

WEST OXFORDSHIRE DISTRICT COUNCIL

Record of Decisions of the meeting of the
Council

Held Virtual Meeting at 12.30 pm on **Wednesday, 28 April 2021**

PRESENT

Councillors: Councillor Harry Eaglestone (Chairman), Councillor Jane Doughty (Vice-Chair), Councillor Mike Cahill, Councillor Merilyn Davies, Councillor Joy Aitman, Councillor Alaa Al-Yousuf, Councillor Luci Ashbourne, Councillor Richard Bishop, Councillor Rosa Bolger, Councillor Jill Bull, Councillor Laetisia Carter, Councillor Andrew Coles, Councillor Owen Collins, Councillor Julian Cooper, Councillor Derek Cotterill, Councillor Suzi Coul, Councillor Maxine Crossland, Councillor Duncan Enright, Councillor Hilary Fenton, Councillor Ted Fenton, Councillor Steve Good, Councillor Andy Graham, Councillor Jeff Haine, Councillor David Harvey, Councillor David Jackson, Councillor Ed James, Councillor Richard Langridge, Councillor Liz Leffman, Councillor Nick Leverton, Councillor Dan Levy, Councillor Norman MacRae MBE, Councillor Martin McBride, Councillor Michele Mead, Councillor Toby Morris, Councillor Kieran Mullins, Councillor Neil Owen, Councillor Elizabeth Poskitt, Councillor Alex Postan, Councillor Carl Rylett, Councillor Geoff Saul, Councillor Harry St John and Councillor Ben Woodruff

Officers: Giles Hughes (Chief Executive), Frank Wilson (Group Finance Director - Publica) and Claire Hughes (Business Manager - Corporate Responsibility)

CL.78 Minutes of Previous Meeting

The minutes of the meeting held on 24 February 2021 were approved and signed by the Chairman as a correct record.

CL.79 Apologies for Absence

Apologies for absence were received from Councillors Jake Acock and Gill Hill. The Chairman extended his best wishes to Councillor Hill for a swift recovery following her recent hip replacement operation.

CL.80 Declarations of Interest

A declaration of interest was received from Councillor Harvey relating to Agenda Item 12 – Sealing of Documents because he was a tenant of Newman Court.

CL.81 Receipt of Announcements

Passing of Mr Fred Swinson

Councillor Cooper informed the meeting of the sad passing of former Council Officer, Fred Swinson. He advised that Mr Swinson had been part of the original management team at West Oxfordshire District Council and had been the Woodstock Engineer and Environmental Health Officer. As an officer he had been one of the first to initiate recycling rounds to the District, and added to the Woodstock and Bladon community greatly playing the organ in both churches as well as being an active member of the Masonic Lodge. Councillor Cooper concluded by describing Mr Swinson as a 'gritty Yorkshireman'.

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Members not standing for re-election

The Chairman and Vice Chairman read out the names of those Councillors who had recently stepped down or were not standing for re-election in May 2021, along with a brief summary of the Committees they had worked on and the contributions they had made to West Oxfordshire District Council during their varying lengths of term.

The Members not standing and therefore, honoured at the meeting were, Councillor Richard Bishop, Councillor Louise Chapman, Councillor Nigel Colston, Councillor Hilary Fenton, Councillor Ed James, Councillor James Mills, Councillor Kieran Mullins and Councillor Neil Owen.

Expression of thanks to all Councillors and Officers

Councillor Mead addressed the meeting and thanked all Members not standing for re-election for their hard work during their time in office. She also recognised and expressed gratitude to the rest of the Council in what had been a challenging year for everyone. She thanked the Chairman and Vice-Chairman for their ability to manage the change to remote meetings and the Cabinet for supporting her as she took on the Leader's role. Finally, she acknowledged the work of all of the officers and thanked them for their support.

CL.82 Participation of the Public

There was no participation from Members of the public.

CL.83 Recommendations from the Executive

Members received the recommendations made by the Cabinet and the Council's Committees since its last meeting, as detailed at Annex 1 to the report.

The Leader introduced the report and requested that the recommendations be approved as written. This was seconded by Councillor Morris.

It was therefore,

RESOLVED that

- (a) any Members newly appointed to the Miscellaneous Licensing Sub-Committee will be required to attend suitable training as agreed by the Service Leader (Licensing and Business Support), in consultation with the Chairman of the Sub-Committee, prior to participating in any decisions, with this requirement to apply similarly in respect of any temporary appointments for a particular meeting of the Sub-Committee (Minute MLS/5/2020/2021); and
- (b) the Terms of Reference of the West Capital Programme Investment Board, following their meeting held on Monday 19 April 2021, be noted (Minute CAB/137/2020/2021).

CL.84 Report of the Cabinet and the Council's Committees

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The reports of the meetings of the Cabinet and the Council's Committees held since 24 February 2021 were received.

Woodstock Outdoor Swimming Pool

Minute No. 42/ESOC/2020/2021

Councillor Cooper did not feel the minutes fully reflected the comments made at the committee, in particular with reference to the reopening of Woodstock Outdoor swimming pool plus the contract with GLL. He asked the Chief Executive how he planned to rectify the matter as that the contract with GLL was not being carried out as people expected.

The Vice-Chair, Councillor Carter, advised the meeting that she would liaise with the Chairman and officers and respond to Councillor Cooper after the meeting.

Affordable Housing Revised Draft SPD Consultation

Minute No. 44/ESOC/2020/2021

Councillor Graham asked if the consultation response referred to had been formulated, and when and how it would be delivered.

The Vice-Chair, Councillor Carter, advised the meeting that she would liaise with the Chairman and officers and respond to Councillor Cooper after the meeting.

Investment Policy Task & Finish Group

Minute No. 52/FMOS/2020/2021

Councillor Enright asked if there had been any progress in constituting the Investment Policy Task and Finish Group.

Councillor Cotterill advised that there was no update to report because this would be established at the start of the next municipal year.

Allocation of Parking Funds

Minute No. 130/CAB/2020/2021

In response to a query from Councillor Cooper, the Cabinet Member for Environment, Councillor MacRae advised that the Council did own the freehold of various car parks in the District.

Councillor Enright referred to the allocation of parking funds to Town and Parish Councils and queried when the guidance referred to the minutes might be shared. In response, Councillor MacRae reminded him that this item was a subject of Call-In and it was therefore not appropriate to discuss the matter at this stage.

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Members received a report from the Business Manager (Corporate Responsibility) which sought direction from Council on whether some or all meetings should continue to be held via video conferencing, should the law allow such after 7 May 2021.

The report advised that Luke Hall MP, Minister of State for Regional Growth and Local Government, had written to all Council Leaders in England stating that the Government would not be extending the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) which made provision for virtual meetings.

In light of this announcement, the Regulations would not apply to meetings after 7 May 2021 and as such there would be a requirement to return to physical meetings after that date. The Association of Democratic Services Officers and Lawyers in Local Government, along with Hertfordshire County Council, had issued a claim in the High Court to ask for a declaration of lawfulness to allow for the continuation of local authority remote meetings beyond 7 May 2021. That application had been accepted by the Court and expedited and had been heard on 21 April 2021 but as at the time of the meeting, no announcement had been made.

The report went on to outline the positives and negatives of virtual meetings and how to conduct face to face meetings safely, whilst maintaining social distancing measures. A number of options had been discussed but would require additional safety measures, recording of visitors for track and trace purposes and the need to hire sound and video equipment when required.

There was potential that a mix of virtual and face to face meetings could be achieved should the declaration be granted and the continuation of virtual meetings was permissible.

The Leader introduced the report and explained that she had met with Democratic Services prior to the meeting and due to the fluidity of the situation had prepared some recommendations which she had circulated to Group Leaders. She proposed that:

- (a) In the event that the High Court grants a declaration permitting the continuation of virtual meetings then delegated authority is given to the Chief Executive, in consultation with Cabinet Members and Group Leaders, to determine whether meetings of the Council, Cabinet and Committees should continue virtually, revert to face to face or consist of a mixture of virtual and face to face meetings;
- (b) In the event that the High Court does not grant a declaration permitting the continuation of virtual meetings then Council notes that all meetings will revert to face to face with effect from 7 May 2021;
- (c) In the event that the High Court does not hand down judgment in relation to the above mentioned declaration in advance of the 7 May 2021, then Council notes that meetings will revert to face to face until such time as judgment is received, following which either recommendation (a) or (b) will apply as appropriate.

She advised that Democratic Services were in the process of planning room layouts, ordering PPE and planning to ensure that meetings could be held in a safe environment.

The proposal was seconded by Councillor Morris.

Councillor Graham addressed Members and noted that this was a complicated issue. He stressed that the health and safety of all Members was paramount and did not feel comfortable with rushing any of the decisions or plans through. He noted some of the advantages of

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virtual meetings which included increased attendance from Councillors and the public. He felt that a pragmatic, all party approach was achievable.

Councillor Enright echoed many of the comments made, including the benefits of virtual meetings and noted that he was happy to delegate authority for responding to the High Court decision. However, he requested that the following information be taken into consideration. It was the Group's preference that the virtual meetings continue until at least June, in line with government health advice; and that the Council had a choice, as the sovereign body of West Oxfordshire, to decide how to conduct future meetings, potential using a hybrid approach.

Councillor Enright also observed that it was National Worker's Memorial Day, which allowed time to reflect on those who had lost their lives in the workplace. He recognised that staff had shown ingenuity, flexibility and fortitude over the past year and felt they should be consulted on how best to carry out their work as everyone moved out of lockdown.

In response, Councillor Mead advised that due to the free-flowing characteristic of the situation, she did not feel that the recommendation should be altered but assured Councillor Enright that his comments would be observed when it came to deciding on the detailed processes.

Councillor Langridge noted that as the sole Independent Member he had not had sight of the proposed recommendations. Whilst he was keen to start face to face meetings again, he felt that a date nearer to June would be more suitable.

Following a query from Councillor Cooper, officers explained that this was a decision that the Chief Executive would take in consultation with Cabinet Members and Group Leaders. Councillor Cooper felt that this should be a decision taken by the Chairman and advised that he would vote against it.

In seconding the proposal, Councillor Morris agreed that it would be nice to meet in person but that it should be done at the appropriate time.

Councillor Bolger addressed the meeting and requested that diversity and inclusion be at the forefront of everyone's minds, in particular for the need for more women to be included in local democracy because historically there had been an inequality in the gender balance and this was still continuing.

Having considered the report and having heard from the Members present, Council

RESOLVED that

- (a) In the event that the High Court grants a declaration permitting the continuation of virtual meetings then delegated authority is given to the Chief Executive, in consultation with Cabinet Members and Group Leaders, to determine whether meetings of the Council, Cabinet and Committees should continue virtually, revert to face to face or consist of a mixture of virtual and face to face meetings;
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(Councillor Cooper voted against the recommendations)

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CL.86 Appointment of Independent Person

Members received a report seeking authority to appoint Andrew Colling as an Independent Person for the purposes of assisting the Monitoring Officer on matters of councillor conduct.

The Localism Act 2011 (Section 28) requires a relevant authority to have in place arrangements under which allegations made under the Code of Conduct can be investigated, and under which decisions on allegations of breaches of the Code can be made.

The arrangements must include provision for the appointment of at least one independent person whose views must be sought, and taken into account before any decision is made on an allegation that it has been investigated. There were certain requirements set out in the Act, which specified who could apply to be an Independent Person and these were laid out at paragraph 1.3 of the report.

The report advised that, following a period of advertisement, officers had met with Mr Collins whom they felt demonstrated the appropriate level of integrity and professionalism and therefore recommend to Council that he is appointed with effect from 1 May 2021 for a period of four years.

Members were asked to approve the appointment and delegate authority to the Monitoring Officer to extend the appointment for further periods of one year, if appropriate.

The Leader introduced the report and proposed the recommendations as laid out. This was seconded by Councillor Morris.

Councillor Graham queried who had been involved in the recruitment process and officers outlined how the advertising had been conducted and interviews carried out.

Councillor Langridge highlighted that Members had been involved in the interview process in previous years and requested that this be considered for future appointments.

Council, therefore,

RESOLVED that

- (a) Andrew Colling be appointed as an Independent Person for a period of four years; and
- (b) authority is delegated to the Monitoring Officer to extend the appointment for further periods of one year at a time if he/she deems appropriate

CL.87 Notice of Motion - Re-use of IT Equipment

The Chairman introduced the following notice of motion received from Councillors Graham and Enright:

“This Council notes that The Covid-19 lockdowns have shown how vital technology is to keeping people connected, in particular the vulnerable in society, many of whom have been confined to their homes and unable to see loved ones, and that according

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to Age UK 51% of digitally excluded people are over the age of 65, while refugees and the homeless also face worrying levels of digital exclusion.

This Council calls for:

- 1. The Council, public bodies in West Oxfordshire, and local businesses to reform their procurement policies by donating IT locally to those in need rather than scrapping it, using schemes such as the Laptops for Homeless and Vulnerable Initiative;*
- 2. A local re-use and recycling centre to enable SocialBox.Biz and its charity partners to collect and distribute old technology to those in need in West Oxfordshire; and*
- 3. Direct council suppliers to support the SocialBox.Biz initiative and, together with the Council, to proactively take part in sponsoring and promoting the SocialBox.Biz message to local businesses, through traditional media and social media channels.”*

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

As the proposer of the motion, Councillor Graham addressed the meeting and highlighted that there were over one million people in the country who did not have access to a computer and he hoped this motion would be a step towards helping to address that. He agreed that the motion should be referred to the scrutiny committee because they would be better informed to debate the matter appropriately.

The motion was seconded by Councillor Enright who reinforced the point regarding digital exclusion and how lockdown had highlighted the problem for many school children. He made reference to some of the schemes that had been run in West Oxfordshire including Witney ALBS and the University of the Third Age in Carterton to help distribute IT equipment. He recognised that if this had been a problem for school age children, it would equally an issue for many vulnerable adults.

The Chairman proposed that the matter be referred to the Economic & Social Overview and Scrutiny Committee for consideration and this was seconded by Councillor Enright.

On being put to the vote, the proposal was carried.

RESOLVED that the matter be referred to the Economic & Social Overview and Scrutiny Committee for consideration and advice.

CL.88 Emergency and Urgency Delegations

The Council received the previously circulated report of the Head of Democratic Services, which specified decisions taken under the emergency and urgency delegation arrangements approved by Council on 13 May 2020.

RESOLVED: That the report be noted.

CL.89 Sealing of Documents

The Council received and noted the report of the Head of Paid Service which gave details of documents numbered 11875 to 11894 sealed since its last meeting.

The Meeting closed at 1.25 pm

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CHAIRMAN