

## CABINET

**MINUTES** of the meeting held on Tuesday, 26 November 2013 commencing at 2.00 pm and finishing at 3.45 pm

### Present:

**Voting Members:** Councillor Ian Hudspeth – in the Chair  
Councillor Rodney Rose  
Councillor Mrs Judith Heathcoat  
Councillor Melinda Tilley  
Councillor Lorraine Lindsay-Gale  
Councillor David Nimmo Smith  
Councillor Arash Fatemian  
Councillor Louise Chapman  
Councillor Hilary Hibbert-Biles

**Other Members in Attendance:** Councillor Gill Sanders, (Agenda Item 6 & 7)  
Councillor Nick Hards, (Agenda Item 8)  
Councillor John Sanders, (Agenda Item 12 & 15))  
Councillor Anne Purse, (Agenda Item 11)

### Officers:

Whole of meeting Joanna Simons (Chief Executive)

Part of Meeting Item	Name
6	Jim Leivers, Director for Children's Services; Lucy Butler, Deputy Director for Children's Social Care & YOS
7	Jim Leivers, Director for Children's Services; Lucy Butler, Deputy Director for Children's Social Care & YOS
8	Greg Ley, Treasury Management Team
11	Martin Tugwell, Deputy Director, Strategy & Infrastructure Planning
12	Martin Tugwell, Deputy Director, Strategy & Infrastructure Planning
15	Huw Jones, Director for Environment & Economy

*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.*

## **121/13 APOLOGIES FOR ABSENCE**

(Agenda Item. 1)

An apology for absence was received on behalf of Councillor Nick Carter.

## **122/13 MINUTES**

(Agenda Item. 3)

The Minutes of the meeting held on 15 October 2013 were approved and signed.

Councillor Hudspeth referred to the Talking Oxfordshire public meetings that had been well attended. There had also been over 400 responses on the web site. He thanked the Chief Executive who had attended every event. He commented that during the meetings it had been made very clear that no decisions had yet been taken over Children's Centres. He added that discussions had been wide ranging covering not only Children's Centres but adult social care, and rural transport amongst others.

## **123/13 QUESTIONS FROM COUNTY COUNCILLORS**

(Agenda Item. 4)

Councillor John Howson had given written notice of the following 2 questions to Councillor Nimmo Smith:

1. "Is there any S106 moneys available to provide cycle racks outside Belsyre Court on the Woodstock Road just north of the new Radcliffe Observatory Quarter?"

Councillor Nimmo Smith replied:

"We currently hold a £7,782 from a S106 which could be used to install bike racks in the location. I would be more than happy for Councillor Howson to discuss his ideas with officers".

2. "Would you consider the painting of a white line along the middle of the Marston Ferry Road cycle track, either all the way or just at each end to help with separating cyclists travelling in opposite directions at times of peak flows?"

Councillor Nimmo Smith replied:

"The Marston Ferry Road cycle track is for the most part very wide and has worked well for many years now – largely without segregation. Where it narrows at the Cherwell School end, there are some central segregation markings along with cycle symbols. I'd be happy for you to talk to officers about your specific concerns about how the cycle track is working who could then make an assessment of the need for better or more segregation."

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

"I asked at the last Cabinet for information on how much money is held by the County Council as S106 contributions to 'cycling measures' and how will its spending be decided?. I have not yet had a reply. Please could you let me have this information as soon as possible?"

Councillor Nimmo Smith replied:

"The County Council currently holds a total of £633,000 of developer funding specifically for investment in 'cycling measures'.

In areas where there is an agreed transport strategy in place funding is secured and then allocated on the basis of schemes identified within that strategy. Schemes are then designed and delivered using the County Council's capital programme process. This approach is followed for funding secured for Oxford, Banbury, Bicester, Science Vale, Witney and Carterton.

Where developer funding is held for locations outside areas with agreed transport strategies, the Member locality meetings will be used to help identify potential schemes for the funding to be allocated."

Supplementary: Councillor Fooks asked when it would be known what the funding was to be spent on as it would be helpful to have the details. Councillor Nimmo Smith replied that the locality meetings would determine. Responding to further comments Councillor Hudspeth indicated that he was scheduled to be at Councillor Fook's next locality meeting.

Councillor Roz Smith had given written notice of the following question to Councillor Fatemian

"What has been the financial cost to the council, (so far this year), of the external fund manager, Investec's failure to reach their benchmark return?"

Councillor Fatemian replied:

"In line with relevant guidance and as outlined in the Council's Treasury Management Strategy for 2013/14 the primary objective in relation to investments is the security of cash. This is followed in importance by liquidity and yield, in that order. As such, the Investec investment was aimed at achieving diversification, in terms of counterparties and investment instruments, in order to minimise risk in the Council's investment portfolio. In addition, the Investec portfolio, although initiated as a long-term investment, does offer four day liquidity should the cash be required for any reason.

Had Investec achieved their benchmark return for the period 01 April – 30 September 2013 the value of the Council's investment would have been £99k higher. It should be noted that the Investec portfolio is a long-term investment and performance for the last three years has been 0.88% against a benchmark of 1.34%. The average in-house return over the last three years has been 1.02%, although it is unlikely the Council would have achieved this rate had the Investec cash been available to invest in-house as

this is the average rate that includes long-term deposits. The average return on instant access investments over the last three years would be below that achieved by Investec.

When comparing the performance of Investec against the benchmark it needs to be considered that the benchmark in use is a cash benchmark (7-day London Inter-Bank Offer Rate) plus 1.23%. Therefore, as 1.23% of the performance is fixed it is necessary for Investec to take risks in attempting to achieve the target return, hence the volatility we have seen in their performance and the need to consider performance over a longer time horizon. In addition, many changes in the market, such as a fall in bond prices, will impact negatively on Investec's performance due to the investments they hold but will have minimal impact on the benchmark. Due to the varied nature of the portfolio it is difficult to have a benchmark that reflects the investments in the portfolio.

The Investec return since inception has been positive and has therefore achieved the aim of providing security of capital while diversifying the risk in the Council's investment portfolio."

## **124/13 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item. 5)

The following requests to address the meeting had been agreed:

- Item 6 – Councillor Gill Sanders, Shadow Cabinet Member for Children, Education & Families
- Item 7 – Councillor Gill Sanders, Shadow Cabinet Member for Children, Education & Families
- Item 8 – Councillor Nick Hards, Shadow Cabinet member for Finance
- Item 11- Mr John Taylor, Chairman of PAGE  
Councillor Anne Purse, Deputy Chairman of the Waste and Minerals Advisory Group, at the invitation of the Chairman
- Item 12 – Councillor John Sanders, Shadow Cabinet Member for Environment
- Item 15 – Councillor John Sanders. Shadow Cabinet Member for Environment

## **125/13 ACTION IN RESPONSE TO CHILD SEXUAL EXPLOITATION IN OXFORDSHIRE**

(Agenda Item. 6)

Child sexual exploitation is among the most serious and challenging issue that Oxfordshire County Council has faced. Cabinet had before them a report that set out the council's learning and actions in response.

Councillor Gill Sanders, Shadow Cabinet Member for Children, Education & Families welcomed the report and the actions it outlined. She highlighted that it was important that the report recognised the girls were victims and had not made life choices. This was an essential change. She also welcomed the

screening tool. The training referred to should be on-going so that it was not possible to forget the lessons learned. She felt it was important to accept accountability. Councillor Sanders further welcomed the new residential home in Oxfordshire and supported the need for more foster parents.

Councillor Tilley in moving the recommendations advised that Councillors would be kept fully informed and referred to the role of the Cabinet Advisory Group.

Councillor Hudspeth, Leader of the Council, thanked the Labour and Liberal Democrat Groups for the cross party support in working together for the best for the children of Oxfordshire during a very testing time.

Jim Leivers, Director for Children's Services introduced the contents of the report highlighting key themes and actions going forward.

Councillor Hudspeth thanked the Directorate staff noting the toll dealing with this sensitive issue was taking. He paid tribute to his predecessor as the County did not ignore the issue and had ensured that the necessary finance was there. He referred to a speech he had given at a Conference on the experience of Oxfordshire with the intention of ensuring not happening elsewhere. The Council's commitment was to ensure that safeguarding and protection was one of our fundamental beliefs.

Councillor Rose added that he had seen the Conference speech and that it was an example that no-one was trying to avoid the issues and he thanked the Leader, Chief Executive and Director for Children's Services for their approach.

**RESOLVED:** to:

- (a) Endorse the progress and actions to date and identify any further measures for consideration.
- (b) Receive further reports from the Cabinet Advisory Group on Safeguarding Assurance and in relation to the Serious Case Review

## **126/13MULTI AGENCY SAFEGUARDING HUB (MASH)**

(Agenda Item. 7)

Cabinet considered a report seeking endorsement to the development of a Multi-Agency Safeguarding Hub (MASH) in conjunction with partner agencies.

A Multi-agency Safeguarding Hub (MASH) is a multi-agency unit which pools intelligence about safeguarding referrals, securely, and provides safe and speedy triage as a basis for appropriate on-going action. As such it is a gateway between universal services (such as Schools and GPs) and specialist and intensive services.

Councillor Gill Sanders Shadow Cabinet Member for Children, Education & Families spoke in support of the multi-agency safeguarding hub. It was sensible to bring agencies together and would also provide financial savings. However she would be concerned if the savings undermined the safeguarding efforts. She queried whether one single point of access would be sufficient and that location would be vital. She highlighted the role and importance of District Councils and queried how they featured in the Steering Group and decision making.

Councillor Tilley in moving the recommendations replied that they did not have all the answers as yet but gave assurances that it was not about making savings. Other Councils had done it and the County Council had learnt from them. Lucy Butler added that there would not be one single point of access. The Steering Group was set up with other agencies and she recognised the importance of other agencies including District Councils who were vital particularly in respect of housing matters. Councillor Tilley also highlighted the important role of schools.

During discussion Councillor Heathcoat, Cabinet Member for Adult Social Care, welcomed the approach which was one which adult social care could benefit from.

**RESOLVED:** to endorse the development of a Multi-Agency Safeguarding Hub (MASH) for Oxfordshire.

## **127/13 TREASURY MANAGEMENT MID-TERM REVIEW (2012/13)**

(Agenda Item. 8)

Cabinet had before them a report setting out the Treasury Management activity undertaken in the first half of the financial year 2013/14 in compliance with the CIPFA Code of Practice. The report included Debt and Investment activity, Prudential Indicator monitoring, changes in Strategy, and forecast interest receivable and payable for the financial year.

Cabinet were advised that the Audit & Governance Committee considered the report on Wednesday 20 November and had noted with concern Investec's performance and that Investec's annualised return for the first six months of the year was 0.00% compared with a benchmark of 1.59%, and they recommended that the Performance Scrutiny Committee consider the matter further and that Cabinet note the concerns in relation to Investec's performance as noted in paragraph 29 in the Council's Mid-Term Treasury Management Review 2013/14.

Councillor Nick Hards, Shadow Cabinet Member for Finance raised 3 points: on annex 4 he queried how helpful the indicators were and whether better indicators were needed; he sought assurances that the LOBO loans were being carefully monitored and on annex 1 referred to the relaxed maturity limit for J. P. Morgan and asked if this was being reconsidered in the light of recent news.

Councillor Fatemian thanked Councillor Hards for his comments and agreed that it would be useful to explore a more helpful index, gave an assurance that the loans referred to were kept under scrutiny and that he would look again at the criteria in relation to J. P. Morgan.

Councillor Fatemian in introducing the contents of the report and addenda highlighted that the level of debt had decreased (paragraph 15) and thanked the Treasury Management Team for their excellent work which had seen them exceed their benchmark (paragraph 27). He noted the concern in relation to Investec as highlighted by the Audit & Governance Committee and that they had asked Performance Scrutiny Committee to look at it.

**RESOLVED:** Cabinet noted the report and the concern and action proposed by the Audit & Governance Committee and **RECOMMENDED** Council to note the Council's Mid-Term Treasury Management Review 2013/14.

## **128/13 FINAL DECISION ON EXPANSION OF QUEENSWAY PRIMARY SCHOOL TO 2 FORMS OF ENTRY (2FE)**

(Agenda Item. 9)

Cabinet considered a proposed increase to the published admission number from 30 to 60 children at Queensway Primary School in Banbury, on a permanent basis from September 2014. This will eventually increase the school's total capacity from its current 277 places in Years Reception – Year 6 to a maximum of 420.

Councillor Tilley noted that in future reports such as this would be considered in her delegated decision session so that this was likely to be the last such report to Cabinet, with the exception of proposals that received significant levels of objection.

*Note: As set out under Rule 18(a) of the Scrutiny Procedure Rules, this decision is exempt from Call-In as it is deemed urgent and any delay would seriously prejudice the Council's interests, in that the Cabinet's role would be negated by referral to the Schools' Adjudicator if the decisions were not taken within two months of the end of the Statutory Notices, in this case being 10 December 2013.*

**RESOLVED:** to:

- (a) approve the permanent expansion of Queensway Primary School with effect from 1 September 2014; and
- (b) to note that future proposal of this nature would be considered by the Cabinet Member for Children, Education & Families unless there were significant levels of objection.

## **129/13 STAFFING REPORT - QUARTER 2 - 2013**

(Agenda Item. 10)

Cabinet considered a report that gave an update on staffing numbers and related activity during the period 1 July 2013 to 30 September 2013. It gave details of the agreed staffing numbers and establishment at 30 September 2013 in terms of Full Time Equivalents. In addition, the report provided information on vacancies and the cost of posts being covered by agency staff.

**RESOLVED:** to:

- (a) note the report; and
- (b) confirm that the Staffing Report meets the Cabinet's requirements in reporting and managing staffing numbers.

### **130/13 OXFORDSHIRE LOCAL AGGREGATE ASSESSMENT 2013**

(Agenda Item. 11)

The County Council has a statutory duty to prepare a new Oxfordshire Minerals and Waste Plan, to provide an effective planning strategy and policies for the supply of minerals and management of waste in the county, consistent with environmental, social and economic needs.

Under the Government's National Planning Policy Framework, March 2012 (NPPF), the County Council must prepare a Local Aggregate Assessment Annually. In addition, the duty to co-operate introduced by the Localism Act 2011 applies to the preparation of a local aggregate assessment since this is an activity supporting the preparation of a local plan relating to a strategic matter. Cabinet considered a report that recommended a Local Aggregate Assessment for Oxfordshire for 2013.

Councillor Purse, Deputy Chairman of the Waste and Minerals Advisory Group expressed her gratitude that the concerns of the Group had been heard and the rolling average had been restored.

Mr Taylor, Chairman of PAGE, endorsed the 10 year average sales method which he stated was in line with guidance and in use elsewhere. Over an 18 year period he felt that this would give a significant decrease saving Oxfordshire's lovely countryside. He asked that the 2013 sales figure be published as soon as possible as part of the planning process. He looked forward to being consulted.

Councillor Nimmo Smith in moving the recommendations noted that Oxfordshire was a growth county and as such any figure would need to be regularly reviewed. Martin Tugwell responded to questions about the use of recycled aggregate and sea dredged aggregate noting that much of the recycled aggregate was used on site so it was difficult to gauge. The County was not in the best position to make use of sea dredged aggregate and although a framework was a possibility its use would remain a commercial decision. The future use of china clay was also governed by commercial considerations.



During discussion Councillor Lindsay Gale stated that 9 parishes affected were in her Division and having been involved previously she was pleased with the outcome and paid tribute to the work of the Cabinet Advisory Group.

**RESOLVED:** to

- (a) approve the 10 year average sales figures set out in the table in paragraph 19 of the report as the provision figures in the Oxfordshire Local Aggregate Assessment 2013, for use as the basis for provision for mineral working in the consultation draft Minerals and Waste Local Plan and for calculating the Oxfordshire landbank;
- (b) authorise the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) in consultation with the Cabinet Member for Environment to finalise the Oxfordshire Local Aggregate Assessment 2013 for publication.

## **131/13 OXFORDSHIRE MINERALS AND WASTE DEVELOPMENT SCHEME 2013**

(Agenda Item. 12)

The County Council is preparing a new Oxfordshire Minerals and Waste Local Plan. Cabinet considered the Oxfordshire Minerals and Waste Development Scheme that sets out the programme for the production of this plan and the planning policy documents (local development documents) that will make up the plan.

Councillor John Sanders, Cabinet Member for Environment was pleased that the Council was still on target for the date of December 2015. He referred to previous problems with the Plan and the difficulties this could cause for the council.

During discussion the Chairman expressed his thankfulness that the previous plan had not been adopted with its higher levels of extraction.

Councillor Nimmo Smith in moving the recommendations outlined the role that the Cabinet Advisory Group would play.

**RESOLVED:** to

- (a) approve the Oxfordshire Minerals and Waste Development Scheme (Fifth Revision) 2013 at Annex 1, subject to final detailed amendment and editing, to have effect from 10 December 2013;
- (b) authorise the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) to:
  - (i) carry out final detailed amendment and editing of the Oxfordshire Minerals and Waste Development Scheme, in consultation with the Cabinet Member for Environment;

- (ii) take the necessary steps to bring the revised Scheme into effect from 10 December 2013 and publish the revised Scheme, in accordance with Sections 15 and 16 of the Planning and Compulsory Purchase Act 2004 (as amended).

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**132/13 FORWARD PLAN AND FUTURE BUSINESS**

(Agenda Item. 13)

The Cabinet considered a list of items for the immediately forthcoming meetings of the Cabinet.

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

**133/13 EXEMPT ITEM**

(Agenda Item. 14)

**RESOLVED:** that the public be excluded for the duration of item 15 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.

**134/13 DIX PIT CONTRACT VARIATION**

(Agenda Item. 15)

*The information contained in the report and annexes 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.*

Cabinet considered a report containing exempt information and gave approval for the settlement agreement reached in principle with FCC Environment Ltd and for the Director for Environment & Economy in consultation with the Cabinet Member for Environment to finalise the agreement and sign the contract variation.

in the Chair

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Date of signing