

Public Document Pack

Meeting of the Cabinet

Tuesday, 16 November 2010 at 2.00 pm

County Hall, Oxford, OX11ND

ADDENDA

3. Minutes (Pages 1 - 6)

The minutes of the meeting held on 2 November 2010 are attached

4. Questions from County Councillors (Pages 7 - 10)

Questions from Councillors attached.

5. Petitions and Public Address (Pages 11 - 12)

10. Oxfordshire Concessionary Fares Scheme

Correction to the agenda shown in bold below:

Report by **Deputy Director (Highways & Transport)**.

11. OCC Parking Standards for Residential and Commercial Development

Correction to the agenda shown in bold below:

Cabinet Member: **Growth & Infrastructure**

12. Establishment Review - November 2010 (Pages 13 - 14)

Annexes 1 & 2, omitted in error from the agenda are attached.

13. Forward Plan and Future Business (Pages 15 - 16)

A schedule of changes is attached.

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CABINET

MINUTES of the meeting held on Tuesday, 2 November 2010 commencing at 4.00 pm and finishing at 4.55 pm

Present:

Voting Members: Councillor Keith R. Mitchell CBE – in the Chair
Councillor David Robertson (Deputy Chairman)
Councillor Arash Fatemian
Councillor Ian Hudspeth
Councillor Jim Couchman
Councillor Kieron Mallon
Councillor Michael Waine
Councillor Rodney Rose
Councillor Mrs J. Heathcoat

Other Members in Attendance: Councillor Altaf-Khan (Agenda Item 6)

Officers:

Whole of meeting Chief Executive, R. Leach (Strategic Lead, School Organisation & Planning, S. Whitehead (Chief Executive's Office)

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.

117/10 APOLOGIES FOR ABSENCE

(Agenda Item. 1)

Apologies were received on behalf of Councillor Louise Chapman.

118/10 MINUTES

(Agenda Item. 3)

Cabinet received the minutes of the meeting held on 19 October 2010 for information and agreed that they be submitted for approval to the next meeting.

119/10 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

The following request to address the meeting had been agreed:

Item 6, Oxford School – Outcome of Closure Consultation – Councillor Altaf-Khan, Shadow Cabinet Member for Schools Improvement.

120/10 OXFORD SCHOOL - STATUTORY CLOSURE NOTICE

(Agenda Item. 6)

The replacement of Oxford School with an academy requires the formal closure of the school. Cabinet agreed on the 10 August 2010 to the issuing of a formal statutory closure notice which was published on the 6 September 2010. The period in which representations could be made by interested parties closed on the 18 October 2010 and these are summarised in the report (**CA6**).

Councillor Altaf-Khan, Shadow Cabinet Member for Schools Improvement spoke against the recommendations highlighting the number of comments in the representations received that referred to poor consultation. He noted that there were no comments in support of the proposals and referred to discussion in the Council meeting about the need to take on board consultations received on matters. He felt that a number of groups such as the local mosques had not been consulted. They represented significant numbers of children and despite lack of consultation with them being raised previously they had not been consulted.

Councillor Altaf-Khan went on to comment that originally it was expected that the Academy would bring with it further money. However there was no detail about financial benefit in the report and he felt that the only change would be to give away a public asset. He believed that because of the process followed and the lack of consultation with local parents, a number of them would take their children away to other alternatives such as faith schools or look at the alternative of free schools. He felt that Oxford School would be left where it was rather than improving as intended.

A Cabinet Member drew attention to the low response numbers and queried whether Councillor Altaf-Khan in those circumstances felt that they were a good reflection of local views. Councillor Altaf-Khan replied that he saw that the numbers were low for the statutory consultations but that people had opposed the proposals in their hundreds at the informal stage. The mosques were opposed but had not been consulted.

Responding the Cabinet Member for Schools Improvement commented that during the statutory notice period the representatives of the mosques were in exactly the same situation as any one else and perfectly entitled to respond to the consultation. It was an opportunity for all to comment within the statutory process.

The Cabinet Member for Schools Improvement introduced the contents of the report commenting that he was keen to respond to each of the representations set out in Annex 4 and referred to in the report. In particular he drew attention to paragraphs 15 and 18 that should be borne in mind when considering the representations and noted that individuals would receive a written response to their representations. He outlined the history and context leading to the current position and stressed that due process had been followed throughout. The proposals had gained the support of two different governments. In addressing the representations in general he believed that no new questions had been raised and that there was no other viable way forward.

Responding to the individual representations Councillor Waine, supported by Roy Leach, Lead Officer, School Organisation & Planning made the following points:

- 1) The consultation had fully complied with statutory regulations. CfBT had in addition carried out school gate meetings with parents. Roy Leach added that letters had gone to all parents of children at the school, there had been a note on the gate, a notice in the Oxford mail and contact with feeder schools.
- 2) In relation to comments about lack of evidence that an academy would improve education provision Councillor Waine commented that his experiences of the academies in Banbury and Oxford were that they were popular schools. Parents were choosing to send their children there. CfBT had made it clear that parental engagement was a priority and a stakeholders group would be set up to feed directly in to the Governing Body. He denied that the proposals were based on political dogma and noted that the legislation had come from the previous government. The standard of attainment was all important with the aim of creating a real community school that was the school of choice for parents in East Oxford.
- 3) Referring to comments about reducing choice he commented that the academy gave the potential to offer a wider choice of another good school.
- 4) Councillor Waine refuted comments that the closure was inappropriate and politically motivated. It was a pragmatic choice to bring about a

- positive change. The legislation was from the previous government and officers had been involved in putting the proposals forward.
- 5) Responding to comments that an academy would not be good for the community he referred to a recent visit to the North Oxfordshire Academy. He expressed disappointment that more scrutiny members had been unable to attend as they would have heard from the parents themselves. Parents were keen to get their children in to the School
 - 6) He confirmed that the admission policy would be the same as that existing now.
 - 7) With reference to comments about a lack of confidence in the body running the Academy Councillor Waine stated that CfBT had a strong track record in school improvement.
 - 8) He noted that there were complaints that representations made during the informal consultation had had to be restated but unfortunately that was required by the statutory process.
 - 9) There would be local representation in the running of the school with a parent representative on the Governing Body but additionally with stakeholders groups feeding in their views.
 - 10) Councillor Waine accepted that there had been an initial problem with printing consultation literature but otherwise could not agree that the process had been badly managed.
 - 11) He agreed that the current school did a fine job of responding to groups in the community but that CfBT would not change that. They were committed to social cohesion. He commented that in some ways it was a community school in name only as a large number of parents choose to send their children elsewhere. The aim was to make it a good school that parents would choose for their children.
 - 12) Councillor Waine believed that it was time for a clear decision that would end the uncertainty and give a positive future to the school. The Council had done all that it could to expedite the proposals to minimise uncertainty and stressed again that they had been supported by two different sets of Government Ministers. He welcomed the improvements in attainment by Oxford School but noted that they were from a low base.
 - 13) Responding to the point made by Councillor Altaf-Khan, and in annex 4 about resources Councillor Waine replied that this point had been dealt with at the time of the Scrutiny call-in. There would be a three year start up grant together with the usual top slice of County Council funding. This was in line with other academies. Capital was different but he had stressed previously that the plans were about a change from within that was not dependent on a capital scheme. There would be a small sum of money available and the County Council had done its utmost to lobby Government on behalf of the School.
 - 14) In relation to representations about a more federal structure for City schools he had not been asked to attend any meeting or to take part in any discussions. He believed that under the proposals collaboration between the schools would be real.
 - 15) Referring to representations about improvements in exam results he commented that there had been a slight falling off in the most recent

results and continued pressure from Government for improvement in all schools.

- 16) In response to comments that permanent changes were already taking place Councillor Waine stressed that the steps being taken were perfectly normal for the process of setting up all academies. The Head Teacher was a Head Teacher designate and the appointment was not paid for by the County Council. It was part of the process and part of the legislation.
- 17) He denied that the process had been in any way rushed since the initial proposals in August 2009. CfBT had a strong track record and the Head Teacher designate was working hard to ensure a smooth transition.
- 18) Councillor Waine added that schools are self managing and that Oxford School had already taken a first step to distancing itself from the Local Authority.
- 19) Referring to the comments from Councillor Altaf-Khan he clarified that there was no question of giving a public asset away. It would remain an asset for the public. With regard to parents taking their children away, parents were already choosing to go elsewhere. He felt that it would be unfortunate if the success of the Academy was put at risk because of misleading statements or misunderstanding.

The Cabinet Member for Police and Policy Co-ordination spoke in support of Academies referring to the positive experience in his Division.

Responding to a question from the Leader, Councillor Waine highlighted the Council's role as co-sponsor and emphasised that CfBT were keen to work with the County Council and schools in Oxford City.

RESOLVED: following consideration of the representations made in response to the statutory closure notice with particular reference to the legal issues detailed in paragraphs 15 and 18 to approve the closure of Oxford School with effect from midnight, 31 December 2010, subject to the Parliamentary Under-Secretary of State for Schools signing the funding agreement for the replacement academy.

..... in the Chair

Date of signing

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CABINET – 16 NOVEMBER 2010

ITEM 4 – QUESTIONS FROM COUNTY COUNCILLORS

Questions received from the following Members:

1. Cllr Jean Fooks to the Cabinet Member for Schools Improvement:

“I am sure that Cllr Waine shares my disappointment at the very poor Key Stage 1 results published last week. Oxfordshire’s performance is poor; Oxford City’s is frankly appalling. For the standards of reading, writing and arithmetic of children in city schools to be the lowest in the country is a sad indictment of the education they have received. To what does he attribute these results? What measures will he put in place to ensure that Oxfordshire’s children, and Oxford’s in particular, reach at least the national average standard in reading, writing and arithmetic in 2011 and thereafter?”

Answer

We have long recognised that the performance of some schools in the City has been wanting. It is perhaps unfortunate that your group have often resisted some of this administration’s more radical strategies to deal with underperformance to the point of obstruction, particularly when some of those at secondary level are beginning to bear fruit.

Local Authority intervention at the primary level has not always been popular with schools or communities but they are made precisely because improvements are not being made at the pace we believe to be necessary.

We await with interest the imminent White Paper on Education which will, we hope, among other things, indicate the extent to which the Local Authority will be able to intervene in the future to shift stubborn performance in schools.

The published data relate to the performance of schools as defined by reference to the City Council boundary but, of course, the community of schools which serves the City, as most of us understand it, extends beyond the City Council boundary.

Pupil characteristics in the Oxford area show a diverse population of children with a significantly higher number of children who have English as an additional language (28%) compared to the county (9.5%), there are also high levels of mobility, higher levels of pupils with special educational needs and a significantly greater number of children able to claim free school meals.

Significant work has been undertaken across schools where there is underachievement. The support for reading, mathematics and communication includes courses for teachers to deepen subject knowledge in English and mathematics as well as individual work with children by specially

trained teachers. Within the City, 13 of the 21 primary schools are targeted as part of these programmes which includes:

ECaT - Every Child a Talker early years programme to build literacy skills.

ECaR - Every Child a Reader - Reading recovery programme - individual work with children by specially trained teacher through a short term intervention

ECC - Every Child Counts - Mathematics programme where children are taught by specially trained teacher 30 minutes every day for 12 weeks

CLLD - Communication, Language and Literacy Development - programme across early years and Key Stage 1

Targeted training for teachers in Assessment and Moderation for Key Stage 1, and in the use of APP (Assessing Pupil Progress).

In addition since September 2010 we have been running a 'securing Level 2' course for targeted schools (all schools on the National Strategies 'Maximising Progress' [known as Developing Success in Oxfordshire] and 'Improving Schools Programme' (ISP) were prioritised. We have also been putting on Subject Leader courses that support teachers in using data and moderating standards.

We have increasingly over recent years prioritised a greater proportion of early intervention and targeted support to our City schools and are beginning to see good improvement in EYFSP results.

Local Authority intervention has included challenging school leaders to improve outcomes, this has, in particular, involved more rigorous expectation of leadership and management at all levels. We have used our powers to replace two schools' Governing Bodies where we have concluded their progress is insufficient with Interim Executive Boards (IEB) and in addition two headteachers have left their posts following LA action.

In addition seven of the City schools have had a formal LA review in the same period resulting in clear recommendations for their next steps and in most cases the necessary improvement.

School governors, particularly LA governors have been continually challenged to be more critical of their schools performance, and to identify and monitor the strategic measures to bring about the necessary improvements.

2. Cllr Jean Fooks to the Cabinet Member for Growth & Infrastructure:

"The Department of Communities and Local Government has recently issued a consultation document which asks for an opinion on the government's intention to remove from local councils the determination of planning applications for Free Schools. Will Cllr Hudspeth assure me, and the public, that he will be responding in the strongest terms that this is an unacceptable

interference with local democracy? Will he further deplore the apparent intention to encourage the setting up of Free Schools without any of the normal checks on the suitability of the site or the possible traffic problems – I understand that new schools will not be required to have a Travel Plan to minimise the impact on local traffic and nearby residents of the proposed school access?"

Answer

The Conservative/ Liberal coalition government has issued a consultation document that, as it stands, suggests that any building may be used for a 'free school' without seeking planning consent. This means that transport assessments, travel plans, highway contributions, parking standards and changes to the highway needed for the school will not be provided. This is unsatisfactory from a transport point of view. All changes of use that have an effect on the highway have to be assessed and appropriate mitigation measured provided. We would also wish to see safeguards which would ensure that the current minimum standards which apply to new school buildings are applied also in relation to change of use. However, we are supportive of the *principle* of free schools, particularly if, for example, they address the pressure on school places in, for instance, Oxford city.

A response will be sent from this Council expressing these concerns about this proposal.

3. Cllr Liz Brighthouse OBE to the Leader:

"Item 8 – Business Strategy

As a result of the transferral of a number of specific grants into the formula grant, and the scrapping of others, this Council is faced with the prospect of making £58.65 million of cuts in the 2011/2012 financial year – over a third of the total cuts 'package'.

(a.) Will the Leader please comment on why he thinks the government have decided to implement the cuts in this way

(b.) Will he admit that this strategy is a means by which the coalition government can frontload the pain in the hope that people will have forgotten by the next general election

(c.) What implications does he expect this frontloading to have in terms of

(i.) the number of Council staff who will lose their jobs who may not have otherwise

(ii.) the ability of the Council to incrementally change the way it works."

Answer

"I am not privy to the deliberations of our coalition government so am not able to answer definitively for them. I have no doubt the Spending Review process has been a difficult one and has involved considerable work in prioritising spending plans. The

coalition government has clearly decided it is necessary to eliminate the structural budget deficit inherited from the previous administration speedily so as to restore confidence in this country's ability to manage its finances responsibly again. The coalition government has committed to maintaining spending on health and overseas development. It has also clearly given a high priority to maintaining our defence effectiveness and to the funding of schools. These are priorities few would challenge. The result is a heavy burden for other spending areas, including local government. This is the price we must pay for Gordon Brown's legacy as Chancellor and Prime Minister when he financed revenue spending since 2001 onwards by adding to our debt year-on-year.

- (a) I most certainly do not. I suspect the coalition government has understood the need to re-build confidence in this country's finances after Gordon Brown's profligate years of running a structural budget deficit during economically good times. In simple terms, he failed to mend the roof while the sun shone.
- (c)
 - (i) It seems to me to be singularly pointless to speculate about the impact on our staffing numbers by meaningless comparisons between the impact of Gordon Brown's planned 20% cut in public spending and the coalition government's proposed cuts which average 25%. It seems equally pointless to attempt any comparison based on different ways of spreading spending cuts over the medium term plan period.
 - (ii) This council is fortunate because it has been planning for significant cuts in public spending for eighteen months now and had already made provision for substantial cuts in its current medium term plan. Although the cuts signalled in the Spending Review 2010 are large and front-loaded, this council will be working hard to deliver good quality services within the financial envelope made available in the local government settlement to be announced in early December.

4. Cllr Roy Darke to the Cabinet Member for Adult Services:

"Item 9 – Financial Monitoring

This report highlights some very serious issues for adult social care. Social care overspends are not under control, the bed based model used for Fairer Charging and Residential Client Income is inadequate, and the Older People, Physical Disabilities and Equipment Pooled Budget is under massive pressure. What is the Cabinet Member for Adult Services doing to make the government aware of these problems and will he urgently contact the government and tell them that the recent £2 billion of extra funding for social care is a pittance when placed in the context of the challenges local authorities face in this area?"

Answer

CABINET – 16 NOVEMBER 2010

ITEM 5 – PETITIONS AND PUBLIC ADDRESS

Public Address

The Leader of the Council has agreed the following requests to address the meeting:-

Item	Speaker
Item 6 – Financial Monitoring	Councillor Alan Armitage, Shadow Cabinet Member for Finance & Property
Item 9 - Day Opportunities for Older People	Cllr. Jenny Hannaby, Shadow Cabinet Member for Adult Services
Item 10 – Concessionary Fares Scheme	Cllr Purse, Shadow Cabinet Member for Growth & Infrastructure Mr Hugh-Jones, local resident.
Item 11 – Residential Parking Standards	Cllr Purse, Shadow Cabinet Member for Growth & Infrastructure
Item 12 – Establishment Review	Cllr. Jean Fooks (Opposition Deputy Leader)

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CA12
ESTABLISHMENT REPORT 30 SEPTEMBER 2010

DIRECTORATE	SERVICE AREA	Established Posts at 31 March 2010	Established Posts at 30 September 2010	Changes in Establishment from 31 March 2010	Employed FTE at 31 March 2010	Employed FTE at 30 September 2010	Changes in Employed FTE from 31 March 2010	Vacancies 30 September 2010
CHILDREN, YOUNG PEOPLE & FAMILIES	Central Area	498.33	489.24	-9.09	419.30	424.63	5.33	64.86
	Northern Area	380.34	358.15	-22.19	342.46	331.9	-10.56	25.40
	Southern Area	654.63	632.57	-22.06	579.53	561.64	-17.89	58.99
COMMUNITY SAFETY	Commissioning, Performance and Quality Assurance	214.28	189.96	-24.32	180.84	183.28	2.44	9.50
	Traveller Liaison	7.00	10.00	3.00	7.00	8.00	1.00	2.00
	Safer Communities	8.41	8.41	0.00	6.41	6.41	0.00	2.00
	Emergency Planning	5.49	5.49	0.00	4.49	5.49	1.00	0.00
	Fire & Rescue Service - uniformed	267.57	274.57	7.00	275.07	274.57	-0.50	0.00
	Fire & Rescue Service - non-uniformed	59.46	61.63	2.17	55.44	57.10	1.66	1.00
	Trading Standards	53.32	52.93	-0.39	49.55	44.95	-4.60	6.00
	Management Team	15.00	16.00	1.00	16.00	13.07	-2.93	2.00
	Finance	181.56	169.01	-12.55	150.06	154.65	4.59	9.81
	HR Operations	155.39	143.23	-12.16	141.67	135.50	-6.17	9.61
OXFORDSHIRE CUSTOMER SERVICES	FwT+OCS&QuEST	344.76	318.52	-26.24	302.51	302.50	-0.01	29.24
	Customer Service Centre	0.00	49.36	49.36	0.00	38.55	38.55	9.76
	Procurement	16.50	14.00	-2.50	15.00	12.00	-3.00	2.00
	ICT	203.69	171.08	-32.61	183.90	156.35	-27.55	12.68
	Adult Learning	118.96	116.87	-2.09	110.62	104.07	-6.55	4.10
	Business & Support	11.00	9.00	-2.00	11.00	9.00	-2.00	0.00
	Legal & Democratic	108.42	107.27	-1.15	101.78	100.10	-1.68	4.72
	Policy & Change	31.54	29.13	-2.41	30.52	26.97	-3.55	2.81
	Partnerships	9.92	7.00	-2.92	8.45	5.80	-2.65	1.00
	Communications	20.54	21.54	1.00	15.77	16.77	1.00	5.00
ENVIRONMENT & ECONOMY	Human Resources	29.23	26.56	-2.67	25.33	24.16	-1.17	2.00
	Corporate Finance	38.97	34.22	-4.75	34.30	28.01	-6.29	4.60
	Sustainable Development	120.08	125.30	5.22	116.29	112.83	-3.46	12.50
	Business Support & Executive Transport	13.73	18.67	4.94	14.31	17.21	2.90	2.00
SOCIAL & COMMUNITY SERVICES	Property	402.66	379.34	-23.32	387.35	363.20	-24.15	13.60
	Adult Social Care	53.66	90.96	37.30	50.57	83.80	33.23	4.69
	Community Services	1249.00	1283.96	34.96	1138.19	1111.56	-26.63	154.63
	Strategy and Transformation	384.37	389.24	4.87	348.95	334.74	-14.21	39.45
TOTAL		5836.19	5728.57	-107.62	5283.56	5152.57	-130.99	514.60

NB: Social & Community Services: Major Programmes now incorporated into Strategy and Transformation; Registration transferred to Chief Executive's Office; Adult Learning transferred to Oxfordshire Customer Services. March 2010 figures have been adjusted accordingly. Where Facilities Management has been centralised into Property Services, due to the numbers and various locations prior to the changes, it has not been possible to adjust the figures back to March.

CA12
ESTABLISHMENT REPORT 30 SEPTEMBER 2010

DIRECTORATE	Total Established Posts at 30 September 2010	Changes to Establishment since 31 March 2010	FTE Employed at 30 September 2010	Changes in FTE Employed since 31 March 2010	Vacancies at 30 September 2010	Grant Funded Posts	Cost of Agency Staff * £
CHILDREN, YOUNG PEOPLE & FAMILIES	1669.92	-77.66	1501.45	-20.68	158.75	473.84	276,035.70
COMMUNITY SAFETY	413.03	11.78	396.52	-1.44	11.00	2.60	14,009.65
OXFORDSHIRE CUSTOMER SERVICES	998.07	-37.79	916.69	-3.07	79.20	13.54	129,039.38
CHIEF EXECUTIVE'S OFFICE	234.72	-14.90	210.81	-16.34	20.13	2.81	22,418.03
ENVIRONMENT & ECONOMY	614.27	24.14	577.04	8.52	32.79	25.06	183,471.06
SOCIAL & COMMUNITY SERVICES	1798.56	-13.19	1550.06	-97.98	212.73	11.10	254,150.28
TOTAL	5728.57	-107.62	5152.57	-130.99	514.60	528.95	879,124.10

Please note: The vacancies plus the FTE employed will not always be equivalent to the Establishment. Where employees are absent eg on maternity leave or long term sick and have been temporarily replaced, both the absent employee and the temporary employee will have been counted.

* This figure does not necessarily bear a direct relationship with vacant posts.

NB: Social & Community Services: Major Programmes now incorporated into Strategy and Transformation; Registration transferred to Chief Executive's Office; Adult Learning transferred to Oxfordshire Customer Services. March 2010 figures have been adjusted accordingly. Where Facilities Management has been centralised into Property Services, due to the numbers and various locations prior to the changes, it has not been possible to adjust the figures back to March.

CABINET – 16 NOVEMBER 2010

ITEM 13 – FORWARD PLAN AND FUTURE BUSINESS

Members are asked to note the following changes to the Forward Plan:

Portfolio Decision by...	Topic Decision	Timing	Report by... Contact Officer
Adult Services <i>Cabinet</i>	Proposed Change to Internal Home Support Service	21 December 2010	<i>Martin Bradshaw, Assistant Head of Service Tel: (01865) 323683</i>
Children, Young People & Families <i>Cabinet Member</i>	Children's Community Therapy Services	Moved to 4 January 2011	<i>Janet Pring, Area Service Manager, Commissioning Tel: (01865) 815693</i>
Adult Services <i>Supporting People Commissioning Body</i>	Oxfordshire Supporting People Strategy 2011-16	Moved to January 2011	<i>Natalia Lachkou, Supporting people Programme Manager Tel: (01865) 894858</i>

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