

## CABINET

**MINUTES** of the meeting held on Tuesday, 19 April 2016 commencing at 2.00 pm and finishing at 3.00 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 Lawrie Stratford  
Councillor Hilary Hibbert-Biles

**Other Members in Attendance:** Councillor Brighthouse (Agenda Item 9)  
Councillor Curran (Agenda Item 8)  
Councillor Hards (Agenda Item 6)  
Councillor Howson (Agenda Item 6)  
Councillor Smith (Agenda Item 6)

**Officers:**

Whole of meeting	Peter Clark (County Director); Sue Whitehead (Corporate Services)
Part of meeting	
Item	Name
6	Katy Jurczynszyn (Corporate Finance)
7	Mark Kemp, Deputy Director – Commercial
8	Mark Kemp, Deputy Director – Commercial; Darius Seroczynski (Network Management)
9	Ian Dyson, Assistant Chief Finance Officer - Assurance

*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.*

### **29/16 MINUTES**

(Agenda Item. 3)

The Minutes of the meeting held on 15 March 2016 were approved and signed as a correct record subject to the following amendment:

Minute 25/16 - The last sentence of paragraph 6 of the preamble to be amended as set out in bold below:

“She (Councillor Heathcoat) had **previously** met with Mr Taylor and providers and a summary of the consultations was provided.”

### **30/16 QUESTIONS FROM COUNTY COUNCILLORS**

(Agenda Item. 4)

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

“Could the Cabinet Member responsible for rail tell me what representations OCC can make regarding the fact that Network Rail have failed to carry out a landscape impact assessment in the AONB when erecting the gantries?”

Councillor Nimmo Smith replied:

“Further to the question from Councillor Bulmer regarding what impact assessment has been undertaken on the introduction of Gantries along the Great Western Railway through the North Wessex and Chiltern AONB.

OCC can confirm that Network Rail are currently undertaking a review of the Overhead Line Equipment (OLE) design and mitigation options within both the Chilterns and North Wessex Downs AONBs in order to fully address their obligations to have due regard for the impact on the landscapes. Network Rail are working with the Conservation Boards and Natural England on this, and will be setting up an Advisory Panel to include other stakeholders. Network Rail have also committed to undertake a public consultation on these outcomes later this year.

The length of railway in question where gantries have already been erected is the test track section for the route and therefore critical to the delivery of the whole electrification programme. Network Rail have provided written confirmation to undertake retrospective works within the AONBs based on the outcome of the above processes, subject to funding approval, and this is available on their website. <http://www.networkrail.co.uk/great-western-route-modernisation/oxfordshire/> “

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

“How many primary schools in each of the following categories are currently rated outstanding by Ofsted  
community  
voluntary  
academy”

Councillor Tilley replied:

“The answer to Councillor Howson’s question is as follows:

There are currently 23 Outstanding Primary School in Oxfordshire:

Academy	-	8
Community	-	8
Voluntary	-	7”

Supplementary: In response to a question about how far Councillor Tilley agreed with a letter from John Howell, MP supporting the academisation scheme Councillor Tilley replied that she had gone on record with her disagreement to the process and her concerns over small schools.

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

“Would the cabinet member agree that taking away all parking spaces on both sides of highway designated as a B road in residential areas increases vehicle speed?”

Councillor Nimmo Smith replied:

“The speed on any road is predominantly dictated by the environment that the driver experiences and so the impact of removing parking would have to be considered alongside the nature of the road, how bendy it is, what forward visibility is available and how far back the properties are from the road. In addition if the parking is removed but then replaced by alternative measures then the impact could be to maintain the available road space for vehicles and in these circumstances we would not expect any significant change in average speed. However, in the theoretical situation where there is good visibility, a straight road and no additional changes are being made to the environment then the removal of parking from both sides of the road would increase the carriageway width and we would expect vehicle speeds to increase”

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

“Given the large number of significant development that is about to impact the Headington area is the cabinet member confident that the county council officers have sufficient resources to co-ordinate the works so that a minimum of disruption is caused to residents and businesses?”

Councillor Nimmo Smith replied:

“The County Councils Network Co-ordination Team has made positive steps to provide an appropriate level of resource to deal with the demands

resulting from the increase of developments expected in the City in order to mitigate their impact on the City's road network."

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

"Campaign group Need not Greed Oxon claims that only half of the county's proposed housing is to meet 'local need'; the rest is to meet a forced economic growth agenda.

According to the group, even allowing for a normal pattern of jobs growth, just 45,000 houses are required between now and 2031 to meet the needs of local residents – not 100,000 as proposed.

It goes on to say the remaining houses are linked to a 'committed growth' policy drawn up by the Oxfordshire Local Enterprise Partnership which proposes to create 85,000 new jobs in a County which already has almost full employment, and that if carried out, these proposals will not address affordability issues, but will change the rural character of Oxfordshire forever.

Could the Cabinet member please let me have his comments on these claims?"

Councillor Nimmo Smith replied:

"The statements quoted in the question are based on a misunderstanding of the status of the Strategic Housing Market Assessment which generated the 100,000 homes figure: Local authorities are under a statutory duty to prepare and maintain up-to-date Local Development plans; As part of preparing the evidence base for these plans, an assessment must be made of likely future growth in employment and of the requirement for new homes established through a Strategic Housing Market Assessment (SHMA) which balances economic, social and environmental considerations.

Oxfordshire's six local authorities jointly commissioned a SHMA which was undertaken in-line with government requirements and following a separate employment growth forecast also commissioned by the authorities which concluded that growth in employment of 4,000 FTE jobs per year was "realistic". In reality this figure has been considerably exceeded over the past four years.

As such the SHMA conclusions on employment growth and housing requirements are part of local authority statutory planning frameworks and are inputs to and not outputs of OxLEP's Strategic Economic Plan."

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

“Now that the Northern Gateway plans are being developed, it is becoming increasingly clear that the traffic has to be tackled to make the development viable and to comply with the Inspector’s condition of traffic mitigation before occupation. I hear that 100,000 people used the new Oxford Parkway station in its first four months of operation. There are renewed fears about the impact of traffic on Five Mile Drive if it were to be reopened as currently proposed. It is thus imperative that the proposed Strategic Link road from the A40 to the A44 is built as soon as possible to divert as much traffic as possible away from the A40 in North Oxford. Would the Cabinet member commit to making this road a priority and pressing for its being brought forward from the recently announced start date of Summer 2018 to a very much closer date?”

Councillor Nimmo Smith replied:

“The strategic link road proposal remains in the council’s approved capital programme for completion by 2020. This has not changed. The link road is currently in the early stages of planning and design. The county council will not accept development at Northern Gateway unless its transport impacts are mitigated, however the strategic link road is not required to achieve this and an independent inspector has accepted this. The link road proposal is and always has been about meeting growth demands across the county, not just in North Oxford”

Supplementary: Councillor Nimmo Smith asked what evidence he had for the response explained that it was the view of professional officers and he did feel that it was integral to the whole scheme.

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

“Would the Cabinet member give a date for when the many deep and dangerous potholes (especially dangerous to cyclists) in High Street, St Aldates and Folly Bridge, in my Oxford division, will be repaired? He will know that these roads are much used by cyclists, who daily face the unnerving choice of getting a wheel stuck in a pothole or swerving to avoid a pothole and being hit by a bus.”

Councillor Nimmo Smith replied:

“I am sure Cllr Tanner understands that the repair to Folly Bridge is a complex issue. Given the historic nature of the bridge we will require consent of Environment Agency in relation to the navigation issues and Historic England regarding the Scheduled Monument status along Grandpont Causeway. We have further investigatory work to undertake first to enable us to gain these consents but our best estimate for undertaking the work is late summer/early autumn 2016. With regard to any pot holes that exist prior to this work, and indeed on St Aldates and High Street we will continue to repair these in line with council policy. If Cllr Tanner is aware of specific pot holes that have been reported but are not being repaired in accordance

with our policy then I am more than happy for him to take that up with the local area team to ensure the situation is rectified.”

### **31/16 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item. 5)

Item 6 – Councillor Nick Hards, Shadow Cabinet Member for Finance  
Councillor John Howson, local councillor for St Margaret’s  
Councillor Roz Smith, local councillor for Headington & Quarry

Item 8– Councillor Steve Curran, Shadow Cabinet Member for Environment

Item 9 – Councillor Liz Brighthouse, Chairman of the Performance Scrutiny Committee.

### **32/16 2015/16 FINANCIAL MONITORING & BUSINESS STRATEGY REPORT - FEBRUARY 2016**

(Agenda Item. 6)

Cabinet considered the penultimate report in a series for the 2015/16 financial year. The final directorate variations will be set out in the Provisional Outturn Report to Cabinet in June 2016.

Councillor Hards, Shadow Cabinet Member for Finance, congratulated everyone on such a good performance in challenging times. He highlighted children’s services as the main area of concern and asked questions in relation to the high number of looked after children and on the high needs funding element of the DSG. He also queried the reasons for the underspend in Social & Community Services as outlined in paragraph 24.

Councillor Tilley responded to the questions that had been raised commenting that the increase in looked after children should be seen as a positive as the Council was helping more vulnerable children. Councillor Stratford undertook to come back to Councillor Hards on the question on high needs funding. Councillor Heathcoat explained the context behind the figures in paragraph 24.

Councillor John Howson, local councillor for St Margaret’s raised a number of concerns in relation to schools and in particular he highlighted school place planning and the cost of transport for children with special educational needs. In the light of the two Multi Academy Trusts in special financial measures he also questioned the implications for the County Council pension fund of failed academy trusts. Councillor Stratford agreed that the cost of SEN transport was a concern. With regard to the financial position of academies he would speak to pensions’ officers to clarify the position. The Chairman added that the implications for the pension fund were a question for the Pension Fund Committee.

Councillor Roz Smith, local councillor for Headington & Quarry raised local concerns about the length of time people were waiting for the reablement

service and queried whether the cabinet member would be seeking to find the reason for the underspend in this service. She also queried why the take up of carers' grants was so low. Councillor Smith also expressed concern should the Oxfordshire Clinical Commissioning Group did not make the contribution referred to in the report.

Councillor Heathcoat advised that the particular resident referred should contact adult social care. On the carers grant she explained what was done to promote the grant including through the web site and call centre and through outside agencies such as Age Concern. She noted that this was the penultimate report in the series and that following discussion with OCCG there would be a contribution from them that would be reflected in the final figures.

Councillor Lawrie Stratford introduced the contents of the report and in moving the recommendations highlighted the information on capital programme monitoring that reflected re-profiling on several schemes.

Cabinet was advised that the underspend with regard to the Oxfordshire Fire & Rescue Service had reduced as a result of the inclusion of an early estimate of the cost of the major incident at Didcot Power Station. Cabinet recorded their appreciation of the efforts not only of the OFRS but of other services that had assisted.

**RESOLVED:** to:

- (a) note the report;
- (b) note the Treasury Management lending list at Annex 4;
- (c) to approve the transfer of £0.2m to the Efficiency Reserve as set out in paragraph 48;
- (d) note the changes to the Capital Programme set out in Annex 7b and 7c.

### **33/16 OXFORDSHIRE TOGETHER**

(Agenda Item. 7)

Cabinet considered a report seeking an update to the existing resolution that forms part of the Local Agency Agreements (Section 101 under the Local Government Act 1972).

**RESOLVED:** to:

- (a) agree an updated resolution that covers highway services (and associated activities) identified as part of the Oxfordshire Together (Highways) proposal.
- (b) approve the wording on the front of the Local Agency Agreements issued under section 101 of the Local Governments Act 1972 as follows:

Agreement Under Section 101  
of the Local Government Act 1972

Relating to various highway (and traffic and drainage) functions (suitable for highways, grass cutting, weed control, footway clearance, basal tree growth, cleaning signs, drainage, illegal sign removal and vegetation letters, grip maintenance, school crossing patrols and any other Highway service (or associated activities)) that the Environment & Economy Director and County Solicitor deem to be appropriate.

**34/16 STREET LIGHTING CONTRACT AND INTERIM POLICY**

(Agenda Item. 8)

Cabinet had before them a report that set out a proposed emergency interim arrangement for the Street Lighting Service (Maintenance) as the result of early termination of the existing contract at a break point within the contract.

Councillor Curran acknowledged that the County Council had been placed in a difficult position as a result of the contractor's decision. He raised concerns around safety and the perception of safety if areas were unlit. Illuminated speed limit signs could not be enforced if not lit. The interim arrangements were for a period of 18 months but he hoped it would be possible to move more quickly than that to a permanent solution. Councillor Nimmo Smith responding to a further question from Councillor Curran indicated that it was not possible to simply replace broken lamps with LED bulbs. With regard to the interim arrangements they were for 12 months with an option for a further 6 months.

**RESOLVED:** to:

- (a) approve the proposed policy change and contracted level of service in relation to the street lighting maintenance service; and
- (b) note the proposed use of the short term call off from the Crown Commercial Service Contract.

**35/16 BUSINESS MANAGEMENT & MONITORING REPORT FOR QUARTER 3 - 2015/16**

(Agenda Item. 9)

Cabinet considered a report that provided details of performance for quarter three. The report is required so that Cabinet can monitor the performance of the Council in key service areas and be assured that progress is being made to improve areas where performance is below the expected level.

Councillor Brighouse, Chairman of Performance Scrutiny Committee highlighted the comments and concerns arising from consideration of the



report at the last Performance Scrutiny Committee. Members flagged up continuing problems with delays in reablement which impacted on the delivery of the delayed transfer of care project. The Committee had focussed on Environment & Economy. The Committee recognised the staff resourcing issues within Environment & Economy; gave detailed consideration to the position in relation to potholes; noted achievements including responses to District Council planning and completion of a number of project and capital receipts; discussed concerns over S106 funding and wood recycling; and commended the work on Frideswide Square

Councillor Heathcoat responded to the concerns around reablement outlining the actions taken and that the figures were expected to improve.

Responding to questions from Councillor Carter on S106 funding Councillor Brighthouse explained that the evidence of pre agreements was anecdotal and that the Committee had recommended taking it to locality meetings where local councillors would have local information and knowledge if this was happening.

Councillor Rose introduced the contents of the report and following discussion where it was suggested that reports continue on a quarterly basis it was:

**RESOLVED:** to note the performance reported in the dashboards.

**36/16 DELEGATED POWERS - APRIL 2016**

(Agenda Item. 10)

**RESOLVED:** to note the following quarterly report of any executive decisions taken under the specific powers and functions delegated under the terms of Part 7.2 (Scheme of Delegation to Officers) of the Council's Constitution – Paragraph 6.3(c)(i).

<i>Date</i>	<i>Subject</i>	<i>Decision</i>	<i>Reasons for Urgency</i>
3 February 2016	Request for Exemption from Contract Procedure Rules - Crisis Response Service	Approved an exemption from the full tendering requirements of the Council's Contract Procedure Rules to allow the Council to contract with Abicare for the crisis support service for the period 2 <sup>nd</sup> June	To ensure that the pathway for all short term services can be introduced at the same time i.e. 30 <sup>th</sup> September 2016 enabling integration of short term services.

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		2016 to 30 <sup>th</sup> September 2016 at a cost of £205,666.	
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**37/16 FORWARD PLAN AND FUTURE BUSINESS**

(Agenda Item. 11)

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

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

..... in the Chair

Date of signing

2016