

Cherwell District Council

Overview and Scrutiny Committee

Minutes of a meeting of the Overview and Scrutiny Committee held at Virtual meeting, on 1 December 2020 at 6.30 pm

Present:

Councillor Lucinda Wing (Chairman)
Councillor Tom Wallis (Vice-Chairman)
Councillor Mike Bishop
Councillor Phil Chapman
Councillor Chris Heath
Councillor Shaida Hussain
Councillor Tony Mephram
Councillor Ian Middleton
Councillor Perran Moon
Councillor Les Sibley
Councillor Douglas Webb
Councillor Bryn Williams

Also Present:

Councillor Ian Corkin - Lead Member for Customers and Transformation
Councillor Barry Wood - Leader of the Council

Officers:

Paul Feehily, Executive Director: Place and Growth (Interim)
Claire Taylor, Corporate Director Customers and Organisational Development
Steve Jordan, Corporate Director Commercial Development, Assets & Investment & (Interim) Monitoring Officer
Robert Jolley, Assistant Director: Growth & Economy
Nicola Riley, Assistant Director: Wellbeing
Sue Marchand, Community Nature Officer: Wellbeing
Glenn Watson, Principal Governance Officer
Emma Faulkner, Democratic and Elections Officer
Natasha Clark, Governance and Elections Manager

25 **Declarations of Interest**

There were no declarations of interest.

26 **Minutes**

The Minutes of the meeting of the Committee held on 7 October 2020 were confirmed as a correct record, to be signed by the Chairman in due course.

27 **Chairman's Announcements**

There were no Chairman's announcements.

28 **Urgent Business**

There were no items of urgent business.

29 **(Draft) Strategic Vision for Oxfordshire**

The Committee considered a report from the Assistant Director – Growth and Economy which presented the first draft of a Strategic Vision for Oxfordshire.

The Strategic Vision was part of the existing portfolio approach to plan and strategy development in Oxfordshire. The Vision had a specific role and a clearly defined non-statutory status. While it was similarly looking forward to 2050 was intended to support the development of the Oxfordshire Plan indirectly, it was not part of the Oxfordshire Plan 2050 itself.

The Assistant Director – Growth and Economy explained that a public engagement exercise was currently underway on the draft Vision, as the Growth Board wanted to engage the public and other stakeholders early in the process. The deadline for feedback and ideas was 3 January 2021, and Overview and Scrutiny were asked to make comments to Executive to help inform a response from Cherwell District Council.

In response to questions from the Committee, the Assistant Director – Growth and Economy confirmed that individual Members and residents could submit their own responses if they wished, and agreed to circulate the link to Members.

The Committee supported the overall approach outlined in the draft Vision, but commented that they felt the statement should be more succinct and accessible, to make it clear what the overall aim of the strategy was.

Due to the timescales involved with the Vision, the Committee also felt that it would be necessary for regular reviews to be carried out, as well as having a clear action plan and milestones to monitor progress.

In response to questions from the Committee the Corporate Director – Customers and Organisational Development explained that the Strategic Vision would be incorporated into relevant future plans and strategies across Oxfordshire.

Resolved

- (1) That Executive be advised that the Overview and Scrutiny Committee support the overall approach and vision and make the following comments to be shared with Executive:
 - the vision statement should be more succinct and accessible.
 - An action plan and milestones would need to be drafted in order to monitor progress of the vision
 - for regular reviews/refresh of the vision due to the long timescale
 - to ensure the vision is embedded in future relevant future plans and strategies.

30 **Community Nature Plan 2020-2022 - A natural environment for people and wildlife**

The Committee considered a report from the Assistant Director – Wellbeing which presented the Community Nature Plan for 2020-2022.

The Community Nature Officer - Wellbeing explained that the plan was produced to address the Council's statutory biodiversity duty. Previously the Council had a requirement to produce a corporate biodiversity plan, and this had evolved into a Community Nature Plan in 2018.

Executive would be considering the new plan at its January 2021 meeting, and Overview and Scrutiny were asked to endorse the plan.

In response to questions from the Committee, the Community Nature Officer agreed to signpost further information for Members regarding the DEFRA standard metrics that were used to calculate various aspects of the plan, and details around the policy to protect Swifts across the district.

The Committee requested that officers give a further update on progress of the new Nature Plan in around 12 months' time. The Committee also requested that when the Community Nature Plan was next due to be updated that there be Member engagement at an earlier stage in the drafting process through an all Member briefing and consideration by the Overview and Scrutiny Committee.

Resolved

- (1) That the 2020-2022 Community Nature Plan and its approach to addressing the Council's statutory biodiversity duty be endorsed.
- (2) That the instruction of officers to investigate the resource implications of the provisions of the Environment Bill in terms of nature and biodiversity and development of recommendations be endorsed.
- (3) That the essential role of key partners in the delivery of the Community Nature Plan be recognised.

- (4) That officers be requested to provide an update on progress of the Community Nature Plan to Overview and Scrutiny Committee in December 2021.

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Safeguarding

The Assistant Director – Wellbeing gave a verbal update in relation to Safeguarding.

The Committee was advised that due to the current Coronavirus situation, the timetable regarding submission of an annual safeguarding audit to the Oxfordshire Safeguarding Board had been pushed back.

The Assistant Director – Wellbeing reassured the Committee that all safeguarding policies and processes were in place and were being followed. The number of safeguarding reports that had been submitted was at a similar level to 2019.

A recent change to the staff training system meant that it was now easier to track who had completed the mandatory training. Current completion numbers for the Prevent module, which focussed on extremism, stood at 89%.

Whilst the training was not mandatory for Members, it was highly recommended. At present, 50% of Members had completed the training. The Assistant Director – Wellbeing agreed to circulate the details to all Members after the meeting.

Resolved

- (1) That the verbal update be noted.

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Constitution Review

The Committee considered a report from the Corporate Director – Commercial Development, Assets and Investment & (Interim) Monitoring Officer that presented recommendations from the Constitution Review Working Group on the 'areas for further consideration' to enable the Committee to make recommendations for constitutional change to Full Council to consider on 14 December.

The Chairman advised the Committee that the recommendations would be taken in turn, with the opportunity for debate on each one. In the course of discussion a number of amendments were proposed, debated and voted on.

In relation to recommendation 1.4, reducing the length of speeches for seconder, it was proposed by Councillor Perran Moon and seconded by Councillor Ian Middleton that the limit remain at 5 minutes as this would offer consistency across all elements of speaking.

On being put to the vote, the proposed amendment was lost and subsequently fell.

It was proposed by Councillor Doug Webb and seconded by Councillor Phil Chapman that the length of speeches for seconder, and seconder of amendments and all other speakers be reduced to three minutes (from current 5 minutes), as set out in the report. On being put to the vote, this was agreed.

With regard to recommendation 1.6, increasing the word limit for amendments to motions to 350 (from the current 250), Councillor Ian Middleton proposed that the limit be increased to 500 words explaining that he was also in favour of an increase to the motion word limit. Increasing the word limit for amendments would allow the proposers of amendments to add and explain their reasoning. There was no seconder for the proposal.

It was subsequently proposed by Councillor Lucinda Wing and seconded by Councillor Phil Chapman to maintain the current word limit for amendments to motions at 250 words as maintaining the current limit would stop amendments taking over the motion. On being put to the vote, this was agreed.

In relation to recommendation 1.12, making no changes to the existing order of business for Full Council, it was proposed by Councillor Doug Webb and seconded by Councillor Lucinda Wing to change the order of business for Full Council so that motions are taken after questions and reports (noting that the Constitution allows the Chairman to amend the order of business in any case in any given instance). Some Committee members commented that by moving motions to the end of the agenda it would prevent public engagement, as residents may not be able to stay to the end of a long meeting. Other Committee members commented that, whilst it was a difficult balance, council business had to take priority.

On being put to the vote the recommendation was agreed.

With regard to recommendation 1.13, not introducing a finish/cut off time for Full Council, it was proposed by Councillor Lucinda Wing and seconded by Councillor Phil Chapman that an 11pm finish time be introduced. Councillor Wing explained that the introduction of a cut off time would help the welfare of all involved with a full Council meeting, particularly as meetings started at 6:30pm and some recent meetings had lasted over 4 or 5 hours.

Some members of the Committee felt that introducing a cut-off time, particularly following the recommendation to move motions to the end of the agenda, would mean that some issues would not be debated.

In response to the concerns from the Committee the Corporate Director – Commercial Development, Assets and Investment & (Interim) Monitoring Officer advised that the meeting would not automatically finish at 11pm. The Chairman would have discretion to allow the meeting to continue past 11pm, in the event that an item or motion was mid-discussion at that time. A system

would also be introduced to schedule any motions that needed to be carried over to the next meeting.

On being put to the vote, the recommendation was agreed.

In relation to recommendation 1.14, allowing remote tools such as drones to facilitate site visits for Planning Committee, the Committee felt that this was a good idea in light of recent events with Covid, but that it needed to be managed to ensure footage shown to the Planning Committee was impartial.

It was therefore proposed by Councillor Lucinda Wing and seconded by Councillor Les Sibley to allow remote tools (drones) in facilitating site visits, but to be clear that this does not replace the option for physical site visits and any such footage and usage should be approved by Planning Officers to ensure impartiality.

On being put to the vote, the recommendation was agreed.

Regarding point ii) of recommendation 1.18, the use of the word Chairman (with the proviso that a person chairing a committee may call themselves by whichever term), it was proposed by Councillor Perran Moon and seconded by Councillor Ian Middleton that references should be changed to 'Chair'. On being put to the vote the proposed amendment was lost and subsequently fell.

It was then proposed by Councillor Ian Middleton and seconded by Councillor Perran Moon that references should be changed to 'Chairperson'. On being put to the vote the proposed amendment was lost and subsequently fell.

It was then proposed by Councillor Lucinda Wing and seconded by Councillor Phil Chapman that references should remain as 'Chairman', as set out in the report. On being put to the vote, this was agreed.

In relation to point i) of recommendation 1.20, it was proposed by Councillor Perran Moon and seconded by Councillor Lucinda Wing that the recommendation be amended to read 'at its October and December meetings', rather than 'October/December' as had been included in the report. This would allow the Overview and Scrutiny Committee sufficient time to put together a working group if required, to work through a first draft of any changes required. On being put to the vote this was agreed.

Resolved

That the following changes to the Constitution be recommended to Full Council:

Rules of debate:

- (1) to make no changes to the current process as regards the order of speakers in a debate but to clarify that the seconder can speak at any point if they have reserved their right and that this does not mean they must be the penultimate speaker;

- (2) to make no change to the existing rule that once the proposer of a motion or amendments begins summing up, no further speakers will be heard

Length of speeches (including all committees):

- (3) to reduce the length of speeches for proposers to and proposers of amendments to five minutes (from current 10 minute)
- (4) to reduce the length of speeches for seconder, and seconder of amendments and all other speakers to three minutes (from current 5 minutes);

Deadlines for submitting amendments to motions

- (5) to make no changes to the existing deadlines (5pm, two working days before the meeting)
- (6) to maintain the current word limit for amendment to motions as 250 words

Process for dealing with motions with budgetary implications

- (7) to encourage members to submit motions early and discuss with officers to enable a review in the light of budgetary implications, with the introduction of a threshold of "£10,000 or more" to inform what "significant" means in terms of the current budget or capital expenditure
- (8) to allow amendments to motions deferred for budgetary reasons to be amended when resubmitted to Council

Motions without notice/procedural motions:

- (9) to make no changes to the current arrangement that a procedural motion, once proposed and seconded, requires only a simple majority to succeed

Recorded vote:

- (10) to make no changes to the current arrangement that a request for a recorded vote needs only a proposer and seconder to succeed

Public addresses (not Planning Committee)

- (11) to make no changes to current arrangements for
 - i) public speakers to register by noon on the working day before the meeting
 - ii) five minutes per public speaker
 - iii) no time limit on the number of public speakers or the time allowed for the public address item

Order of business/finish time for Full Council

- (12) to change the order of business for Full Council so that motions are taken after questions and reports (noting that the Constitution allows the Chairman to amend the order of business in any case in any given instance)
- (13) to introduce a finish time of 11pm for Full Council meetings with the provisos that the meeting would not stop mid-way through an item; the Chairman of the Council has discretion to continue the meeting to conclude business if, in the opinion of the Chairman this would be

appropriate; and, that any motions not considered would be carried forward to be considered at the next scheduled Full Council meeting.

Planning Committee

- (14) to allow remote tools (drones) in facilitating site visits but to be clear that this does not replace the option for physical site visits and any such footage and usage should be approved by Planning Officers to ensure impartiality
- (15) to retain current arrangements whereby
 - i) there is no separate slot for councillor questions of clarification to the officer after a presentation of a planning application
 - ii) County councillors are allowed to speak as members of the public (i.e. no separate right to speak)
- (16) to introduce a ten-minute time limit for non-committee ward members in addressing the Committee

Terminology and glossary

- (17) to introduce a glossary to the Constitution to bring clarity to members of the public, officers and councillors
- (18) to achieve consistency within the Constitution by using the following words:
 - i) Executive (not Cabinet)
 - ii) Chairman of a meeting (with the proviso that a person chairing a committee may call themselves by whichever term e.g. Chair)
 - iii) Resident (rather than citizen)
- (19) to continue to use the following terms but provide contextual clarity (and explanation in the glossary) for the use of each:
 - i) Councillor and member
 - ii) Chief Executive and Head of Paid Service
 - iii) Chief Finance Officer and S151 Officer

Annual Review of the Constitution

- (20) to introduce an annual review of the Constitution whereby
 - i) At its October and December meetings, the Overview & Scrutiny Committee will consider and make recommendations to Full Council to agree in December
 - ii) Such a review to include a notice of any changes made in year under officer delegations to reflect legislation and transfers of functions
 - iii) Any significant changes would be submitted to Full Council as necessary for consideration

Work Programme 2020/2021

The Committee considered the indicative work programme for the remainder of the 2020/2021 Municipal Year.

As agreed during the discussions on previous agenda items, a Community Nature Plan update would be added to the October 2021 meeting, and the

Annual Constitution Review would be added to both October and November 2021.

With regards to the Covid update scheduled for the January 2021 meeting, the Governance and Elections Manager asked that Members submit any specific queries to the Democratic and Elections Team in advance, so that the officers presenting the item could gather the required information.

Resolved

- (1) That the indicative work programme and topic sheet updates be noted, subject to the following amendments (as agreed under earlier agenda items)
 - Add Community Nature Plan update to October 2021
 - Add Annual Constitution Review to October and December 2021

The meeting ended at 9.30 pm

Chairman:

Date: