

Cherwell District Council

Council

Minutes of a meeting of the Council held as a virtual meeting, on 14 December 2020 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 Phil Chapman
Councillor Mark Cherry
Councillor Colin Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
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 Tony Mephram
Councillor Ian Middleton
Councillor Perran Moon
Councillor Richard Mould
Councillor Cassi Perry
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 Lucinda Wing

Councillor Barry Wood
Councillor Sean Woodcock

Apologies for absence:

Councillor Nick Cotter
Councillor Andrew McHugh
Councillor Bryn Williams

Officers:

Yvonne Rees, Chief Executive
Steve Jordan, Corporate Director Commercial Development, Assets & Investment & Interim Monitoring Officer
Michael Furness, Assistant Director Finance
Sukdave Ghuman, Head of Legal Services
Richard Hawtin, Team Leader Property & Contracts
Glenn Watson, Principal Governance Officer
Natasha Clark, Governance and Elections Manager

50 **Welcome**

The Chairman welcomed councillors, officers and members of the public and press to the virtual meeting of Full Council.

The Chairman introduced the Vice-Chairman, Councillor Hannah Banfield, and explained that if he had any technical issues and had to drop out of the meeting, Councillor Banfield would take the Chair until he was reconnected.

The Chairman welcomed Councillor Billington back to the virtual Chamber after a short illness. Councillor Billington thanked all Members who had sent him their best wishes and those who had helped him during his illness.

51 **Declarations of Interest**

There were no declarations of interest.

52 **Communications**

Housekeeping

The Chairman reminded Members of the protocol and etiquette for virtual meetings.

Chairman's Engagements

The Chairman referred to the list of events that had been included with the agenda pack and explained that whilst he had been unable to attend events, he had been joining events virtually.

Councillor Copeland

The Chairman advised Council that Councillor Copeland had contacted him and the Monitoring Officer regarding the October Council meeting. The Chairman explained that he acknowledged the concerns raised and apologised to Councillor Copeland for the error whereby he had proposed an amendment to the Constitution Review report which was incorrectly ruled out of order. The Chairman further explained that he would refer to this at the agenda item to approve the minutes of the previous Council meeting and that he had asked the Governance and Elections Manager to reflect this matter in the minutes of the December meeting.

The Chairman observed that, as Committee Chairs would be aware, chairing virtual meetings added an additional layer of complexity and mistakes were made from time to time. The Chairman thanked Members for their patience as Members continued with these different ways of working and meeting.

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

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

Following the presentation, the Deputy Police and Crime Commissioner, the Chief Constable and Superintendent Garside answered questions Members had submitted in advance of the meeting and some supplementary questions.

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

54 **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 of the request were in relation to the motion on the Climate and Ecological Emergency Bill and one was in relation to the motion on hunting. 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 they had registered to speak on.

55 **Urgent Business**

There were no items of urgent business.

56 **Minutes of Council**

The Chairman referred to the statement he had made earlier under Chairman's announcements. Subject to the inclusion of the amendment to Minute 46, Constitution Review, to reference the amendment proposed by Councillor Copeland that had been ruled out of order, the minutes of the meeting held on 19 October 2020 were agreed as a correct record to be signed by the Chairman in due course.

57 **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 19 October 2020, no key decisions have 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.

58 **Questions**

a) Written Questions

The Chairman advised Council that one written question addressed to the Leader of the Council, Councillor Wood, had been submitted with advance notice in accordance with the Constitution and had been published with the agenda. A responses to the question had been published as a supplement to the agenda (and are an annex to the Minutes as set out in the Minute Book).

The question was from Councillor Middleton in relation to Castle Quay shopping centre. By way of a supplementary question, Councillor Middleton asked the Leader if the Castel Quay Working Group should be more transparent. The Leader advised that the remit of the Working Group had been detailed in the published response to the written question and explained that an All Member Briefing of Castle Quay 1 and Castle Quay 2 in the New Year.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Councillor Reynolds: Bus services

Councillor Billington: Kidlington bollard

Councillor Woodcock: The financial settlement and the council's budget consultation

Councillor Dhesi: Face covering littering

Councillor Moon: No deal Brexit and the implications for the council

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

The Chairman advised that three motions had been submitted. No amendments to any of the motions had been submitted and, in line with the Constitution, no amendments to the motion were now permitted.

Climate and Ecological Emergency (CEE) Bill

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

Jane Rogers, local resident

Berenice Westwood, local resident

Michael Taylor, local resident

It was proposed by Councillor Middleton and seconded by Councillor Broad that the following motion be adopted.

"In 2019 this council and many others recognised the importance of tackling impending global ecological disaster by unanimously passing a climate emergency motion.

As a next step, Green MP Caroline Lucas recently introduced the Climate and Ecological Emergency Bill (CEE) to Parliament, which seeks to ensure that the UK plays its fair and proper role in limiting global temperatures to 1.5°C. Full details can be found at <https://www.ceebill.uk/>.

The Bill was prepared by the CEE Bill Alliance, a team of scientists, academics, lawyers and campaigners guided by current science and has received cross party support from over 80 MPs.

It calls for urgent, far-reaching actions from the Government that take into account our entire global carbon footprint, including all emissions involved in the production and transport of goods from overseas that are consumed in the UK.

The Bill seeks to ensure that we take action now, rather than depending on new, untested future technologies, with a focus on the natural world as much as on the climate, protecting and conserving wildlife habitats in the UK and across the world.

A central mechanism for achieving these aims would be Citizen's Assemblies that would have a real influence on government strategy.

This council wishes to show support for the CEE Bill by :

- Taking into account the goals of The Bill when setting its own strategies, policies and targets.
- Encouraging individual councillors to join the CEE campaign
- Calling on all Oxfordshire MPs to sign the CEE Bill Early Day Motion (no 832)"

No amendments to the motion having been proposed, the motion was debated as submitted. In the course of the debate it was proposed by Councillor Broad and seconded by Councillor Middleton that a recorded vote be taken. Having been proposed and seconded, a recorded vote was duly taken, and Members voted as follows:

Councillor Hannah Banfield	Abstain
Councillor Andrew Beere	Abstain
Councillor Nathan Bignell	Against
Councillor Maurice Billington	Against
Councillor Mike Bishop	Against
Councillor John Broad	For
Councillor Hugo Brown	Against
Councillor Phil Chapman	Against
Councillor Mark Cherry	Abstain
Councillor Colin Clarke	Against
Councillor Conrad Copeland	For
Councillor Ian Corkin	Against
Councillor Surinder Dhesi	Abstain
Councillor John Donaldson	Against
Councillor Sean Gaul	Against
Councillor Carmen Griffiths	Against
Councillor Timothy Hallchurch	Against
Councillor Chris Heath	Against
Councillor Simon Holland	Against
Councillor David Hughes	Against

Councillor Shaida Hussain	Abstain
Councillor Tony Ilott	Against
Councillor Mike Kerford-Byrnes	Against
Councillor James Macnamara	Against
Councillor Kieron Mallon	Against
Councillor Nick Mawer	Against
Councillor Tony Mephram	Against
Councillor Ian Middleton	For
Councillor Perran Moon	Abstain
Councillor Richard Mould	Against
Councillor Cassi Perry	Abstain
Councillor Lynn Pratt	Against
Councillor George Reynolds	Against
Councillor Barry Richards	Abstain
Councillor Dan Sames	Against
Councillor Les Sibley	Against
Councillor Jason Slaymaker	Against
Councillor Katherine Tyson	For
Councillor Tom Wallis	Against
Councillor Douglas Webb	Against
Councillor Fraser Webster	Abstain
Councillor Lucinda Wing	Against
Councillor Barry Wood	Against
Councillor Sean Woodcock	Abstain

The vote was lost and the motion therefore fell.

Improving Coronavirus testing and tracing

It was proposed by Councillor Tyson and seconded by Councillor Middleton that the following motion be adopted.

“Cherwell District Council would like to stand in solidarity with Oxford City Council in expressing our concern that, so far into the COVID pandemic, the country still does not have an adequate testing and tracing system. A fully functioning system decreases the risk of Oxfordshire residents to coronavirus.

Test and trace is proven in countries with a properly functioning locally-based system to be a successful strategy to manage and contain COVID-19 outbreaks.

This Council agrees that to rectify the situation substantial control should be passed to local authorities, with the necessary funding to do the job properly, with national input providing any support necessary to ensure effective co-ordination.

A local scheme will:

- Improve traceability
- Enable increased and targeted testing, including asymptomatic testing
- Be better integrated into existing Council COVID support services
- Be a more cost-effective solution
- Achieve greater community engagement
- Allow for the engagement of local volunteers

Pressure is building on the Government both to use local authorities more and to cease contracting out 'NHS Test and Trace' to private companies. Local authorities in Oxfordshire are working better than the national average in tackling COVID19 and should be supported.

This Council agrees to add its voice to those challenging the current, failed national system by asking the Leader to:

- Call on our Director of Public Health and the Leader of the County Council to support more local authority engagement in testing and tracing.
- Write to our MPs asking them for their support.”

No amendments to the motion having been proposed, the motion was debated as submitted. In the course of the debate it was proposed by Councillor Tyson and seconded by Councillor Richards that a recorded vote be taken. Having been proposed and seconded, a recorded vote was duly taken, and Members voted as follows:

Councillor Hannah Banfield	For
Councillor Andrew Beere	For
Councillor Nathan Bignell	Against
Councillor Maurice Billington	Against
Councillor Mike Bishop	Against
Councillor John Broad	For
Councillor Hugo Brown	Against
Councillor Phil Chapman	Against
Councillor Mark Cherry	For
Councillor Colin Clarke	Against

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Councillor Conrad Copeland	For
Councillor Ian Corkin	Against
Councillor Surinder Dhesi	For
Councillor John Donaldson	Against
Councillor Sean Gaul	Against
Councillor Carmen Griffiths	Against
Councillor Timothy Hallchurch	Against
Councillor Chris Heath	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 Tony Mephram	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	For
Councillor Jason Slaymaker	Against
Councillor Katherine Tyson	For
Councillor Tom Wallis	Against
Councillor Douglas Webb	Against
Councillor Fraser Webster	For
Councillor Lucinda Wing	Against
Councillor Barry Wood	Against
Councillor Sean Woodcock	For

The vote was lost and the motion therefore fell.

Hunting

The Chairman invited Linda Newberry, local resident, who had registered to speak on the motion to address Council.

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

“The 2005 Hunting Act banned hunting wild mammals with dogs except in specific circumstances. Hunts subsequently switched to trail hunting, where artificial scent trails are laid for the hounds to follow.

The League Against Cruel Sports recently released a secretly recorded meeting between key members of the hunting community in which they allegedly describe trail hunting as a "smokescreen" for hunts that wish to follow live prey. This is being investigated by the police and potentially makes any organisation that facilitates hunting on its land complicit in an illegal activity.

As a result national bodies including The National Trust, Forestry England, The Lake District National Park, Natural Resources Wales and United Utilities have suspended hunting on their land. Similar responses are likely from other organisations including the MOD and the Church of England.

Council notes that hunts in and around Cherwell have crossed public land and highways in the district, and as a result of these new restrictions these incidents may increase. As a responsible authority, we must also take steps to ensure we are not seen to be supporting potentially illegal activities.

Council calls on the leader to write to hunt masters in and around the district and Thames Valley Police, making it clear that, while investigations into trail hunting are ongoing, hunts will not be permitted to cross public or council controlled land or cause a nuisance on public highways within Cherwell, and that we will expect any such encroachments to be prosecuted to the fullest extent.”

No amendments to the motion having been proposed, the motion was debated as submitted and on being put to the vote was lost and therefore fell.

60 Council Tax Reduction Scheme and Council Tax Discounts 2021-2022

The Director of Finance submitted a report to seek approval for a Council Tax Reduction Scheme for the year 2021-2022 on the recommendation of Budget Planning Committee and Executive. The report also provide Members with an update on Council Tax discounts and sought approval for the Council Tax discounts for 2021-2022.

In introducing the report, the Lead Member for Financial Management and Governance, Councillor Ilott, thanked Finance Officers and the Budget Planning Committee for their work on the Scheme.

Resolved

- (1) That a Council Tax Reduction Scheme (CTRS) for the year 1 April 2021 to 31 March 2022 (as set out in the annex to the Minutes as set out in the Minute Book) be approved and it be agreed the scheme be implemented with effect from 1 April 2021.
- (2) That delegated authority be granted to the Section 151 Officer to make amendments to the Council Tax Regulations up to and including 31 January 2021 for pensioners in line with uprating announced by 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 2021-2022 be approved:
 - 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.

Constitution Review

The Corporate Director – Commercial Development, Assets and Investment & (Interim) Monitoring Officer submitted a report which presented to Council the recommendations of the Overview and Scrutiny Committee for changes to the Constitution and for procedures for its annual review.

It was proposed by Councillor Copeland and seconded by Councillor Broad that the recommendations relating to the Order of business/finish time for Full Council, recommendation 1.12, 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), and 1.13, to introduce a finish time of 11 pm 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, be deleted from the recommendations.

The amendment having been proposed and seconded was duly debated. In the course of the debate it was proposed by Councillor Tyson and seconded by Councillor Copeland that a recorded vote on the amendment be taken. Having been proposed and seconded, a recorded vote was duly taken and Members voted as follows:

Councillor Hannah Banfield	For
Councillor Andrew Beere	For
Councillor Nathan Bignell	Against
Councillor Maurice Billington	Against
Councillor Mike Bishop	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 Surinder Dhesi	For
Councillor John Donaldson	Against
Councillor Sean Gaul	Against
Councillor Carmen Griffiths	Against
Councillor Timothy Hallchurch	Against
Councillor Chris Heath	Against
Councillor Simon Holland	Against
Councillor David Hughes	Against
Councillor Shaida Hussain	For
Councillor Tony Ilott	Against
Councillor Mike Kerford-Byrnes	Abstain
Councillor James Macnamara	Against
Councillor Kieron Mallon	Against
Councillor Nick Mawer	Against
Councillor Tony Mephram	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	For
Councillor Katherine Tyson	For
Councillor Tom Wallis	Against
Councillor Douglas Webb	Against
Councillor Fraser Webster	For
Councillor Lucinda Wing	Against
Councillor Barry Wood	Against
Councillor Sean Woodcock	For

The vote on the amendment was lost and therefore fell.

Council debated and voted on the recommendations as submitted.

Resolved

Rules of debate:

- (1) That no changes to the current process as regards the order of speakers in a debate be made but the Constitution 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) That no change be made 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) That the length of speeches for proposers and proposers of amendments be reduced to five minutes (from current 10 minute).
- (4) That the length of speeches for seconders, seconders of amendments and all other speakers be reduced to three minutes (from current 5 minutes).

Deadlines for submitting amendments to motions:

- (5) That no changes be made to the existing deadlines (5pm, two working days before the meeting).
- (6) That the current word limit for amended motions as 250 words be maintained.

Process for dealing with motions with budgetary implications:

- (7) That Members be encouraged to submit motions early and discuss with officers to enable a review in the light of budgetary implications, and that a threshold of “£10,000 or more” be introduced to inform what “significant” means in terms of the current budget or capital expenditure
- (8) That amendments to motions deferred for budgetary reasons to be permitted when resubmitted to Council

Motions without notice/procedural motions:

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

Recorded vote:

- (10) That no changes be made 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) That no changes be made 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) That the order of business for Full Council be changed 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) That a finish time of 11pm be introduced for Full Council meetings with the provisos that the meeting will 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) That remote tools (drones) be allowed in facilitating site visits but it 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) That the following arrangements be retained 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) That a ten-minute time limit for non-committee ward members in addressing the Committee be introduced.

Terminology and glossary:

- (17) That a glossary to the Constitution be introduced to bring clarity to members of the public, officers and councillors
- (18) That the following words be used 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) That following terms continue to be used but contextual clarity (and explanation in the glossary) be provided 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) That an annual review of the Constitution be introduced whereby
- i) At its October and December meeting, the Overview & Scrutiny Committee will consider and make recommendations to Full Council for agreement in December, (with the potential for the Committee to convene a Constitution Review Working Group to offer advice if appropriate)
 - 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
- (21) That it be noted that the Monitoring Officer will amend the Constitution to reflect the decisions of Council.
- (22) That the areas being reviewed by the Monitoring Officer under delegated authority be noted.

The meeting ended at 11.37 pm

Chairman:

Date: