

Public Document Pack

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 21 October 2019 at 6.30 pm

Present: Councillor David Hughes (Chairman)
Councillor Hannah Banfield (Vice-Chairman)

Councillor Andrew Beere
Councillor Nathan Bignell
Councillor Maurice Billington
Councillor Mike Bishop
Councillor John Broad
Councillor Hugo Brown
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
Councillor Nick Cotter
Councillor Surinder Dhesi
Councillor John Donaldson
Councillor Sean Gaul
Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE
Councillor Chris Heath
Councillor Simon Holland
Councillor Shaida Hussain
Councillor Tony Ilott
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Andrew McHugh
Councillor Tony Mephram
Councillor Ian Middleton
Councillor Perran Moon
Councillor Richard Mould
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Katherine Tyson
Councillor Tom Wallis
Councillor Fraser Webster
Councillor Lucinda Wing
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence: Councillor Phil Chapman
Councillor Nicholas Mawer
Councillor Sandra Rhodes
Councillor Dan Sames
Councillor Jason Slaymaker
Councillor Douglas Webb
Councillor Bryn Williams

Officers: Yvonne Rees, Chief Executive
Nick Graham, Director of Law and Governance / Monitoring Officer
Adele Taylor, Corporate Director: Finance (Interim) & Section 151 Officer
Natasha Clark, Governance and Elections Manager

26 **Declarations of Interest**

There were no declarations of interest.

27 **Communications**

Housekeeping

The Chairman welcomed the members of the public in attendance at our Council meeting and advised:

- Members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
- Only those people who had registered to speak could do so and Members of the public were requested not to call out during Council's discussions on any item.
- There were no planned fire drills so if the alarm did sound, evacuation instructions given by officers should be followed.
- To all meeting attendees, to ensure mobile phones were switched off or on silent.

Chairman's Engagements

A copy of the events attended by the Chairman or the Vice-Chairman had been included in your agenda pack.

Members' Allowance Survey

The Chairman referred to the Member Allowance Survey, a copy of which had been left on their desks and asked members to complete and return the form or the Survey Monkey link by 15 November. The responses received were valued by the Independent Remuneration Panel who use the information when forming their recommendations on member allowances for the next financial year.

Post

The Chairman reminded Members to collect any post from pigeon holes.

28 **Petitions and Requests to Address the Meeting**

The Chairman advised the meeting that there were no petitions but that there were four requests to address the meeting on agenda item 9, motions. Three requests related to the Oxcam Expressway motions and one request related to the Oxfordshire Pension Fund Divestment motion. Each speaker would be able to speak for up to 5 minutes and would be called to address the meeting prior to the start of the respective motions.

29 **Urgent Business**

There were no items of urgent business.

30 **Minutes of Council**

The minutes of the meeting held on 22 July 2019 were agreed as a correct record and signed by the Chairman.

31 **Minutes**

a) **Minutes of the Executive, Lead Member Decisions and Executive Decisions made under Special Urgency**

Resolved

That the minutes of the meeting of the Executive and Lead Member decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council on 22 July 2019 no decisions had been taken by the Executive which were not included in the 28 day notice.

b) **Minutes of Committees**

Resolved

That the minutes of Committees as set out in the Minute Book be received.

32 **Questions**

a) **Written Questions**

The Chairman advised Council that two written questions had been submitted with advance notice in accordance with the Constitution.

The first question was from Councillor Cherry and addressed to the Leader of the Council, Councillor Wood, and was in relation the motion on climate change that had been agreed at the 22 July Council meeting. A written answer had been tabled at the meeting (annex to the Minutes as set out in the Minute Book).

By way of a supplementary question, Councillor Cherry asked if the Leader would consider establishing a cross-party member working group for this piece of work. In response to the supplementary question, Councillor Wood advised that for the extensive response and confirmed he did not have a supplementary question.

The second question was from Councillor Middleton and addressed to the Leader of the Council, Councillor Wood, and was in relation to the Public Works Loan Board. A written answer had been tabled at the meeting (annex to the Minutes as set out in the Minute Book). By way of a supplementary question, Councillor Middleton asked how much the Public Works Loan Board rate rise would impact the cost of Castle Quay Councillor Wood advised he would circulate a written response to the supplementary question.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Billington: Bollard in Kidlington High Street

Councillor Dhesi: Length of time to determine planning applications

Councillor Hussain: Oxfordshire Growth Deal

Councillor Richards: Register of Landlords

Councillor Beere: Transfer of cattle market to Banbury Town Council

c) Questions to Committee Chairmen on the Minutes

There were no questions to Committee Chairman on the minutes of meetings.

33

Motions

The Chairman advised that four motions had been submitted and would be debated in the order submitted, with motions on the same topic grouped. Members of the public who had registered to speak on either of the motions would be invited to address Council at the start of the relevant motion prior to the proposer of the motion presenting their motion to Council.

a) Oxcam Expressway

The Chairman invited those people who had registered to address Council on the item to speak prior to Council's consideration of the item. Council heard from the following public speakers:

Professor David Rogers, local resident

Tom Beckett, local resident

Sir David Gilmour, Chair of CPRE Cherwell District

It was moved by Councillor Wood and seconded by Councillor Clarke that the following motion, with the inclusion of the amendment proposed by Councillor Tyson and seconded by Councillor Middleton, be adopted:

“The Council notes that clarity on potential routes is due but if any road route is likely to have serious environmental implications which is incompatible with the council’s climate change emergency priorities then we’ll seek to stay consistent with our Council’s commitment to combating Climate Change.

The Council therefore requests Officers to assess the implications for Cherwell and the Oxon 2050 Plan with due consideration to our climate change emergency motion and to provide recommendations for Members via Scrutiny and the Executive. In the meantime, the Council will maintain an open mind.”

The motion as amended was debated. In the course of the debate it was proposed by Councillor Broad and seconded by Councillor Cherry that a recorded vote be taken on the motion.

Having been proposed and seconded, a recorded vote was duly taken, and members voted as follows:

Councillor Hannah Banfield	Against
Councillor Andrew Beere	Against
Councillor Nathan Bignell	For
Councillor Maurice Billington	For
Councillor Mike Bishop	For
Councillor John Broad	Against
Councillor Hugo Brown	For
Councillor Mark Cherry	Against
Councillor Colin Clarke	For
Councillor Conrad Copeland	Against
Councillor Ian Corkin	For
Councillor Nick Cotter	Against
Councillor Surinder Dhesi	Against
Councillor John Donaldson	For
Councillor Sean Gaul	For
Councillor Carmen Griffiths	Against
Councillor Timothy Hallchurch MBE	For
Councillor Simon Holland	For
Councillor David Hughes	For
Councillor Shaida Hussain	Against
Councillor Tony Ilott	For
Councillor Mike Kerford-Byrnes	For

Councillor James Macnamara	For
Councillor Kieron Mallon	For
Councillor Andrew McHugh	For
Councillor Tony Mephram	For
Councillor Ian Middleton	Against
Councillor Perran Moon	Against
Councillor Richard Mould	For
Councillor Cassi Perry	Against
Councillor Lynn Pratt	For
Councillor George Reynolds	For
Councillor Barry Richards	Against
Councillor Les Sibley	Abstain
Councillor Katherine Tyson	Against
Councillor Tom Wallis	For
Councillor Fraser Webster	Abstain
Councillor Lucinda Wing	For
Councillor Barry Wood	For
Councillor Sean Woodcock	Against

The Chairman confirmed that the motion, as amended, was carried with 23 members voting in favour, 15 against and 2 abstentions.

The Chairman advised Council that as the motion had been carried, the motion submitted by Councillor Tyson on the same topic could not be debated as it would be contrary to the Constitution as the second motion if passed would seek to vary or rescind the first motion.

b) Horton General Hospital

It was moved by Councillor McHugh and seconded by Councillor Woodcock, that the following motion be adopted:

“This Council deplores the decision of the Oxfordshire Clinical Commissioning Group (‘CCG’) on 26 September to downgrade maternity provision at the Horton General Hospital to a midwife-led unit for the foreseeable future.

The decision follows public consultation and evidence-gathering exercises in which neither the public, nor this Council, have confidence. Public trust in the CCG and in Oxfordshire University Hospitals NHS Foundation Trust (‘OUHFT’) was damaged when the temporary downgrade was enforced, without consultation, in August 2016 and has since been further eroded by the persistent lack of meaningful engagement, which speaks to their Oxford-centric agenda.

Council endorses the recent conclusions of the Horton Joint Health Overview & Scrutiny Committee ('Horton HOSC'), in bringing OUHFT and CCG shortcomings to the fore and resolves to fully support Horton HOSC's efforts to continue to hold the CCG and OUHFT to account and pursue an appropriate course of action.

This Council recognises the vital importance of the Horton General Hospital in providing first-class care to patients across Oxfordshire, Northamptonshire and Warwickshire and welcomes the commitment from OUHFT and the CCG to invest significantly in the Horton site. After years of talk and hollow promises, now is the time for action and that commitment needs to be tangibly demonstrated. Council also notes the pledge of OUHFT and the CCG to "regularly review" the viability of reinstating an obstetric-led maternity unit in Banbury. The real-life birthing experiences of local mothers cannot continue to be overlooked and Council will do all it can to ensure their voices are heard."

The motion was debated and on being put to the vote was carried.

c) Oxfordshire Pension Fund Divestment: to call on the Oxfordshire Pension Fund to divest from non-renewable energy and explore reinvestment in renewable energy companies

The Chairman invited Susan Cross, local resident and member of Carbon Neutral Cherwell Group, who had registered to speak on the motion, to address Council.

It was moved by Councillor Middleton and seconded by Councillor Copeland that the following motion be adopted.

"As council is no doubt aware, the Intergovernmental Panel on Climate Change last year warned that to avoid the most catastrophic consequences of global warming, carbon emissions must fall to zero by 2050. As a result, Parliament has imposed a binding target of net zero by 2050, and in July this Council declared a Climate Emergency.

The Oxfordshire Local Government Pension Fund (OLGPS), which this council contributes to, has more than £132m of local council workers' money invested in fossil fuel companies. These investments are described by The London Stock Exchange as "non-renewables" and represent around 6% of the Oxfordshire LGPS total portfolio funds.

Fossil fuels are the primary drivers of the climate crisis threatening our planet and support for such investments are contrary to the council's stated aim of becoming a net zero carbon producer by 2030. Whilst fossil fuel companies have made speculative noises about reducing output, research by industry experts have found that none of the ten largest publicly listed oil and gas producers are on track to achieve net zero emissions by 2050.

Lloyds of London and Bank of England Governor Mark Carney have both warned that legislation necessary to limit warming combined with the development of renewables would mean that fossil fuel assets could result in large-scale asset write-downs. These companies face a potential wave of

third-party liability claims brought by the victims of climate change, including from sovereign states.

As a result, a growing number of investment funds have already announced plans to fully or partially divest from fossil fuels. These include councils such as Southwark, Islington, and South Oxfordshire as well as the United Reform Church, The Church of England, the National Trust and many others. Globally, £6.3 trillion has now been removed from funds supporting fossil fuels and the industry now faces serious financial, legal and regulatory challenges.

The OLGPS has defended its continued investment in fossil fuels, arguing that to divest would mean losing its influence. This makes no sense. The strongest form of positive influence that can be exerted on these companies is the reduction in available financial support to continue exploiting carbon generating fuels.

The continued use of fossil fuels threatens our planet and its most vulnerable inhabitants through droughts, heat waves, crop failures, floods, and rising sea levels. Every climate change expert says that the only way to avoid climate catastrophe is to leave fossil fuels in the ground. Divestment from such activities must therefore be a priority for any organisation declaring a climate emergency.

As one of the OLGPS employers, Cherwell District Council calls on the Oxfordshire Pension Fund Committee to act in line with this council's declaration of Climate Emergency and with prudent exercise of its fiduciary duties by divesting its investment in an industry whose long-term risk profile in the current political and environmental climate is unacceptably high.

Council therefore:

- 1) Asks the Oxfordshire Pension Fund to acknowledge that shareholder engagement has failed to bring about the pace of change required to limit catastrophic global warming.*
- 2) Calls on the Oxfordshire Pension Fund to follow the lead of Councils, sovereign wealth funds and other pension and investment funds around the world to divest from non-renewable energy companies or any organisation whose main purpose is the exploration and/or extraction of fossil fuels.*
- 3) Calls on the Oxfordshire Pension Fund to explore reinvestment of its funds into appropriate renewable energy companies at the earliest opportunity."*

The motion was debated and on being put to the vote was lost and therefore fell.

Resolved

- (1) That the following motion, as amended, be adopted:

"The Council notes that clarity on potential routes is due but if any road route is likely to have serious environmental implications which is incompatible with the council's climate change emergency priorities

then we'll seek to stay consistent with our Council's commitment to combating Climate Change.

The Council therefore requests Officers to assess the implications for Cherwell and the Oxon 2050 Plan with due consideration to our climate change emergency motion and to provide recommendations for Members via Scrutiny and the Executive. In the meantime, the Council will maintain an open mind."

- (2) That the following motion be adopted:

"This Council deplores the decision of the Oxfordshire Clinical Commissioning Group ('CCG') on 26 September to downgrade maternity provision at the Horton General Hospital to a midwife-led unit for the foreseeable future.

The decision follows public consultation and evidence-gathering exercises in which neither the public, nor this Council, have confidence. Public trust in the CCG and in Oxfordshire University Hospitals NHS Foundation Trust ('OUHFT') was damaged when the temporary downgrade was enforced, without consultation, in August 2016 and has since been further eroded by the persistent lack of meaningful engagement, which speaks to their Oxford-centric agenda.

Council endorses the recent conclusions of the Horton Joint Health Overview & Scrutiny Committee ('Horton HOSC'), in bringing OUHFT and CCG shortcomings to the fore and resolves to fully support Horton HOSC's efforts to continue to hold the CCG and OUHFT to account and pursue an appropriate course of action.

This Council recognises the vital importance of the Horton General Hospital in providing first-class care to patients across Oxfordshire, Northamptonshire and Warwickshire and welcomes the commitment from OUHFT and the CCG to invest significantly in the Horton site. After years of talk and hollow promises, now is the time for action and that commitment needs to be tangibly demonstrated. Council also notes the pledge of OUHFT and the CCG to "regularly review" the viability of reinstating an obstetric-led maternity unit in Banbury. The real-life birthing experiences of local mothers cannot continue to be overlooked and Council will do all it can to ensure their voices are heard."

Local Government Ombudsman Annual Report 2018/19

The Director Law and Governance and Monitoring Officer submitted a report to provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2018/19.

Resolved

- (1) That the report be noted.

35 **Calendar of Meetings 2020/2021**

The Director: Law and Governance submitted a report which sought consideration of the calendar of meetings for the municipal year 2020/21.

Resolved

- (1) That the calendar of meetings for Cherwell District Council (CDC) for the municipal year 2020/21 (annex to the Minutes as set out in the Minute Book) be approved.

The meeting ended at 9.45 pm

Chairman:

Date:



Council

Monday 21 October 2019

Agenda Item 8 (a), Written Questions

Question From: Councillor Mark Cherry

Question To: Leader of the Council, Councillor Barry Wood

Topic: Update on Climate Change Motion

Question

“Can the Leader of Cherwell District Council, Cllr Barry Wood, please update fellow District councillors by written response (report) the latest progress on the recent unanimous declaration of a climate change emergency at the last Cherwell District Council meeting on Monday 22 July 2019.”

Response from the Leader, Councillor Wood

“I am pleased to confirm that officers are making progress to draft a strategy for Members’ consideration as to how Cherwell District Council can respond to the climate emergency. As a Council, we have direct responsibility for our own operations and buildings, which make up our internal carbon footprint. We also have a role as an influencer and leader across the district and we will seek to use this function to encourage residents and businesses to reduce their environmental impact and reduce the carbon footprint of the district. The Strategy, which Members will start to see in draft form later this calendar year, will focus on both our internal emissions and those of the district. We will of course allow plenty of debate and Member involvement in the drafting process and make best use of the Scrutiny and Overview Committee’s function in developing strategy.

Meanwhile, we continue to exercise our environmental stewardship in the work we do as a local authority. Members are hopefully aware of the work we have been doing in partnership with DCS, a local distribution company, who have committed to offset their emissions through planting trees in Cherwell. We have enabled this by providing an area within Banbury Country Park for 30,000 native trees to be planted by volunteers. We hope this will be the start of something bigger where other local companies will follow suit by reducing and off-setting their carbon emissions.

As another example of our commitment to environmental sustainability, earlier this month, the Executive approved a new Community Nature Plan which



includes a commitment to seek 10% net gain in biodiversity as part of future developments. This is an example of how we can ensure developers protect and improve our district's natural capital.

We know there is much more to do, and we are committed to doing so. I invite the ideas and contributions of all Members to feed into our emerging Strategy and to enable that to happen. I have asked officers to arrange a Members' briefing and workshop in the coming months. I would also like to extend the invitation to Town and Parish Councils as well as key stakeholders with an interest in this agenda. Cllr Sames and our Chief Operating Officer recently met with local representatives of Extinction Rebellion, who are keen to be involved in shaping the strategy and we shall welcome them to join us at the workshop. A date will be confirmed in due course and I hope you are able to attend."

Question From: Councillor Ian Middleton

Question To: Leader of the Council, Councillor Barry Wood

Topic: Public Works Loan Board

Question

"How does the recent announcement from government that they will be increasing the interest rate for new loans from the Public Works Loan Board (from 1.81% to 2.82%) impact on the council's current and future financial planning? In particular, how much will this add to the council's liability in respect of borrowing to fund the Castle Quay Shopping Centre expansion works? As many major retailers are predicting a poor Christmas trading period, could the potential for more retailer failures, more empty units, and downward pressure on rents in Castle Quay, coupled with increased borrowing costs have a knock on effect on to other areas of the council's spending plans?"

Response from the Leader, Councillor Wood

The Council continually monitors and manages its resources to ensure that our cashflow, investment and borrowing requirements are fully understood both in the very short term, in fact daily basis, through to many years in the future. This means we do not borrow specifically for any one project but rather across all of our needs. This is not unlike the decisions we take as individuals in terms of managing the amount of money that we have in savings, earning interest, versus borrowing money for any projects, schemes or large purchases.

The way we borrow can be from a number of sources including from other local authorities which we generally do for shorter periods of time (who we also lend to when our cash levels allow) but one of those options is the Public Works Loan Board.



We review the relative rates of short, medium and long term borrowing and over the last few years it has been financially beneficial to actually borrow on a much shorter basis and in fact we have been benefitting from lower rates than we had, and our treasury management advisors had predicted. The borrowing rates are affected by many factors including confidence in the markets, currency rates and these are all impacted on global economic activity.

As a council we had been reviewing our longer term borrowing requirements and needs and had been closely monitoring that there had been a drop in interest rates for longer term borrowing. The Accounts Audit and Risk committee have been advised of our approach, which fits with our treasury management strategy, and in the last few months we took out a number of loans between 6 and 16 years to fit with our predicted cashflows. These lower rates will not be affected by the recent announcements on the PWLB increased rate.

In terms of future borrowing requirements, these will be affected by the increased rates that were announced. Along with a number of other local authorities and groups such as the Society of District Treasurers we will provide evidence of the impact of those changes to central government as appropriate. At this stage, the full impact of any increases is being considered as part of the budget-setting process as we need to understand any changes in our future cashflows and requirements. It will make our borrowing more expensive in future, but we do need to continue to manage those cashflows in a way that may mitigate any of those costs, as we do already.

In terms of the query around the retail sector and the impact on Castle Quay, we very actively manage our tenant activity and have been very successful in retaining, securing and diversifying occupancy within the centre that has ensured that we are exceeding our income targets in 2019/20. We have very few empty units within the centre and in fact some of those that may appear empty are in fact being redeveloped ready for occupation and we are receiving income for those units from tenants. We are also seeing tenants investing in their own units which is positive news for the centre as that is another element that shows that there is confidence in the local market from retailers. We ensure that we monitor national market trends and other sources of intelligence around tenant risks and actively work with those tenants to ensure that Castle Quay remains vibrant and viable. Specifically, Castle Quay is contributing to the overall council's financial position.

Council	Executive	Accounts, Audit & Risk Committee	Budget Planning Committee	Overview & Scrutiny Committee	Planning Committee	All Member Briefing
Mon, 6.30pm	Mon, 6.30pm	Weds, 6.30pm	Tues, 6.30pm	Tues, 6.30pm	Thurs, 4pm <i>(Member briefing generally held before each meeting)</i>	Monthly, 6.30pm - 8.30pm
2020 Wednesday 20 May - Annual Council ² 20 July 19 October 14 December 2021 22 February 2021/22 Monday 17 May 2021 - Annual Council <i>(No scheduled Cherwell local elections in 2021)</i>	2020 1 June 6 July 7 September 5 October 2 November 7 December 2021 4 January 1 February 1 March 6 April (due to Easter Monday – 5 April)	2020 <i>Local Government Finance seminar – Tuesday 26 May: 6.30pm-8.30pm</i> 27 May 6.30pm - informal review of accounts 27 May (7.30pm) 29 July 23 September 18 November 2021 20 January 17 March	2020 <i>Local Government Finance seminar – Tuesday 26 May: 6.30pm-8.30pm</i> 9 June 21 July 29 September 10 November 15 December 2021 19 January 9 March	2020 2 June (Scrutiny training 6-7pm, meeting at 7pm) 14 July 1 September 13 October 1 December 2021 12 January 16 March	2020 21 May (Planning training at 2pm) 18 June 16 July 13 August 10 September 8 October 5 November 10 December 2021 14 January 11 February 11 March 15 April	2020 Thursday 14 May – Member welcome event (5pm – 8.30pm) Monday 15 June Wednesday 15 July Thursday 17 September Tuesday 10 November Tuesday 8 December 2021 Thursday 21 January Wednesday 10 February Wednesday 10 March Tuesday 13 April

NOTES: Chairman and Vice-Chairman for all Committees for the municipal year 2020/21 will be appointed at the first meetings of Committees held at the conclusion of the Annual Council meeting on Wednesday 20 May 2020.

Licensing Committee, Licensing Sub-Committees, Personnel Committee, Appeals Panel and Standards Committee meetings will be arranged as required.

Parish Liaison Meeting: Wednesday 10 June 2020 and Wednesday 11 November 2020

Parish Liaison Meeting Contact: Kevin Larnar, Healthy Communities Manager

¹ Dates may be subject to change. The website will be updated and Members notified accordingly.