



To: Members of the Cabinet

Notice of a Meeting of the Cabinet

Tuesday, 18 June 2013 at 2.00 pm

County Hall, Oxford, OX1 1ND

Joanna Simons

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Chief Executive

June 2013

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Membership

Councillors

Ian Hudspeth	<i>Leader of the Council</i>
Rodney Rose	<i>Deputy Leader of the Council</i>
Mrs Judith Heathcoat	<i>Cabinet Member for Adult Social Care</i>
Nick Carter	<i>Cabinet Member for Business & Customer Services</i>
Melinda Tilley	<i>Cabinet Member for Children, Education & Families</i>
Lorraine Lindsay-Gale	<i>Cabinet Member for Community Services</i>
David Nimmo Smith	<i>Cabinet Member for Environment</i>
Arash Fatemian	<i>Cabinet Member for Finance</i>
Louise Chapman	<i>Cabinet Member for Policy Co-ordination</i>
Hilary Hibbert-Biles	<i>Cabinet Member for Public Health & the Voluntary Sector</i>

The Agenda is attached. Decisions taken at the meeting will become effective at the end of the working day on Wednesday 26 June 2013 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of this Notice, Agenda and supporting papers are circulated to all Members of the County Council.

Date of next meeting: 16 July 2013

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Rachel Dunn on (01865) 815279 or rachel.dunn@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. Apologies for Absence

2. Declarations of Interest

- guidance note opposite

3. Minutes (Pages 1 - 10)

To approve the minutes of the meeting held on 21 May 2013 (**CA3**) and to receive information arising from them.

4. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

5. Petitions and Public Address

6. Provisional 2012/13 Revenue and Capital Outturn (Pages 11 - 64)

Cabinet Member: Finance

Forward Plan Ref: 2013/003

Contact: Lorna Baxter, Deputy Chief Finance Officer Tel: (01865) 323971

Report by Assistant Chief Executive & Chief Finance Officer (**CA6**).

This report sets out the provisional revenue and capital outturn for 2012/13 and shows how actual expenditure and income for the year compares to the budgeted position. It

also includes proposals for carry forwards from 2012/13 to 2013/14. The report is consistent with the Council's Statement of Accounts for 2012/13 which will be submitted to the Audit and Governance Committee on 3 July 2013 following certification by the Chief Finance Officer and prior to external audit.

The Cabinet is RECOMMENDED:

(a) in respect of the 2012/13 outturn to:

- 1) note the provisional revenue and capital outturn for 2012/13 along with the year end position on balances and reserves as set out in the report;***
- 2) approve the carry-forwards and virements as set out in Annex 2;***
- 3) 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 2b;***
- 4) agree that the surplus on the On-Street Parking Account at the end of the 2012/13 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 2013/14 financial year;***

(b) in respect of the 2013/14 revenue budget and Capital Programme:

- 1) agree the increase of £0.581m to the Kennington Roundabout scheme as set out in paragraph 44;***
- 2) approve virements for 2013/14 as set out in Annex 7.***

7. Older People's Strategy (Pages 65 - 94)

Cabinet Member: Adult Social Care

Forward Plan Ref: 2013/022

Contact: Alan Sinclair, Lead Commissioner for Older People Tel: (01865) 323665

Report by Director for Social & Community Services (**CA7**).

This report seeks agreement of the new Older People's Joint Commissioning Strategy 2013-2016, developed jointly by the County Council and the Oxfordshire Clinical Commissioning Group. The strategy has been refined and updated to reflect the outcomes of public consultation, and an action plan developed to set out the initial steps that will be taken to implement the strategy over the next 12 months. Appropriate governance arrangements are being developed to oversee the implementation of the strategy. These are linked to the governance for the Older People's Pooled Budget, as this is a key mechanism for the successful implementation of the priorities within the strategy and will help to ensure alignment with spending decisions by the County Council and the Clinical Commissioning Group.

The Cabinet is RECOMMENDED to agree the Older People's Joint Commissioning Strategy 2013-2016.

8. **Older People's Pooled Budget Arrangements (Section 75 Agreement)** (Pages 95 - 128)

Cabinet Member: Adult Social Care and Public Health & the Voluntary Sector
Forward Plan Ref: 2013/038
Contact: Ben Threadgold, Strategy Manager Tel: (01865) 328219

Report by Director for Social & Community Services (**CA8**).

The purpose of this report is to seek Cabinet approval to increase the services and budgets that form the Older Person's Pooled Budget arrangements between Oxfordshire County Council and the Oxfordshire Clinical Commissioning Group. It also proposes changes to the risk sharing and governance arrangements to ensure they are appropriate for a truly pooled budget between both parties under a formal Section 75 agreement.

The Cabinet is RECOMMENDED to:

- (a) ***approve the proposed changes to the older people's pooled budget arrangements for older people, including changes to the Section 75 Agreement for All Client Groups to reflect this, subject to the inclusion of any necessary changes in the text as agreed by the Director for Social & Community Services after consultation with the Cabinet Member for Adult Social Care;***
- (b) ***RECOMMEND that the County Council approves the virement of £21m into the Older People's Pooled Budget, as well as an income target of £18m.***

9. **Director of Public Health Annual Report** (Pages 129 - 176)

Cabinet Member: Adult Services
Forward Plan Ref: 2012/148
Contact: Dr Jonathan McWilliam, Director of Public Health Tel: (01865) 336707

Report by Director of Public Health (**CA9**).

This is the 6th Director of Public Health Annual Report for Oxfordshire. It is also the first Annual Report produced since Public Health returned home to Local Government.

The purpose of a Director of Public Health is to improve the health and wellbeing of the people of Oxfordshire. This is done by reporting publicly and independently on trends and gaps in the health and wellbeing of the population in Oxfordshire and by making recommendations for improvement to a wide range of organisations.

Producing a report is now a statutory duty of Directors of Public Health and it is the duty

of the County Council to publish it.

The Director of Public Health's Annual Report is the main way in which Directors of Public Health make their conclusions known to the public. This helps the Director of Public Health to be an independent advocate for the health of the people of Oxfordshire.

The Annual Report is scientific, factual, objective, focuses on long term gaps and makes clear recommendations.

The priorities highlighted In this Report include

- An ageing population – the “demographic challenge”
- Breaking the cycle of disadvantage
- Mental health and wellbeing: avoiding a Cinderella service
- The rising tide of obesity
- Excessive alcohol consumption
- Fighting killer infections

These topics are dealt with one by one. The current issues and recent action are laid out and progress will be monitored in future reports.

Cabinet is RECOMMENDED to RECOMMEND Council to receive the report and note its recommendations.

10. Appointments 2013/14 (Pages 177 - 190)

Cabinet Member: Leader

Forward Plan Ref: 2013/077

Contact: Sue Whitehead, Committee Services Manager Tel: (01865) 810262

Report by County Solicitor & Monitoring Officer (**CA10**).

To consider member appointments to a variety of bodies which in different ways support the discharge of the Council's executive functions.

The Cabinet is RECOMMENDED to:

- (a) agree the change to the basis of the appointment to the Oxfordshire Safer Communities Partnership as set out paragraph 5 in the report; and***
- (b) agree the appointments as set out in the Annex to this report, subject to any amendments at the meeting.***

11. Forward Plan and Future Business (Pages 191 - 194)

Cabinet Member: All

Contact Officer: Sue Whitehead, Committee Services Manager (01865 810262)

The Cabinet Procedure Rules provide that the business of each meeting at the Cabinet is to include “updating of the Forward Plan and proposals for business to be conducted at the following meeting”. Items from the Forward Plan for the immediately forthcoming

meetings of the Cabinet appear in the Schedule at **CA11**. This includes any updated information relating to the business for those meetings that has already been identified for inclusion in the next Forward Plan update.

The Schedule is for noting, but Cabinet Members may also wish to take this opportunity to identify any further changes they would wish to be incorporated in the next Forward Plan update.

The Cabinet is RECOMMENDED to note the items currently identified for forthcoming meetings.

EXEMPT ITEM

Item 12

In the event that any Member or Officer wishes to discuss the information set out in Annex 3 to Item 12, the Cabinet will be invited to resolve to exclude the public for the consideration of that Annex by passing a resolution in relation to that item in the following terms:

"that the public be excluded during the consideration of Annex 3 since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

NOTE: The report and Annexes 1 & 2 do not contain exempt information and are available to the public. The exempt information is contained in the confidential annex.

Item 13

It is RECOMMENDED that the public be excluded for the duration of item 13 in the Agenda since it is likely that if they were present during those items there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) and specified in relation to the respective items in the Agenda and since it is considered that, in all the circumstances of each case, the public interest in exemption outweighs the public interest in disclosing the information.

THE REPORT AND RELEVANT ANNEX TO THE ITEMS NAMED HAVE NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.

THIS IS FOR REASONS OF COMMERCIAL SENSITIVITY AND THE FINANCIAL RISK TO THE COUNCIL IF THE CONTENTS ARE DISCLOSED.

THIS ALSO MEANS THAT THE CONTENTS SHOULD NOT BE DISCUSSED WITH OTHERS AND NO COPIES SHOULD BE MADE.

12. Direct Construction of Infrastructure by Developers (Pages 195 - 232)

Cabinet Member: Growth & Infrastructure

Forward Plan Ref: 2013/018

Contact: Roy Newton, Service Manager - Infrastructure Development Tel: (01865) 815647

Report by Deputy Director for Environment & Economy – Strategy & Infrastructure Planning (**CA12**).

The information contained in the appendices is exempt in that it falls within the following prescribed category:

3 – information relating to the financial or business affairs of any particular person (including the authority holding that information)

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would distort the proper process of free negotiations between the authority with another party for the purposes described and would prejudice the position of the authority in those negotiations and other negotiations of a similar nature in future.

Developers are increasingly interested in undertaking the direct construction of infrastructure required by new development rather than make provision for it in the form of financial contributions. This flows partly from central government reviews which concluded that there was scope for cost reduction in the delivery of schools. The paper discusses the implications of enabling direct delivery, discusses why such an approach could be acceptable and proposes the measures for mitigating risk and updates to standard conditions.

Cabinet is RECOMMENDED to:

Approve:

- (a). In relation to development proposals the principle of direct delivery of**
 - i. major on-site infrastructure, and**
 - ii. major off-site highway infrastructure**
- (b). The entering into of S106/S278 agreements (subject to the prior approval of the Director for Environment & Economy) to secure the direct delivery of major infrastructure in line with the key principles as set out in Annex 1.**
- (c). The standard conditions (for S278 agreements) for the control of highway works in conjunction with development (as in Annex 2).**
- (d). Development of school space standards for subsequent approval by Cabinet (Paragraph 4.5).**

Revoke:

- (e). Previous determinations in relation to the standard conditions for highway works in conjunction with development and in relation to noise insulation compensation requirements taken by the Highways Committee on 18 May 1976.**

13. Exemption Report - Marcham Primary School (Pages 233 - 238)

Cabinet Member: Business & Customer Services

Forward Plan Ref: 2013/093

Contact: Nigel Cunning, Asset Strategy Manager – Property & Facilities Tel: (01865) 810457

Report by Deputy Director for Environment & Economy – Strategy & Infrastructure Planning (**CA13**).

The information contained in the appendices is exempt in that it falls within the following prescribed category:

3 – information relating to the financial or business affairs of any particular person (including the authority holding that information)

It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would distort the proper process of free negotiations between the authority with another party for the purposes described and would prejudice the position of the authority in those negotiations and other negotiations of a similar nature in future.

Vale of White Horse has resolved to grant Taylor Wimpey planning consent for a housing development adjacent to Marcham VC Primary School subject to prior completion of section 106 agreement. The development generates the need for 17 additional pupil places.

As identified in the County Council's response on the planning application "standard" developer contribution would be required and this funding would be passed to OCC to procure and manage the construction works.

Due to the developer's engagement with the community and in particular the primary school pre-application, the developer is willing to contract with the County Council to construct a two classroom extension to the school in lieu of providing contributions to OCC.

Since this work is to be undertaken on the land outside the developer's site legally it cannot be covered by Section 106 agreement and thus, it is proposed that there should be a hybrid agreement with the developer's section 106 obligations to provide funding being 'released' in return for the delivery of the school extension.

The developer's commitment to construct the two classroom extension in return for release from section 106 obligations to provide funding constitutes a works contract with the County Council and brings the need to comply with procurement law and the Council's Contract Procedure Rules. Therefore an exemption is sought from tendering under Contract Procedure Rule 4.3.

The Cabinet is RECOMMENDED to approve this exemption from the Council's Contract Procedure Rules.
