

CABINET

MINUTES of the meeting held on Tuesday, 23 May 2023 commencing at 2.00 pm and finishing at 3.50pm

Present:

Voting Members: Councillor Liz Leffman – in the Chair
Councillor Liz Brighthouse OBE (Deputy Chair)
Councillor Dr Pete Sudbury
Councillor Tim Bearder
Councillor Duncan Enright
Councillor Calum Miller
Councillor Jenny Hannaby
Councillor Michael O'Connor
Councillor Andrew Gant

Other Members in Attendance:

Councillors Ted Fenton, Damian Haywood, Mark Lygo, Kieron Mallon, and Liam Walker

Officers:

Whole of meeting: Martin Reeves, Chief Executive, Stephen Chandler, Executive Director (People), Lorna Baxter, Director of Finance, Anita Bradley, Director of Law & Governance and Monitoring Officer, Chris Reynolds, Committee Officer.

The Cabinet 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.

57/23 APOLOGIES FOR ABSENCE

(Agenda Item. 1)

Apologies for absence were received from Councillor Phillips.

58/23 DECLARATIONS OF INTEREST

(Agenda Item. 2)

There were no declarations of interest.

59/23 MINUTES

(Agenda Item. 3)

The minutes of the meeting held on 18 April 2023 were approved and signed as a correct record.

60/23 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

See Annex.

61/23 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

6 Cabinet response to report from People Overview and Scrutiny Committee– Home to School Transport Working Group

Annalisa Miller
Jo Evelyn

10 Air Quality Strategy

Peter West

62/23 CABINET RESPONSE TO REPORT FROM PEOPLE OVERVIEW AND SCRUTINY COMMITTEE - HOME TO SCHOOL TRANSPORT POLICY WORKING GROUP

(Agenda Item. 6)

Cabinet had before it a report and recommendations from the Home to School Transport Working Group which had been established to consider:-

- (a) the Home to School Transport Policy and the options for any changes to the policy;
- (b) the impact on carbon emissions of any change in policy;
- (c) the equalities implications of any changes

The provision of Home to School Transport for eligible children was a statutory duty for local authorities. The Council determines and reviews its policy that applies to providing home to school transport for children of compulsory school age and also its Post 16 transport policy statement that applies to young people of sixth form age.

Jo Evelyn addressed the Cabinet regarding concerns on the future proposals for the "Spare Seats" scheme. Ms Evans considered that the proposals were not sustainable in the long term and referred to examples where the

alternative provision proposed by certain schools were inadequate and unaffordable for the families affected.

Annalisa Miller also addressed the Cabinet on the proposals in the report. Ms Miller expressed concerns that the report did not provide details of specific costs of the “spare seats” scheme and savings that would be achieved by the changes to the policy.

The Executive Director (People) responded to the comments made by the members of the public. He explained that the reforms to the policies concerning school transport would take time to progress and would take into account the needs of specific families. He gave an assurance that there would be ongoing discussions to find suitable solutions in individual cases.

The Chair thanked Cllr Graham and members of the Working Group for their report and recommendations. She referred to the need for ongoing work to review these recommendations and the Council’s future policies on school transport taking into account the issues affecting specific schools.

Councillor Brighouse, Cabinet Member for Children, Education and Young People’s Services, also responded to concerns expressed by residents and said that she recognised that communications on the changes to the “Spare seats” scheme had caused concern for number of families. She reiterated that the Council was working hard to identify solutions affecting those families, particularly in two specific schools where alternative transport provision was being considered.

Councillor Andy Graham, Chair of the Working Group, addressed the Cabinet and referred to the immediate short-term issues that had been identified in this review, particularly concerning certain schools. He suggested that the Cabinet would need to consider the wider longer-term issues in discussion with local transport providers.

Councillor Brighouse moved and Councillor Gant seconded the recommendations in the report, and they were approved.

RESOLVED to approve the recommendations of the Home to School Transport Working Group set out in paragraph 7 of the report.

63/23 REPORTS FROM SCRUTINY COMMITTEES

(Agenda Item. 7)

Councillor Kieron Mallon, Chair of the Place Overview and Scrutiny Committee, introduced the report “Future of the Retail Sector and the High Street” which summarised the Committee’s consideration of the issues affecting the local economy and the creation new retail sector job opportunities in the County.

The Committee received presentations from the Oxfordshire Local Enterprise Partnership (OxLEP), the Banbury Business Improvement District (Banbury BID) and officers from the Council and agreed recommendations which Councillor Mallon outlined.

Councillor Duncan Enright, Cabinet Member for Travel and Development Strategy, thanked the Scrutiny Committee for its work and referred to the Council's objectives for area travel plans included within the Transport and Connectivity Plan, which would seek to encourage the regeneration of town centres and retail sites. He suggested that the report should be shared with the District Councils in the County to assist with ongoing joint working on these initiatives.

Cabinet will formally respond to the Scrutiny Committee in due course.

64/23 FINANCIAL MANAGEMENT REPORT 2023/24

(Agenda Item. 8)

Cabinet had before it a report which set out details of funding notified to the Council since the 2023/24 budget was agreed as well as other changes and risks which would need to be managed in 2023/24 and in the context of the Medium Term Financial Strategy. It also included an update on funding for the Early Intervention programme which was part of the 2023/24 budget for High Needs.

Councillor Calum Miller, Cabinet Member for Finance, introduced the report. He highlighted the additional funding which provided an overall improvement in the Council's financial position and outlined how these funds would be allocated and the virements proposed in the report.

Councillor Miller moved and Councillor Brighthouse seconded his recommendations in the report, and they were approved.

RESOLVED to

- a) agree the virements in Annex 1a and supplementary estimate request in Annex 1c and note the virements in Annex 1b.**
- b) note the additional one-off funding of £5.0m in 2023/24, notified since the budget was agreed by Council on 14 February 2023.**
- c) noting the inflation and demand pressures contributing to the forecast overspend of £14.4m set out in the Business Management & Monitoring Report to Cabinet in March 2023, agree to top up general balances to the 2023/24 risk assessed level of £30.2m depending on the year end position for 2022/23.**
- d) agree to transfer the remaining additional funding expected for 2023/24 to the corporate contingency budget.**
- e) agree the update to High Needs DSG budgets following the Education and Skills Funding Agency's approval of the transfer of £2.3m funding from the Schools Block to High Needs.**

65/23 PROPOSAL FROM OUFC TO OCC AS LANDOWNER: ARRANGEMENTS FOR ENGAGEMENT

(Agenda Item. 9)

Cabinet had before it a report which provided an update on work underway, feedback from stakeholder meetings held to date and the plans for the second phase of public engagement regarding the use of a parcel of land known as 'Land to East of Frieze Way / South of Kidlington Roundabout or the triangle' for the development of a new stadium for Oxford United Football Club (OUFC).

Councillor Miller, Cabinet Member for Finance, introduced the report. He referred, in particular, to current progress with the project, the feedback from stakeholder meetings held to date and the plans for the second phase of public engagement.

Councillor Miller moved and Councillor Sudbury seconded the recommendations, and they were approved.

RESOLVED to:-

- (a) **note the progress set out in the report below.**
- (b) **note the feedback from the stakeholder meetings held during April and May 2023 (annex 1).**
- (c) **amend the seven strategic priorities following stakeholder feedback as set out in paragraph 15 below.**
- (d) **agree the approach to the second phase of public engagement as set out in annex 2.**

66/23 OXFORDSHIRE COUNTY COUNCIL AIR QUALITY STRATEGY

(Agenda Item. 10)

Cabinet had before it a report which provided an overview of the Oxfordshire County Council Air Quality Strategy. It summarised the background to the strategy, development process and content of the strategy.

Peter West addressed the Cabinet and referred to Item 31 of the "Oxfordshire County Council Air Quality Strategy Route Map" which stated that the council should: "*work with a range of data sources to understand the air quality impacts of LTNs and take action to mitigate any negative impacts identified.*" He considered that the council did not understand the implications of the negative impacts or chose to ignore them.

Mr West gave a number of examples including the Cowley and East Oxford LTNs and in Headington where illegal NO₂ levels on roads adjacent to LTNs were not being taken into account by the Council and said that that air quality monitors had been installed in the wrong places. Mr West asked that Council respond to his questions which raised concerns that the objectives within the Council's Air Quality Strategy were not being applied in certain of its projects.

Councillor Pete Sudbury, Cabinet Member for Climate Change Delivery and Environment, introduced the report. He referred to the importance of public health as key priority within the Council's policies and outlined how the Air Quality Strategy would be a key element in delivering these objectives.

During discussion, members made the following points:-

- The Council was not ignoring air quality monitoring data. The results of data collection exercises would form part of report for full consideration by the Cabinet in due course
- The Headington LTN scheme was not being progressed at the current time.
- The Council recognised issues concerning air quality in specific areas of the County due to traffic congestion
- The Air Quality Strategy would help deliver transport and place planning policies across the County
- The importance of working with partners including district councils and community initiatives

Councillor Sudbury moved and Councillor O'Connor seconded the recommendations, and they were approved.

RESOLVED to approve the Oxfordshire County Council Air Quality Strategy and Route Map for launch on Clean Air Day (15th June 2023).

67/23 OXFORDSHIRE LOCAL NATURE RECOVERY STRATEGY

(Agenda Item. 11)

Cabinet had before it a report on the proposed governance structure for the Oxfordshire Local Nature Recovery Strategy (LNRS)

The Environment Act 2021 introduced a requirement to produce Local Nature Recovery Strategies (LNRS). LNRS would be spatial strategies that established priorities and mapped proposals for specific actions to drive nature's recovery and provide wider environmental benefits.

The County of Oxfordshire had been identified as a geographical area for an LNRS, and Oxfordshire County Council had accepted a nomination from the Department of Environment Food and Rural Affairs (DEFRA) to be the provisional Responsible Authority to lead production of the Oxfordshire

LNRS in March 2022. The Council expected to be formally appointed Responsible Authority in May 2023.

Councillor Pete Sudbury, Cabinet Member for Climate Change Delivery and Environment introduced the report. He paid tribute to the work of Beccy Micklem, Principal Biodiversity Officer, in developing this strategy and commented, in particular on the joint working with partners and the financial provision.

Members welcomed the introduction of the LNRS and, during discussion, the following points were made:-

- There would be a need to ensure ongoing financial provision in the long term
- The strategy would have a significant impact on a range of Council policies
- The importance of the natural environment and biodiversity in Oxfordshire and the opportunity for the Council, as lead authority, to work with a range of partners in delivering positive outcomes from the strategy including the Oxfordshire Local Nature Partnership
- There should be more involvement from schools in the delivery of the strategy, particularly in view of their land assets
- The Council should consider other types of engagement including with organisations such as the Universities

Councillor Sudbury moved and Councillor Gant seconded the recommendations, and they were approved.

RESOLVED to:-

- a) note Oxfordshire County Council's anticipated appointment as Responsible Authority for the Oxfordshire Local Nature Recovery Strategy**
- b) approve the Governance Structure for the Oxfordshire Local Nature Recovery Strategy**

68/23 APPOINTMENTS 2023/2024

(Agenda Item. 12)

Cabinet had before it a report recommending member appointments to a variety of bodies which, in different ways, supported the discharge of the Council's executive functions. The report reflected the basis on which appointments to the respective bodies had been made in the past and, subject to any adjustments that may be considered appropriate, invited the Cabinet to agree arrangements for filling the councillor places on those bodies

Councillor Leffman moved and Councillor Sudbury seconded the amended recommendations, and they were approved.

RESOLVED to agree the appointments to the bodies set out in the Annex to the report subject to the following amendments:-

- a) Future Oxfordshire Partnership Infrastructure Advisory Group – the appointee should read Duncan Enright instead of Liz Leffman” Councillor Leffman was Chair of the Advisory Group and therefore a member of the Group in that capacity. Councillor Enright would take the position of OCC representative.**
- b) Additional appointment – “Champion for Future Generations” – Cllr Charlie Hicks.**
- c) “Champion for Mental Health and Loneliness” - to be appointed.**
- d) County Councils Network – Cllr Michael O’Connor to replace Cllr Mark Lygo**

69/23 CAPITAL PROGRAMME APPROVALS - MAY 2023

(Agenda Item. 13)

Cabinet had before it a report setting out change requests requiring Cabinet approval that would be incorporated into the agreed programme and included in the next update to the Capital Programme in July 2023.

Councillor Miller, Cabinet Member for Finance, introduced the report and explained the reasons for the proposed changes to the capital programme.

Councillor Miller moved, Councillor Sudbury seconded the recommendations, and they were approved.

RESOLVED to:-

- a) approve the revised budget provision of £11.2m for Wantage Eastern Link Road (Section 3).**
- b) approve the addition £2.7m road safety works in the vicinity of RAF Barford St John and RAF Croughton to the capital programme.**
- c) approve the addition of £4.0m of the £5.0m pipeline funding agreed in February 2023 to the capital programme to support the Vision Zero Delivery Programme.**
- d) approve the revised budget provision of £23.1m for the delivery of the new secondary school at Grove Airfield.**

- e) **approve the revised budget provision of £9.3m for the completion of works at Blessed George Napier School, Banbury.**
- f) **approve the addition of £0.8m to the programme to create an Energy Efficiency Recycling Fund for Oxfordshire County Council Maintained Schools.**

70/23 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 14)

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

RESOLVED to note the items currently identified for forthcoming meetings.

71/23 A40 ACCESS TO WITNEY - COMPULSORY PURCHASE ORDER

(Agenda Item. 15)

Cabinet had before it a report recommending approval of a Compulsory Purchase Order and Side Roads Order for the Access to Witney traffic scheme.

The scheme would provide new west-facing slip roads onto the A40 at Shores Green and new walking and cycling facilities on the B4022 and alongside the A40. The benefits included reduced traffic flow, reduced traffic delays and improved air quality within Witney town centre, improved connectivity, enhancements to active travel provision and safety, and support for residential and economic development in Witney.

Councillor Duncan Enright, Cabinet Member for Travel and Development Strategy, introduced the report. He gave examples of the benefits that would be delivered from the scheme and answered a number of members' questions.

During discussion, members welcomed the introduction of the scheme and the positive outcomes that would be realised for communities in Witney.

RESOLVED to:

- a) **confirm that the acquisition of the land identified on the map attached to this report (Annex B) ("the Order Map") being the map accompanying The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) Compulsory Purchase Order 2023 ("the CPO") is necessary for highway purposes;**

- b) approve the CPO, the Order Map, The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) (Side Roads) Order 2023 (“the SRO”), the plan accompanying the SRO (“SRO Plan”) all substantially in the form annexed to this report but to delegate to the Director of Transport and Infrastructure following consultation with the Director of Law & Governance, authority to modify them as necessary;**
- c) authorise the Director of Law & Governance to make The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) Compulsory Purchase Order 2023 pursuant to Sections 239, 240, 246 and 260 of the Highways Act 1980 (as amended) and Part II and III of Schedule 2 and Schedule 3 to the Acquisition of Land Act 1981 for the purpose of acquiring the land and interests shown on the Order Map and described in the Schedule to the CPO (or such lesser area of land should this in his opinion be appropriate) to facilitate the improvement of the A40 by the construction of two new west facing slip roads and other necessary related highway improvement works and mitigation on such land and to affix the Common Seal of the Council to the CPO and to the Order Map;**
- d) authorise the Director of Law & Governance to make The Oxfordshire County Council (Highways Infrastructure – A40 Access to Witney) (Side Roads) Order 2023 pursuant to Section 14 of the Highways Act 1980 (as amended) to enable the stopping up of highways and the alteration and improvement of existing highways, and giving authority to the acquisition of necessary land pursuant to the CPO and to affix the Common Seal of the Council to the SRO and to the SRO Plan;**
- e) authorise the Director of Law & Governance to remove from the CPO any plot (or interest therein) no longer required to be acquired compulsorily, to amend the interests scheduled in the CPO (if so advised) and to request that the Secretary of State makes any modifications to the CPO prior to confirmation as may be appropriate;**
- f) approve the draft Joint Statement of Reasons (Annex A) for the CPO and the SRO, substantially in the form annexed to this report, but to Authorise the Director of Law & Governance to amend and finalise the draft Joint Statement of Reasons as necessary prior to its submission to the Secretary of State;**
- g) authorise the Director of Law & Governance to advertise the making of the CPO and the SRO and to submit the CPO and SRO to the Secretary of State for Transport for confirmation, together with authorising the Director of Law & Governance to take all other relevant action thereon to promote the confirmation and/or publication of the CPO and the SRO;**

- h) in the event that any Public Inquiry is convened to consider objections to the CPO and/or SRO and/or planning application (by way of a call-in decision), to authorise the Director of Law & Governance, in consultation with the Director of Transport and Infrastructure to prepare and submit such evidence as is necessary in support of the CPO and/or SRO and/or planning application, including enlisting the assistance of outside consultants, legal advisors and Counsel to assist in the preparation and presentation of such evidence.**
- i) as soon as the CPO and the SRO have been confirmed and become operative, to authorise the Director of Law & Governance to comply with all associated requirements in respect of personal, site and press notices of confirmation and to make, seal and give notice of a General Vesting Declaration (or declarations where more than one is required) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to serve Notices to Treat and Notice of Entry in respect of those properties to be acquired compulsorily;**
- j) authorise the Director of Transport and Infrastructure in consultation with the Director of Law & Governance to negotiate terms with interested parties for the purchase by agreement or payment of compensation in accordance with the Compensation Code in respect of any interests or rights in or over any land included in the CPO and, where appropriate, to agree terms for relocation;**
- k) authorise the Director of Property in consultation with the Director of Law & Governance to complete the acquisition of such interests or rights and execute their legal transfer to the Council;**
- l) in the event that compensation for the acquisition of land cannot be agreed between the relevant parties, to authorise the Director of Law & Governance to make a reference to the Upper Tribunal (Lands Chamber) for determination of such compensation together with such other questions as may be necessary to determine, including the engagement of appropriate external legal advisors and surveyors and other experts, as required; In the event that any question of compensation in relation to the acquisition of land is made by way of a reference to the Upper Tribunal (Lands Chamber) (whether by the claimant or the Council), to authorise the Director of Law & Governance to take all necessary steps in relation thereto, including advising on the appropriate uses and compensation payable and issuing the appropriate certificates;**

- m) be notified of the Statutory Blight regime that requires the Council to respond to claims for Statutory Blight pursuant to Part V, Chapter II and Schedule 13 of the Town and Country Planning Act 1990 (as amended);**
- n) in respect of Statutory Blight, delegate authority to the Director for Property Services in consultation with the Director of Law & Governance to agree appropriate terms in accordance with statutory provisions; and**
- o) underwrite the Scheme costs up to a figure of £6.638m and to forward fund any unsecured and/or conditional developer contributions to the Scheme (as may be secured through planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended)) up to this underwritten sum, as may be necessary in order to enable the Scheme to have certainty of funding and so as not to create any untimely delay in Scheme delivery.**

.....in the Chair

Date of signing

ITEM 4 – QUESTIONS FROM COUNTY COUNCILLORS

Questions	Cabinet Member
<p data-bbox="248 280 770 309">1. COUNCILLOR CHARLIE HICKS</p> <p data-bbox="199 357 1008 536">It appears that Oxfordshire County Council has not received any funding in the latest round of Active Travel Funding from Active Travel England. If true, this is clearly hugely disappointing. Does the Cabinet Member know why?</p> <p data-bbox="199 580 1008 943">Does he believe, as I do, that this offers us an opportunity to pause, consider and improve our active travel delivery capacity as a council, both in regard to the amount of internal officer capacity we have focused solely on active travel and the amount of our own discretionary Capital Budget we spend on active travel, so that we can (a) continue delivering on our ambitious active travel plans without delay and (b) show Active Travel England that Oxfordshire County Council is ambitious, capable and worth giving central government funds to?</p>	<p data-bbox="1070 280 1921 347">COUNCILLOR ANDREW GANT, CABINET MEMBER FOR HIGHWAY MANAGEMENT</p> <p data-bbox="1070 395 2011 571">We are very disappointed that Active Travel England (ATE) did not award Oxfordshire County Council any funding for Active Travel Tranche 4. We are seeking an urgent meeting to understand why this is the case and in what way the bid was considered unworthy of funding</p> <p data-bbox="1070 619 2011 863">We believe that our ATF4 bid was ambitious and in line with both Active Travel England criteria and our ambitions to transform Oxfordshire levels of walking and cycling as set out in the relevant LCWIPs and our Active Travel Strategy. However, we are seeking more specific understanding in what ways each of the funding bids were considered unsuitable so that we can ensure that future bids are more successful.</p>

Questions	Cabinet Member
<p data-bbox="244 236 824 261">2. COUNCILLOR DAMIAN HAYWOOD</p> <p data-bbox="199 312 1043 376">With the failure of our bid for ATF4 funds. How do we ensure our bids are better in the future?</p>	<p data-bbox="1070 236 2024 300">COUNCILLOR ANDREW GANT, CABINET MEMBER FOR HIGHWAY MANAGEMENT</p> <p data-bbox="1070 341 2024 596">We are requesting an urgent meeting to understand what ways each of the funding bids were considered unsuitable so that we can ensure that future bids are more successful. As we feel our ATF4 bid was ambitious and in line with both Active Travel England criteria and our ambitions to transform Oxfordshire levels of walking and cycling as set out in the relevant LCWIPs and our Active Travel Strategy.</p>