

CABINET

MINUTES of the meeting held on Tuesday, 17 June 2014 commencing at 2.00 pm and finishing at 4.55 pm.

Present:

Voting Members: Councillor Ian Hudspeth – in the Chair
Councillor Rodney Rose
Councillor Mrs Judith Heathcoat
Councillor Nick Carter
Councillor Melinda Tilley
Councillor Lorraine Lindsay-Gale
Councillor David Nimmo Smith
Councillor Arash Fatemian
Councillor Louise Chapman
Councillor Hilary Hibbert-Biles

Other Members in Attendance: Councillor Liz Brighthouse (Agenda Items 7 & 11)
Councillor Nick Hards (Agenda Items 6 & 7)
Councillor Laura Price (Agenda Item 8)
Councillor Michael Waine (Agenda Item 11)
Councillor Mrs Fulljames (Agenda Item 11)
Councillor Lawrie Stratford (Agenda Item 11)

Officers:

Whole of meeting	Joanna Simons, Chief Executive; Deborah Miller (Chief Executive's Office).
Part of Meeting Item	
6	Kathy Wilcox, Finance
7	Tom Flanagan, Environment & Economy
8	Seona Douglas, Deputy Director Adult Social Care, John Dixon, Interim Deputy Director Joint Commission
11	Sue Scane, Director Environment & Economy, Michael Deadman, Anthony Kirkwood, Environment & Economy.

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting, and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

51/14 MINUTES

(Agenda Item. 3)

The Minutes of the Meeting held on 13 May were approved and signed subject to the following amendment:

Minute 46/14, paragraph 5 "... neither of them had been ~~unable~~ **able** to attend..."

52/14 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

Councillor Howson had given notice of the following question to Councillor Tilley:

"How many Oxfordshire schools imposed fines for absence by pupils during the autumn term of the current academic year; and what was the percentage of these fines paid?"

Councillor Tilley replied:

"During the autumn term (terms 1&2) there were 441 Penalty Notice Warning letters issued by the Attendance and Engagement Team on behalf of Oxfordshire Schools. Of this number 26 resulted in Penalty Notices being issued. Some Oxfordshire Schools may have issued Penalty Notice Warnings without informing the Attendance and Engagement Team.

There were 6 prosecutions taken between 1st September 2013 and 28th February 2014 for failing to pay a Penalty Notice."

Supplementary: Responding to a question on whether the Cabinet member would make representations to the school commissioner and Ofsted as to the very high non-attendance at St. Gregory the great school, Councillor Tilley replied that the School Improvement officer had been sent into the school to try and establish the underlying cause of the high absence rate. She had further requested that an analysis of poor attendance be undertaken on a class by class and year by year basis. This has been successful in improving attendance in the past. Should this not improve attendance, she would then consider contacting Ofsted?

Councillor Tanner had given notice of the following question to Councillor Nimmo Smith:

"In preparing for the 6 months of road works at the Hinksey Hill and Kennington roundabouts what consideration was given in the final scheme to improving the situation for bus passengers, Park & Ride users and cyclists? Why are there no bus lanes, no better access to Redbridge Park and Ride and no safer routes for cyclists in the scheme? How much extra traffic will be drawn along Abingdon Road in my division as a result of the increase in traffic on the ring road?"

Councillor Nimmo Smith replied:

“The scheme when completed will deliver substantial improvement in congestion which will benefit all vehicles, including buses, as the Abingdon Road/A423 is a key bus corridor route. This will make getting into and out of the Park & Ride site easier for cars and buses. As part of the Kennington Roundabout improvements, a new subway is being provided under the ‘hamburger’ lane to ensure the existing, good quality cycle routes between Kennington and Abingdon Road/A423 are maintained. The scheme has previously undergone a full consultation exercise back in 2012, and the results carefully considered to finalise the design.

An additional scheme is being developed as part of the City Deal initiative, which is aiming to provide a bus lane coming off the A34 northbound offslip at Hinksey Roundabout, with the specific aim of improving bus journey times/reliability at peak times along the Oxford/Abingdon corridor.

Traffic modelling undertaken for the scheme indicates that residents on the Abingdon Road using the Kennington Roundabout will experience improvements in journey times at peak hours.”

Supplementary: Councillor Tanner enquired as to whether the bus lane works would be carried out along with the other works scheduled to finish in November or be implemented later, causing further delay and congestion for the residents of Oxford. Councillor Nimmo Smith responded that the funding available was for the current works being undertaken at the moment and that the bus lane would be implemented when the funding became available.

Councillor Glynis Phillips had given notice of the following question to Councillor Nimmo Smith:

“In the minutes of the 13th May Cabinet meeting in response to a question I raised about the possibility of a pedestrian crossing on the A40 at the bottom of Collinwood Road the Leader advised that he would investigate the possibility of directing section 106 funding to this project. Can I be advised of the results of these investigations?”

Councillor Nimmo Smith replied:

“The general principle is that S106 monies are intended to ameliorate the effects of individual developments on existing infrastructure, in this case the highway

With no significant developments in the vicinity of Collinwood Road then there is no specific S106 money which could be used for this project

We are able to pool S106 monies in Oxford so that larger strategic projects (such as Thornhill Park & Ride extension and the improvements at Frideswide Square) can progress, but we must still show that there is a relationship between the traffic arising from the development and the project

concerned. I'm advised that officers do not consider that such a linkage could be made in the case of a pedestrian facility for Risinghurst."

Councillor Glynis Phillips had given notice of the following question to Councillor Nimmo Smith:

"In the minutes of the 13th May Cabinet meeting in response to a question I raised about the timetable for the rebuilding of the London Road in Headington the Leader advised that further details would be sent to me about widening the scope of the original scheme as a result of receiving additional DfT funding. When will this information be sent to me?"

The answer supplied by Councillor Nimmo Smith was as follows:

"The A420 London Rd Improvement and Maintenance scheme continues to be developed. With the additional £0.491 DfT maintenance funding, we are now able to deliver a more comprehensive scheme and therefore an appropriate longer service life/durable carriageway reconstruction treatment is being finalised.

The road works are programmed to commence late summer 14 and be completed by late Spring 15 with a break of road works during the Christmas Embargo period."

53/14 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

The following requests to address the meeting had been agreed:

Item 5 – Megan Knott, Didcot Girls School, a Petition requesting the Cabinet to change speed limits to 20 mph around schools in Oxon.

Item 6 – Councillor Nick Hards, Shadow Cabinet Member for Finance, Councillor John Tanner as Local Member.

Item 7 – Councillor Liz Brighouse, Leader of the Opposition, Councillor John Sanders, Shadow Member for Environment, Councillor Nick Hards as Local Member.

Item 8 – Councillor Laura Price.

Item 11 – Councillor Liz Brighouse as Chairman of Performance Scrutiny Committee,
Councillor Michael Waine as Local Member,
Councillor Mrs Fulljames as Local Member,
Councillor Lawrie Stratford as Local Member.

In the event, the Petition was not presented and Councillors Tanner and Sanders did not speak at items 6 & 7 respectively.

54/14 PROVISIONAL 2013/14 REVENUE AND CAPITAL OUTTURN

(Agenda Item. 6)

The Cabinet had before them a report (CA6) which set out the provisional revenue and capital outturn for 2013/14, including actual expenditure and income for the year compared to the budgeted position. The figures shown in the report reflected the Council's draft Statement of Accounts for 2013/14 which would be submitted to the Audit and Governance Committee on 2 July 2014 following certification by the Chief Finance Officer, prior to external audit. The report also set out proposals for the use of any revenue underspends from 2013/14 in 2014/15 and noted whether these had been used to manage overspends or to support the Council's Medium Term Financial Plan.

Councillor Nick Hards, Shadow Cabinet Member for Finance, whilst congratulating the finance team on such a good result, highlighted a number of underspends in directorates expressing concern as to whether the underspends were disguising stresses in the system and that many of the underspends were achieved by unfilled staff vacancies.

In particular, he expressed concern over the half a million underspend in the Social & Community Services Budget and the underlying pressures, particularly in Adult Social Care where he believed costs would rise year on year with the increasing numbers of both the very frail elderly and adults with learning difficulties

In relation to recommendation 6(b)(i) (virements) he urged the Cabinet to ensure that contractors looked into proposals properly before starting work.

Councillor Fatemian in moving the recommendations drew attention to Annex 1 and the excellent outturn figure of £1.3m and the underspend of £0.3 m. He congratulated officers and staff for their efforts over the year to produce such a good result.

In response to Councillor Hards, Councillor Fatemian acknowledged that the service faced some of the greatest pressures and assured Councillor Hards that a significant amount of detailed planning took place around increased demand and that the situation would continue to be monitored. In a recent survey, 90% of service users had rated the service as good or excellent.

Councillor Heathcoat highlighted the £4.3m expenditure by Social & Community Services in 2013/14 welcoming the Extra Care Housing project that had provided 50 rented flats and the delivery of the dementia care programme to enhance the lives of residents and the commencement of the joint control room in partnership with Berkshire Fire Service.

RESOLVED:

(a) in respect of the 2013/14 outturn to:

- i. note the provisional revenue and capital outturn for 2013/14 along with the year-end position on balances and reserves as set out in the report;
 - ii. approve the carry-forwards and virements as set out in Annex 2a;
 - iii. recommend Council to approve the virements greater than £0.5m for Children, Education & Families, Social & Community Services and Environment & Economy Directorates as set out in Annex 2a;
 - iv. agree that the surplus on the On-Street Parking Account at the end of the 2013/14 financial year, so far as not applied to particular eligible purposes in accordance with Section 55(4) of the Road Traffic Regulation Act 1984, be carried forward in the account to the 2014/15 financial year.
- (b) in respect of the 2014/15 revenue budget and Capital Programme to:
- i. approve the virements for 2014/15 as set out in Annex 7;
 - ii. approve the allocation of £1.740m funding to the Didcot Parkway Station Forecourt project from corporate capital programme contingencies in order to increase the total budget by £1.365m to £8.055m;
 - iii. note the approval of the £1.800m increase in the budget and full business case for the Kennington/Hinksey Hill Interchange scheme by the Leader of the Council and Chief Finance Officer.

55/14 OXFORDSHIRE GROWTH BOARD

(Agenda Item. 7)

The Cabinet considered a report (CA7) which summarised the governance arrangements for the Oxfordshire Growth Board following publication of the Strategic Economic Plan, including the draft Terms of Reference for the Growth Board, which built on the commitments of the City Deal submission, and acted as the basis on which the formal legal agreement between the constituent local authorities would be based.

Councillor Brighouse welcomed the establishment of the Board as a sensible way forward to deliver the key local authority functions needed to achieve the priorities set out in Oxford Strategic Economic Plan. However, she expressed concern over how members would be involved and asked that the Cabinet gave some thought about how local members were to be kept informed.

In relation to paragraph 6 of the report she sought assurance that the aspiration would be sustainable and inclusive. She stressed that the Council

had a responsibility to ensure that growth served the needs of the areas which were affected by that growth by creating appropriate jobs or training for local people and not increasing traffic in the area.

Councillor Nick Hards highlighted a number of developments where the issue of connectivity was of paramount importance to achieve funding.

Councillor Hudspeth in moving the recommendations expressed the importance of a statutory joint committee to deliver the City Deal and SEP going forward and the importance of the growth board for being in the right position for bidding for funding.

RESOLVED: to agree:

- (a) the draft Terms of Reference and their relationship to the requirements to deliver the Strategic Economic Plan, City Deal, SHMA and Local Transport Board programmes;
- (b) that details of the final agreement is delegated to the Director of Environment & Economy in consultation with the Leader of Council, the Monitoring Officer and Section 151 Officer;
- (c) the current position with regard to support for the Spatial Planning & Infrastructure Partnership, City Deal and LTB, and how this will need to develop to support the wider activities of the Growth Board.

56/14 SECTION 75 AGREEMENT

(Agenda Item. 8)

The Cabinet had before them a report (CA8) which sought approval for changes to formal Section 75 agreement that governed the pooled budget arrangements between Oxfordshire County Council and the Oxfordshire Clinical Commissioning Group. The changes included the contributions of both parties to the pooled budgets for 2014/15, changes to pools to ensure a true risk share between both parties based on level of contribution, and to decision making through the Joint Management Groups that oversee the operation of the pooled budgets.

Councillor Price welcomed the risk sharing between organisations in the pools but cautioned that each body would need to accept responsibility for their area. In relation to Complex Needs Services she stressed the importance of continuous improvement for this vulnerable sector of people.

In moving the recommendations, Councillor Hibbert-Biles welcomed the new formal Section 75 agreement which would create greater integration of Social and Health Care and formalise pooled budget governance arrangements to ensure a true risk share between both parties. She confirmed that the Council were continuously looking at ways to improve supporting vulnerable people.

The Cabinet welcomed Seona Douglas, the new Deputy Director for Adult Social Care Services to the Council.

RESOLVED: to approve the variations to the Section 75 Agreement for All Client Groups, subject to the inclusion of any necessary changes in the text which may be required following consideration by Oxfordshire Clinical Commissioning Group and finalisation of the financial contributions of both parties as agreed by the Director for Social & Community Services after consultation with the Cabinet Member for Adult Services.

57/14 APPOINTMENTS 2014/15

(Agenda Item. 9)

Cabinet had before them a report which sought approval to a number of appointments to a number of bodies which in different ways support the discharge of the Council's executive functions.

Councillor Hudspeth moved the recommendations with the addition of the following appointment:

- (c) confirm Councillor Ian Hudspeth as the Council's representative on the Oxfordshire Growth Board and Councillor Rodney Rose as his named substitute.**

RESOLVED: to

- (a) agree the appointments as set out in the Annex to this report, subject to any amendments at the meeting;
- (b) **RECOMMEND** to Council to add the Local Government Association Fire Commission to the list of 'strategic' Outside Bodies to which the Cabinet makes appointments and subject to their agreement to the above to make an appointment.
- (c) confirm Councillor Ian Hudspeth as the Council's representative on the Oxfordshire Growth Board and Councillor Rodney Rose as his named substitute.

58/14 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 10)

The Cabinet considered a list of the immediately forthcoming meetings of the Cabinet together with changes set out in the schedule of addenda.

RESOLVED: to note the items currently identified for forthcoming meetings.

59/14 RECONSIDERATION OF A DECISION REFERRED BACK FROM THE PERFORMANCE SCRUTINY COMMITTEE FOLLOWING CALL IN - MIDDLETON STONEY ROAD, BICESTER: PROPOSED ROAD HUMPS AND PUFFIN CROSSING

(Agenda Item. 11)

At their meeting on 5 June 2014, the Performance Scrutiny Committee had considered the decision of the Cabinet Member for Environment made on 15 May 2014 following proper notice of a call in.

The Committee AGREED to refer the decision back to Cabinet for it to consider in the light of the material concerns that the committee had about the following aspects of the decision: lack of proper consultation with local Bicester County Councillors.

The Cabinet had before them the report considered by the Cabinet Member for Environment together with an extract of the minutes of the delegated decision session; a copy of the SW Bicester Planning Statement; a summary of the consultation requirements for highways works and a note of the material concerns of the Performance Scrutiny Committee

Councillor Liz Brighthouse, speaking as Chairman of the Performance Scrutiny Committee confirmed that the main concerns of the Scrutiny Committee had been around the lack of proper consultation with local Bicester County Councillors and in particular, that the Scrutiny Committee remained concerned that if due process had been carried out whether the outcome would have been different. This was the question the Cabinet needed to address today.

Councillor Waine, speaking as local member indicated that since joining the Council in 2005 he had felt that Cabinet Members and officers had ensured that local members had been kept in the loop and in fact that this had often happened earlier than the required amount of time. This had not been the case with this scheme. Although emails had come through saying that local members had been consulted, the reality was that members had received emails informing them of what was going to be done. Furthermore, the matter had not been raised with local members at Locality Meetings. He believed if local members had been consulted correctly they would have come forward with a united view. He stressed the importance of the road for the viability of Bicester Town Centre and of getting the correct traffic calming along that stretch of road. He urged the Cabinet to refer the decision back to the Cabinet Member to allow for adequate consultation and to ensure that the correct decision was made, even if this incurred additional cost.

Councillor Hibbert-Biles noted that the local Member for this area was in fact Councillor Les Sibley. She referred to a copy of an email to Councillor Sibley in February and questioned if Councillor Waine thought that this was not early enough and if it was not the responsibility of Councillor Sibley to disseminate this information to the other local members.

Councillor Mrs Fulljames, speaking as local member for Ploughley questioned why she had not been consulted on the proposals when she represented to the right of Middleton Stoney Road. She further questioned why a proposal for 16 Road Humps along the Middleton Stoney Road had been put before the Cabinet Member when there had been no discussion or consultation on that specific proposal. She reiterated that the road was a key gateway into Bicester and that the current proposals would cause Bicester members considerable grief. She urged the Cabinet to refer the decision back to a locality meeting for a proper discussion.

Councillor Chapman stressed that the Cabinet understood the importance of listening to local members views on the areas that they represented and asked what the local members would wish to see in place.

In response to this and a question by Councillor Carter, Councillor Mrs Fulljames confirmed that it was the road humps that she objected to (and indeed the high volume of road humps) and not the general principle of traffic calming and reiterated that she wished other forms of calming to be considered.

Councillor Stratford, speaking as local councillor for Bicester North reiterated that correct and adequate consultation had not occurred. Had there been proper consultation with Bicester Town Council the issue would have been taken to their Traffic Advisory Committee. He questioned why the report made reference to similar schemes working well, but then gave no examples and why the report was against build-outs or chicanes on the basis that vehicles may strike build outs, and again no evidence of loss of control accidents was provided. In fact, only 1 accident, resulting in a minor injury had been reported on similar chicanes road schemes in Bicester in the past five years. Furthermore, he believed that the scheme had not taken account of the major changes occurring in Bicester since the original scheme was proposed. He urged the Cabinet to put the scheme back out to consultation.

Councillor Hudspeth asked the local members whether fewer roads humps along the stretch of road might be a solution. In response the local members confirmed that they believed the number of humps on a 1 mile stretch of road to be excessive; that they had concerns over the noise of vehicles slowing for local residents and that they believed the police had not been specific on the type of calming on that stretch of road.

Responding to further questions from the Cabinet the three Councillors made the following points:

- (1) The first mention of traffic calming proposals had been back in 2006 but there had been no details of what type of calming was to be put in place.
- (2) This was an arterial road into a major growth town and the scheme had not been looked at in light of the development around it.
- (3) A similar road hump scheme had been implemented in the Kirtlington area and then later removed due to noise.

Responding to questions from the Cabinet, the following points were made by Sue Scane, Director for Environment & Economy, Michael Deadman and Anthony Kirkwood, Design and Safety Improvements – TRO Team:

- (1) The process started with the District Council in 2008 with the requirement for traffic calming when an initial drawing was produced showing speed humps.
- (2) The consultation sat with the District Council as the planning Authority. They consulted in January and officers of OCC let members know via email in February. It then came to OCC for decision as the Highways Authority.
- (3) The issue did not go to a locality meeting.
- (4) This was a developer led scheme and to refer this scheme back there would be a cost to the Council of £200,000 - £400,000...
- (5) Officers believed that there would have to be another planning application if it was referred back.
- (6) Anthony Kirkwood clarified the information on accidents and build outs commenting that the report reflected the Teams general experience.
- (7) There were clear advantages to humps – build outs could cause delay.

Councillor Nimmo Smith indicated that there was not enough staff to take every planning application to every locality meeting. The Cabinet were here today to discuss process and not the actual decision. Councillor Les Sibley had not been critical of process but of the scheme itself. In Councillor Nimmo Smith's professional opinion as a civil engineer speed humps remained the best solution.

During discussion, Councillors Chapman and Carter, having listened to the debate indicated that they thought that the issue should be referred back for further consultation. Other members of the Cabinet indicated that they felt due process had occurred and that the Cabinet should confirm the decision of the Cabinet Member.

After hearing all the debate, the Leader of the Council proposed not to go back out to consultation with local Bicester County Councillors and to confirm the decision of the Cabinet Member for Environment made on 15 May 2014

RESOLVED:

The Cabinet Agreed by 6 votes to 3, with 1 abstention not to go back out to consultation with local Bicester County Councillors and to confirm the Decision of the Cabinet Member for Environment made on 15 May 2014:

to approve the implementation of proposals as advertised.

(Councillor Chapman asked that her vote against be recorded).

.....
..... in the Chair

Date of signing

2014