

OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 9 July 2013 commencing at 10.00 am and finishing at 3.30 pm.

Present:

Councillor Tim Hallchurch MBE – in the Chair

Councillors:

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

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.

36/13 MINUTES

(Agenda Item 1)

The Minutes of the Meeting held at 10.00 am on 14 May 2013 were approved and signed subject to the following amendments:

Minute 31/13 Appointments:

table at 1(a) – the text ‘Councillor Lyndsey-Gale’ to be replaced with ‘Councillor Lindsay-Gale’.

Add in the following text:

- (b) Council had before them the political balance on Scrutiny and other committees for review and to appoint members to them (CC11).

Councillor Hudspeth moved and Councillor Rose seconded that ***Councillor Lilly be replaced by Councillor Gray on the Performance Scrutiny Committee, that Councillor Gray be replaced by Councillor Langridge on Education Scrutiny*** and that Councillor Mallon be the Council's representative on the Thames Valley Police and Crime Panel.

Councillor Brighthouse moved and Councillor Val Smith seconded that Councillor Tanner be replaced by Councillor Christie on the Performance Scrutiny Committee.

RESOLVED: (nem con) to confirm the political balance on Scrutiny and other Committees shown in Annex 2 and 3 to the Schedule of business subject to the corrections listed above.

The Minutes of the Meeting held on 14 May 2013 at 12.30 pm were approved and signed subject to the following amendment:

Minute 33/13, paragraph 2, fourth line the text 'her' to be replaced with 'him.'

The Minutes of the Meeting held on 14 May 2013 at 12.50 pm were approved and signed.

37/13 APOLOGIES FOR ABSENCE

(Agenda Item 2)

Apologies for absence were received from Councillors Richard Langridge and David Wilmshurst.

38/13 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

The Chairman reported as follows:

- Council congratulated the following who had received an honour on the Queen's Honours List for 2013:
 - Andrew Dilnot, CBE Chairman, UK Statistics Authority and Warden, Nuffield College had received a Knighthood for services to Economics and Economic Policy;
 - Sally Dicketts, Chief Executive and Principal, Oxford and Cherwell Valley College and Chair, Reading College – had received a CBE for services to Further Education;

- Professor Pete Dobson, Director, Oxford University, Begbroke Business and Science Park, received an OBE for services to Science and Engineering.
- Council congratulated the Oxfordshire County Youth Orchestra who had won a major award in the National Festival of Music for Youth in the 'Open Orchestras' class, together with the Jazz Combo 'OX2', who took the major award for the most innovative performance.
- Council paid tribute to former County Councillor Miss M E (Peg) McWilliam who had recently passed away. Council observed a minute's silence in honour of her memory.

39/13 APPOINTMENTS

(Agenda Item 5)

RESOLVED: (on a motion by Councillor Hudspeth, seconded by Councillor Rose and carried nem con) to:

- (a) confirm the political balance on Scrutiny and other committees and to appoint members to them as set down in Annex 1 and 2 to the report CC5;
- (b) replace Councillor Mark Lygo with Councillor Jamila Azad on the Oxfordshire County Council Teachers' Joint Consultative Committee.

40/13 PETITIONS AND PUBLIC ADDRESS

(Agenda Item 6)

The Council received the following representations from members of the public:

Ms Julie Mabberley presented a Petition on behalf of Wantage & Grove Campaign Group requesting that the Highways Officers of the County Council consider the impact of the scale of housing developments on the roads in the Vale of the White Horse and to find urgent solutions to the issue.

Ms Sue Moon and Mr Andrew Baud presented a Petition on behalf of the School Bus Action Group requesting that Oxfordshire County Council immediately withdraw the proposed Home to School Transport Policy 2014.

Mr Sharone Parnes addressed the Committee in support of Motion 18 (Motion From Councillor Patrick), requesting that the Council find an urgent solution to this issue.

41/13 MINERALS & WASTE CORE STRATEGY

(Agenda Item 8)

The Council had before them a report CC8 which sought approval, following advice from Counsel, to withdraw the Oxfordshire Minerals and Waste Core

Strategy on the grounds that it is based on an assessment which does not accord with the National Planning Policy Framework.

RESOLVED: (on a motion by Councillor Nimmo-Smith and seconded by Councillor Mathew and carried nem con) to:

- (a) withdraw the Oxfordshire Minerals and Waste Core Strategy;
- (b) prepare a revised Oxfordshire Minerals and Waste Local Plan in accordance with a new Minerals and Waste Development Scheme.

42/13 DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2013

(Agenda Item 9)

The Council had before them for consideration the 6th Director of Public Health Annual Report for Oxfordshire (CC9).

RESOLVED: (on a motion by Councillor Hibbert-Biles, seconded by Councillor Reynolds and carried nem con) to receive the Report.

43/13 REPORT OF CABINET

(Agenda Item 10)

Council received the Report of the Cabinet.

In relation to Paragraph 1 (Staffing Report – Quarter 4) (Question from Councillor John Christie) Councillor Rose undertook to ensure that future reports detailing vacancies and agency staff would be provided in a clearer more detailed format.

In relation to Paragraph 14 (Director of Public Health Annual Report) (Question from Councillor Glynis Phillips) Councillor Hibbert-Biles undertook to provide Members with a written answer regarding whether there were any referrals to 'smoking cessation' from GP's and hospitals in Oxfordshire..

44/13 SCRUTINY COMMITTEES - ANNUAL REPORT

(Agenda Item 11)

The Council had before them the Scrutiny Annual Report CC11, which provided an overview of the work of the Council's six scrutiny committees over the course of 2013/13.

RESOLVED: (on a motion by Councillor Lindsay-Gale, seconded by Councillor Waine and carried nem con) to receive the report.

45/13 2013/14 REQUESTS FOR VIREMENTS

(Agenda Item 12)

Council had before them a report by the Assistant Chief Executive & Chief Finance Officer which sought approval to a number of virements which are larger than £0.5m arising from the Revenue and Capital Outturn Report to Cabinet on 18 June

RESOLVED: (on a motion by Councillor Fatemian, seconded by Councillor Hudspeth and carried by 32 votes to 3, with 25 abstentions) to approve the virements larger than £0.5m and the associated carry forwards as set out in Annex 1(a) and 1(b) to the report.

46/13 OLDER PEOPLE'S POOLED BUDGET ARRANGEMENTS (SECTION 75 AGREEMENT)

(Agenda Item 13)

The Council had before them a report CC13 which sought approval to a virement to the Older People's Pooled Budget to ensure the risk sharing and governance arrangements are appropriate for a truly pooled budget.

RESOLVED: (on a motion by Councillor Heathcoat, seconded by Councillor Hibbert-Biles and carried nem con) to approve the virement of £21m into the Older People's Pooled Budget, as well as an income target of £18m.

47/13 AMENDMENTS TO THE FINANCIAL PROCEDURE RULES - CHANGE TO THE CONSTITUTION

(Agenda Item 14)

The Council had before them a report CC14, which presented the proposed amendments to the Financial Procedure Rules for capital, together with a new section to allow the Council to act as an Accountable Body for partnerships.

RESOLVED: (on a motion by Councillor Fatemian, seconded by Councillor Hudspeth and carried by 44 votes to 13, with 2 abstentions) to:

- (a) agree the proposed changes to the Financial Procedure Rules, as outlined in Paragraph 3 of the report and as detailed in Annex 1; and
- (b) ask the Monitoring Officer to amend the Council's Constitution accordingly.

48/13 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

(Agenda Item 15)

The council had a number of Questions received with notice from members of the Council (Annex 2 of the Schedule of Business)

16 Questions with notice were asked. Details of the questions and answers and the supplementary questions and answers (where asked) is set out in Annex 1 to the Minutes.

In relation to Question 6 (Question from Councillor Stewart Lilly to Councillor Nick Carter) Councillor Carter undertook to provide members with a copy of an area by area phasing timetable for the Broadband Programme once it became available.

In relation to Question 7 (Question from Councillor David Williams to Councillor Ian Hudspeth) Councillor Hudspeth undertook to investigate written communication with Southern Health and provide members with a written answer.

49/13 MOTION FROM COUNCILLOR LIZ BRIGHOUSE

(Agenda Item 16)

Councillor Brighouse moved and Councillor Azad seconded the following motion:

“This Council asks the Cabinet to look at ways to ensure that all new contracts have written into them public service values of local engagement, terms and conditions of service, including a commitment to the Living Wage and all of the usual policies of Health and Safety, Equality etc. It also asks that ways to engage local communities in the provision of services through co-operatives or other mutual organisations should be developed and supported.

This would ensure the Council Taxpayers of Oxfordshire have services which are responsive to the local communities.”

Following debate the motion was put to the vote and was lost by 42 votes to 17, with 2 abstentions.

50/13 MOTION FROM COUNCILLOR STEWART LILLY

(Agenda Item 17)

Councillor Lilly moved and Councillor Greene seconded the following motion:

“That this County Council’s new administration examine the possibility of increasing and seeking greater flexibility with pre-planning application fees to bring this authority in line with neighbouring District, and other authorities in England. These measures to also see the addition of “administration fees” for the clearance and discharge of conditions of planning permissions issued. Government gives authorities the freedom to levy such costs as it derives to be reasonable. This would also bring much needed income to the County Councils finances.”

Councillor Tanner moved and Councillor Mathew seconded “that the question be now put”. The motion was put to the vote and it was

RESOLVED: (nem con) that the question be now put.

The substantive motion was then put to the vote and it was:

RESOLVED: (nem con)

That this County Council’s new administration examine the possibility of increasing and seeking greater flexibility with pre-planning application fees to

bring this authority in line with neighbouring District, and other authorities in England. These measures to also see the addition of “administration fees” for the clearance and discharge of conditions of planning permissions issued. Government gives authorities the freedom to levy such costs as it derives to be reasonable. This would also bring much needed income to the County Councils finances.

51/13 MOTION FROM COUNCILLOR ZOE PATRICK

(Agenda Item 18)

Councillor Patrick moved and Councillor Webber seconded the following motion:

“This Council recognises the importance of housing development being planned in a sustainable way with the infrastructure required in place at an early stage.

The County Council Developer Funding Team have had success in gaining infrastructure for some larger developments in various parts of the county in the past. However, there are many smaller developments in parts of Oxfordshire where numbers of houses are built without apparent input and without any objections from the highways officers, in spite of the extra traffic being created on existing roads. There is also concern that not enough priority is being given to ensure there are enough school places within existing schools when these developments are agreed. In some cases, new schools will be needed to cope with the demand. This is especially a problem when there are repeated applications in an area, that over a couple of years add up to many hundreds of houses, which would have triggered road and education infrastructure if in a single application.

As the County Council will be responsible for maintaining our roads and ensuring there are enough school places for our children, it is important that this is dealt with as a matter of urgency. This Council therefore urges the Cabinet to take heed of these problems and to work with officers to find urgent solutions to this issue. including closer working with district planning officers and improved liaison with local members.”

Councillor Hallchurch moved and Councillor Chapman seconded “that the question be now put”. The motion was put to the vote and it was:-

RESOLVED: (nem con) that the question be now put.

The substantive motion was then put to the vote and it was:-

RESOLVED: (nem con)

This Council recognises the importance of housing development being planned in a sustainable way with the infrastructure required in place at an early stage.

The County Council Developer Funding Team have had success in gaining infrastructure for some larger developments in various parts of the county in the past. However, there are many smaller developments in parts of Oxfordshire where numbers of houses are built without apparent input and without any objections from the highways officers, in spite of the extra traffic being created on existing roads. There is also concern that not enough priority is being given to ensure there are enough school places within existing schools when these developments are agreed. In some cases, new schools will be needed to cope with the demand. This is especially a problem when there are repeated applications in an area, that over a couple of years add up to many hundreds of houses, which would have triggered road and education infrastructure if in a single application.

As the County Council will be responsible for maintaining our roads and ensuring there are enough school places for our children, it is important that this is dealt with as a matter of urgency. This Council therefore urges the Cabinet to take heed of these problems and to work with officers to find urgent solutions to this issue. including closer working with district planning officers and improved liaison with local members.

52/13 MOTION FROM COUNCILLOR JENNY HANNABY

(Agenda Item 19)

Councillor Hannaby moved and Councillor Heathcoat seconded the following motion as amended with Council's agreement by Councillor Heathcoat in bold italic:

"This Council reaffirms its commitment to the safeguarding and wellbeing of the elderly and vulnerable in Oxfordshire.

Council notes the Annual Report of the Safeguarding Adults Board as presented to Adult Services Scrutiny committee and the Health and Wellbeing Board, and welcomes the ***initial*** steps taken to ensure that responsible agencies work together to minimise risk of personal abuse in residential care or nursing homes. Oxfordshire residents need to be assured that the highest level of care will be delivered with dignity and respect, and that the safety of those suffering from dementia, mental and learning or physical disabilities will always be of the highest priority.

Council does not believe that the Care Quality Commission has the capacity to meet its growing responsibilities, and notes the increase in reported failures in care inside residential care and nursing homes nationally and within Oxfordshire. Council calls on the cabinet to learn from mistakes and inadequacies revealed by whistle-blowers and the CQC, but also sees the need for pro-active monitoring through joint working and information sharing between the safeguarding adults team and the care home support service to ensure the safety of all residents in our care."

Councillor Gill Sanders moved and Councillor Tanner seconded "that the question be now put". The motion was put to the vote and it was:-

RESOLVED: (nem con) that the question be now put.

The substantive motion, as amended in bold italic/strikethrough was put to the vote and it was:-

RESOLVED: (nem con)

This Council reaffirms its commitment to the safeguarding and wellbeing of the elderly and vulnerable in Oxfordshire.

Council notes the Annual Report of the Safeguarding Adults Board as presented to Adult Services Scrutiny committee and the Health and Wellbeing Board, and welcomes the initial steps taken to ensure that responsible agencies work together to minimise risk of personal abuse in residential care or nursing homes. Oxfordshire residents need to be assured that the highest level of care will be delivered with dignity and respect, and that the safety of those suffering from dementia, mental and learning or physical disabilities will always be of the highest priority.

Council does not believe that the Care Quality Commission has the capacity to meet its growing responsibilities, and notes the increase in reported failures in care inside residential care and nursing homes nationally and within Oxfordshire. Council calls on the cabinet to learn from mistakes and inadequacies revealed by whistle-blowers and the CQC, but also sees the need for pro-active monitoring through joint working and information sharing between the safeguarding adults team and the care home support service to ensure the safety of all residents in our care.

53/13 MOTION FROM COUNCILLOR DAVID WILLIAMS

(Agenda Item 20)

Councillor Williams moved and Councillor Coates seconded the following motion:

“This Council agrees with Lord Neuberger, President of the Supreme Court who said:

(The Guardian 18/06/2013)

- Access to justice for all - particularly the poor, the vulnerable and the disadvantaged is being put at risk;
- The ability to hold the Government and other institutions to account is essential to the rule of law. We take great care in any approach to reduce access to judicial review. It is a small price to pay for a democratic and just society.

This Council opposes the Government’s proposed restrictions to seek legal aid entitlement and fears that this may have a detrimental impact on the functions of Oxfordshire County Council and local people’s ability to seek

redress against the Council and in legal proceedings initiated by the Authority for trading standards and child protection cases.

.....

It is essential that local people subject to these proceedings have access to proper legal representation of which legal aid is an essential part.

The reputation of the courts as defenders of liberty and justice will be undermined and recourse to law will become restricted to a wealthy elite.

Social stability rests on a rock that justice is available to all. That social cohesion that we have taken for granted for generations is in danger if we undermine people's ability to seek legal redress.

The Council therefore calls upon the Chief Executive to make the opinions and concerns of the Council on this matter known to the Lord Chief Justice and the relevant Government Ministers of State."

Following debate the motion was put to the vote and was lost by 32 votes to 28.

54/13 MOTIONS FROM COUNCLLOR DAVID WILLIAMS AND COUNCILLOR JOHN CHRISTIE

(Agenda Item 21)

The time being 3.30 pm the meeting closed and therefore the motions from Councillors Williams and Christie were considered dropped in accordance with Council Procedure Rule 15.1.

..... in the Chair

Date of signing