

## OXFORDSHIRE COUNTY COUNCIL

**MINUTES** of the meeting held on Tuesday, 24 March 2015 commencing at 10.00 am and finishing at 12.45 pm.

### **Present:**

Councillor Anne Purse – in the Chair

### Councillors:

Lynda Atkins	Janet Godden	Neil Owen
Jamila Azad	Patrick Greene	Glynis Phillips
Mike Beal	Tim Hallchurch MBE	Susanna Pressel
Maurice Billington	Pete Handley	Laura Price
Liz Brighthouse OBE	Jenny Hannaby	G.A. Reynolds
Kevin Bulmer	Nick Hards	Alison Rooke
Nick Carter	Neville F. Harris	Rodney Rose
Louise Chapman	Steve Harrod	Gillian Sanders
Mark Cherry	Mrs Judith Heathcoat	John Sanders
John Christie	John Howson	Les Sibley
Sam Coates	Ian Hudspeth	Lawrie Stratford
Yvonne Constance OBE	Bob Johnston	John Tanner
Steve Curran	Stewart Lilly	Melinda Tilley
Surinder Dhesi	Lorraine Lindsay-Gale	Michael Waine
Arash Fatemian	Sandy Lovatt	Richard Webber
Neil Fawcett	Mark Lygo	David Williams
Jean Fooks	Kieron Mallon	David Wilmshurst
Mrs C. Fulljames	Charles Mathew	
Anthony Gearing	David Nimmo Smith	

*The Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.*

### **1/15 MINUTES**

(Agenda Item 8)

The Minutes of the Meeting were approved and signed subject to Councillor Zoe Patrick being removed from the vote on page 7 of the Minutes and to the following being added to Minute 97/14:

“Councillor Harris raised a point of order in relation to the constitutional status of the report which was answered by the County Solicitor & Monitoring Officer at the time.”

## **2/15 APOLOGIES FOR ABSENCE**

(Agenda Item 1)

Apologies for absence were received from Councillors Bartholomew, Gray, Hibbert-Biles, Langridge, Patrick and R. Smith.

The Leader of the Council announced that Councillor Gray had sadly suffered a family bereavement.

**RESOLVED:** to ask the Chairman of the Council to write to Councillor Gray to convey Council's warm wishes and condolences for his loss.

## **3/15 OFFICIAL COMMUNICATIONS**

(Agenda Item 3)

The Chairman announced that she would be hosting a Charity Dinner on 15 May 2015 to raise funds for Thomley Hall in Oxford. She hoped that all members would support this event.

## **4/15 APPOINTMENTS**

(Agenda Item 4)

**RESOLVED:** to note the following appointments, notified to the Proper Officer by the Leader of the Council:

- (a) Councillor Stewart Lilly in place of Councillor Simon Hoare on Performance Scrutiny Committee;
- (b) Councillor Yvonne Constance OBE in place of Councillor Simon Hoare on Audit & Governance Committee;
- (c) Councillor Richard Langridge in place of Councillor Yvonne Constance OBE on Education Scrutiny Committee.

The Leader of the Council paid tribute to Councillor Hoare for his service on the Council.

## **5/15 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 5)

Mrs Julie Hankey addressed the Council on behalf of Oxfordshire against Gravel Extraction (OXAGE) against the recommendations set out in Agenda Item 6 (Minerals & Waste Local Plan) on the basis that inadequate consultation had been undertaken and that a key reason for consultation, as stated in the statement of Community Involvement was to help strengthen the county's minerals plan. The Council were today being asked to agree to a minerals plan which had not involved the community. In the light of this, she urged the Council to support the amendment put forward by Councillor Lynda Atkins. Without community consultation, the weaknesses in the plan would go unchallenged, and now ran the risk of being judged to have failed the tests of soundness and legal compliance by the Inspector at the Examination in Public.

Mr John Taylor addressed the Council on behalf of OXAGE against the recommendations set out in the report at Agenda Item 6 as he believed the Plan to be flawed on the basis that it lacked any supporting evidence. He urged the Council to support the amendment put forward by Councillor Lynda Atkins to defer consideration of the Oxfordshire Minerals and Waste Local Plan to allow further consultation on the methodology used to prepare the Local Aggregates Assessment, particularly with the local communities affected. He urged caution that if this was not done the Council could face further challenge.

## **6/15 OXFORDSHIRE MINERALS & WASTE LOCAL PLAN**

(Agenda Item 6)

The County Council had a statutory duty to prepare a new Oxfordshire Minerals and Waste Local Plan, to provide an effective planning strategy and policies for the supply of minerals and management of waste in the County. The Council had before them the Core Strategy (CC6) which would form the central part of the new Plan, setting out the Council's vision, objectives, spatial strategy and core policies for the supply of minerals and management of waste in Oxfordshire to 2031. It was a strategic policy document that required full Council approval before it was published for representations to be made and then submitted to the Government for independent examination.

The Cabinet on 25 November 2014 resolved to agree a draft of the Core Strategy in principle for recommendation to Council. A final amended draft of the Core Strategy had now been prepared. This took into account comments received on the February 2014 consultation draft document, the outcomes of engagement under the duty to co-operate, further technical work and current national planning policy and guidance; and it should be found to be legally compliant and sound when examined by an inspector.

The County Council also had before it the Statement of Community Involvement (CC6). This set out how the Council would involve the community in preparing and reviewing the Minerals and Waste Local Plan and in making decisions on planning applications. It was a policy document that required a decision by full Council to be adopted. The current Oxfordshire Statement of Community Involvement was adopted by the Council in 2006 and now needed to be revised. Following consultation on a draft earlier in 2014, the Cabinet on 25 November 2014 agreed to recommend a revised Oxfordshire Statement of Community Involvement to Council for adoption.

Councillor Nimmo Smith moved and Councillor Hudspeth seconded that the recommendations set out in the report and on the face of the agenda be moved.

Councillor Lynda Atkins moved and Councillor Constance seconded the following amendment:

The Council is RECOMMENDED to:

In respect of A:

- (a) ~~approve~~ ***defer consideration of*** the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy at Annex 4 ***to allow consultation on the methodology used to prepare the Local Aggregates Assessment (LAA) with those interested parties who were consulted on the methodology for the previous Local Aggregates Assessment, but who were not consulted on the methodology in the current LAA*** for publication and submission to the Secretary of State for independent examination under Regulations 19 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- (b) ***asks the Cabinet to have careful regard to the outcome of the additional consultation before final consideration of the draft Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy by Council.***
- ~~(b) authorise the Director for Environment and Economy to finalise the text, tables, diagrams and plans in the Core Strategy in consultation with the Cabinet Member for Environment, and to finalise the supporting documents, provided that the strategy and policy content of the Core Strategy is not materially changed; and~~
- ~~(c) authorise the Director for Environment and Economy to publish the Core Strategy and supporting documents in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and~~
- ~~(d) authorise the Director for Environment and Economy to consider any representations received on the published Core Strategy in consultation with the Cabinet Member for Environment and to finalise and submit the Core Strategy and other required documents and information to the Secretary of State in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and~~
- ~~(e) authorise the Director for Environment and Economy to represent the Council, present evidence and respond to any comments made by other parties and any relevant changes in legislation or national policy or guidance during the examination of the Core Strategy and, in consultation with the Cabinet Member for Environment, to put forward to the Inspector any necessary changes to the Core Strategy if required during the examination.~~

In respect of B:

- (a) adopt the Revised Oxfordshire Statement of Community Involvement at Annex 6 to replace the existing Oxfordshire Statement of Community Involvement adopted on 7 November 2006; and

- (b) authorise the Director for Environment and Economy to carry out final editing and preparation of the Revised Oxfordshire Statement of Community Involvement for publication.

Following a lengthy debate in which those supporting the amendment expressed deep regret at the lack of consultation with local communities, together with their concern over the robustness of the Plan going forward, the amendment was put to the vote and was lost by 26 votes to 23, with 7 abstentions.

The substantive motion was then put to the vote and was carried by 39 votes to 15, with 2 abstentions.

**RESOLVED:** (by 39 votes to 15, 2 abstentions)

In respect of A:

- (c) approve the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy at Annex 4 for publication and submission to the Secretary of State for independent examination under Regulations 19 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- (d) authorise the Director for Environment and Economy to finalise the text, tables, diagrams and plans in the Core Strategy in consultation with the Cabinet Member for Environment, and to finalise the supporting documents, provided that the strategy and policy content of the Core Strategy is not materially changed; and
- (e) authorise the Director for Environment and Economy to publish the Core Strategy and supporting documents in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- (f) authorise the Director for Environment and Economy to consider any representations received on the published Core Strategy in consultation with the Cabinet Member for Environment and to finalise and submit the Core Strategy and other required documents and information to the Secretary of State in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- (g) authorise the Director for Environment and Economy to represent the Council, present evidence and respond to any comments made by other parties and any relevant changes in legislation or national policy or guidance during the examination of the Core Strategy and, in consultation with the Cabinet Member for Environment, to put forward to the Inspector any necessary changes to the Core Strategy if required during the examination.

In respect of B:

- (a) adopt the Revised Oxfordshire Statement of Community Involvement at Annex 6 to replace the existing Oxfordshire Statement of Community Involvement adopted on 7 November 2006; and
- (b) authorise the Director for Environment and Economy to carry out final editing and preparation of the Revised Oxfordshire Statement of Community Involvement for publication.

## **7/15 CHIEF EXECUTIVE & HEAD OF PAID SERVICE**

(Agenda Item 7)

At the Full Council meeting of the 17 February 2015, a decision was taken relating to the restructuring of the Senior Management Team of the Council resulting in the deletion of the post of Chief Executive and the resultant decision to give Joanna Simons notice of dismissal from that role by reason of redundancy, and consequently from the position of Head of Paid Service. Following that decision, a Notice of Dismissal was issued to the Chief Executive.

The rationale for the restructuring was set out in the earlier report of the County Solicitor and concerned the need to introduce a new operating model to address the serious funding challenges and embrace a more distributed model of managerial leadership.

Concerns were raised by some members regarding the legality of the process that was followed in the light of the Local Authorities (Standing Orders) (England) Regulations 2001. To address any uncertainty that may have remained and so there could be confidence in the integrity and transparency of the decision; to avoid legal challenges and the resultant costs and delays, the Council had before it a report (CC7) for further consideration.

Councillor Hudspeth moved and Councillor Rose seconded the recommendations set out in the report and on the face of the Agenda. In moving his motion the Leader of the Council apologised for the haste with which the past decision was taken and accepted responsibility for it.

The Chairman reported that she had agreed that the vote on this item would be taken in two parts, with recommendation (a) being voted on separately followed by a vote on (b), (c) and (d) taken together.

Following a lengthy debate recommendation (a) was put to the vote and was carried by 55 votes to 0.

Recommendations (b), (c) and (d) were the put to the vote and were lost by 28 votes to 27.

**RESOLVED:** (by 55 votes to 0) to rescind the decision to issue a Notice of Dismissal to the Chief Executive and Head of Paid Service taken on the 17 February 2015.

.....

CC1

..... in the Chair

Date of signing