

OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 11 December 2018 commencing at 10.30 am and finishing at 4.10 pm.

Present:

Councillor Gill Sanders – in the Chair

Councillors:

Sobia Afridi	Stefan Gawrysiak	Charles Mathew
Lynda Atkins	Mark Gray	Glynis Phillips
Jamila Begum Azad	Carmen Griffiths	Susanna Pressel
Hannah Banfield	Jane Hanna OBE	Laura Price
David Bartholomew	Jenny Hannaby	Eddie Reeves
Dr Suzanne Bartington	Neville F. Harris	G.A. Reynolds
Tim Bearder	Steve Harrod	Judy Roberts
Maurice Billington	Damian Haywood	Alison Rooke
Liz Brighouse OBE	Mrs Judith Heathcoat	Dan Sames
Kevin Bulmer	Hilary Hibbert-Biles	John Sanders
Nick Carter	John Howson	Les Sibley
Mark Cherry	Ian Hudspeth	Emily Smith
Dr Simon Clarke	Tony Ilott	Roz Smith
Yvonne Constance OBE	Bob Johnston	Lawrie Stratford
Ian Corkin	Liz Leffman	Alan Thompson
Arash Fatemian	Lorraine Lindsay-Gale	Emma Turnbull
Ted Fenton	Mark Lygo	Michael Waine
Nicholas Field-Johnson	D. McIlveen	Liam Walker
Mrs Anda Fitzgerald-O'Connor	Kieron Mallon	Richard Webber
Mike Fox-Davies	Jeannette Matelot	

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.

33/18 MINUTES

(Agenda Item 1)

The Minutes of the Meeting held on 6 November 2018 were approved and signed as an accurate record subject to replacing 'in' with 'is' on page 16.

34/18 APOLOGIES FOR ABSENCE

(Agenda Item 2)

Apologies for absence were received from Councillors Buckley, Fawcett and Handley.

RESOLVED: to approve, for the purposes of Section 85 of the Local Government Act 1972, the absence of Councillor Pete Handley from any meeting of the Authority from the date of this meeting on the grounds of his serious ill health.

35/18 DECLARATIONS OF INTEREST

(Agenda Item 3)

Councillor McIlveen declared a non-pecuniary interest in Agenda Item 15 (Motion by Councillor Emma Turnbull) by virtue of her position as a Youth Worker at Wolvercote Youth Club.

36/18 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

Council noted that the Chairman's Annual Charity Dinner had raised £1,030 for local charities. The Chairman reminded members that donations would still be accepted.

Council observed a minute's silence and paid tribute to former County Councillor Jean Fooks. The Chairman reported that she had sent a wreath to the family on behalf of Council.

37/18 APPOINTMENTS

(Agenda Item 5)

The Council had before it the election results of the by-election for the Grove and Wantage division and the Wheatley Division as set out in Annex 3 to the Schedule of Business.

RESOLVED: to note the County Returning Officer's report and welcome Councillor Jane Hanna, OBE and Councillor Timothy Bearder to the Council.

38/18 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

(Agenda Item 8)

18 questions with Notice were asked. Details of the questions and answers and supplementary questions and answers are set out in the annex to the minutes.

In relation to question 2 (Question from Councillor Howson to Councillor Heathcoat) Councillor Heathcoat undertook to investigate adding a further presentation from a Crown Court Judge to speak on relation to the Law and changes with regard to prosecution to the Safe Drive; Stay alive presentation.

In relation to question 13 (Question from Councillor Turnbull to Councillor Heathcoat) Councillor Heathcoat undertook to provide Councillor Turnbull with a written answer detailing how the Council would absorb the loss when the apprenticeship levy finished in 2019.

39/18 REPORT OF THE CABINET

(Agenda Item 9)

The Council received the report of the Cabinet.

In relation to paragraph 1 (Staffing Report – Quarter 2) (Question from Councillor Laura Price to Councillor Heathcoat) Councillor Heathcoat undertook to provide Councillor Price with a written answer detailing how many interim managers there were and where they are placed across the directorates.

In relation to paragraph 4 (Oxfordshire Safeguarding Children's Board) (Question from Councillor Emily Smith to Councillor Harrod) Councillor Harrod undertook to provide Councillor Smith with a written answer detailing what work was being carried out to ensure that all children have access to a Youth Worker.

40/18 TREASURY MANAGEMENT MID-TERM REVIEW (2018/19)

(Agenda Item 10)

The Council had before it a report which set out the Treasury Management activity undertaken in the first half of the financial year 2018/19 in compliance with the CIPFA Code of Practice, including Debt and Investment activity, Prudential Indicator monitoring and forecast interest receivable and payable for the financial year.

RESOLVED: (on a Motion by Councillor Bartholomew, seconded by Councillor Carter and carried nem con) to note the report and the Council's Mid-Term Treasury Management Review 2018/19.

41/18 CONSTITUTION REVIEW

(Agenda Item 11)

Council had before them a report seeks Full Council's agreement to incorporate several changes into changes to the Council's Constitution. The changes fall under two headings and were sought to bring greater clarity and to reflect decisions already taken by the Council.

The first change proposed was to the Council's Officer Employment Procedure Rules, effectively to bring greater clarity to the arrangements for appointing the Council's senior managers. The proposed change brings the Council's terminology for its senior manager positions into line with the wording in the relevant Regulations and to be clear as to the relevant body or person responsible for making the appointment in each case. This would

enhance accountability and avoid confusion that has arisen as to the definition of 'Chief Officers' and 'Deputy Chief Officers'.

The second change was to insert new provisions into the Council's Constitution to give effect to the decisions already taken by the Council regarding the partnership between this Council and Cherwell District Council. The changes proposed were the insertion of an 'Ethical Walls arrangement' and the terms of reference of the two new committees - namely the Joint Shared Service and Personnel Committee and the Joint Appeals Committee.

The third change was to adopt into the Constitution the 'Chief Executive Protocol' endorsed by the Audit and Governance Committee, which sets out how the Joint Chief Executive will work effectively on behalf of both authorities.

The Chairman moved and the Deputy Chairman seconded the recommendations. In moving the recommendations, the Chairman drew the Council's attention to an additional report and recommendation set out in the schedule of business and sought Council's approval to move it, together with the recommendations set out on the face of the Agenda and in the report.

Following debate, the motion was put to the vote and was nem con.

RESOLVED: (nem con) to:

- (a) agree that the proposed senior officer appointment arrangements set out at Annex 1 be incorporated into the Council's Constitution;
- (b) agree that the following be incorporated into the Council's Constitution:
 - (i) terms of reference of the Partnership Working Group, Joint Shared Service and Personnel Committee and the Joint Appeals Committee;
 - (ii) the protocol on the 'Roles of Members and Officers in Dealing with Conflicts of Interest';
 - (iii) the Chief Executive Protocol.
- (c) ask the Monitoring Officer to make the changes accordingly to the Constitution and the Council's Pay Policy Statement;
- (d) approve the changes to the Council's Financial Procedure Rules set out in paragraphs 6 and 7 and to ask the Monitoring Officer to amend the Constitution accordingly.

42/18 EAST WEST RAIL LINK

(Agenda Item 12)

With the Consent of Council, Councillor Yvonne Constance moved and Councillor Hudspeth seconded an alteration to the recommendations at the suggestion of Councillor Bob Johnston as shown in bold italics and underline below.

COUNCIL is RECOMMENDED to:

- (a) ***confirm its position as objecting to the Transport and Works Act Order on Highways / Transport and Ecology Grounds, on the basis of the points set out in Annex 2 to this report; and***
- (b) ***with agreement from the Cabinet Member for the Environment, authorise officers to withdraw either or both areas of objection on the basis of satisfactory further information or updated proposals submitted by the East West Rail Alliance in response to these objections and to conclude such legal agreement(s) with Network Rail as they consider necessary to protect the County Council's interests;***
- (c) ***In progressing the East West Rail Link project every effort should be made to facilitate a subsequent electrification of the link. This could mean for example ensuring that footbridges and other structures have sufficient clearance to allow the installation of a 25 KV catenary."***

Following debate, the recommendations as amended were put to the vote and were carried unanimously.

RESOLVED: (unanimous)

- (a) confirm its position as objecting to the Transport and Works Act Order on Highways / Transport and Ecology Grounds, on the basis of the points set out in Annex 2 to this report; and
- (b) with agreement from the Cabinet Member for the Environment, authorise officers to withdraw either or both areas of objection on the basis of satisfactory further information or updated proposals submitted by the East West Rail Alliance in response to these objections and to conclude such legal agreement(s) with Network Rail as they consider necessary to protect the County Council's interests;
- (c) In progressing the East West Rail Link project every effort should be made to facilitate a subsequent electrification of the link. This could mean for example ensuring that footbridges and other structures have sufficient clearance to allow the installation of a 25 KV catenary."

43/18 MOTION BY COUNCILLOR LAURA PRICE

(Agenda Item 13)

Councillor Laura Price moved and Councillor Jane Hanna seconded the following motion:

"The greatest strength of local government is its ability to embrace openness and transparency, working with and for the people we represent to strive for the very best services and the most effective use of public money.

To ensure that Council is committed to this fundamental principle we propose the Monitoring Officer conduct a review of:

1. Any meetings including Members relating to Council functions and informing decision-making which are held in private
2. Timings of meetings

The review will be reported back to Audit & Governance Committee to form an action plan ensuring the maximum amount of business is held in public and that meetings are scheduled at times which enable the widest possible access to elected Councillors."

Following debate, the Motion was put to the vote and was lost by 31 votes to 27.

44/18 MOTION BY COUNCILLOR MIKE FOX-DAVIES

(Agenda Item 14)

With the consent of Council, Councillor Fox-Davies moved and Councillor Fenton seconded his motion, amended at the suggestion of Councillor Judy Roberts as set out below in strikethrough/bold italics:

"The high growth in housing and commerce is driving many construction projects across most areas of Oxfordshire and this has major consequences to the surrounding community. One of these consequences is the damage by the construction traffic to minor roads and allied infrastructure ~~which are not designed for that weight or volume of traffic.~~ ***Including, but not limited to, footpaths, verges, bridges and culverts.***"

This Council therefore seeks to ask the Strategic Director for Communities to instruct officers to put the necessary mechanisms in place which will require Developers to mitigate any damage to ~~such roads~~ ***they have caused to the minor roads*** and infrastructure ~~from the construction site to the nearest major highway and return~~ ***returning*** them back to pre-construction condition."

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

RESOLVED: (unanimous)

"The high growth in housing and commerce is driving many construction projects across most areas of Oxfordshire and this has major consequences to the surrounding community. One of these consequences is the damage by the construction traffic to minor roads and allied infrastructure including, but not limited to, footpaths, verges, bridges and culverts."

This Council therefore seeks to ask the Strategic Director for Communities to instruct officers to put the necessary mechanisms in place which will require

Developers to mitigate any damage they have caused to the minor roads and infrastructure from the construction site to the nearest major highway returning them back to pre-construction condition.”

45/18 MOTION BY COUNCILLOR EMMA TURNBULL

(Agenda Item 15)

Councillor Emma Turnbull moved and Councillor Brighouse seconded the following motion:

“There is inadequate youth service provision for young people (aged 11-19) across Oxfordshire in their local neighbourhoods.

In recent years, Oxfordshire County Council has lost 136 youth worker posts, which provided open-access sessions in youth and community centres, with activities such as music and sports, alongside detached and outreach work on the streets.

Young people need safe places to meet outside of formal educational settings. Currently there is no direct provision for young people in Oxfordshire. Without the support of youth workers, many young people are failing to achieve their potential during their vital teenage years, and lack self-esteem and confidence. Without somewhere to go and somebody to talk to, these young people have an increased risk of unhealthy relationships and behaviours, substance misuse, exploitation and mental health issues.

There is a huge need for a statutory youth service delivered in dedicated youth settings, providing opportunities and support for young people to develop in a positive way.

Council calls on the Cabinet to:

Consider the needs of young people in Oxfordshire with a view to funding a sustainable youth service;

Write to the Secretary of State for Education to enable provision of a statutory youth service.”

Councillor Steve Harrod moved and Councillor Nick Field-Johnson seconded the following amendment as shown in strikethrough/bold italics below:

“~~There is inadequate **inconsistent** youth service provision for young people (aged 11-19) across Oxfordshire in their local neighbourhoods.~~ **Communities.**

In recent years, Oxfordshire County Council has lost 136 youth worker posts, which **who** provided open-access sessions in youth ~~and~~ /community centres, with activities such as music and sports, alongside detached and outreach work on the streets.

Many young people need safe places to meet outside of formal educational settings. Currently there is no direct provision for young people in Oxfordshire **paid directly by the public**. Without the support of youth workers, **many some** young people, **particularly vulnerable young people**, are **at risk of** failing to achieve their potential during their vital teenage years, **and with** lack self-esteem and confidence. Without somewhere to go and somebody to talk to, **some of** these young people have an increased risk of unhealthy relationships and behaviours, substance misuse, exploitation and mental health issues.

There is ~~a huge always a~~ need for ~~a statutory better~~ youth services delivered in dedicated youth settings, providing opportunities and support for young people to develop in a positive way **and this may be achieved by a variety of statutory and community lead services.**

Council calls on the Cabinet to:

Consider the needs of young people in Oxfordshire with a view to **reviewing best practice for third-sector provision of youth services and assessing the options for funding a financially sustainable youth service in the medium term;**

Write to the Secretary of State for Education to **explore the scope for extending best practice among third sector providers of youth services and reviewing future possibilities for providing enable provision of a statutory youth service.”**

Following debate, the amendment was put to the vote and was carried by 32 votes to 26.

The substantive motion as amended was put to the vote and was carried by 34 votes to 0, with 24 abstentions.

RESOLVED: (34 votes to 0, with 24 abstentions)

“There is inconsistent youth service provision for young people (aged 11-19) across Oxfordshire in their Communities.

In recent years, Oxfordshire County Council has lost 136 youth worker posts, who provided open-access sessions in youth/community centres, with activities such as music and sports, alongside detached and outreach work on the streets.

Many young people need safe places to meet outside of educational settings. Currently there is no direct provision for young people in Oxfordshire paid directly by the public. Without the support of youth workers, some young people, particularly vulnerable young people, are at risk of failing to achieve their potential during vital teenage years, with lack self-esteem and confidence. Without somewhere to go and somebody to talk to, some of these young people have an increased risk of unhealthy

relationships and behaviours, substance misuse, exploitation and mental health issues.

There is always a need for better youth services, providing opportunities and support for young people to develop in a positive way and this may be achieved by a variety of statutory and community lead services.

Council calls on the Cabinet to:

Consider the needs of young people in Oxfordshire with a view to reviewing best practice for third-sector provision of youth services and assessing the options for funding a financially sustainable youth service in the medium term;

Write to the Secretary of State for Education to explore the scope for extending best practice among third sector providers of youth services and reviewing future possibilities for providing a statutory youth service."

46/18 MOTION BY COUNCILLOR JAMILA AZAD

(Agenda Item 16)

With the consent of Council, Councillor Jamila Azad moved and Councillor Steve Harrod seconded her motion, amended at the suggestion of Councillor Steve Harrod in strikethrough/bold italics below:

"In Oxfordshire we have a proud record of excellent support for children in our care, however a 2016 report by The Children's Society found that when care leavers move into independent accommodation and begin to manage their own budget fully for the first time it can be extremely challenging. With no family to support them and insufficient financial education, some are falling into debt and financial difficulty.

Research from The Centre for Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care.

The Children and Social Work Act 2017 places corporate parenting responsibilities on district councils for the first time, requiring them to have regard to children in care and care leavers when carrying out their functions. This provides us with a fantastic opportunity to work together with our District and City colleagues for the benefit of approximately 800 young care leavers in the 16-25-year-old age bracket.

Council therefore resolves to ask the Leader of the Council to use our convening powers and expertise in corporate parenting to work with all council tax collecting authorities to look at the implications of exempting young care leavers, with a view to agreeing a workable proposal to be published across Districts ~~in Sept 2019~~ **as soon as possible.**"

Following debate, the motion as amended was agreed unanimously.

RESOLVED: (unanimous)

"In Oxfordshire we have a proud record of excellent support for children in our care, however a 2016 report by The Children's Society found that when care leavers move into independent accommodation and begin to manage their own budget fully for the first time it can be extremely challenging. With no family to support them and insufficient financial education, some are falling into debt and financial difficulty.

Research from The Centre for Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care.

The Children and Social Work Act 2017 places corporate parenting responsibilities on district councils for the first time, requiring them to have regard to children in care and care leavers when carrying out their functions. This provides us with a fantastic opportunity to work together with our District and City colleagues for the benefit of approximately 800 young care leavers in the 16-25-year-old age bracket.

Council therefore resolves to ask the Leader of the Council to use our convening powers and expertise in corporate parenting to work with all council tax collecting authorities to look at the implications of exempting young care leavers, with a view to agreeing a workable proposal to be published across Districts as soon as possible."

..... in the Chair

Date of signing