

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 December 2019 at 6.30 pm

Present: Councillor David Hughes (Chairman)

Councillor Andrew Beere
Councillor Nathan Bignell
Councillor Maurice Billington
Councillor Mike Bishop
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
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 Nicholas Mawer
Councillor Andrew McHugh
Councillor Ian Middleton
Councillor Richard Mould
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Dan Sames
Councillor Les Sibley
Councillor Jason Slaymaker
Councillor Katherine Tyson
Councillor Tom Wallis
Councillor Douglas Webb
Councillor Fraser Webster
Councillor Bryn Williams
Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence: Councillor Hannah Banfield
Councillor Tony Mepham
Councillor Lucinda Wing

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

36 **Welcome**

The Chairman welcomed the Deputy Police and Crime Commissioner for Thames Valley, Matthew Barber, Chief Constable John Campbell, Thames Valley Police, and Superintendent Mark Johns, Local Police Area (LPA) Commander for Cherwell to the meeting advising they would be giving a presentation to Council.

37 **Declarations of Interest**

There were no declarations of interest.

38 **Communications**

The Chairman made the following announcements:

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.

Former Councillor Sandra Rhodes

The Chairman referred to the resignation of Sandra Rhodes as a councillor for the Kidlington West ward the previous month due to ill health. On behalf of Council, the Chairman extended thanks to former Councillor Rhodes for her 4 and a half years' service as a district councillor and wish all her the best focussing on her health.

Chairman's Engagements

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

Post

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

39 **Thames Valley Police - Address by Deputy Police and Crime Commissioner and Chief Constable**

The Chairman invited the Deputy Police and Crime Commissioner for Thames Valley, Matthew Barber, and Chief Constable John Campbell, Thames Valley Police, to address the meeting regarding policing in Thames Valley.

Following the presentation, a number of Members asked questions and answers were duly provided by the Deputy Police and Crime Commissioner, the Chief Constable and the LPA Commander for Cherwell, Superintendent Mark Johns.

The Chairman thanked the Deputy Police and Crime Commissioner, the Chief Constable and LPA Commander for their attendance.

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

The Chairman advised the meeting that there were no petitions but that there were two requests to address the meeting on agenda item 10, motions. 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 motion of the Oxcam Expressway.

41 **Urgent Business**

There were no items of urgent business.

42 **Minutes of Council**

Councillor Broad proposed an amendment to minute 26, Declarations of Interest, which was not seconded or supported by Council.

The minutes of the meeting held on 21 October 2019 were subsequently agreed as a correct record and signed by the Chairman.

43 **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 21 October 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.

44

Questions

a) Written Questions

The Chairman advised Council that three written questions had been submitted with advance notice in accordance with the Constitution, one had been published with the agenda and two as supplements to the agenda.

The first question was from Councillor Cherry and addressed to the Leader of the Council, Councillor Wood, and was in relation to Brackley Arcade, Bretch Hill. A written answer had been tabled at the meeting (annex to the Minutes as set out in the Minute Book).

Councillor Cherry thanked the Leader for the response to the question and confirmed he did not have a supplementary question.

The second question was from Councillor Copeland and addressed to the Leader of the Council, Councillor Wood, and was in relation to the communication with MHCLG, ministers or the Secretary of State regarding the holding decision applicable to South Oxfordshire District Council. 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 Copeland asked the Leader if he was concerned by the Government meddling in local government. Councillor Wood responded no to the supplementary question.

The third question was from Councillor Middleton and addressed to the Leader of the Council, Councillor Wood, and was in relation to the Oxfordshire Pension Fund motion he had submitted to the July 2019 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 Middleton asked for reference to supporting arguments. In response to the supplementary question, Councillor Wood advised he had nothing to add to the tabled written response.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Gaul: Bicester East Community Association and replacement project
Councillor Macnamara: General Election and Brexit
Councillor Billington: Bollard in Kidlington
Councillor Billington: Local Government grants following the General Election
Councillor Dhesi: Accidents on footpaths with different ownership by either Oxfordshire County Council or Cherwell District Council
Councillor Dhesi: Cars parking on grass verges
Councillor Richards: Progress on register of private landlords
Councillor Woodcock: General Elections

c) Questions to Committee Chairmen on the Minutes

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

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Motions

a) Oxcam Expressway

The Chairman advised that one motion had been submitted. The Chairman invited those people who had registered to address Council on the motion to speak prior to Council's consideration of the motion. Council heard from the following public speakers:

Professor David Rogers, local resident
Linda Newberry, local resident

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

"Council notes the continued uncertainty faced by communities in Cherwell the proposed corridor for the Oxford to Cambridge Expressway.

This Council regrets this opaque process - with the decision made by Highways England – with little input from local people.

This council remains wholly unclear what the final route will be, let alone how the Expressway might help reduce the congestion on local roads including junction 9 of the M40.

This council believes that interface between the proposed Expressway and the new East-West Rail is also key. We welcome the commitment to plan for and invest in major infrastructure to support housing and economic growth in Oxfordshire, but we want to see the development of integrated transport systems and the prioritisation of clean, green and public transport.

These principles need to be central in determining the final detailed route. However, this Council remains concerned at the environmental damage proposed by this Expressway for obscure economic gain. In light of the Council's recently declared Climate Emergency, therefore, this council retains a sceptical Outlook on the endeavour as a whole.

This council demands at a minimum that any proposals are up for meaningful public consultation conducted by Highways England.

In addition, the Leader of council should not endorse any proposals for an Expressway given this council's concerns over the lack of clarity and environmental impact without further reference to council.

Throughout must be emphasised that any proposal which goes ahead should not contradict the council's commitment to the environment. There also needs to be integration with public transport.

Council regrets the lack of clarity from government on its proposals which contributes to considerable uncertainty both about how the Expressway is intended to deliver benefit, and about the possible impact on homes, lives, the environment, amenities and facilities especially in our area.

In particular, Council notes with regret that:

1. It is unclear what the word "Expressway" means in this context
2. Insufficient work has been done on the potential of enhanced rail links to deliver better outcomes for passengers, freight, and sustainable economic growth
3. Actual and proposed consultation is inadequate
4. It is unclear which of a range of possible justifications for the Expressway, which potentially contradict each other, are being used, including:
 - a) A 'strategic route' to carry freight traffic from the west and south to the east.
 - b) A route to make commuting between Oxford / Milton Keynes / Bedford / Cambridge easier and quicker.
 - c) A road that will enable significant housing growth of 1,000,000 extra houses along its length.
 - d) Relieving traffic.

Council therefore resolves to oppose the Expressway as it is currently proposed, to continue to press national government for more investment in sustainable transport, and to ask the Department for Transport to urgently clarify its proposals around the Expressway."

Councillor Middleton proposed the following amendments to the motion, which were duly seconded by Councillor Tyson.

Paragraph 4: This council believes that interface between the proposed Expressway and the new East-West Rail is also key. We would welcome the commitment to plan for and invest in sustainable infrastructure and we want to see the development of integrated transport systems and the prioritisation of clean, green and public transport.

Paragraph 5: This Council remains concerned at the environmental damage proposed by this Expressway for obscure economic gain. In light of the Council's recently declared Climate Emergency, therefore, this council retains a sceptical outlook on the endeavour as a whole.

Paragraph 8: Throughout it must be emphasised that any proposal which goes ahead should not contradict the council's commitment to the environment.

Having been proposed and seconded, the amendments to the motion were debated. On being put to the vote, the amendments were lost and subsequently fell.

Council debated the motion as submitted. In the course of the debate, Councillor Richards proposed that a recorded vote on the motion be taken. Councillor Woodcock seconded the proposal.

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

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

Councillor James Macnamara	Against
Councillor Kieron Mallon	Against
Councillor Nick Mawer	Against
Councillor Andrew McHugh	Against
Councillor Ian Middleton	For
Councillor Perran Moon	For
Councillor Richard Mould	Against
Councillor Cassi Perry	For
Councillor Lynn Pratt	Against
Councillor George Reynolds	Against
Councillor Barry Richards	For
Councillor Dan Sames	Against
Councillor Les Sibley	Abstain
Councillor Katherine Tyson	For
Councillor Tom Wallis	Against
Councillor Douglas Webb	Against
Councillor Fraser Webster	For
Councillor Bryn Williams	Against
Councillor Barry Wood	Against
Councillor Sean Woodcock	For

The Chairman confirmed that the motion had fallen with 15 members voting in favour, 26 against and 1 abstention.

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Council Tax Reduction Scheme and Council Tax Discounts 2020-2021

The Executive Director Finance (Interim) submitted a report which sought approval for a Council Tax Reduction Scheme for the year 2020-2021 on the recommendation of Budget Planning Committee and Executive.

The report also provided members with an update on Council Tax discounts and sought approval for the Council Tax discounts for 2020-2021.

Resolved

- (1) That Council Tax Reduction Scheme (CTRS) for the year 1 April 2020 to 31 March 2021 of a new banded income CTRS for those of working age (as set out in the annex to the Minutes as set out in the Minute Book) be approved and implemented with effect from 1 April 2020.
- (2) That delegated be granted authority to the Section 151 Officer to make amendments to the Council Tax Regulations up to and including 31

January 2020 for pensioners in line with uprating announced by Ministry of Housing, Communities and Local Government (MHCLG) and to amend the Working Age Regulations in line with the new income banded scheme and the uprating announced by MHCLG.

(3) That, having given due consideration, the following level of Council Tax discounts and premiums for 2020-2021 and to approve the following:

- Retain the discount for second homes at zero.
- Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
- Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
- Retain the empty homes premium of an additional 100% for properties that have remained empty for more than 2 years.

47

Constitutional Changes

The Director Law and Governance submitted a report which sought consideration of proposals for changes to the Constitution for dealing with motions and written questions at Full Council and to the terms of reference of the Appeals Panel.

Councillor Copeland proposed six amendments, which were duly seconded by Councillor Woodcock.

Recommended Change	Proposed Amendment
<p>Section 3.1</p> <p>(c) At the moment there is little guidance in the Constitution with regard to the nature of Motions. The Constitution should be amended so that it states Motions should also not be vexatious, frivolous and must be factually accurate to align with the standard wording in many constitutions at other local authorities.</p>	<p><u>Amendment 1</u></p> <p>Replace section 3.1(c) with the following:</p> <p>(c) At the moment there is little guidance in the Constitution with regard to the nature of Motions. The Constitution should be amended so that it states Motions should also not be unlawful, defamatory and must be factually accurate to align with the standard wording in many constitutions at other local authorities in Oxfordshire. Where a motion is refused on these grounds it will be returned to the councillor who submitted it along with an explanation in writing about why it cannot be published in its current form.</p>

<p>Section 3.1</p> <p>(d) A word limit of 250 words be applied to motions.</p>	<p><u>Amendment 2</u></p> <p>Replace section 3.1(d) with the following:</p> <p>(d) A word limit of 650 words be applied to motions.</p>
<p>N/A</p>	<p><u>Amendment 3</u></p> <p>The following should be inserted at Section 3.1:</p> <p>(e) Points of reference to support a motion should be allowed where required and these should be excluded from the word count. This should be in the form of a clickable link to be included in the online version of the agenda and/or a footnote list of references cited in the motion.</p>
<p>Section 3.3</p> <p>It is proposed that amendments should be received by 12 noon on the second working day before the Council meeting to enable them to be reviewed. Amendments will then be published on the afternoon of the working day before the meeting. In practice this is likely to be a Friday afternoon. Amendments will continue to be considered in the order submitted.</p>	<p><u>Amendment 4</u></p> <p>Delete section 3.3 in its entirety</p>
<p>Section 3.4</p> <p>Any amendment must not take the original motion over 250 words and not amount to a direct negative or nullify the original Motion.</p>	<p><u>Amendment 5</u></p> <p>Replace section 3.4 with the following:</p> <p>Any amendment must not take the original motion over 1000 words and not amount to a direct negative or nullify the original Motion.</p>
<p>Section 3.6</p>	<p><u>Amendment 6</u></p>

Councillor Simon Holland	Against	Against	Against	Against	Against	Against
Councillor David Hughes	Against	Against	Against	Against	Against	Against
Councillor Shaida Hussain	For	For	For	For	For	For
Councillor Tony Ilott	Against	Against	Against	Against	Against	Against
Councillor Mike Kerford-Byrnes	Against	Against	Against	Against	Against	Against
Councillor James Macnamara	Against	Against	Against	Against	Against	Against
Councillor Kieron Mallon	Against	Against	Against	Against	Against	Against
Councillor Nick Mawer	Against	Against	Against	Against	Against	Against
Councillor Andrew McHugh	Against	Against	Against	Against	Against	Against
Councillor Ian Middleton	For	For	For	For	For	For
Councillor Perran Moon	For	For	For	For	For	For
Councillor Richard Mould	Against	Against	Against	Against	Against	Against
Councillor Cassi Perry	For	For	For	For	For	For
Councillor Lynn Pratt	Against	Against	Against	Against	Against	Against
Councillor George Reynolds	Against	Against	Against	Against	Against	Against
Councillor Barry Richards	For	For	For	For	For	For
Councillor Les Sibley	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain
Councillor Katherine Tyson	For	For	For	For	For	For
Councillor Tom Wallis	Against	Against	Against	Against	Against	Against
Councillor Douglas Webb	Against	Against	Against	Against	Against	Against
Councillor Fraser Webster	For	For	For	For	For	For
Councillor Bryn Williams	Against	Against	Against	Against	Against	Against
Councillor Barry Wood	Against	Against	Against	Against	Against	Against
Councillor Sean Woodcock	For	For	For	For	For	For

The Chairman confirmed that each of the six amendments had fallen with 14 members voting in favour, 26 against and no abstentions on each separate vote for each amendment.

The amendments having been lost, Council debated the report and recommendations as submitted.

Resolved

- (1) That the amendments to the Constitution as outlined in the annex to the Minutes (as set out in the Minute Book) be approved.
- (2) That authority be delegated to the Director Law and Governance to amend the Constitution to reflect these changes.

48 **Notification of Decision Taken Under Urgency Powers Crown House Update**

The Chief Executive submitted a report to inform the Council of a decision taken she had taken under urgency powers in relation to Crown House.

Resolved

- (1) That the decision taken under urgency powers by the Chief Executive in consultation with the Leader of the Council, in lieu of a recommendation to Council, to provide additional funding of £0.5m to support the final completion of the apartments at Crown House be noted.

49 **Polling District and Polling Places Review 2019**

The Returning Officer submitted a report which sought agreement of the recommendations of the council's Polling District and Polling Place Review 2019.

Resolved

- (1) That the recommendations for Polling Districts and Polling Places within Cherwell as set out in the annex to the Minutes (as set out in the Minute Book) be agreed.
- (2) That it be noted that the Constitution gives delegated to the Returning Officer "To amend the Council's Polling Districts and Polling Places Order as necessary".

50 **Amendments to Committee Membership**

The Chairman advised Council that the resignation of Councillor Sandra Rhodes had not amended the Council's proportionality calculations.

The Chairman invited the Leader of the Conservative Group, Councillor Wood, to advise Council of the Conservative Group members to be appointed to the committee vacancies on the Overview and Scrutiny Committee and the Personnel Committee, which had arisen as a result of the resignation.

Resolved

- (1) That the following Conservative Group appointments to / removal from Committees be noted:

Overview and Scrutiny Committee

Add: Councillor Douglas Webb

Personnel Committee

Add: Councillor Simon Holland

Appeals Panel

Remove: Councillor Simon Holland

The meeting ended at 10.50 pm

Chairman:

Date: