

County Council

8 December 2015

Agenda

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on (01865) 815270 or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

To: Members of the County Council

Notice of a Meeting of the County Council

Tuesday, 8 December 2015 at 10.00 am

County Hall, Oxford OX1 1ND



P.G. Clark
Head of Paid Service

November 2015

Contact Officer: **Deborah Miller**
Tel: (01865) 815384; E-Mail: deborah.miller@oxfordshire.gov.uk

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 7 and 12 will be recorded. The purpose of recording proceedings is to provide an *aide-memoire* to assist the clerk of the meeting in the drafting of minutes.

Members are asked to sign the attendance book which will be available in the corridor outside the Council Chamber. A list of members present at the meeting will be compiled from this book.

A buffet luncheon will be provided

AGENDA

1. Minutes (Pages 1 - 28)

To approve the minutes of the meeting held on 3 November 2015 (**CC1**) and to receive information arising from them.

2. Apologies for Absence

3. Declarations of Interest - see guidance note

Members are reminded that they must declare their interests orally at the meeting and specify (a) the nature of the interest and (b) which items on the agenda are the relevant items. This applies also to items where members have interests by virtue of their membership of a district council in Oxfordshire.

4. Official Communications

5. Appointments

To make any changes to the membership of the Cabinet, scrutiny and other committees on the nomination of political groups.

6. Petitions and Public Address

7. Questions with Notice from Members of the Public

8. Questions with Notice from Members of the Council

9. Report of the Cabinet (Pages 29 - 30)

Report of the Cabinet Meeting held on 10 November 2015 (**CC9**).

10. Constitution Review (Pages 31 - 34)

Report by the Chief Legal Officer and Monitoring Officer (**CC10**).

Under the Constitution, the Monitoring Officer is required to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect. This includes making recommendations to Council on any necessary amendments. The Monitoring Officer is authorised to make any changes to the Constitution which are required to:

- Comply with the law
- Give effect to the decisions of Council (or Cabinet, Committees etc.)
- Correct errors and otherwise for accuracy or rectification

Other changes will only be made by Full Council, following a recommendation of the Monitoring Officer.

This report therefore updates Council on amendments to the Constitution that have been made consequential on previous decisions of the Council. This is for information only. It also seeks approval of two minor changes, both of which effectively seek to clarify and update existing provisions within the Council Procedure

Rules and the Protocol for Member-Officer Relations.

Council is RECOMMENDED to:

- (a) note that changes have been made to the Constitution to give effect to the Council's previous decisions on:**
 - (i) senior management structures (Council Minute Reference 56/15; and**
 - (ii) senior officer dismissal procedures (Council Minute Reference 43/15);**
- (b) agree the proposed change to the Council Procedure Rules outlined at paragraph 11 of this report; and**
- (c) agree the proposed change to the Protocol on Member-Officer Relations outlined at paragraph 14 of this report.**

11. Appointment of Independent Person (Pages 35 - 38)

Report by the Chief Legal Officer and Monitoring Officer (**CC11**).

In law the County Council must appoint one or more Independent Persons whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that a councillor has breached the Members' Code of Conduct.

As such, Independent Persons perform a key role in the Council's procedures for investigating any such complaints. Their role also includes forming part of a Panel of persons, established under statutory procedures, to advise or make recommendations to Council on the potential dismissal of a senior officer.

The Council currently has one such Independent Person but it is prudent for more than one to be appointed. This report therefore recommends Council to make a specific appointment to this role.

Council is RECOMMENDED to appoint Dr Sadie Reynolds to the role of Independent Person under Section 28 of the Localism Act 2011.

12. Treasury Management Mid Term Review (Pages 39 - 54)

Report by the Chief Finance Officer (**CC12**).

The report sets out the Treasury Management activity undertaken in the first half of the financial year 2015/16 in compliance with the CIPFA Code of Practice. The report includes Debt and Investment activity, Prudential Indicator monitoring and forecast interest receivable and payable for the financial year.

Council is RECOMMENDED to note the report.

MOTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

WOULD MEMBERS PLEASE NOTE THAT ANY AMENDMENTS TO MOTIONS WITH NOTICE MUST BE PRESENTED TO THE PROPER OFFICER IN WRITING BY 9.00 AM ON THE MONDAY BEFORE THE MEETING

13. Motion From Councillor Yvonne Constance

“This Council regrets the withdrawal of bus subsidies from rural areas recognising the impact on the most isolated elderly residents. We note many responses to the bus subsidies consultation stated a willingness to pay for the Old Age Bus Pass. To raise important revenue for this most essential transport.

This Council urges Government to permit Councils to charge an annual flat-rate fee, in the same way as we purchase a Senior Rail Pass on those pensioners who can afford to pay.”

14. Motion From Councillor Richard Webber

“Oxfordshire is one of the wealthiest counties in the UK. Unemployment is amongst the lowest; business growth, incomes and house prices are amongst the highest. Housing demand and future housing growth ensures that Oxfordshire will be a leader in driving the future of the UK economy.

The need for infrastructure to support this growth becomes ever more important. Much of the cost of that infrastructure falls to the County Council, and yet the Council finds itself increasingly cash-strapped with the lack of infrastructure ever more acute.

So if there is so much money flowing in the County’s economy and little of it is in the hands of the Council, in whose hands or pockets is it?

This Council has a great team of officers – experts in social care, in education, in roads and transport, in planning and so on, but it has few expert officers whose specific skills are in commerce.

In order to join and benefit from the thriving economy on its doorstep, Council requests that Cabinet, as part of the budget process, urgently considers investing in a small team of experts to oversee all the commercial activities of the Council. A team:

- (i) to help departments draw up, ensure best value and monitor contracts;
- (ii) to develop a trading arm of the Council;
- (iii) to sell the skills and services it already provides on the open market;
- (iv) and to seek out all opportunities for income generation.”

15. Motion From Councillor Nick Hards

“Council recognises that, with the severe financial pressures which Council faces over the next five years, it is important that we make best use of our property assets. To assist in making timely and appropriate changes to our office accommodation particularly in Oxford, Council calls on the Cabinet Member with responsibility for Property to appoint a Cabinet Advisory Group to:

- (a) review the buildings which the council currently owns or leases in Oxford;
- (b) consider the present and future requirements of our office based staff;
- (c) explore the options for making the most cost effective way of using these buildings which we own or lease; and
- (d) make recommendations to Cabinet as to savings which could be made and income which could be generated from our property.”

16. Motion From Councillor Jean Fooks

“Council notes that:

- corporate tax evasion and avoidance are having a damaging impact on the world’s poorest countries, to such a level that it is costing them far more than they receive in aid;
- this is costing the UK as much as £30bn a year;
- this practice also has a negative effect on small and medium-sized companies who pay more tax proportionately.

Council further notes:

- that the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14, applying to all central government contracts worth more than £5m;
- the availability of independent means of verifying tax compliance, such as the Fair Tax Mark.

In early 2015 new regulations required public bodies, including councils, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts. However, these questions are not as detailed as the PPN 03/14.

Oxfordshire County Council believes that bidders for Council contracts should be asked to account for their past tax record, using the standards in PPN 03/14, rather than the lower standards in the recent regulations.

Council therefore calls upon Cabinet to amend procurement procedures to require all companies bidding for council contracts to self-certify that they are fully tax-compliant in line with central government practice, using the standards in PPN 03/14, for service contracts over £173,000 and works contracts over £4m.

Cabinet to publicise this policy and to report on its implementation annually for the next three years.”

17. Motion From Councillor David Williams

“This Council is concerned at the proposed cuts in the grant aid to the Police Service that is being proposed by the Rt. Honourable George Osborne MP and the effect this will have on policing in the Thames Valley Authority and its corresponding impact on Oxfordshire County Council services. The County Council backs the legal bid being organised by 8 Police and Crime Commissioners to challenge the proposed reduction which it is estimated will mean cuts of at least £5million per year on the local force until 2020 and will probably mean the withdrawal of many non-statutory specialist services working in cooperation with the County Council such as the Child Sex Abuse Unit.

The County Council requests the Leader of the Council to write to the Home Secretary and the Chancellor of the Exchequer with the Councils views and to provide supportive letters to the Police and Crime Commissioners who have bravely opposed the government on this issue.”

18. Motion From Councillor Sam Coates

“Oxfordshire County Council is concerned that in order to recruit and retain staff with the range of skills and experience required to maintain the quality of service that is expected there is a need to recognise that with the escalating cost of living in Oxfordshire, especially housing, it will be necessary to pay as a minimum wage the London Allowance accepted now as a minimum of £9.40 per hour.

The County Council with its Living Wage policy has established a basic rate per hour, but now is the time to accept that costs have been increasing at such a rate and public sector wage rises held down for so long that a London weighting is required if we are to retain the quality of our workforce. Although affecting only a small number of staff, taking the London Living wage minimum will be recognition that living in the County is on a par with living costs in the capital and will illustrate to Government that public services in Oxfordshire, economic powerhouse that it is, must be funded at wage levels that reflect London salaries.

The Council asks the Cabinet that the small additional costs of this symbolic policy being adopted to be incorporated into the calculations at present being configured for the proposed budget for 2016 -2017.”

19. Motion From Councillor David Williams

“This Council is concerned that full weight is not being given during School Admission procedure and especially during Appeal Panels to the medical evidence presented at the hearing related to the physical and mental condition of the parents of the child who is the subject of the appeal. Clearly the present guidance is focused on the direct wellbeing of the child but domestic circumstances such as a registered disabled parents put under stress or unable to cope by the decision to refuse a place must be taken into account for that too can have an influence on the child’s future happiness.

The Cabinet Member for Children, Education and Families is requested to write on behalf of the Council to the Secretary of State for Education to seek a review of the Code of Practice on School Admissions considered by the Admission Authorities and Independent School Admission Appeal Panels and to make changes to the Code which addresses the Council's concern to ensure more emphasis is placed on parental disability"

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 7 December at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders