

**MEETING OF THE WITNEY TOWN COUNCIL**

**Held on Monday 25 June 2018**

**At 7pm in the Council Chamber, Town Hall**

**Present:**

Councillor B J Churchill (Chairman)

Councillors: S E Bartington                      D S T Enright  
C Brown    C Holliday  
B J Churchill                                        J S King  
H Chirgwin                                         T J Morris  
P J Dorward                                        L M Price  
J M Doughty                                        D Temple  
H B Eaglestone

Officers: Town Clerk    Operations & Estates Officer  
PA to the Town Clerk/Mayor

Others: Sgt Cochrane - Thames Valley Police  
9 members of the public

321 **APOLOGIES FOR ABSENCE**

Apologies for their absence were received from Cllrs Woodward, Morris and Dorward (Cllr Dorward subsequently joined the meeting at 7.35pm).

322 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

323 **MINUTES**

The Council received and considered the minutes of the Annual Council meeting held on 9 May 2018.

- a) **RESOLVED:** to confirm as a correct record the minutes of the meeting held on 9 May for signature by the Chairman.
- b) **MATTERS ARISING:** there were no matters arising from the minutes.

324 **PUBLIC PARTICIPATION**

The Committee adjourned in line with Standing Order 42 so Stuart Foster on behalf of the Witney Music Festival, and Faye Carrick and Jessica Carew-Gibson on behalf of LibFest could address the Council.

325 **WITNEY COMMUNITY POLICING ISSUES**

The Council welcomed Sgt Cochrane from Thames Valley Police and heard that crime figures in Witney had levelled out in recent months. There had been an increase in bike thefts so efforts were being made to encourage security. There had also been work on gathering intelligence in relation to drugs with the public being asked to report anything suspicious. Sgt Cochrane also confirmed that there would be an increased presence over the summer in well-known anti-social behavioural hot spots such as the Leys, Witney Lake and Madley Park, particularly on summer evenings. In response to a member's question about neighbourhood watch and windows during the hot weather, it was advised that burglary figures had not currently shown an increase from the figures before Christmas and burglaries tended to come in cycles. A member thanked the police for their efforts during the recent fire in Witney.

*Sgt Cochrane left the meeting at 7.17pm.*

With the express permission of the Chairman, Agenda Items 10, 11 and 13 of the agenda were brought forward in the meeting.

326 **NOTICE OF MOTION TO RESCIND A PREVIOUS DECISION**

Members received the following motion from Councillors Churchill, Chirgwin, Eaglestone and Harvey,

On 23 April 2018 Council *resolved that the dates requested by Witney Music Festival for 2019 – 28 & 29 June – be ring-fenced for future years (minute 194 refers)*. However it is believed this decision was taken in haste and without full consideration to other events held on The Leys Recreation Ground, which are timed to commemorate the sad loss of Liberty Baker and celebrate her life.

It was confirmed by the Town Clerk in accordance with Council Standing Order 23(a) that this decision could be rescinded following this motion, if successful and was necessary if the Council wanted to debate Agenda Item 11(b).

A member asked if the decision taken by the Council on the grass-seeding programme could also be rescinded to allow re-scheduling. In response a member advised that there had already been discussion and there was no other time; Standing Orders would not need to be invoked as the decision was last year but it could not be discussed at this meeting.

**RESOLVED:** that the above decision taken on 23 April 2018 (minute 194) be rescinded in order for Agenda Item 11(b) to be discussed.

327 **EVENTS**

a) Members received a verbal update from the Operations and Estates Officer regarding the position of the Witney Music Festival Event Management Plan submission.

The Event Management Plan was currently being reviewed by the Town Council's Health and Safety Advisors, Peninsula. At that time there had been no certificates of insurance, no payment had been received, there was no fairground plan and there were items on the plan

which might not happen. There were also a number of smaller questions which would be taken up with Witney Music Festival directly within the feedback.

Members were also asked to agree the rent payable to Witney Music Festival and heard from the Town Clerk that under the Council's daily hire charges for the Leys, the amount should be £2700 which would cover from the date of occupation to the date of leaving.

A member proposed that given the contribution the festival makes to the town there should be no charge. Other members felt that as this was taxpayer's money this would not be acceptable while another advised that any such decision should be made through a council process of a grant application. Another member felt that the Council should look at applications on their own merit and on contribution to the community like the decision taken on charging for this year's Witney Feast, a reduced charge being set for any non-profit organisation wanting to hold an event of importance to the town. The proposal was lost.

- b) Members received and considered an application from LibFest to hold an event on the Leys on 28-29 June at the Leys in 2019.

A discussion ensued with the Council supporting the request from LibFest to hold their event on The Leys in 2019 and welcoming a suggestion from the Music Festival for the two organisations to work collaboratively in the future. Members were unanimous in support for both events and expressed their hope that a regular date could be found to accommodate Witney Music Festival around grass-seeding at the Leys, although a member pointed out that the Festival may have outgrown the site. A member added to the proposal that the last weekend in June should be reserved every year for LibFest.

2 abstentions, all the rest in favour.

**RESOLVED:**

- 1) that the application by LibFest to hold an event on The Leys from 28-29 June 2019 and every last weekend of June thereafter be agreed;
- 2) that a full discussion on grass seeding takes place at the Sports & Recreation Committee meeting to be held on 9 July 2018, and that from this discussion a regular annual date for Witney Music Festival is sought.

328 **HEALTH AND SAFETY**

The Council received a joint statement (appended to these minutes) from the Town Clerk and Operations & Estates Officer regarding risk and health and safety concerns with the Witney Music Festival event in August which had been exacerbated by actions taken at an event held by them at the Corn Exchange on 8 June 2018. Currently, officers were not in a position to issue a permit for the event on The Leys, 17-18 August 2018 to go ahead because it did not comply with the Council's terms and conditions of hire, particularly in regard to the after event chill-out which appeared to be very much an event.

A member was disturbed at this current state of affairs and had significant concerns about insurance, raising the possibility that each individual member could be liable in the event of any incidents taking place if no permit was issued. In recent years the officers of the Council had tried to ensure that the events were legal and compliant but the organisers of the

Witney Music Festival appeared to resist requests made. In light of the statement by the Town Clerk Cllr Harvey proposed the following motion,

*'In light of what we have now heard and the associated problems with the hiring of the Corn Exchange, Witney Town Council can no longer agree to allow the Witney Music Festival to take place on The Leys in August 2018 unless and until a fully approved and complete Event Management Plan which adheres to all the Town Council's terms and conditions as well as rules on Health and Safety has been received by 9am on Friday 29<sup>th</sup> June 2018.'*

An exchange took place between members, some of whom were concerned that no such action should take place without further discussion and representation with all of those involved. Time was needed to carry out a full and complete investigation from experts on the alleged events with a detailed judgement that could be considered; the details currently just being conjecture. Although the August events had initially been discussed with the Safety Advisory Group in January, other members were concerned about the safety of the event and liability in the event of any incidents in the council's position of a diligent landowner. It was noted that there had only been Town Council involvement with the Festival in the last six years as landowner and some members felt that there had been problems from then. A vote on this motion was held with the results being:

Favour: Cllrs Brown, Chirgwin, Churchill, Doughty, Eaglestone, Harvey, King and Temple.

Against: Cllrs Enright, McMahon and Price

Abstain: Cllrs Bartington, Beames, Dorward and Holliday

**RESOLVED:** that the above motion be carried.

*Cllr Doughty left the meeting at 7.59pm.*

329 **AN UPDATE FROM WITNEY OXFORDSHIRE COUNTY COUNCILLORS AND WEST OXFORDSHIRE DISTRICT COUNCILLORS**

County Councillor Suzanne Bartington

Cllr Bartington advised that additional resources for highways were being allocated for patching and following concerns over access at Newland and Oxford Hill improved road closure signage would be installed. The crossing should be finished on schedule within the next five weeks and cycle racks added. Cllr Bartington also advised that the County Councillor Priority Fund was open for applications, this being a flexible fund for local projects with a value up to £50,000.

County Councillor Laura Price

Cllr Price advised the lengthening of bus stops was taking place on Market Square was progressing but following a query from the Chairman it was confirmed there would be no allocated disabled parking bays as this was funded from a central government fund solely for town centre public transport. Cllr Price reiterated that there would be a change in the way highways maintenance takes place on key roads, with larger stretches of road being done, rather than just pot holes. A breakdown of potholes by ward would be provided to the Town Clerk following the meeting. Partnership talks with Cherwell were progressing well and the provision of joint Chief Executive across two counties would help pool resources. There was also hope to revive Oxfordshire Together where there was scope for work with

further organisations such as the Witney Traffic Advisory Group. Cllr Price added in regard to the Priority fund this was an opportunity to fund things been hit by county council cuts.

District Councillor Duncan Enright

Cllr Enright reported progress on the Local Plan was imminent and a prospectus detailing a Cotswold Garden Village at Eynsham had been produced, whilst noting the alternative Barnard Gate Garden Village application was also due. A petition on affordable housing had been received and contained proposals on the District Council investing its reserves into local housing projects and the consideration to setting up a Working Party to investigate affordable housing. A member asked that health provision is forefront in minds with any developments at the planning stage.

District Councillor Peter Dorward

Cllr Dorward advised he had noted complaints from local residents about dust at the development north of the A40 and would be raising concerns at the next District Council Environment committee meeting.

330 **REPORT BACK FROM COUNCILLORS ON THE WORK WITH EXTERNAL BODIES WHERE THEY SERVE AS THE TOWN COUNCIL'S NOMINATED REPRESENTATIVE**

A member advised that following Volunteer Link-Up's success in winning West Oxfordshire District Charity of the Year, they had also now been named by the Oxfordshire Community Voluntary & Action Group as the best charity in West Oxfordshire.

331 **MINUTES OF COMMITTEES AND SUB COMMITTEES**

a) **PLANNING AND DEVELOPMENT COMMITTEE – 15 MAY 2018 AND 5 JUNE 2018**

The Chairman of the Committee presented the above minutes to Council and moved their acceptance.

5 June, minute 289.5 - A member asked if there had been any update on this planning application to which there was none.

**RESOLVED:** that the minutes of the Planning and Development Committee of 15 May and 5 June 2018 as detailed, be received and any recommendations therein approved.

b) **ESTATES MANAGEMENT COMMITTEE – 14 MAY 2018**

The Chairman of the Committee presented the above minutes to Council and moved their acceptance.

Minute 246 - A member asked which land this minute referred to as it was not clear. The Town Clerk advised that the details were included in the report to the committee but were retracted from the public minutes due to data protection.

**RESOLVED:** that the minutes of the Estates Management Committee of 14 May 2018 as detailed, be received and any recommendations therein approved.

c) SPORTS AND RECREATION COMMITTEE – 21 MAY 2018

The Chairman presented the above minutes to Council and moved their acceptance.

Minute 262 - A member asked for an update on parking at The Leys. The Town Clerk advised the Council was still waiting for a meeting with officers from West Oxfordshire District Council. A member suggested that the County Councillor Priority Fund may be able to be used for line marking here (TTRO).

In relation to proposed works at The Leys tennis courts, officers advised that councillors had chosen a contractor from three quotations.

**RESOLVED:** that the minutes of the Sports and Recreation Committee of 21 May 2018 as detailed, be received and any recommendations therein approved.

d) COMMUNITY SERVICES COMMITTEE – 4 JUNE 2018

The Chairman of the Committee presented the above minutes to Council and moved their acceptance.

Minute C270 (b) - A member advised that he had seen the Town Council crest on a temporary board in the window of the West Oxfordshire Community Transport bus showing they were working with the Town Council towards the agreed terms of its funding.

Minute C284 - A member advised that representation had been made to the environmental department at the District Council to engage them with In Bloom, one particular area of concern was the amount of flyposting taking place. The Chairman of the In Bloom Working Party thanked those who had offered support towards this project. A member also advised that an area of Japanese knotweed on County Council land was being addressed.

**RESOLVED:** that the minutes of the Community Services Committee of 4 June 2018 as detailed, be received and any recommendations therein approved.

e) POLICY & RESOURCES COMMITTEE – 11 JUNE 2018

The Chairman of the Committee presented the above minutes to Council and moved their acceptance.

**RESOLVED:** that the minutes of the Policy & Resources Committee 11 June 2018 as detailed, be received and any recommendations therein approved.

f) WORLD WAR ONE WORKING PARTY – 11 JUNE 2018

The Chairman of the Working Party presented the above minutes to Council and moved their acceptance. He also advised that there were now over 20,000 hand-made poppies. A member moved to recognise the work of the Chairman of this Working Party.

**RESOLVED:** that the minutes of the World War One Working Party held on 11 June 2018 as detailed, be received and any recommendations therein approved.

g) EVENTS WORKING PARTY – 14 JUNE 2018

The Chairman of the Working Party presented the above minutes to Council and moved their acceptance.

**RESOLVED:** that the minutes of the Events Working Party held on 14 June 2018 as detailed, be received and any recommendations therein approved.

332 CIVIC ANNOUNCEMENTS

The Council received and considered the Mayor's report of engagements undertaken. The Mayor advised she would talk about one memorable engagement each month which this month was a video she had been asked to take part in as part of the Special Effect Twin Town Challenge. A member congratulated the Mayor on a busy time representing the town in her first month in the position.

**RESOLVED:** that the report be noted.

333 VANDALISM REPORT

The Council received and considered the report of the Operations and Estates Officer circulated prior to the meeting.

Included in the report was a comparison of vandalism between last year and now and the replacement of the Burwell Play Area Music Stand which would be taken to the next Sports and Recreation committee meeting.

**RESOLVED:** that the report be noted.

334 COMMUNICATION FROM THE LEADER

Communication had been received from a resident requesting that the verges around the town be planted with wildflowers which was generally supported by members. It was agreed that a group of councillors could meet with their District counterparts.

**RESOLVED:** that this matter is referred to the Community Services Committee meeting on 16<sup>th</sup> July so consideration could be given on how to progress this initiative with the relevant land owners/authorities.

335 CORRESPONDENCE

Members received correspondence to the Town Clerk regarding the flying of the LGBT Rainbow flag from the Town Hall during Oxford Pride week 2018. One was a complaint from a resident for flying it from the Town Hall and the other a complaint from Mr Paul Hicks that his donation of the flag was not officially acknowledged.

**RESOLVED:**

1. that Members agreed they represented the whole town and the Council had a right to fly the flag under national flag-flying protocols; and that a letter should be issued to this effect to the complainant.

2. that the Council accepts that credit should have been given to Mr Paul Hicks on his donation of the Rainbow Flag to Witney Town Council and apologises for this oversight.

336 **QUESTIONS TO THE LEADER OF THE COUNCIL**

There were no questions to the Leader of the Council.

337 **ACCOUNTS & AUDIT (ENGLAND) REGULATIONS 2015 – ANNUAL GOVERNANCE AND ACCOUNTABILITY RETURN 2017/18**

Members received and considered the Annual Return for the Year ended 31 March 2018 as circulated with the agenda.

**RESOLVED:**

- 1) that the report be noted;
- 2) that the Statement of Accounts at Section 1 of the Annual Return for the year ended 31 March 2018 be approved;
- 3) that the Annual Governance Statement at Section 2 of the Annual Return for the Year ended 31 March 2018, where questions 1 to 9 were answered yes, be approved;
- 4) that the unaudited Financial Statements for the year ended 31 March 2018 be noted.

338 **TO NOTE THE RESULT OF THE NORTH WARD BY-ELECTION HELD ON 21 JUNE 2018**

The Council welcomed Cllr Andy McMahon following his success in the North ward by-election on 21<sup>st</sup> June 2018.

**RESOLVED:** that Cllr McMahon be elected to the Planning & Development Committee and the Youth Council and In Bloom Working Parties; the position on Witney Traffic Advisory Committee being filled by Cllr Eaglestone.

339 **SEALING OF DOCUMENTS**

There were no documents to be sealed.

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The meeting closed at 8.37pm.

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Chairman

**APPENDIX TO THE MINUTES**

**Town Clerk's statement in relation to Agenda Item 13 (minute 328) – Health & Safety joint Statement from the Town Clerk & Operations & Estates Officer**

As Senior Officers of Witney Town Council it is our role to advise the Councillors and ensure that they act accordingly with due regard to Health & Safety and implementing policies, terms and conditions – all of which are set by Council. In so doing we try to mitigate against risk – be it financial, or otherwise and to ensure that the Council does not act ultra vires.

Whilst the Witney Music Festival is organised by a third party, Witney Town Council as landowners has a responsibility to ensure the safety of the public who attend the event as well as making sure the land is suitable and being used properly. This is reiterated in the Practical Guide to Event Organisers in Oxfordshire and endorsed by Oxfordshire County Council and all District Council's along with those who form the SAGs.

At this stage, notwithstanding the current position of the Event Management Plan, Officers cannot issue a permit to the organisers for the event to go ahead because currently it does not comply with the Council's Terms & Conditions of hire. At the meeting on 9 May 2018 Council amended its terms & conditions to: all events on Witney Town Council land must end by 11pm, it proceeded to resolve that the 'After Party' was not be considered as an event – and it be termed as a sponsors chill out area/thank you for the volunteer helpers. However the 'final' event management plan states that the Chill out Lounge will include the sale of alcohol and food, with live and recorded music – all governed by a Temporary Event Notice (TEN) – it is therefore impossible for Officers of the Council to ignore the fact that this is an event as it very much features in the EMP and has licensable activities associated with an event. This therefore goes against the Council policy that all events on WTC land must end by 11pm.

What's more on pg 37 of the EMP it states that....

The total capacity for general entry shall be deducted by 750 persons to allow for CHILLOUT ticket sales and complimentary CHILLOUT tickets [300 persons] and event staff / artists [300 persons]. Total general admission capacity is set to 4399 persons.

Pages 88/89 of the EMP go into detail and make it explicitly clear that entry to the Chillout Area is by ticket/wristband only – 450 public wristbands available for general sale and complementary give away alongside 49 staff wristbands. This constitutes an event – and not as previously agreed by Council as being for volunteer/helpers.

Furthermore, Officers are currently working through an investigation of the event held by the same organisers on 8 June 2018 in the Corn Exchange, when again blatant disregard was made of the Council's terms and conditions of hire resulting in the trigger of the fire alarm and the attendance of the Fire Service. A full report will be going to the Estates Committee next week, but in summary as a result of this incident the event organisers tampered with the fire panel which has caused damage, due to the fact that theatrical smoke was used despite the hirers being advised to the contrary. This is stated in the terms and conditions as well as it being reiterated by officers and the Council's fire

and security advisor. Whilst this was later established to be a false alarm no evacuation procedure was followed which is disappointing and could have put the general public at risk. Hirers should not have been tampering with this expensive equipment as there are clearly consequences which could have compromised future bookings in the hall.