

## OXFORDSHIRE COUNTY COUNCIL

**MINUTES** of the meeting held on Tuesday, 8 December 2015 commencing at 10.00 am and finishing at 2.15 pm.

### **Present:**

Councillor John Sanders – in the Chair

### Councillors:

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

*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.*

### **79/15 MINUTES**

(Agenda Item 1)

The Minutes of the Meeting held on 3 November 2015 were approved and signed.

### **80/15 APOLOGIES FOR ABSENCE**

(Agenda Item 2)

Apologies for absence were received from Councillors Neil Owen, Laura Price and Anne Purse.

## **81/15 OFFICIAL COMMUNICATIONS**

(Agenda Item 4)

The Chairman reported as follows:

Council sent its condolences to the family of Leonard White, former County Librarian from 1976 – 1990. The Chairman reported that the funeral would take place at St Peter's Church in Wolvercote on 10 December.

Following on from the Motion by Councillor Harris, the Chairman informed Council that a meeting with MP's took place on 27<sup>th</sup> November and that a note of the outcome would be circulated to all members of the Council.

The Chairman clarified the process on voting. Members were asked to wait until it was announced that the vote had started before voting (any votes prior to that would not be recorded) and that a 5 second warning would be given before the vote finished, with the Chairman asking members to indicate whether they were happy with their vote before closing the vote. Once the vote had closed, the result would stand and no further amendment could be made.

The Chairman drew member's attention to the note on the front of the schedule of business inviting all members to the briefing on Oxfordshire Safeguarding Children's Board directly after Council.

The Chairman also invited members to view the exhibition in the Council Rooms corridor of a local artist's maps.

## **82/15 APPOINTMENTS**

(Agenda Item 5)

**RESOLVED:** to note the Leader's changes to portfolio responsibilities effective from Thursday 12 November 2015 as follows:

Councillor Nimmo Smith has responsibility for waste management and environment management with Councillor Rose retaining responsibility for Strategic waste;

Councillor Rose takes on the Voluntary Sector from Councillor Hibbert Biles who will focus on Public Health;

Councillor Hudspeth will take on Districts Liaison across Oxfordshire with this removed from all other portfolios.

## **83/15 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 6)

The Council received the following Petitions and Public address:

Ms Pratima Mitchell and Mr James Young presented a Petition requesting that Oxfordshire County Council re-design the crossing facility for bikes at Hythe Bridge Street and George Street as the current arrangements were dangerous.

Mr Charles Young presented a Petition urging the County Council to take all possible steps to promote the growth of car clubs, in particular by granting them dedicated parking spaces on public highway. As many other councils had recognised, cars clubs played an important role in easing congestion and reducing competition for parking spaces. The Council was asked to reverse a previous decision to request a car club operator to seek private spaces before reapplying for spaces on the public highway.

Miss Jessica Hall addressed the Council in support of the Motion by Councillor Jean Fooks seeking the Cabinet to amend procurement procedures to require all companies bidding for council contracts to self-certify to ensure that they were fully tax-compliant in line with central government practice, using the standards in PPN 03/14, rather than the lower standards in the recently published regulations, on the basis that it would release much needed funds for local authorities.

#### **84/15 QUESTIONS WITH NOTICE FROM MEMBERS OF THE PUBLIC**

(Agenda Item 7)

##### **Mr Clive Hill to Councillor Judith Heathcoat**

Following the Chipping Norton Hospital Action Group's survey, the results of which we would like to hand over to OCC for its own evaluation, will OCC now take the views expressed by over 1300 people in the community into account and give consideration to including Chipping Norton War Memorial Community Hospital in the countywide review to be conducted in 2016?

##### **Answer**

As with all consultations the Council undertakes, the views of all those in the community who respond will be conscientiously considered.

#### **85/15 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL**

(Agenda Item 8)

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

In relation to Question 3 (Question from Councillor Sam Coates) Councillor Nimmo Smith undertook to provide Councillor Coates with a written response to the question "given that the spending review did not in fact scrap the bus service operators' grant does that change the situation at all?"

**86/15 REPORT OF THE CABINET**

(Agenda Item 9)

The Council received the report of the Cabinet.

**87/15 CONSTITUTION REVIEW**

(Agenda Item 10)

The Council had before them a report (CC10) which updated Council on amendments to the Constitution that had been made consequential on previous decisions of the Council and sought approval of two minor changes, both of which effectively clarified and updated existing provisions within the Council Procedure Rules and the Protocol for Member-Officer Relations.

During debate, Council indicated that it would have liked Audit & Governance to have been given the opportunity to comment on the report prior to Council's consideration.

**RESOLVED:** (on a motion by Councillor Mathew, seconded by Councillor Lovatt and carried by 53 votes to 2, with 1 abstention) to refer the report to the Audit & Governance Committee for consideration.

**88/15 APPOINTMENT OF INDEPENDENT PERSON**

(Agenda Item 11)

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 had breached the Members' Code of Conduct.

As such, Independent Persons performed a key role in the Council's procedures for investigating any such complaints. Their role also included 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 had one such Independent Person but it was prudent for more than one to be appointed. This report (CC11) therefore recommended Council to make a specific appointment to this role.

Councillor John Sanders moved and Councillor Waine seconded the recommendations as set out in the report and on the face of the Agenda.

Following debate, the motion was put to the vote and was carried by 48 votes to 3, with 8 abstentions.

**RESOLVED:** (48 votes to 3, with 8 abstentions) to appoint Dr Sadie Reynolds to the role of Independent Person under Section 28 of the Localism Act 2011.

**89/15 TREASURY MANAGEMENT MID TERM REVIEW**

(Agenda Item 12)

The Council had before it a report (CC12) which set out the Treasury Management Activity undertaken in the first half of the financial year 2015/16, including Debt and Investment activity, Prudential Indicator monitoring, changes in Strategy and forecast interest receivable and payable for the financial year.

Councillor Stratford moved and Councillor Hudspeth seconded the recommendations as set out in the report and on the face of the Agenda.

Following debate the motion was put to the vote and it was:

**RESOLVED:** (nem con) to note the report.

**90/15 MOTION FROM COUNCILLOR YVONNE CONSTANCE**

(Agenda Item 13)

With the agreement of Council, Councillor Constance withdrew her Motion.

**91/15 MOTION FROM COUNCILLOR RICHARD WEBBER**

(Agenda Item 14)

Councillor Webber moved and Councillor Smith seconded the following motion:

“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; and to seek out all opportunities for income generation.”

Following debate, the motion was put to the vote and was lost by 47 votes to 8, with 4 abstentions.

## **92/15 MOTION FROM COUNCILLOR NICK HARDS**

(Agenda Item 15)

With the agreement of Council, Councillor Hards moved and Councillor Bartholomew seconded his motion as amended by Councillor Bartholomew below in bold italics and strikethrough:

“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~~ ***Council calls on the Cabinet Advisory Group for Income Generation in conjunction with the Cabinet Member for Property to set up a task & finish group to produce an interim report by June 2016 which:***

- (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.”

Following debate, the motion as amended was put to the vote and was carried unanimously.

**RESOLVED:** (unanimously)

“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 Advisory Group for Income Generation in conjunction with the Cabinet Member for Property to set up a task & finish group to produce an interim report by June 2016 which:

- (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.”

### **93/15 MOTION FROM COUNCILLOR JEAN FOOKS**

(Agenda Item 16)

With the agreement of Council, Councillor Fooks moved and Councillor Smith seconded her motion as amended in strikethrough and bold italics as follows:

“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~~ ***This 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.”

Following debate the motion was put to the vote and was lost by 30 votes to 28, with 1 abstention.

**RESOLVED:** accordingly.

**94/15 MOTION FROM COUNCILLOR DAVID WILLIAMS**

(Agenda Item 17)

With the agreement of Council, Councillor Williams withdrew his Motion.

**95/15 MOTION FROM COUNCILLOR SAM COATES**

(Agenda Item 18)

With the agreement of Council, Councillor Sam Coates moved and Councillor Williams amended his own motion in strikethrough and bold italics as follows:

“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 staff and take their welfare seriously***. 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 cost of living***.

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.”

***The Council also asks the Cabinet to investigate an Oxfordshire Living Wage Commission to encourage local businesses and Council contractors to pay at the London Living Wage level.***

Following debate, the motion as amended was put to the vote and was lost by 33 votes to 2, with 24 abstentions.

**RESOLVED:** accordingly.



**96/15 MOTION FROM COUNCILLOR DAVID WILLIAMS**

(Agenda Item 19)

.....

With the agreement of Council, Councillor Williams moved and Councillor Howson seconded his motion as amended by Councillor Howson in strikethrough and bold italics as follows:

“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~~ ***admission arrangements are*** 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”~~

***Council Calls on the Cabinet to ensure that within the criteria listed in any admission arrangements that are the responsibility of Oxfordshire, any disability of one or both parents be added as a new admissions criteria, to be considered before any distance related criteria are considered.”***

Following debate, the Motion as amended was put to the vote and was lost by 37 votes to 1, with 19 abstentions.

**RESOLVED:** accordingly.

..... in the Chair

Date of signing