

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 23 October 2019 at 2:00pm

PRESENT

Councillors: Harry Eaglestone (Chairman), Jane Doughty (Vice-Chairman), Jake Acock, Joy Aitman, Alaa Al-Yousuf, Luci Ashbourne, Andrew Beaney, Richard Bishop, Rosa Bolger, Jill Bull, Louise Chapman, Nathalie Chapple, Andrew Coles, Owen Collins, Nigel Colston, Julian Cooper, Derek Cotterill, Suzi Coul, Maxine Crossland, Marilyn Davies, Hilary Fenton, Ted Fenton, Andy Graham, David Harvey, Gill Hill, Ed James, Richard Langridge, Liz Leffman, Nick Leverton, Dan Levy, Norman MacRae MBE, Martin McBride, Michele Mead, James Mills, Toby Morris, Kieran Mullins, Neil Owen, Carl Rylett, Geoff Saul, Harry St John and Ben Woodruff.

36. MINUTES

RESOLVED: That the minutes of the meeting of the Council held on 31 July 2019 be approved as a correct record and signed by the Chairman.

37. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mike Cahill, Laetisia Carter, Duncan Enright, Steve Good, Jeff Haine, David Jackson, Elizabeth Poskitt and Alex Postan.

38. DECLARATIONS OF INTEREST

There were no declarations of interest.

39. RECEIPT OF ANNOUNCEMENTS

39.1 Former Councillor Roy Partridge

The Chairman announced the recent passing of former Councillor Roy Partridge.

Councillor Partridge was a founder Member of the Council, representing the Bladon and Cassington Ward until standing down in 1994.

He had served on the Public Health Committee throughout his period in office and had been its Vice Chairman in 1975/76.

Councillor Partridge was also a long standing Member of the Housing Committee, Housing Management Committee, the Recreation Committee and the Staff Joint Consultative Committee.

The Chairman asked everyone present to stand for a few moments' silence as a tribute to Mr Partridge.

39.2 Councillor Ted Fenton

The Chairman welcomed Councillor Ted Fenton following his recent surgery and hoped that he was recovering well. In response, Councillor Fenton addressed Members and thanked them and officers for their good wishes and support during his recovery.

39.3 New Managing Director of Publica

Councillor Mills announced that the new Managing Director of Publica, Jan Britton, had started his role and Members were likely to see him around the offices at Woodgreen and Elmfield in the coming weeks. He hoped to have the opportunity to welcome him to a Council meeting in the near future.

39.4 Cycling Champion

Councillor Mills referred to his appointment of Councillor Dan Levy as the WODC Cycling Champion. He believed Councillor Levy would bring a wealth of knowledge and experience to the position and was looking forward to working with him.

39.5 Dedicated Councillor Contact

Councillor Morris reminded Members that the new, dedicated Councillor contact telephone number and email address was now in operation. Councillors were encouraged to use these as their first point of contact with the Council and were advised that any queries or requests would be logged and tracked.

39.6 WODC Water Day

Councillor MacRae expressed his thanks to Councillor David Harvey and the Business Manager – Environmental Services, Matt Kirby, for their work in hosting another successful Water Day at the Council. A number of key organisations had been in attendance, including Thames Water and the Environment Agency, which had taken on board the concerns and suggestions raised by the large number of attendees.

39.7 Hallowe'en Pumpkin Recycling

Councillor MacRae mentioned that Hallowe'en was the following week, and spoke in encouragement of the recycling of pumpkins in food bins. He had brought a supply of food bin liners for distribution at the end of the meeting.

39.8 Community Activity Grants

Councillor Mead announced that a number of organisations had been successful in securing Community Activity Grants in the final round of applications for the current financial year. The organisations included many which would be in receipt of their grants in time for Christmas.

40. RECOMMENDATIONS FROM THE EXECUTIVE AND COUNCIL COMMITTEES

The Council considered the report of the Head of Democratic Services setting out the recommendations made by the Cabinet at its meetings held on 18 September and 16 October 2019.

In proposing the recommendations, Councillor Mills drew attention to item (d) relating to the Council Plan and advised that this recommendation was no longer applicable because Cabinet had deferred the item to its January 2020 meeting to enable the comments made by the Overview and Scrutiny Committees to be taken into account and incorporated into a revised, more developed, version.

RESOLVED: That the recommendations made by the Cabinet at its meetings held on 18 September and 16 October 2019 be approved in relation to:-

- (a) Budget Parameters 2020/2021 (Minute No. CT/41(a)/2019/2020);
- (b) Financial Outturn and Performance (Minute No. CT/42(b)/2019/2020);
- (c) Funding for Climate Change Manager Post (Minute No. CT/43(a)/2019/2020); and
- (d) Madley Park Playing Fields Project (Minute CT/60/2019/2020).

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

The reports of the meetings of the Cabinet and the Council's Committees held between 18 September and 16 October 2019 were received.

41.1 Funding for Climate Change Manager Post Minute No. CT/43/2019/2020

In response to a question from Councillor Leffman, Councillor Harvey advised that the candidates for the new Climate Change Manager post had been of a superb quality and he would be in a position to make an announcement on the appointment in due course. It was envisaged that the successful candidate would be in a position to start in the first week of November and a copy of the job description would be circulated to Members.

41.2 Temporary Accommodation Placement Policy Minute No E&S/32/2019/2020

Councillor Graham queried what plans were in place to ensure that the policy was reviewed on a regular basis, in particular the arrangements for a future review. In response the Leader stated that whilst his role did not include advising the Overview and Scrutiny Committees on their work programmes, this was nonetheless a matter which could be added to a work programme if the Committee wished.

41.3 Preparations for the UK's Exit from the European Union Minute No A&GP/23/2019/2020

Councillor Ashbourne referred to paragraph 7 of the minute, which advised that Members would be sent a link to the risk assessments in question. The Chairman of the Audit & General Purposes Committee, Councillor Doughty, advised that she would remind officers to circulate the link.

41.4 Environmental Services – Lack of Resources

Councillor Cotterill expressed concern about the reference to a lack of resources within the Environmental Services team. He felt that if this was a reason for work not progressing in certain areas, it needed to be recognised at a higher level.

In response, the Deputy Leader reminded Members that whilst the savings gained through the changes implemented by Publica were to be applauded, this should not be at the expense of the proper resourcing of important tasks. He advised that if this was the case, a conversation needed to be held.

41.5 Care Quality Commission Inspection Report – Oxford University Hospitals NHS Trust Minute No EC&S/30/2019/2020

Councillor Leffman expressed her disappointment in the Care Quality Commission Inspection Report and asked if the Council would be writing to Oxford University Hospitals NHS Trust. The Chairman of the Economic & Social Scrutiny Committee, Councillor Beaney, advised that this would not happen because a vote on such a proposal had been taken, and lost. It was noted at the meeting that it would not be appropriate to duplicate the work of the Care Quality Commission.

Councillor Cooper also raised his disquiet about the report, stating that he was staggered at some of the findings. He therefore felt that noting the report was not sufficient. Councillor Beaney noted his comments.

41.6 Equality and Equal Opportunities
Minute No EC&S/31/2019/2020

Councillor Acock asked if the Committee would reconsider forming the Equal Opportunities Working Party. He felt that this subject had been placed too late on the agenda and had not been given full consideration accordingly. In response, Councillor Beaney advised that the matter had been discussed at the meeting and a proposal lost. However, he reiterated that the policy would be scrutinised once officers had completed their review.

41.7 Cycling Champion

Councillor Leffman congratulated Councillor Levy on his recent appointment as Cycling Champion and asked the Leader whether Members would start to receive reports back from all champions, updating them on what they were doing. Councillor Mills confirmed that this would be the case.

Councillor Leffman asked a follow up question relating to how long Members would have to wait for this information. Councillor Mills advised that the Cabinet was in agreement that the champions provided a very valuable input and would report back as soon as practicable.

Councillor Owen suggested that the Champions could provide verbal reports at Council.

Councillor Coles reminded Members that as the Council's representative on Wild Oxfordshire, he had sent a detailed report to all Members updating them on his work as champion. He had not received any feedback.

41.8 Young People's Champion

Councillor Acock stated that he had recently asked the Young Persons' Champion, Councillor Beaney, if he had been supplied with a job description for his role. Councillor Acock felt that the absence of such demonstrated poor leadership by Councillor Mills.

In response, Councillor Mills advised that he and Councillor Beaney were due to meet shortly and would be discussing the role as each saw fit. He would be happy to advise Councillor Acock of the outcome of that discussion.

42. NOTICE OF MOTION – LIVE STREAMING OF COUNCIL AND COMMITTEE MEETINGS

The following motion had been received in the names of Councillors Jake Acock and Andy Graham, namely:-

"One of the ethos of this council is to be inclusive; not exclusive. We want to welcome people in and get more and more active with local government.

This council recognises we are living in an age of technology that can be used to keep in touch, improve communications and change peoples lives for the better.

Therefore, in order to improve our communications, we charge that every council and committee meeting is filmed and recorded, then placed on the West Oxfordshire District Council website for West Oxfordshire residents to view and listen to our meetings.

Across the country from Manchester, Wandsworth and Bath, council meetings are recorded.

Therefore, this council charges that we will now record and stream live all of our council meetings and committee meetings".

The Chairman advised that he would not be exercising his discretion for this motion to be debated at this meeting, and after it had been proposed and seconded he would propose

that it was referred to the Finance & Management Overview and Scrutiny Committee for consideration and advice.

In proposing the motion, Councillor Acock explained that he felt scrutiny would be improved and the public would be able to watch, listen and observe what the Council was doing. He did not feel this would cost a lot to introduce and listed a number of authorities which were already live streaming their meetings.

In seconding the motion, Councillor Graham reminded Members that transparency and accountability should be encouraged to help people to be involved.

The Chairman proposed that the motion be referred to the Finance and Management Overview and Scrutiny Committee, and this was seconded by Councillor MacRae.

RESOLVED: That the motion having been duly proposed and seconded shall stand referred without discussion to the Finance and Management Overview and Scrutiny Committee, for consideration and advice.

43. NOTICE OF MOTION – SOUTH OXFORDSHIRE LOCAL PLAN

The following motion had been received in the names of Councillors Dan Levy and Andy Graham, namely:-

“This Council notes, with regret, the intervention by the Secretary of State, Rt Hon Robert Jenrick, in the South Oxfordshire District Council's Local Plan process, which demonstrates the Government's disregard for local democracy and the views of residents.

This heavy-handed move prevented South Oxfordshire Councillors (and the 34 members of public registered to speak) from debating and deciding how to progress with THEIR local plan and this Council deplures the Government's actions.

Councillors are elected to represent local residents and make decisions about local council matters on their behalf. Regardless of the views that may be held on the Local Plan or any other matter in the competence of an authority, it is not for central Government to prevent local democracy.

We therefore call upon West Oxfordshire District Council to offer its support to South Oxfordshire DC, and states that it would strongly resist any attempt by HM Government to prevent WODC from debating and then deciding on any local matters which are within its competence.”

In proposing the recommendation, Councillor Levy stated that this was a disappointing decision which had been taken by the Secretary of State and had prevented 37 members of the public who had been registered to speak, from doing so, resulting in a flagrant breach of local democracy. He therefore felt it pertinent that the Council should show its support for South Oxfordshire District Council, as the intervention taken by HM Government set a dangerous precedent.

The proposition was seconded by Councillor Graham, who reserved his right to speak until later in the debate.

Councillor Woodruff considered that the Secretary of State had been fully justified in taking the decision, which had mainly been for legal reasons.

Councillor Davies explained that whilst she understood their reasons for wanting to support South Oxfordshire, she was conscious that she had been elected to represent West Oxfordshire's residents and felt that the withdrawal of the South Oxfordshire Local Plan would have been disadvantageous for them, meaning that she could not support the motion.

Councillor Acock stated that he felt that a right delayed, was a right denied and the public should have a right to be heard. He asked Members what they would do if they were denied the right to answer and he urged his peers to help protect local democracy.

Councillor Coles spoke on behalf of the Labour and Co-operative group and agreed that elected Members were accountable to the residents who elected them. However, he felt that the meddling of central government on this occasion, would impact on West Oxfordshire residents.

Councillor Leffman agreed that the behaviour by the Secretary of State was heavy handed and this was about the rights of local people to have their say and they had been denied that right.

Councillor Langridge agreed with the points made by Councillor Davies but was supportive of the principle that decisions should be made at the lowest level, and would accordingly vote in favour of the motion.

Councillor Ted Fenton expressed his sympathy for South Oxfordshire because not only was it difficult to get a Local Plan approved, but no Local Authority liked its sovereignty threatened. The South Oxfordshire plan had been many years in the making and although many disagreed with it, it was recognised that building houses was a necessity. He reminded Members that the withdrawal of the plan would be unwise because it could lay South Oxfordshire open to speculative development. Having read the Secretary of State's letter, it asked them to make no further progress and stated that he wanted to work with South Oxfordshire District Council. Councillor Fenton accordingly felt that it would be inappropriate to approve the motion.

Councillor Mills reminded the Council that the holding direction was important. With regards to the speakers who had been unable to address the meeting, not all of them were South Oxfordshire residents and the request would give time and space for further conversation and allow for possible compromise. He reminded Members of the importance of housing numbers, the growth deal and the three year land supply and that these issues affected all Oxfordshire residents.

Councillor Morris agreed that elected Members were there to serve the residents of West Oxfordshire. He felt strongly that the Secretary of State was not in the habit of intervening in local authority matters on a whim and clearly felt recent actions were justified.

Councillor Cooper noted the departure from the previous strategy, but felt that it was wrong in principle for the Secretary of State to intervene.

Councillor Graham thanked everyone for their contributions and felt that a number of interesting points had been made. He felt that a fundamental principle of local democracy had been affected and elected members had a duty to act as guardians and to protect democratic principles. He felt that whatever political party someone was a member of, and politics aside, this issue had impacted on the heart of local democracy.

Councillor Levy then exercised his right of reply. In doing so, he recognised the concerns about how decisions on the South Oxfordshire Plan would impact West Oxfordshire, but emphasised that his primary point related to democracy and the right for people to vote at elections and for the outcome of elections to lead to change. He urged Councillors to stand up for the rights of residents by supporting the motion.

Councillors Acock, Graham, Leffman and Rylett requested that the vote be recorded, and the proposition was then put to the vote, with the voting being as follows:

For the motion: Councillors Acock, Aitman, Ashbourne, Bolger, Chapple, Coles, Collins, Cooper, Graham, Langridge, Leffman, Levy, Mullins, Rylett and Saul.

Against the motion: Councillors Al-Yousuf, Beaney, Bishop, Bull, Chapman, Colston, Coul, Crossland, Davies, Doughty, Eaglestone, Hilary Fenton, Ted Fenton, Harvey, Hill, James, Leverton, MacRae, McBride, Mead, Mills, Morris, Owen, St John, and Woodruff.

Abstention from voting: Councillor Cotterill.

There being 15 votes in favour and 25 against, with one abstention, the motion was **defeated**.

44. NOTICE OF MOTION – EUROPEAN NATIONALS

The following motion had been received in the names of Councillors Carl Rylett and Andy Graham, namely:-

“Council notes that EU nationals are part of our shared communities. They are our husbands, wives, parents, friends and colleagues. They are an integral part of a vibrant and thriving West Oxfordshire.

Since 2016 EU nationals were promised again and again that "there will be no change for EU citizens already lawfully resident in the UK and [...] will be treated no less favourably as they are at present”.

After three years of living in limbo, their homes and livelihoods are in danger of being threatened by the further uncertainty brought about by the prospect of an even more chaotic no-deal Brexit.

According to the Home Office’s July statistics, only a third of EU nationals have applied for the Settled Status and 42% of them have been granted the inferior Pre-Settled status leading them to reapply for the Settled status later on. There is no possibility of knowing how many EU nationals need to apply, leaving vulnerable and unaware EU nationals left at risk of becoming unlawful residents the mercy of the Home Office’s “Hostile Environment”. Lack of clarity regarding differentiating between EU citizens arriving before and after the UK’s exit from the EU could lead to discrimination in the labour market and may prevent many from accessing the services that they are entitled to.

Another Windrush-like scandal could be unfolding right before the eyes of this Council and we mustn’t be passive observers to it.

Therefore, the Council asks that:

- 1. Officers report on how the Council can mitigate adverse impacts on the rights of EU nationals (including but not limited to advising on what the Council can do to help landlords and employers to be better informed about immigration status and therefore avoid potential discrimination against EU nationals)*
- 2. The Leader of the Council writes to EU citizens resident in the district giving advice on applying for Settled Status. This notice shall inform EU citizens of any potential consequences of not applying for the EU Settlement scheme.*
- 3. The Leader of the Council writes to the Home Secretary seeking clarification and suggesting improvements for the European Settlement scheme, which include:*
 - Providing physical proof of Settled status that can be used to access services*
 - Confirming that there will be no changes to the rights of settled EU citizens that they currently have by ratifying the Immigration Bill as primary legislation before the exit day*

- *Making clearer and more transparent the criteria for which the Home Office approves applications for settled status or gives instead the less secure pre-settled status, and review why a significant percentage only receive the latter*

A review of charges and waivers for applications for British Citizenship for European citizens and their children”

The Chairman advised that he would not be exercising his discretion for this motion to be debated at this meeting, and after it had been proposed and seconded he would propose that it was referred to the Economic & Social Overview and Scrutiny Committee for consideration and advice.

In proposing the motion, Councillor Rylett felt it was very timely and as the husband of an Italian citizen who worked hard and paid taxes, he felt that European Citizens should be treated better. He explained the complexities of applying for settled status and how this had caused anxieties for many, who had now lost faith in the system. He felt the non-refundable fees being charged were unacceptable and a full review was required.

In seconding the motion, Councillor Graham also spoke as the husband of an EU citizen and tried to explain the level of feeling generated by what he considered to be an awful process. He stated that many had always been treated with decency and mutual respect but recently those values appeared to have been overtaken by selfishness and self-righteousness. He stated that EU citizens needed to hear from their local representatives and that, whilst he respected the honourable intentions of the Chairman, the delay which would result was very unfortunate.

The Chairman proposed that the motion be referred to the Economic and Social Overview and Scrutiny Committee and this was seconded by Councillor Woodruff.

RESOLVED: That the motion having been duly proposed and seconded shall stand referred without discussion to the Economic and Social Overview and Scrutiny Committee, for consideration and advice.

45. SEALING OF DOCUMENTS

The Council received and noted the report of the Head of Paid Service which gave details of documents numbered 11700 to 11724 sealed since its last meeting.

The meeting closed at 3.30 pm

CHAIRMAN