

## CABINET

**MINUTES** of the meeting held on Tuesday, 21 July 2020 commencing at 2.00 pm and finishing at 3.54 pm

**Present:**

**Voting Members:**

Councillor Mrs Judith Heathcoat - in the Chair  
Councillor Lawrie Stratford  
Councillor Steve Harrod  
Councillor Ian Corkin  
Councillor Lorraine Lindsay-Gale  
Councillor Yvonne Constance OBE  
Councillor David Bartholomew  
Councillor Liam Walker

**Other Members in Attendance:**

Councillor Liz Brighthouse  
Councillor Glynis Phillips  
Councillor John Sanders

**Officers:**

Whole of meeting Yvonne Rees (Chief Executive), Lorna Baxter, Director of Finance; Steve Jorden, Corporate Director of Commercial Development, Assets and Investment & Monitoring Officer; Sukdave Ghuman, Head of Legal; Sue Whitehead (CDAI)

Part of Meeting  
Item

6, 8, 11a & 13  
7  
9  
13  
14

Name  
Sue Halliwell, Director of Planning & Place  
Owen Jenkins, Director of Growth & Economy  
Tim Chapple, Treasury Manager  
Paul Feehily, Corporate Director Planning & Growth  
Eric Owens, Assistant Director, Growth & Place

*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.*

### **51/20 APOLOGIES FOR ABSENCE**

(Agenda Item. 1)

Apologies were received from Councillors Gray and Hudspeth.

## **52/20 DECLARATIONS OF INTEREST**

(Agenda Item. 2)

Councillor Corkin declared an interest on Item 14 on the grounds of being a non-executive director on the board of Graven Hill Village Development Co. Ltd, an arms-length business owned by CDC

## **53/20 MINUTES**

(Agenda Item. 3)

The Minutes of the meeting held on 16 June 2020 were approved and signed as a correct record.

## **54/20 QUESTIONS FROM COUNTY COUNCILLORS**

(Agenda Item. 4)

Councillor Mathew had given written notice of the following question to Councillor Constance, Cabinet Member for Environment (including Transport):

“How many trees has Oxfordshire County Council cut down in the last five years and how many of those were replaced. How many new plantings were there all together?”

Councillor Constance replied:

“Oxfordshire County Council have had to remove 2297 trees on the highway verge it is responsible for as Highway Authority. This figure includes some trees that have failed during adverse weather conditions (but not necessarily all) or due to factors beyond our control. In that period, the council have planted 75 trees. There has been no funding for tree replacements or new planting.

Currently there is no budget allocation for tree planting. The only tree related budget is for Highway Tree Maintenance.”

Councillor Susanna Pressel had given written notice of the following question to Councillor Walker, Cabinet member for Highway Operations & Delivery:

“The east riverbank along the Thames towpath above Osney Bridge behind Abbey Road was beautifully reinforced by the County Council about 10 years ago. It is part of the Thames Path and classed as highway. Unfortunately, in some places the timber has rotted or been damaged, and the bank has eroded or been scoured out. It is now quite dangerous in places and I fear that an accident could happen any day. This stretch of towpath is now really popular and well-used, especially by people exercising or avoiding public transport. If the temporary bus gates go in, it will be even more heavily used. Please can it be repaired urgently?”

Councillor Walker replied:

“This stretch of Thames towpath behind Abbey Road is being put forward as a potential scheme to be funded by the DfT Covid Recovery programme under Tranche 2.

If funding is secured from the Tranche 2 allocation, work will commence as soon as possible. If not, it will be added to the Infrastructure Operations capital programme and its priority will be assessed alongside other pending schemes.

In the meantime, Officers will continue to monitor the situation and are working with Oxford City Council, who now own this land, and the Thames Path National Trail team to remove encroaching vegetation to move use away from the river edge and reduce the risk this poses to the public. This section of Thames towpath is well known to us and as the Councillor notes, was repaired using a technique called willow spilling, which was promoted by the Environment Agency at the time but has had mixed results on this highly trafficked route”

## **55/20 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item. 5)

The following requests to address the meeting had been agreed by the Chairman:

| Item  | Speaker   |
|---|---|
| Item 7 – Didcot Garden Town Housing Infrastructure Fund | Councillor John Sanders, Shadow Cabinet Member for Environment (inc Transport)  |
| Item 9 – Treasury Management Outturn 2019/20            | Councillor Glynis Phillips, Shadow Cabinet Member for Finance   |
| Item 10 – Financial Monitoring Report – July 2020       | Councillor Glynis Phillips, Shadow Cabinet Member for Finance<br>Councillor Liz Brighthouse, Chairman of the Performance Scrutiny Committee |
| Item 11a  | Councillor John Sanders, Shadow Cabinet Member for Environment (inc Transport)  |

## **56/20 OXFORDSHIRE GROWTH BOARD TERMS OF REFERENCE AND MEMORANDUM OF UNDERSTANDING**

(Agenda Item. 6)

Cabinet considered a report that proposed a revised Terms of Reference (ToR) and Memorandum of Understanding (MoU) for the Oxfordshire Growth Board.

Councillor Heathcoat in introducing the report and moving the recommendations commented that the proposals were also going to the Cabinets/Executives of the City and District Councils in Oxfordshire. It had been considered and endorsed by Cherwell District Council Executive on 6 July.

**RESOLVED:** to

- (a) approve the Terms of Reference and Memorandum of Understanding at Annexes 1 and 2 respectively
- (b) delegate authority to the Chief Executive, in consultation with the Leader and the Growth Board, to make minor amendments to these documents as required to support the operational efficiency of the Growth Board's work.

**57/20 DIDCOT GARDEN TOWN HOUSING INFRASTRUCTURE FUND:  
PREFERRED SCHEME ALIGNMENTS**

(Agenda Item. 7)

The Didcot Garden Town Housing Infrastructure Fund (known as HIF1) project is a vital package of highway measures to enable sustainable growth in the South Oxfordshire and Vale of White Horse district areas as identified in relevant policy documents. Following a public consultation on the preferred options that were identified during the feasibility design process and in response to a previous consultation exercise. Cabinet considered a report seeking approval of the preferred route alignment of the HIF1 project to allow the preliminary design to progress.

Councillor John Sanders, Shadow Cabinet Member for Environment (including Transport) broadly welcomed the proposed investment but queried the level of infrastructure provision when compared to the numbers of houses planned. Councillor Sanders commented that although there was provision for affordable homes, he was worried how affordable they would remain in a rising market.

He asked whether there was a timetable for the funding. Finally, Councillor Sanders queried whether there were plans for the developments to be zero carbon emission homes as it was easier and cheaper to build this in from the start.

Councillor Walker, Cabinet Member for Highway Delivery & Operations responded to the comments pointing out that the whole report was about the provision of infrastructure. He thanked Councillor Sanders for his comments and advised that there would be an all councillor briefing on 29 July where councillors would be able to feed such comments in.

Eric Owens, Assistant Director, Growth & Place introduced the contents of the report highlighting the four projects set out in the report.

Eric Owens responded to questions and comments from cabinet members:

- The timescales set out in the report were tight but achievable. There were margins built in but there were also risks as there would be with any major undertaking of this size: this was why officers were working hard to ensure robust programme control.
- In relation to concerns expressed by Councillor Lindsay-Gale on the impact of the proposals on Nuneham Courtenay Eric Owens recognised that officers were alive to the need for future solutions to meet those concerns.

During discussion Cabinet:

- Supported the proposals and commended officers for the considerable work done to bring it to this stage. .
- Highlighted the importance of the proposals in achieving economic and social prosperity, particularly in the context of recovery from the pandemic.

**RESOLVED:** to:

- (a) Approve the identified preferred alignments as illustrated in Figure 1 as the basis to progress into the next stage of scheme design for the four schemes that constitute the Didcot Garden Town Housing Infrastructure programme.
- (b) Note the various optioneering exercises that have informed the preferred alignments set out in paragraphs 24 to 30.
- (c) Note the findings of the recent consultation exercise set out in paragraphs 31 to 36 which sought the views of local people and other stakeholders to be taken into consideration in the next stage of design, yielding a predominantly positive response to the preferred scheme alignments.

NB: Slight variations to alignments maybe required during the next design phase. Any significant changes would be brought back for decision or managed through the CPO process as necessary.

## **58/20 HOUSING INFRASTRUCTURE FUND - A40 (HIF2) PUBLIC REPORT**

(Agenda Item. 8)

*N.B. The report does not contain exempt information and is available to the public. Exempt information is contained in the confidential annexes at Item 13 of the agenda.*

Oxfordshire was successful in bidding for the Housing and Infrastructure Fund (HIF) for West Oxfordshire A40 Smart Corridor. The County Council has now met all the contract pre-conditions which enables the Grant Determination Agreement Heads of Terms to be agreed and the legal agreement drafted.

Cabinet considered the report seeking authority for the Chief Executive to have delegated authority to progress the project.

Sue Halliwell introduced the contents of the report explaining the background to the current position reached following close working with Homes England.

Councillor Constance, Cabinet Member for Environment (including Transport) moved the recommendations.

**RESOLVED:** to:

- (a) Subject to the confirmation from Homes England that the contract pre-conditions have been met and due diligence has been completed to manage programme and financial risk to the Council, authorise the Chief Executive, in consultation with the Leader of the Council and the Cabinet Member for Environment to:
  - i) approve any final detailed amendments of the drafted Heads of Terms.
  - ii) approve the Grant Determination Agreement (GDA);
- (b) Subject to the satisfactory completion of recommendation (i) approve the inclusion of all three elements (identified in para. 4 and Appendix 1) of the programme into the Capital Programme and report the governance of these projects at a HIF2 programme level with an overall budget provision of £102m subject to the implementation of the grant determination agreement with Homes England;
- (c) Note the draft Heads of Terms (Annex 1) that form the basis of grant determination agreement between Homes England and Oxfordshire County Council for West Oxfordshire Housing Infrastructure Fund Grant Award; and
- (d) Note the Assurance Framework (explained in para 27) which sets out the background to the Housing Infrastructure Funding process and establishes the approach to reporting and monitoring implementation.

## **59/20 TREASURY MANAGEMENT 2019/20 OUTTURN**

(Agenda Item. 9)

Cabinet had before them a report that set out the Treasury Management activity undertaken in the financial year 2019/20 in compliance with the CIPFA Code of Practice. The report included Debt and Investment activity, Prudential Indicator Outturn, Investment Strategy, and interest receivable and payable for the financial year.

Councillor Glynis Phillips, Shadow Cabinet Member for Finance highlighted aspects of the report commenting that there was little cause for concern overall.

Councillor Phillips went on to refer to the higher than average allocation to local authority deposits and queried what would happen in the event of one of those local authorities issuing a S114 Notice.

Councillor Phillips also commented that there was talk of devolution and it would be helpful to hear what would become of loans to a local authority that ceased under devolution arrangements

Councillor Phillips asked whether Cabinet was considering external borrowing. to reduce the scale of cuts to services.

Councillor Bartholomew responded to the points made. He commented that if a council issued a S114 Notice it would preclude them from entering into any new arrangements but that existing arrangements would stand. Similarly, if a council ceased to exist due to devolution its commitments and undertakings would transfer to the new authority. There would be potential timing issues in both such circumstances, but the Treasury Management team would manage the liquidity risk internally as OCC had high liquid balances.

In response to the query on external borrowing Councillor Bartholomew commented that the Council had no need for external borrowing due to the very healthy cash reserves.

Councillor Bartholomew introduced the contents of the report thanking the Director of Finance and the Finance Management team for the production of the report.

Councillor Heathcoat thanked the Director of Finance and her team as it had been a very challenging time.

**RESOLVED:** to note the report, and to **RECOMMEND** Council to note the Council's Treasury Management Activity in 2019/20.

## **60/20 FINANCIAL MONITORING REPORT - JULY 2020**

(Agenda Item. 10)

Cabinet considered the first financial monitoring report of the 2020/21 financial year, together with an addenda setting out additional information. The report built on the 'Estimated Impact of Covid-19 April 2020 to June 2020' report which formed annex D of the Business Management Report to Cabinet in May. The report set out the financial monitoring position as at 31 May 2020 including the impact of Covid-19. The report also set out the additional funding received to date to manage the financial pressures arising from Covid-19.

Councillor Glynis Phillips, Shadow Cabinet member for Finance thanked the finance team for all their additional work. It was important to remember the work of the backroom staff alongside the frontline workers who together had made such a positive contribution during this time of crisis. The report

highlighted the ongoing uncertainty of the Council finances in this and future years. Whilst there were additional grants which were welcomed, they came with conditions with increasing central government control. The report highlighted the estimated £20m funding gap and that the council needed to start planning for ways to meet this gap. Councillor Phillips noted the recommendations for officers to identify plans to address the potential overspend and the unusual step of a meeting in August to consider the way forward. Councillor Phillips urged Cabinet to explore every possibility of meeting this shortfall before agreeing to even more cuts to services.

Councillor David Bartholomew, Cabinet Member for Finance responded to the points made by Councillor Phillips. In particular, on her remarks around central government control, he commented that central government by its very nature would have a centralised view and the Council was aware that local government must always shout to ensure its voice was heard because we know the local issues in far more detail. Councillor Bartholomew added that in terms of the support received by this Council, whilst always wanting more the support received so far had been satisfactory and there was more to come. Councillor Bartholomew, in response to Councillor Phillips final point gave an assurance that Cabinet would be exploring all opportunities to meet the shortfall without austerity.

Councillor Liz Brighouse, Chairman of Performance Scrutiny Committee, referred to the emergency Cabinet meeting on 18 August and the role played by the Performance Scrutiny Committee in the budget process. Councillor Brighouse hoped that Performance Scrutiny Committee would get the opportunity to consider any future revised budget. Lorna Baxter, Director of Finance confirmed that a meeting of Performance Scrutiny Committee would be scheduled prior to the Cabinet meeting.

Councillor Bartholomew commented that the meeting of Cabinet on 18 August was an extraordinary meeting rather than an emergency meeting. It was right and proper for Cabinet to make a considered and measured response to the situation.

Councillor Bartholomew introduced the contents of the report and addenda

**RESOLVED:** to:

- (a) note the contents of the report and addenda;
- (b) ask officers to identify plans to address the potential overspend in 2020/21 arising from COVID-19 and report back to the next meeting with recommendations for action.

## **61/20 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 changes and additions set out in the schedule of addenda.



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

**a DEPARTMENT OF TRANSPORT ACTIVE TRAVEL EMERGENCY FUND - TRANCHE 2**

Councillor Heathcoat, as Chairman for the meeting had agreed that this item be added an item of urgent business in order to meet the timetable for submission to the Department of Transport set by central Government.

Cabinet considered a report that provided an overview of the Department of Transport's Active Travel Emergency fund and, in particular, set out the requirements and arrangements for the production and approval of the Tranche 2 submission.

Councillor Constance, Cabinet Member for Environment and Sue Halliwell, Director of Planning & Place introduced the contents of the report highlighting the need for the recommended delegation given the tight timescales involved.

Sue Halliwell, responding to a query from Councillor Heathcoat, Deputy Leader of the Council, stated that there was much better information from central government on this second tranche with much greater clarity on requirements to ensure that the bid was ticking all the core criteria against the funding.

Councillor John Sanders, Shadow Cabinet Member for Environment, hoped that some of the Tranche 2 money could go into the Low Traffic Neighbourhoods.

During discussion Cabinet expressed concern at the process and tight timescales involved. Responding to questions Sue Halliwell: confirmed that some of the examples of local schemes on the portal referred to in the introduction came from our LCWIPs; and explained the phased approach to the bidding process so that OCC was in a position to take advantage of any additional monies that became available.

Responding to concerns that the measures would be urban centric and short term, Sue Halliwell and Councillor Constance explained the limitations of the process that meant that it was likely that city schemes and spade ready projects were most likely to be successful. However, every effort would be made to have a balanced approach to urban and rural schemes.

**RESOLVED:** to:

- (a) note the criteria of Tranche 2 of the Department of Transport Active Travel Emergency Fund; and
- (b) delegate to the Chief Executive, in consultation with the Cabinet Member for Environment (and Transport), the final sign off of the

Oxfordshire County Council's bid for the Department of Transport Active Travel Emergency Fund Tranche 2 submission.

**62/20 EXEMPT ITEM**

(Agenda Item. 12)

**RESOLVED:** that the public be excluded for the duration of items 13 and 14 (since it is likely that if they were present during that item 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 below in relation to that item and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information on the grounds set out in that item.

**THE ANNEXES TO ITEM 13 HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.**

**NOTE:** The report (set out at Item 8 of the agenda) to the Annexes attached as Item 13 does not contain exempt information and is available to the public.

**THE REPORT RELATING TO THE EXEMPT ITEM 14 HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS STRICTLY PRIVATE TO MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.**

**THIS ALSO MEANS THAT THE CONTENTS OF THE ANNEXES SET OUT AT ITEM 13 AND THE WHOLE REPORT AT ITEM 14 SHOULD NOT BE DISCUSSED WITH OTHERS AND NO COPIES SHOULD BE MADE.**

**63/20 HOUSING INFRASTRUCTURE FUND - A40 (HIF 2) - EXEMPT ANNEXES TO ITEM 8**

(Agenda Item. 13)

*The information in this case is exempt in that it falls within the following prescribed categories:*

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

*and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that a negotiation is ongoing and would prejudice the position of the authority in the process of that negotiation and the Council's standing generally in relation to such matters in future, to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority*

The annexes containing exempt information under the above paragraph were received and noted in conjunction with Item 8.

**64/20 BICESTER GARDEN TOWN CAPITAL FUNDING - JUNCTIONS IMPROVEMENT**

(Agenda Item. 14)

*The information in this case is exempt in that it falls within the following prescribed categories:*

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

*and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that a negotiation is ongoing and would prejudice the position of the authority in the process of that negotiation and the Council's standing generally in relation to such matters in future, to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority*

Cabinet considered a report setting out a proposal developed in partnership with Cherwell District Council (CDC) who will be taking a sister report through their formal governance process. For the purpose of this proposal CDC will be the accountable body for the funding, and OCC will be the delivery body for the schemes described.

The report detailed the proposed schemes and the current position on each

Cabinet agreed the recommendations to enter into an agreement to receive and spend funding related to Garden Town from Cherwell District Council.

..... in the Chair

Date of signing .....