

OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 11 December 2012 commencing at 10.00 am and finishing at 3.30 pm

Present:

Councillor **Tim Hallchurch** – in the Chair

Councillors:

Tim Hallchurch MBE	Janet Godden	David Robertson
Alyas Ahmed	Patrick Greene	Rodney Rose
Alan Armitage	Pete Handley	Gillian Sanders
Lynda Atkins	Jenny Hannaby	John Sanders
Marilyn Badcock	Tony Harbour	Bill Service
Mike Badcock	David Harvey	Dave Sexon
Maurice Billington	Mrs J. Heathcoat	Chip Sherwood
Norman Bolster	Hilary Hibbert-Biles	Dr Peter Skolar
Ann Bonner	Ian Hudspeth	Roz Smith
Liz Brighouse OBE	Stewart Lilly	Val Smith
Iain Brown	Lorraine Lindsay-Gale	Richard Stevens
Jim Couchman	A.M. Lovatt	Keith Strangwood
Tony Crabbe	Kieron Mallon	Lawrie Stratford
Roy Darke	Charles Mathew	John Tanner
Arash Fatemian	Keith R. Mitchell CBE	Alan Thompson
Anda Fitzgerald-O'Connor	Caroline Newton	Melinda Tilley
Jean Fooks	David Nimmo-Smith	David Turner
Mrs C. Fulljames	Neil Owen	Michael Waine
Anthony Gearing	Zoé Patrick	David Wilmshurst
Michael Gibbard	Susanna Pressel	
John Goddard	Anne Purse	

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.

213/12 MINUTES

(Agenda Item 1)

The Minutes of the Meeting held on 11 September 2012 were approved and signed.

214/12 APOLOGIES FOR ABSENCE

(Agenda Item 2)

Apologies for absence were received from Councillors Altaf-Khan, Carter, Chapman, Hayward, Jelf, Jones, Malik, Reynolds, L. Sanders, Seale Shouler, N. Turner and Viney.

215/12 DECLARATIONS OF INTEREST

(Agenda Item 3)

Councillor Kieron Mallon declared a Disclosable Pecuniary Interest in Agenda Item 11 (Report of the Independent Remuneration Panel on Member's allowances) by virtue of his position as the Council's representative on the Thames Valley Police & Crime Panel.

Councillor Ian Hudspeth declared a Disclosable Pecuniary Interest in Agenda Item 21 (Item of Urgent Business – Terms and Conditions of Service – 2013/14 by virtue of his partner's position as Teacher Assistant at Bladon School.

216/12 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

The Chairman reported as follows:

- The Council congratulated Conservative Anthony Stansfeld who had been elected as Thames Valley's first police and crime commissioner. Mr Stansfeld took up the job from 22 November and would oversee the largest non-metropolitan police force in England;
- The Council congratulated the Music Service who had been presented an Award by the National Music Council in recognition of the work of music services and the support given by the local authorities across the country. The trophy was awarded to the Authority that demonstrated the most substantial overall commitment to music during the year in question April 2011 to March 2012;
- The Council congratulated Environment & Economy for receiving the Gold' Green Apple Environment Award for best practice in treating the county's food waste at a state-of-the-art facility.
- The Chairman sought Council's agreement to vary the Order of Business to take Agenda Item 21 (Item of Urgent business) directly after Agenda Item 11.

RESOLVED: (nem con) to take Agenda Item 21 after Agenda Item 11.

217/12 APPOINTMENTS

(Agenda Item 5)

Councillor Hudspeth proposed and Councillor Rose seconded that Councillor Kieron Mallon be appointed as the Council's representative on the Police and Crime Panel.

Councillor Armitage proposed and Councillor Goddard seconded that Councillor Zoe Patrick be appointed as the Council's representative on the Police and Crime Panel.

Forty-one members voting in favour of Councillor Mallon and 8 members voting in favour of Councillor Patrick, Councillor Mallon was declared the Council's duly appointed representative on the Police and Crime Panel for the current Council Year.

218/12 PETITIONS AND PUBLIC ADDRESS

(Agenda Item 6)

Petitions:

Mr Jim Smith: 'A request to allow motorcycles the use of bus lanes and access to roads within Oxford that were prohibited under the Oxford Transport Strategy';

Ms Bethanny Ray on behalf of Didcot Girls School: 'A request to put speed camera on Hadden Hill and reduce the speed limits in the local area to 30 mph'.

Public Address:

Mr Jonathan Goddard addressed the Council on behalf of the Oxford Living Wage Campaign in support of the motion by Councillor Alan Armitage (Agenda Item 17) requesting further investigation into the County Council adopting a Living Wage Policy.

Mr Toby Willows and Mantas Juodzbališ from Cherwell School addressed the Council in support of the Motion by Councillor Zoe Patrick (Agenda Item 14) requesting that the Council asks the Chief Executive/Cabinet to examine the feasibility of extending the concessionary travel scheme to include 18 – 24 year olds in receipt of Job Seekers Allowance or undertaking apprenticeships.

219/12 QUESTIONS WITH NOTICE FROM MEMBERS OF THE PUBLIC

(Agenda Item 7)

The following question by Mr John Christie was put to the Leader of the Council, Councillor Ian Hudspeth:

In February 2011 the Council agreed a proposal that the budget for the Mill Arts Centre be reduced by £90,000 from April 2013.

There has been no indication since then how this significant reduction is to be achieved and how the future of the Mill and Arts and Culture in the Banbury area is to be secured.

We are only three months away from the implementation of the cut and there have been no proposals put forward for public consultation in line with the Council's policy on public consultation before decisions are made.

Would the Leader please confirm whether there are any proposals, consequent on the £90,000 cut, which would affect the management, staffing, and operational arrangements of the Mill and the Arts Culture and Educational offer for the Banbury area. If there are proposals would the Leader please state when public consultation on the proposals will take place, and following that consultation, when decisions are scheduled to be taken by the Cabinet and Council.

Councillor Hudspeth answered in the following terms:

We recognise the importance of the Mill Art Centre for cultural and community life of Banbury, it is therefore our aspiration that we move to an arrangement which give the Mill Management Committee direct control of the centres funding and activities. The reduction in funding of £90,000 will soon mean that we will be providing a direct grant of over £80,000 per annum. We will also be continuing to provide and maintain the building itself. We are currently consulting with OCC employed staff on the proposal to achieve the reduction of funding which would result, if agreed, in a new staffing structure under direct management of the Mill Management Committee being put in place. This will let us and the Committee to ensure that all Mill's resources are managed to the best effect. We have worked closely with both the Mill Management Committee and Cherwell District Council in relation to these proposed changes.

All consultation of any reorganisation involving County Council staff has been undertaken internally it is not a public consultation exercise, it is regretful that this means a period of change and uncertainty for them but it is essential to undertake this properly.

With no change plans in the level and types of services provide by the Mill no public consultation will be required. The decision to reduce the level of funding was taken as part of the budget setting process at full Council on 15 February 2011. It is now a matter for the operational managers of the service to implement that decision. No further action is therefore required on the part of the Cabinet or the Council, although I can confirm that both myself, my deputy as well as Council services portfolio holder – Councillor Heathcoat have been fully engaged with the process with officer and support the action that is being taken. It will lead to greater sustainability for The Mill and enable them to play a full part of any regeneration of the canal side in Banbury. The Centre can look forward to a more secure financial future, knowing that the County Council's grant will be in place.

Mr Christie then put the following supplementary question to Mr Hudspeth:

Would the Leader agree from his reply that there is to be a fundamental change in the culture between the County Council and The Mill Management

Centre and would he also agree that the Mill Management Centre and the County Council agreed to consult with the public in their document on any change. And would he further please consider my view that this proposal is a key decision for the Cabinet in the Council today as it affects a fundamental change in the relationship between the Management and the County Council's role and will be reconsider that there should be proper public consultation in line with the agreement.

Councillor Hudspeth replied in the following terms:

I am not sure whether that was one or five questions, I shall do my best to pick up all the points.

I think if you listen to my first statement which I will provide you a copy of, it is quite clear that this is an internal reorganisation. Therefore no public consultation is taking place. We are working with the Mill Management Committee to find the best solution to maintain this building and move forward Arts in Banbury generally, so I think my first answer covered all your questions.

220/12 2012/13 REQUESTS FOR VIREMENTS

(Agenda Item 8)

The Council had before them a report (CC8) which sought approval to a temporary virement to amend the Council contributions to the pools with the effect of moving funding from the Learning Disabilities Pool, where there was a forecast underspend, to offset pressures in the Physical Disabilities Pool.

RESOLVED: (on a motion by Councillor Hudspeth, seconded by Councillor Rose and carried nem con) to approve a temporary virement in 2012/13 to amend the Council contributions to the Pools with the effect of moving £1.842m funding from the Learning Disabilities Pool to the Physical Disabilities Pool.

221/12 TREASURY MANAGEMENT MID TERM REVIEW (2012/13)

(Agenda Item 9)

The Council had before them a report (CC9) which set out the Treasury Management Activity undertaken in the first half of the financial year 2012/13, including Debt and Investment activity, Prudential Indicator monitoring, changes in Strategy and forecast interest receivable and payable for the financial year.

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

- (a) note the Council's Mid Term Treasury Management Review 2012/13; and
- (b) congratulate the Assistant Chief Executive & Chief Finance Officer and her team for an excellent report.

222/12 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

(Agenda Item 10)

16 questions with notice were asked. Details of the questions and answers and the supplementary questions and answers, where asked and given, are set out in Annex 1 to the signed copy of the Minutes.

In relation to Question 1 (Question from Councillor John Sanders), Councillor Rose stated that the situation was being monitored and undertook to provide local members with an update if and when anything further needed to be reported.

In relation to Question 3 (Question from Councillor Roy Darke), Councillor Heathcoat undertook to meet with representatives from Old Marston Library for further discussions;

In relation to Question 11 (Question from Councillor Gill Sanders), Councillor Rose undertook to look into the matter further and report back should he find anything to report on;

In relation to Question 15 (Question from Councillor Anne Purse), Councillor Hibbert-Biles undertook to provide Councillor Purse with further information once the Carillion Audit had been carried out.

223/12 REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES

(Agenda Item 11)

Councillor Mallon left the Council Chamber until the debate and vote were concluded (please see Minute 215/12).

Council had before them a report (CC11) which set out the findings of the Independent Remuneration Panel into whether Special Responsibility Allowance should be payable to the County Council's representative on the Thames Valley Police & Crime Panel.

Councillor Hudspeth moved and Councillor Rose seconded the following motion as amended with Council's agreement by Councillor Hudspeth in strikethrough and bold italics:

The Council is RECOMMENDED that:

- (a) ***Subject to (c) below*** a special responsibility allowance of £1,500 be paid to the Council's representative on the Thames Valley Police & Crime Panel,
- (b) ***Subject to (c) below*** a Special Responsibility Allowance of £3,000 be paid to the Council's representative as the Vice Chairman of the Thames Valley Police & Crime Panel;

(c) *The allowances in (a) and (b) above will not be payable if the representative is a Cabinet Member;*

~~(c)~~ **(d)** the Independent Remuneration Panel review these arrangements within six months.

The motion, as amended in bold italics and strikethrough was put to the vote and was carried by 48 votes to 7

RESOLVED: (by 48 votes to 7) that:

(a) Subject to (c) below a special responsibility allowance of £1,500 be paid to the Council's representative on the Thames Valley Police & Crime Panel;

(b) Subject to (c) below a Special Responsibility Allowance of £3,000 be paid to the Council's representative as the Vice Chairman of the Thames Valley Police & Crime Panel;

(c) The allowances in (a) and (b) above will not be payable if the representative is a Cabinet Member;

(d) the Independent Remuneration Panel review these arrangements within six months.

224/12 ITEM OF URGENT BUSINESS - TERMS AND CONDITIONS OF SERVICE - 2013-14

(Agenda Item 21)

Councillor Hudspeth left the Council Chamber until the debate and vote were concluded (please see minute 215/12).

The Council had before them a report (CC21) which sought approval to a number of recommendations made in relation to the current local agreement on terms and conditions of employment.

Under the provisions set out in Section 100B(4) of the Local Government Act 1972 (as amended) the Chairman of the Council was of the opinion that the following report could be taken as urgent business by reason of the need to negotiate changes to terms and conditions and give notice of changes by end of 2012.

RESOLVED: (on a motion by Councillor Wilmshurst, seconded by Councillor Parick and carried nem con) to ask Officers to seek agreement with relevant trade unions to the following:

(a) reintroduce the payment of annual incremental rises for employees earning over £22,000 per annum where applicable with effect from 1 April 2013. The existing Green Book contractual provision for the withholding of increments where performance has been unsatisfactory will continue to apply;

- (b) reintroduce the payment of the Inland Revenue All Car mileage rates for business travel, currently 45 pence per mile. Costs over and above the old rate of 40 pence per mile to be absorbed in service budgets;
- (c) continue to calculate redundancy compensation at the rate of one and a half times the statutory number of weeks' pay on actual pay; and
- (d) negotiate the transfer of Green Book terms and conditions and pay from the current system of national negotiations to a system of local negotiations and to report back to the Remuneration Committee.

225/12 REPORT OF THE CABINET

(Agenda Item 12)

The Council noted the report of the Cabinet Meetings held on 18 September, 16 October and 27 November 2012.

In relation to Paragraph 6 of the report (Question from Councillor Armitage on the Corporate Plan), Councillor Rose undertook to provide a written answer.

In relation to Paragraph 7 of the report (Question from Councillor Brighouse on Level 7 of the John Radcliffe), Councillor Fatemian undertook to raise the issue with the 'Adult Health & Social Care Board' to see what options could be explored.

In relation to Paragraph 10 of the report (Question by Councillor Waine on the overseeing of sponsors), Councillor Tilley undertook to go to the next meeting of the Scrutiny Committee to discuss the matter.

In relation to Paragraph 13 of the report (Question from Councillor Roz Smith on the expansion of Windmill School), Councillor Tilley undertook to get back to Councillor Smith once the issue had been discussed.

In relation to Paragraph 13 of the report (Question from Councillor Brighouse on a Traffic Regulation Order for Red Lines outside of Windmill), Councillor Tilley undertook to ask Councillor Rose to provide her with an answer.

226/12 MOTION FROM COUNCILLOR ARASH FATEMIAN

(Agenda Item 13)

Councillor Skolar moved and Councillor Couchman seconded the following motion as amended with Council's agreement by Councillor Liz Brighouse in strikethrough and bold italics:

"Council welcomes a recent report to Adult Services scrutiny which sets out the ~~rigorous independent~~ contract monitoring and procedures that the directorate has had ~~put~~ in place for ~~some time~~ to **help** ensure the wellbeing of those using services throughout Oxfordshire. ~~Council is further reassured that this is an evolving process that develops over time.~~

However, this Council is concerned to learn that the Care Quality Commission in this region is currently operating under resource and asks the Leader to write to CQC expressing Oxfordshire County Council's wishes that this situation be immediately addressed, ***such that resources are provided*** to the correct levels to further ~~complement~~ ***complement*** the Council's own work.”

Councillor Hudspeth then moved and Councillor Rose seconded the following amendment with Council's agreement set out below in strikethrough and bold italics:

“Council welcomes a recent report to Adult Services scrutiny which sets out the contract monitoring and procedures that the directorate has put in place to help ensure the wellbeing of those using services throughout Oxfordshire.

However, this Council is concerned to learn that the Care Quality Commission in this region is currently operating under resource and asks the Leader to ~~write to~~ ***meet with*** CQC ***to*** expressing Oxfordshire County Council's wishes that this situation be immediately addressed, such that resources are provided to the correct levels to further complement the Council's own work.”

The motion, as amended in bold italics and strikethrough was carried nem con

RESOLVED: (nem con)

“Council welcomes a recent report to Adult Services scrutiny which sets out the contract monitoring and procedures that the directorate has put in place to help ensure the wellbeing of those using services throughout Oxfordshire.

However, this Council is concerned to learn that the Care Quality Commission in this region is currently operating under resource and asks the Leader to meet with CQC to express Oxfordshire County Council's wishes that this situation be immediately addressed, such that resources are provided to the correct levels to further complement the Council's own work.”

227/12 MOTION FROM COUNCILLOR ZOE PATRICK

(Agenda Item 14)

Councillor Zoe Patrick moved and Councillor Janet Godden seconded the following motion:

“Council recognises that young unemployed people are particularly disadvantaged by the current economic situation and that they deserve extra support to move onto the first steps to permanent employment.

Council notes and supports the £1 billion Youth Contract scheme – launched by the Coalition Government as a result of Lib Dem intervention – that opens up various opportunities for young people.

Council further acknowledges that the cost of transport to Job Centres, job interviews, work experience and apprenticeships can be a real barrier to young people.

Council therefore, requests the Chief Executive/Cabinet to examine the feasibility of extending the concessionary travel scheme to include 18 – 24 year olds in receipt of Job Seekers Allowance or undertaking apprenticeships and to report back to Council within 3 months.”

Following debate, the motion was put to the vote and was lost by 41 votes to 16.

228/12 MOTION FROM COUNCILLOR JOHN SANDERS

(Agenda Item 15)

Councillor John Sanders moved and Councillor Roy Darke seconded the following motion:

“This Council is concerned that two bus companies, running vital transport services for the Council, have gone into liquidation within a few days of each other. It calls into question whether the procurement policies of the Council are fit for the job.

At the moment, the Council looks for the "cheapest overall package" in choosing to subsidise bus services.

European procurement regulations admit either of two tendering criteria - (a) the lowest price or (b) the most economically advantageous tender (MEAT). The regulations state that suppliers can be assessed and excluded on the basis of their economic and financial capacity.

The Council now resolves to ask Cabinet to adopt the MEAT alternative for all bus service contracts and for all other Council services where failure would be likely to result in serious disadvantage to people who use the services or increased cost to the Council. This process will include a rigorous assessment of the commercial viability of tenderers as part of the Council's due diligence in assessing contracts.”

Following debate, the motion as amended was put to the vote and was lost by 37 votes to 8, with 9 abstentions.

229/12 MOTION FROM COUNCILLOR JENNY HANNABY

(Agenda Item 16)

Councillor Hannaby moved and Councillor Patrick seconded the following motion as amended with Council's agreement by Councillor Arash Fatemian in strikethrough and bold italics:

“This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the

Exchequer and the then Secretary of State for Health on 4th July 2010. The report recommended, inter alia:

- a) that a cap should be set on an individual's contributions; and
- b) that the upper threshold for means-testing should be raised

Council congratulates the Coalition Government for having the courage to tackle this difficult challenge, which too many Governments have consistently delayed, and for embracing the proposals which would make social care a much fairer proposition for everyone.

Council recognises the difficult financial situation facing Local and Central Government, as a result of the reckless spending of the last Labour government, however, having taken this first step, Council calls upon Her Majesty's Government to:

- (i) bring forward legislation to implement these two proposals without any further delay; and
- (ii) ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.

The Council calls on the Chief Executive to write to the Secretary of State for Health outlining these concerns.”

Following debate, The motion, as amended was put to the vote and was carried by 44 to 7.

RESOLVED:

“This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4th July 2010. The report recommended, inter alia:

- a) that a cap should be set on an individual's contributions; and
- b) that the upper threshold for means-testing should be raised

Council congratulates the Coalition Government for having the courage to tackle this difficult challenge, which too many Governments have consistently delayed, and for embracing the proposals which would make social care a much fairer proposition for everyone.

Council recognises the difficult financial situation facing Local and Central Government, as a result of the reckless spending of the last Labour government, however, having taken this first step, Council calls upon Her Majesty's Government to:

- (i) bring forward legislation to implement these two proposals without any further delay; and

(ii) ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.

The Council calls on the Chief Executive to write to the Secretary of State for Health outlining these concerns.”

230/12 MOTION FROM COUNCILLOR ALAN ARMITAGE

(Agenda Item 17)

In line with paragraph 14.1 of the Constitution and with Council’s consent, Councillor Armitage Withdrew his Motion.

231/12 MOTION FROM COUNCILLOR LARRY SANDERS

(Agenda Item 18)

There being no mover or seconder this Motion was considered dropped in accordance with Council Procedure Rule 15.1.

232/12 MOTION FROM COUNCILLOR ARASH FATEMIAN

(Agenda Item 19)

In line with paragraph 14.1 of the Constitution and with Council’s consent, Councillor Armitage Withdrew his Motion.

233/12 MOTION FROM COUNCILLOR ARASH FATEMIAN

(Agenda Item 20)

Councillor Fatemian moved and Councillor Harvey seconded the following motion as amended with Council’s agreement by Councillor Fatemian in strikethrough and bold italics:

“This Council is surprised to learn that Oxford City Council is spending £450,000 on upgrading public conveniences throughout the City (Oxford Mail, 25th October 2012). Oxfordshire County Council recognises the importance of public conveniences for all but especially for older people, those with a disability, pregnant women, and families with young children.

However, Council asks the Leader to write to the City Council to express concern about spending priorities, especially given the attitude that the City Councillors & County Councillors from Oxford City have adopted to issues such as the funding of the Dial-A-Ride service and to consider if all the spending is really necessary such as decorating the walls with comments.

The Council asks Cabinet to work with the City Council on spending priorities including Dial-A-Ride.”

The motion, as amended in bold italics and strikethrough was put to the vote and was carried by 31 votes to 16.

RESOLVED: by 31 votes to 16

.....

“This Council is surprised to learn that Oxford City Council is spending £450,000 on upgrading public conveniences throughout the City (Oxford Mail, 25th October 2012). Oxfordshire County Council recognises the importance of public conveniences for all but especially for older people, those with a disability, pregnant women, and families with young children.

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The Council asks Cabinet to work with the City Council on spending priorities including Dial-A-Ride.”

..... in the Chair

Date of signing