

CABINET

MINUTES of the meeting held on Tuesday, 16 November 2010 commencing at 2.00 pm and finishing at 3.40 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 Louise Chapman
Councillor Michael Waine
Councillor Rodney Rose
Councillor Mrs J. Heathcoat

Other Members in Attendance: Councillor Alan Armitage, Shadow Cabinet Member for Finance & Property (Agenda Item 6)
Cllr. Jenny Hannaby, Shadow Cabinet Member for Adult Services (Agenda Item 9)
Cllr Purse, Shadow Cabinet Member for Growth & Infrastructure (Agenda Item 10)
Cllr Purse, Shadow Cabinet Member for Growth & Infrastructure (Agenda Item 11)
Cllr. Jean Fooks, Opposition Deputy Leader (Agenda Item 12)

Officers:

Whole of meeting Chief Executive; S. Whitehead (Chief Executive's Office)

Part of meeting:
Agenda Item Officer
6 K. Wilcox (Corporate Finance)
7. T. Chapple (Corporate Finance)
8. Assistant Chief Executive & Chief Finance Officer
9. P. Purnell (Adult Social Care)
10. D. Helling (Transport)
11. D. Groves (Transport Strategy & Development Control)
12. S. Munn, S. James (Human Resources)

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.

121/10 MINUTES

(Agenda Item. 3)

The Minutes of the meetings held on 19 October and 2 November 2010 were approved and signed.

122/10 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

Councillor Jean Fooks had given notice of the following question to the Cabinet Member for School 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?”

Councillor Waine replied:

“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."

Councillor Jean Fooks had given notice of the following question 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?”

Councillor Hudspeth replied:

“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.”

Councillor Liz Brighthouse OBE had given notice of the following question 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."

Councillor Mitchell replied:

"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."

Supplementary: Councillor Brighthouse asked whether the Leader considered it fair that older people, many of whom had fought in the war and who throughout their lives had paid for the deficit that war created should now be suffering for a deficit that could be scaled back and dealt with over a longer period?

Councillor Mitchell replied that the country was not in a position to reduce the deficit over a longer period. The standing of the country financially was based on the steps being taken to reduce the deficit. He felt that there would be suffering to bring finances back into budget, a position that the country nationally had not been in for many years.

Councillor Roy Darke had given notice of the following question to the Cabinet Member for Adult Services:

"Item 9 – Financial Monitoring

This report highlights some very serious issues for adult social care. Social care overspendings 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?"

Councillor Fatemian replied:

"It is fair to acknowledge that there are greater pressures on the adult social care budget than there are on other budgets. This is evident from the report. However, the overspendings do need to be seen in the context of the size of the overall budget for adult social care. The overspending on adult social care outside the pooled budget is around 1% of the budget (£1.537m compared with a gross budget of £175.9m (0.87%) and a net budget of £135.6m (1.13%) - figures are on page 31 of the Cabinet report)

A great deal has been done to address the overspendings. It is worth remembering that the overspending on the older persons pool was very significant earlier in the year and this was pulled back with some very tight financial management which has had an impact on delayed transfers of care. The overspending on the older person's element of the pool is now only £125k (see page 17).

It is expected that the overspending on adult social care outside the pool will fall as we approach the year end

It is incorrect to say that the "the bed based model used for Fairer Charging and Residential Client Income is inadequate". This is a misunderstanding of what is said in the report (see paragraph 20). What paragraph 20 is saying is that if we seek to reduce the number of admissions to care homes (to improve the position on the older persons pool) then this will have an adverse impact on the income budget (because fewer people are paying for their residential care).

The main issue facing adult social care this year is the overspending on the care for adults with physical disabilities (£1.727m). This is a relatively small budget (£7.102m) so this is a significant percentage overspending. It reflects the fact that there has been an unexpected increase in the number of clients with significant needs (for example, there have been a number of individuals with disabilities who have just started university in Oxford (and have become our care responsibility) and there have also been some individuals who are now are responsibility for funding as section 117 individuals when previously they had been the responsibility of the NHS. An action plan has been agreed which we expect to reduce the overspending to about £1m by the end of the year.”

Supplementary: Councillor Darke referred to the proposed changes to the internal home support service, queried why a report on this matter had been delayed to December and sought assurances that all options were being considered.

Councillor Fatemian replied that the report had been delayed for various reasons and that given its importance it was right that the time be taken to get it right. All options would be considered.

123/10 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

The following requests to address the meeting had been agreed:

Item 6 - Councillor Alan Armitage, Shadow Cabinet Member for Finance & Property

Item 9 - Cllr. Jenny Hannaby, Shadow Cabinet Member for Adult Services

Item 10 - Cllr Purse, Shadow Cabinet Member for Growth & Infrastructure

Mr Hugh-Jones, local resident.

Item 11 - Cllr Purse, Shadow Cabinet Member for Growth & Infrastructure

Item 12 - Cllr. Jean Fooks, Opposition Deputy Leader

In relation to item 10 on Oxfordshire Concessionary Fares Scheme Mr Hugh-Jones, representing the Oxfordshire Pensioners Action Group, supported the coalition governments plans to reduce spending but not to the detriment of pensioners who were already struggling. He welcomed recommendation (a) but queried the decision to send the consultation to 11,000 travel token holders as he felt that obviously the vast majority would object and that the exercise was therefore a waste of taxpayers' money. He believed that the proposals would discriminate against the disabled having a disproportionate effect on them.

124/10 FINANCIAL MONITORING - NOVEMBER 2010

(Agenda Item. 6)

Cabinet considered the next in the regular series of monitoring reports for the 2010/11 financial year covering the period up to the end of September 2010. Part 1 & 2 set out the Council's forecast position for the 2010/11 financial year and included projections for revenue, balances, reserves. The capital programme monitoring and update was dealt with at Part 3.

Councillor Alan Armitage, Shadow Cabinet Member for Finance & Property referred to the earmarked reserves set out on pages 92-95 of the agenda and expressed the hope that with central government saying that ring fencing was to end that these would be reviewed aggressively.

The Cabinet Member for Finance & Property highlighted areas of concern including the Social & Community Services overspend and pooled budgets but overall believed that the position was as expected at this time of the year. Cabinet Members responded to the comments advising of action taken. The Cabinet Member for Children, Young People & Families commended the hard work of the Director for Children, Young People & Families which meant that the Directorate was looking at a balanced budget.

The Deputy Leader commented that Shared Services were now bringing about the budgeted savings 9 months early.

RESOLVED: to:

- (a) note the report and approve the virements as set out in annex 2a;
- (b) approve the Supplementary Estimate requests as set out in annex 2f and paragraph 46.

125/10 TREASURY MANAGEMENT MID TERM REVIEW 2010/11

(Agenda Item. 7)

Cabinet considered a report (CA7) that set out the Treasury Management activity undertaken in the first half of the financial year in compliance with the CIPFA Code of Practice. The report included Debt and Investment activity, an update on Prudential Indicators, changes in Strategy and a forecast interest receivable and payable in the financial year.

RESOLVED: to note the report, and to **RECOMMEND** Council to note the Council's Mid Term Treasury Management Review 2010/11.

126/10 BUSINESS STRATEGY AND SERVICE & RESOURCE PLANNING REPORT FOR 2011/12 - 2015/16 (NOVEMBER 2010)

(Agenda Item. 8)

Cabinet considered the third in the series of reports (CA8) on the Business Strategy and Service & Resource Planning for 2011/12 – 2015/16 process for 2011/12 -

2015/16 that will culminate in the Council setting a budget requirement for the authority and an amount of Council Tax for 2011/12 in February 2011.

The report sets out a synopsis of what is contained in the Spending Review announced on 20 October 2010 along with subsequent announcements and the potential impact of them on Oxfordshire.

Cabinet noted that whilst the Spending Review provided some information, the actual grant position for 2011/12 for both Formula Grant and Specific Grants along with capital funding, will not be known until the Draft Local Government Finance Settlement is announced in early December 2010.

RESOLVED: to:

- (a) note the outcome of the Spending Review, and the potential impacts on both revenue and capital;
- (b) note that clarity has been sought from Members of Parliament on the uncertainties which remain as a result of the Spending Review;
- (c) agree the proposed revision to the total savings targets in paragraph 27.

127/10 DAY OPPORTUNITIES FOR OLDER PEOPLE

(Agenda Item. 9)

Councillor Jenny Hannaby, Shadow Cabinet Member for Adult Services supported the ideas set out in the new approach as outline din the report and looked forward to more detailed information. She referred to concerns around access to transport and this was vital to the success of the proposals.

The Cabinet Member for Adult Services referred to the extensive public engagement that had been undertaken and thanked all involved for the way in which it had been carried out.

RESOLVED: to approve the implementation of the strategic commissioning framework to move to day opportunities for older people carers within Oxfordshire, as detailed in this report.

128/10 OXFORDSHIRE CONCESSIONARY FARES SCHEME

(Agenda Item. 10)

Councillor Anne Purse, Shadow Cabinet Member for Growth & Infrastructure welcomed that the proposals gave roughly the same service but indicated that in some parts of Oxfordshire the services would appear very different, and it was important to get a balanced view.

During discussion Cabinet Members expressed their views on the proposals and in particular on the 9.00 am start and the other discretionary elements of the scheme.

RESOLVED: to:

- (a) publish, for consultation with bus operators, a reimbursement scheme as outlined in the 'Reimbursements to Bus Operators section above;
- (b) allow free travel for concessionary passholders, throughout Oxfordshire, starting at 9.00 am (instead of 9.30 am) on Mondays to Fridays, this to apply for the 2011/12 financial year and be reviewed for subsequent years;
- (c) To offer companion passes to those residents who are in receipt of Carers Allowance; who can supply proof that they need assistance to use public transport; or are between the ages of 5 and 15;
- (d) Specify exemptions from and inclusions in the scheme as recommended in the section headed 'Exemption of special categories of service'; and
- (e) Ask officers to report on other aspects of the concessionary fare scheme, including the outcome of consultation with passholder representatives, and any major issues raised by bus operators in the consultation on the reimbursement scheme to the Cabinet meeting on 25 January 2011.

129/10 OCC PARKING STANDARDS FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT

(Agenda Item. 11)

Councillor Anne Purse, Shadow Cabinet Member for Growth & Infrastructure commented that it was not a question of one size fits all. She highlighted issues on modern estates and in Wheatley where there was parking by non residents.

During discussion Cabinet Members highlighted individual issues of which they were aware. Cabinet Members commented that they would be responding as local members and expressed the general view that the standard should reflect reality and not a utopian vision of reduced car use.

RESOLVED: to:

- (a) endorse the principle of applying parking standards for new residential developments as set out in the draft document, subject to (b) below and to agree to a formal consultation period: allowing for minor amendments according to the consultation, to note Cabinet will meet again to fully endorse the use of the policy and to empower officers to start using the principle of this emerging policy where the Planning Authority and the developer are in agreement; and
- (b) to agree that following the Cabinet debate the authority to make any minor changes to the text of the consultation paper be delegated to the Deputy Director - Highways and Transport in consultation with the Cabinet Member for Growth and Infrastructure.

130/10 ESTABLISHMENT REVIEW - NOVEMBER 2010

(Agenda Item. 12)

Councillor Fooks, Opposition Deputy Leader commented that it was particularly important to see how things were progressing at the current time, where she felt that large numbers of staff did not feel valued. She expressed concern at the level of vacancies in the central area of the Children, Young People & Families Directorate, Social & Community services and in Food for Thought. She noted that there were few vacancies in the Environment & Economy Directorate but the use of agency staff was high. Finally Councillor Fooks asked whether it was possible to have figures for non teaching staff in schools.

The Deputy Leader responded that he had taken the decision to remove non teaching staff in schools figures as the County Council,. Had no influence over them. He welcomed the reduction in establishment numbers and particularly the reduction in use of agency staff.

RESOLVED: to:

- (a) note the report;and

- (b) confirm that the Establishment Review continues to meet the Cabinet's requirements in reporting and managing staffing numbers.

131/10 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 13)

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.

..... in the Chair

Date of signing