J Mullins, C M Rylett, G H L Wall and B J Woodruff.

15. DECLARATIONS OF INTEREST

Councillors J R Acock and A M Graham each disclosed that they had a conflict of interest in relation to agenda item no. 9 (Notice of Motion - Support for the LGBTIQ+ Community) arising from their roles in relation to the support group referred to in the motion and report. They both also stated that they reserved their right to speak.

Councillors Mrs E H N Fenton and Ms E P R Leffman each disclosed that they had a conflict of interest in relation to agenda item no. 10 (Notice of Motion – Citizens’ Advice West Oxfordshire) arising from their positions as trustees, and stated that they would not be taking part in the consideration of the matter.

16. RECEIPT OF ANNOUNCEMENTS

Presentation by the Chief Executive of Blenheim Palace

The Chairman reminded Council that Mr Dominic Hare was giving a presentation immediately following this meeting, to which all Members were invited.

Fire in Witney on 13 June 2018

The Leader gave an update arising from the fire which had occurred at T & B Motors in Witney on 13 June. In doing so, he expressed his thanks to the emergency and first responders, as well as to Council/Publica staff, with a particular mention for Jon Dearing and Phil Measures and their teams/colleagues, and for Glen Lee. Mr Mills outlined the sequence of events, including the numbers of households affected and for whom arrangements were made in terms of the use of Elmfield as a rest centre and emergency accommodation. He explained the contamination tests which had been carried out, and that residents had been unable to return home until the contamination test had been

completed. All had been able to return home with the exception of one household, which had been accommodated locally, and in respect of which the rumours of being accommodated in Bristol were inaccurate. Further, he referred to information letters sent to local residents, and to the facts that (i) information continued to be made available/updated on the Council's website; (ii) there was no significant health risk associated with exposure to asbestos; and (iii) residents with concerns were of course welcome to contact the Council.

The Leader of the Labour Group asked questions relating to actions/investigation by the Health and Safety Executive (HSE), and also asked whether Cabinet could carry out a review of safety in the context of businesses which were located in residential areas. In addition, Mr Enright requested information as to the number of homeless people who had, unrelated to the fire, been accommodated in Bristol and Coventry, and stated that such accommodation should not be against their wishes.

In response, Mr Mills explained that he could not give information about specific cases in open session, and went on to report that the HSE was expected to be onsite the following day. He also stated that the need for any further review would properly be considered in light of the outcome of that investigation.

REEMA Housing Site in Carterton; and the Armed Forces Covenant

The Leader drew attention to a letter which he had recently sent to Heather Wheeler MP and Tobias Ellwood MP, in their respective capacities as Minister for Housing and Homelessness, and Parliamentary Under Secretary of State and Minister for Defence, People and Veterans, relating to the above matters. In relation to the housing site, he asserted the Council's frustration at the apparent lack of progress, and undertook to arrange for the letter to be circulated to all members of the Council.

17. PARTICIPATION OF THE PUBLIC

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

18. 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 23 May to 13 June 2018. The recommendations were proposed by Mr Mills and seconded by Mr Morris.

In relation to the 2017/18 financial outturn and performance report, Mr Morris responded to questions relating to (i) the proposed allocation of £50,000 in the current financial year to enable the consideration of requests from Town and Parish Councils to access services provided by Publica; and (ii) progress with identifying a property to purchase for emergency accommodation.

In respect of the former, he advised that the intention was for Town and Parish Councils to be able to access any Publica or UBICO service. In relation to the emergency accommodation, a property in Chipping Norton had been identified in conjunction with Cottsway Housing, which would provide six units. In response to further questions, he then advised that the property would be managed by the Council, not by Cottsway, and that any scrutiny of proposals further to the broad objectives of the funding put in place consequent on the financial outturn would be on a case by case basis, if or as projects came forward.

RESOLVED: That the recommendations made by the Cabinet and the Council's Committees in the period from 23 May to 13 June 2018 be approved in relation to:-

- (a) The revised fees for Hackney Carriage and Private Hire Drivers' Licences and the revised fees for Hackney Carriage and Private Hire Vehicle Licenses and Private Hire Operators Licences (Minute No. ML/9/2018/2019);
- (b) The incorporation of the approved changes to the planning scheme of delegation into the Officer Delegation Rules in Part 4 of the Constitution (Minute no. DC/8/2018/2019); and
- (c) The 2017/18 financial outturn and performance report (Minute No. CT/19/2018/2019).

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

The reports of the meetings of the Cabinet and the Council's Committees held between 23 May and 13 June 2018 were received.

19.1 RAF Brize Norton
Minute No. E&S/9.1/2018/2019

Mr Beaney advised that the meeting scheduled for 11 June had been cancelled, but anticipated an update to the next meeting of the Committee. He also referred to what had been said by the Leader of the Council earlier in the meeting in relation to the REEMA housing site.

19.2 Oxfordshire Health Care Transformation Programme
Minute No. E&S/9.2/2018/2019

Mr Beaney advised that County Councillor Hilary Hibbert-Biles was unable to attend the next meeting of the Committee, and that he anticipated her being able to do so in September.

19.3 Motion: LGBTIQ+ Community
Minute No. E&S/11/2018/2019

Mr Beaney was asked to outline what steps were taken to ensure diversity awareness by staff, and undertook to respond in writing.

19.4 Implementation of Car Parking Strategy
Minute No. E/10.2/2018/2019

Dr Poskitt asked for there to be an opportunity to participate in the questionnaire relating to Woodstock before it was issued, explaining the need to ensure awareness of why people parked in a particular location and for how long. Neither the Chairman nor Vice Chairman of the Environment Overview and Scrutiny Committee were present at the meeting, and accordingly an undertaking was given to seek a written reply.

19.5 Amendment to the Scheme of Delegation
Minute No. DC/8/2018/2019

Mr Saul sought confirmation that the "Permission in Principle" (PIP) provisions would not only apply brown field sites. Further, he requested clear notification to ward councillors when applications were submitted, because of the short timescales for determination. Mr Haine confirmed that both PIPs and applications for Technical Details Consent (TDC) could also relate to proposals on small green field sites, and stated that this would be made clear when applications were notified as having been received.

Mr Enright then enquired whether the system of alerts via the Council's website could incorporate something specific to these types of applications, and Mr Haine indicated that he would ask the Head of Planning and Strategic Housing to check and to ensure appropriate arrangements.

20. PETITION RELATING TO AFFORDABLE HOUSING

The report of the Head of Democratic Services relating to the petition presented to Council on 28 February 2018 and arising from consideration of the petition by the Finance and Management Overview and Scrutiny Committee was received and considered. The petition had been presented in the following terms:

“With residents spending months in unsuitable emergency accommodation, families separated by a lack of homes for the next generation and a spiralling rental market...we call on West Oxfordshire District Council to commit to using some of its reserves to build council provided housing to meet the crisis levels of need that currently exist”.

Mr Morris stressed that the Council was continuing to seek to work with partners in regard to the provision of affordable housing and that, importantly, Housing Associations were better placed to provide housing units. He explained that the necessary borrowing which would arise from Council provision and investment would impact on the level of Council Tax in the region of £6.10 for a Band D property if £5m was the amount invested. Housing Associations were in a better position to access funding, and the Council should continue with its partnership approach. Mr Morris proposed that the petition be noted, and that proposition was seconded by Mr Haine. In doing so, Mr Haine referred to the hopefully imminent adoption of the Local Plan and the consequent intended provision of around 15,000 houses during the plan period, and to the fact that Council provision of housing would duplicate the work of Housing Associations, which had funding but needed to identify appropriate sites.

Ms Leffman drew attention to the recently announced investment of £100m by Cheltenham Borough Council for affordable housing in the Borough and recommended discussions with that Council before discounting the request made in the petition. Mr Saul was of the opinion that noting the petition was not sufficient, drawing attention to the Finance and Management Overview and Scrutiny Committee’s wish that officers work on a strategy exploring the numerous possible options for the future. He also referred to the Council’s investment in Hanover Housing Association, observing that the Association was not active in the District, and stated that the use of funds as requested in the petition would be an investment and would add to the Council’s asset base, as well as providing an income stream from rental.

Mr Mills cited the Council’s good track record in terms of new ideas, stating that the petition was specific in what it requested, and that noting the petition did not mean either that the matter was considered unimportant, nor that the Council would not seek to take action on housing provision. It was also worth reiterating the £60m funding for affordable housing in the county which was part of the Growth Deal, as well as drawing attention to the specific housing group established by the Growth Board.

Ms Bolger thanked the Finance and Management Overview and Scrutiny Committee for its views and contribution and emphasised the fact that the petition had been from the community, and reflected the fact that 2300 people were on the housing waiting list.

Mr Enright proposed an amendment, that the Economic and Social Overview and Scrutiny Committee be requested to consider establishing a Working Group to look at the provision of affordable housing, and Mr Morris stated that he could not support the amendment, on the basis that work on affordable housing would continue in any event. Mr Coles seconded the amendment, considering that the proposal to note it was insufficient for residents.

In addressing the amendment, Mr Mills mentioned the unique approach of the “Blenheim Model”, and asserted the need to give landowners a stake in proposed developments in order to facilitate the release of land.

During further consideration of the amendment reference was made by speakers to (i) the higher house prices in rural areas of the District; (ii) the view that each of the relevant Overview and Scrutiny Committees would continue to have and take an interest in the matter, irrespective of the creation of a Working Group; and (iii) a perception that the amendment simply sought to open the door to further exploration of the issues and possible solutions. On being put to the vote, the amendment **was defeated**.

Summarising prior to the taking of the vote on the proposal, Mr Morris felt that the comment from the Finance and Management Overview and Scrutiny Committee was not directly applicable to the request set out in the text of the petition, thus meaning that a decision to note it was appropriate, and also stated that it was for each Overview and Scrutiny Committee to consider its own work programme, and that either or both could choose to consider further actions if or as they wished. The Council -

RESOLVED: That the petition relating to affordable housing, as presented to Council on 28 February 2018, be noted.

21. MOTION RELATING TO SUPPORT FOR THE LGBTIQ+ COMMUNITY

The report of the Head of Democratic Services relating to the motion which had been proposed and seconded at the meeting of the Council on 28 February 2018 and arising from consideration of the matter by the Economic and Social Overview and Scrutiny Committee was received and considered. The motion had sought support for the LGBTIQ+ community within West Oxfordshire and, in light of its consideration of the matter, the Committee had resolved: “*That the Council be advised that the Committee is of the opinion that assistance be provided by West Oxfordshire District Council by way of support and advice on future governance arrangements and general help including signposting and raising awareness*”.

Mr Graham had proposed the motion at the Council meeting on 28 February and, in now speaking to the matter, wished to assert that the intention had been to assert the recognition of councillors’ ability to engage with the community. He acknowledged the support suggested and stated that the support group was currently considering whether it wished to formalise its arrangements/constitution, which would be a factor in seeking support from the Council in the future. He stated that the Leader of the Council had recognised the importance of the matter, and confirmed that he would propose that the Council passed a resolution in line with what had been suggested by the Overview and Scrutiny Committee. This was seconded by Mr Coles, and it was unanimously:

RESOLVED: That assistance be provided to the LGBTIQ+ Community support group by West Oxfordshire District Council by way of support and advice on future governance arrangements and general help including signposting and raising awareness.

22. MOTION ON NOTICE: CITIZENS’ ADVICE WEST OXFORDSHIRE

The following motion had been received in the names of Messrs J C Cooper and D S T Enright:-

“This Council values the work of the Citizens’ Advice West Oxfordshire and the difference that it makes in the lives of many thousands of residents of this district. This Council acknowledges the Cabinet’s decision to change the way that Citizens Advice West Oxfordshire is funded, by moving from grant funding to commissioning of specified services.

However, only £80,000 is going to be available under the new commissioning process. This leaves a gap of £76,000, based on the grant that was made to CAWO by this Council in 2017. The Cabinet has made no clear statement as to what will happen to this money, whether it will be available as a grant, and if so what the process for application will be.

This Council therefore resolves to:

- 1. Ensure that the survival of Citizens' Advice West Oxfordshire is not threatened by the withdrawal of the WODC grant.*
- 2. Produce a clear statement as to how grant money that was previously available to CAWO can be accessed by that organisation in future."*

In opening the item, the Chairman referred to an email sent to all councillors the previous day by Ms Leffman, in her capacity as a trustee of Citizens' Advice West Oxfordshire (CAWO), and hoped that members had taken the opportunity to read and consider it.

In proposing the motion, Mr Cooper stated that the figure of £76,000 in the second paragraph was an error, and corrected it to £52,000. He went on to explain his concerns that the decisions in relation to commissioning taken by Cabinet would lead to a fractured service for residents, and expressed the hope that Council would support the motion. Mr Enright seconded the motion, and made reference to the value of CAWO to the community, including the maximisation of the value of grant funding by virtue of the use of trained volunteers. He felt that the timing of the proposed commissioning process caused difficulties arising from the uncertainty in the situation in the current financial year, which needed to be taken into account. He stated that he recognised the need for better reporting back from CAWO, but considered that it should be regarded as a strategic partner and allowed necessary breathing space.

In her capacity of Cabinet Member for Communities, Leisure and Tourism, Mrs Baker complimented Ms Leffman on her robust support for CAWO, and emphasised her own respect for its work. Mrs Baker went on to explain in detail her belief and understanding that the future of CAWO was not under threat as a consequence of the commissioning process, including recent comments made by the Chief Executive of CAWO and her expression of thanks to Mrs Baker and to the Council.

Mrs Baker outlined the lengthy period during which the review of grant funding and commissioning had been undertaken, including various reports and consideration by Cabinet, the Overview and Scrutiny Committee and Council, and explained the reasons for that, as well as the consequence that systems and processes had been brought up to date. CAWO was a much valued organisation in the community, but it was important to acknowledge that other valuable community based charitable organisations had the same needs, and were required to undertake an application process. The previously insufficiently collaborative approach had contributed, over several years, to the Council directly providing services that would previously have come from the voluntary sector, and in 2017/18 the Council had not referred a single client to CAWO for debt advice. The remaining funds would be transferred back into the Council's grants fund, and organisations including CAWO would be able to apply for grants and were likely to be successful where they would be adding value for residents, and helping to meet the Council's objectives. It was important to remember that CAWO would still be able to apply for the approximately £17,000 pa that was required for rental liability and buildings insurance, and that CAWO was in receipt of 20% discretionary rate relief in addition to the 80% which was mandatory. It was possible that the commissioning process would not lead to any reduction in funding for CAWO, and the Council had been clear that it would maintain the grant arrangement until the new process was

underway, and that officer support would be available to help CAWO with the commissioning and grant application processes.

During subsequent discussion, Messrs Saul and Graham expressed concerns relating respectively to (i) the lack of ring-fencing of the £52,000 for legal and other advisory services, and (ii) the weakening of the structure of the organisation because of commissioning, and the potentially very large amount of work which could be required in bidding for the Lots.

Mr Morris reiterated the lengthy and detailed consideration given to the matter over a period of around 18 months, and referred to the need to ensure value for taxpayers as well as the actual provision of services and advice.

In summary, Mr Cooper repeated his plea for support for the proposition, and stated that it would be extremely difficult to rebuild the structure of CAWO and its services if it became fractured as a consequence of the changes. The independence of CAWO was a significant factor in terms of the esteem in which it was held, and there was a high level of risk in the proposed approach, given that it had not previously been tested.

On being put to the vote the motion was **defeated**.

23. MOTION ON NOTICE: ENFORCEMENT OF PLANNING CONDITIONS

The following motion had been received in the names of Messrs E J Fenton and A C Beaney:-

“Recently Oxfordshire County Council passed a motion seeking greater powers for enforcement of planning conditions granted by that authority in respect of Waste and Minerals planning agreements.

As the major planning authority for housing and other development, this Council also frequently places conditions on planning approvals. Most developers adhere to these but some do not, particularly in the construction phase. Subcontractors sometimes fail to adhere to routing agreements and other conditions designed to mitigate the inconvenience to other residents, especially during construction.

This Council resolves to use all the suitable powers available to the planning enforcement team to ensure that developers are held responsible for compliance with all conditions of planning permission and to ensure that appropriate measures be taken to ensure that applicants not only adhere to planning conditions themselves but also are held accountable for all sub-contractors’ adherence to such conditions and are required to make good or compensate for any failure to do so in a timely manner.

Additionally, this Council asks that the Leader of the Council write to the Witney and West Oxfordshire MP to ask him to support this change, to raise the matter in Parliament and to press for the strengthening of planning law to allow local authorities more redress when conditions or legal agreements entered by contractors are persistently breached”.

In proposing the motion, Mr Fenton considered it to be largely self-explanatory, and referred to the frequency with which Councillors had to respond to complaints by residents arising from non-compliance. He felt that it was clear that authorities needed to be able to act quickly in such matters and, ideally, to have the power to impose some sort of penalty.

Ms Leffman supported the motion, but referred to a shortage of enforcement officers, asserting the need to ensure adequacy of resources. Mr Haine reported that staff recruitment had been undertaken, and that he understood that there was now a full complement of enforcement officers in post.

Mr Beaney referred to the inclusion of enforcement issues in the work programme of the Economic and Social Overview and Scrutiny Committee, and emphasised his view that the backlog of cases needed to be addressed, as did the question of future pro-activity. Mr Morris expressed his support for the motion, and mentioned the desirability of being able to issue fixed penalty notices in some circumstances during the period when a site was under development.

On being put to the vote, the motion was **CARRIED** unanimously.

24. SEALING OF DOCUMENTS

The Council received and noted the report of the Head of Paid Service which gave details of documents numbered 11521 to 11533 sealed since its last meeting.

The meeting closed at 3:58 pm

CHAIRMAN