

# County Council

**10 July 2012**

## Agenda

## Declarations of Interest

### The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

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

### Whose Interests must be included?

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

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

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

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

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

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

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

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

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

### List of Disclosable Pecuniary Interests:

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

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

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

To: Members of the County Council

## ***Notice of a Meeting of the County Council***

**Tuesday, 10 July 2012 at 10.00 am**

**County Hall, Oxford OX1 1ND**

*Joanna Simons*

Joanna Simons  
Chief Executive

June 2012

Contact Officer: **Deborah Miller**  
Tel: (01865) 815384; E-Mail: [deborah.miller@oxfordshire.gov.uk](mailto:deborah.miller@oxfordshire.gov.uk)

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 7 and 15 will be recorded. The purpose of recording proceedings is to provide an *aide-memoire* to assist the clerk of the meeting in the drafting of minutes.

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***Members are asked to sign the attendance book which will be available in the corridor outside the Council Chamber. A list of members present at the meeting will be compiled from this book.***

***A buffet luncheon will be provided***

## **AGENDA**

- 1. Apologies for Absence**
- 2. Minutes (Pages 1 - 6)**

To approve the minutes of the meeting held on 15 May 2012 (**CC1**) and to receive information arising from them.

### **3. Declarations of Interest - see amended guidance note**

Members are reminded that the requirements to declare interests have changed under the Localism Act 2011. Members must declare disclosable pecuniary interests. Please refer to guidance note/briefing circulated.

### **4. Official Communications**

### **5. Appointments**

The Leader of the Council, Councillor Hudspeth, has given formal notice that the Cabinet Member for Education has responsibility for Adult Learning to take effect from 12 June 2012. As noted at Council, the responsibility was formerly that of the Cabinet Member for Safer & Stronger Communities. Accordingly, Council are asked to make the following change to the Committee structure:

- (a) Move adult learning from the remit of the Safer & Stronger Communities Scrutiny Committee to that of the Children's Services Scrutiny Committee;
- (b) to make any changes to the membership of the Cabinet, scrutiny and other committees on the nomination of political groups.
- (c) Under the Localism Act 2011 the Council has adopted a new Code of Conduct and new arrangements for handling complaints. Under these arrangements independent members are required and following an advertisement and interview process the Council is asked to appoint 2 independent members with the names to be included in the Schedule of Business

### **6. Petitions and Public Address**

### **7. Questions with Notice from Members of the Public**

### **8. Local Transport Plan 2011-2030 Annual Review 2012 (Pages 7 - 40)**

Report by Deputy Director for Environment & Economy – Highways & Transport (**CC8**).

The Oxfordshire Local Transport Plan 2011-2030 (LTP3) was approved by Cabinet on 15 March 2011 and adopted as Council policy on 5 April 2011. The 20 year timescale of the Plan gives major benefits in terms of providing a transport strategy that covers the period of the district councils' Local Development Frameworks and allows for long term planning of major infrastructure but it does present the risk that the Plan would gradually become less relevant as time passed. A fixed, printed text was therefore rejected for the Plan in favour of a more flexible, internet based document.

To ensure that the Plan was kept up to date it was agreed that LTP3 should be subject to a system of annual review, and also that interim changes could be made by the agreement of the Head of Transport and Cabinet Member for Transport provided that these were presented to County council for approval within 12 months.

This report outlines the changes to LTP3 that have been provisionally agreed during

the year together with other suggested changes which have been the result of a review of LTP3 in the light of external events over the last year. This includes updates to the Local Area Strategies and policy changes and clarifications concerning High Speed Rail, the county rail strategy, network classification and lorry routeing, network improvements, electric vehicles and controlled parking zones.

***County Council are RECOMMENDED that the revised document is adopted to replace the 2011 version.***

## **9. 2012/13 - Requests For Virements (Pages 41 - 56)**

Report by the Assistant Chief Executive & Chief Finance Officer (**CC9**).

As set out in the Revenue and Capital Outturn Report to Cabinet on 19 June 2012 and Annex 1a and b to this report, some of the carry forward of underspends from 2011/12 for use in 2012/13 require virements which are larger than £0.5m. Since these represent a change in policy, albeit temporary in 2012/13, approval by Council is required under the authority's Financial Regulations.

***Council is RECOMMENDED to approve the virements larger than £0.5m and the associated carry forwards as set out in annex 1a and 1b.***

## **10. Scrutiny Committees - Annual Report (Pages 57 - 72)**

This Scrutiny Annual Report (**CC10**) provides an overview of the work of the council's six scrutiny committees over the course of 2011/12.

The report is structured to reflect the Council's corporate objectives and links to the business strategies. In the face of budget pressures, the role of scrutiny has become increasingly pertinent in ensuring that the needs of service users are at the forefront of Council policy. Where previously, scrutiny's role was largely retrospective, we have sought to align scrutiny meetings so that they enable key policy proposals to be considered as part of the decision-making process. Scrutiny has a central role in assessing whether or not the Council is meeting the targets set out in the Business Strategy and ensuring savings are being delivered in the most effective manner.

***Council is RECOMMENDED to receive the report.***

## **11. Members' Code of Conduct and Registration of Interests (Pages 73 - 90)**

Report of the County Solicitor & Monitoring Officer (**CC11**).

At the Annual Meeting of Council this year, the Council formally adopted a new Members' Code of Conduct under the Localism Act 2011, to come into effect on 1 July 2012. At that time, Authorities were aware of the Coalition Government's intention that the previous standards arrangements would cease from the 1 July. However, the Regulations which would govern any future codes had not been issued at the time the Council needed to agree arrangements to apply from 1 July. These have now been

issued but there is some concern with the wording, which seems to imply that the power for the Council to adopt a new Code of Conduct as required under the Localism Act only came into force as from the date of implementing the Regulations (i.e. 6 June 2012). In order for there to be no doubt with regards to the lawful adoption of a Code by this Council, Members are asked to reaffirm the Code that they agreed to adopt at their Annual Meeting this year. This report also informs all Members of the arrangements now in place to brief and support Councillors and Co-Opted Members in meeting their obligations under the new Code of Conduct.

***The Council is RECOMMENDED to:***

- (a) confirm the adoption of the Members' Code of Conduct attached to the Guidance at Annex 1 to this report;***
- (b) encourage Members to attend the briefings arranged by the Monitoring Officer on the requirements of the new Code of Conduct;***
- (c) note the Guidance on the new Code of Conduct and Register of Interests at Annex 1 to this report.***

## **12. Report of the Cabinet (Pages 91 - 92)**

Report of the Cabinet Meetings held on 22 May 2012 and 19 June 2012 (**CC12**).

## **13. County Council Meeting Dates (Pages 93 - 94)**

The report of the Monitoring Officer containing the schedule of meeting dates proposed for the 2013/14 Council year is attached (**CC13**) and has been drawn up to reflect the various rules about frequency of meetings set out in the Council's Constitution.

It is expected that in 2013 and 2014 the budget information from Government will not be available until late in the process. The draft schedule for 2013/14 includes a budget Council date of 18 February 2014 and it is suggested that budget Council in 2013 be moved from 12 to 19 February 2013 necessitating the waiving of Council Procedure Rules, paragraph 2.1

***Council is RECOMMENDED to:***

- (a) agree the schedule of meeting dates for the 2013/14 Council Year; and***
- (b) agree the February Council dates for 2013 and 2014 and the consequent waiving of the Council procedure Rules in respect of paragraph 2.1.***

## **14. Independent Admission Appeals - Panel Member Arrangements (Pages 95 - 100)**

Report by County Solicitor & Monitoring Officer (**CC14**).

Cabinet considered a report that reviewed the present panel members' allowances and asked the Cabinet to make recommendations to the full Council to determine rates and arrangements for their payment.

Cabinet agreed to RECOMMEND the Council:

- (a) *to approve, for school admission and exclusion appeal panel members, the same travel and subsistence allowances as are payable to members of the Council, subject to the same requirements as to the submission of claims and the supply of evidence except that the rate for the first 10,000 miles claimed for car travel be set at 40p per mile and not 35p per mile;*
- (b) *only in the case of loss of business to continue to pay £100 per day as the maximum amount payable to a school admission or exclusion appeal panel member for financial loss necessarily incurred as a result of attendance at an appeal panel hearing, subject to sufficient documentary evidence being produced to identify actual loss; and*
- (c) *that the revised allowances and rates be effective from 1 April 2011.*

## 15. Questions with Notice From Members of the Council

### MOTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

WOULD MEMBERS PLEASE NOTE ANY AMENDMENTS TO MOTIONS WITH NOTICE MUST BE PRESENTED TO THE PROPER OFFICER IN WRITING BY 9.00 AM ON THE MONDAY BEFORE THE MEETING.

## 16. Motion From Councillor Richard Stevens

This Council notes that the Health and Social Care Act 2012 received Royal Assent on 27 March 2012.

This Council further notes that:

- under the legislation, the Council will assume responsibility for public health in Oxfordshire;
- figures obtained under freedom of information legislation and published on 13 March 2012 indicate that it is costing £654,500 to set up the Oxfordshire clinical commissioning group (CCG), money that could otherwise be spent on patient care in Oxfordshire;
- in a letter to the Oxford Mail on 14 March 2012, doctors from 24 GP surgeries in Oxford voiced their professional opinion that the legislation will harm patient care; and
- that, in the face of the ruling of the UK Information Commissioner, the government has refused to publish the risk register detailing the risks posed by the legislation, which would allow local authorities affected by the legislation - such as this Council - to properly assess the risks to the people of Oxfordshire.

This Council:-

- regrets the cost and bureaucracy created by the Health and Social Care Act in Oxfordshire;
- regrets the disregard of the warnings of medical professionals in Oxfordshire:

- and
- calls on the government to repeal the Health and Social Care Act 2012, and calls on Cabinet to write to the Secretary of State for Health to express the same.

## 17. Motion From Councillor Larry Sanders

“The NHS in Oxfordshire faces years of severe financial pressures which will inevitably affect the quality of health care for the people of the County. One of the larger elements of pressure comes from the need for the Oxford University Hospitals NHS Trust to pay at least £53 million per year to the owners of its PFI facilities. PFI payments are inflated by the profits taken by the owners and by the higher interest rates required from private companies as compared to public entities, such as County Councils.

In February 2012 Northumberland County Council proposed lending £100 million to the Northumbria Healthcare NHS Foundation Trust. They said “The provision of financial support would benefit the residents of Northumberland by enabling the Foundation Trust to secure savings from its existing PFI contracts which would prevent potential reductions in both the range and quantity of healthcare provision offered across Northumberland.”

Under the Local Government Act, local authorities can “do anything which they consider is likely to achieve the promotion or improvement of the economic wellbeing of their area.”

This County Council therefore requests the Cabinet to appoint a working party of appropriate Members and Officers to investigate, with colleagues from the Oxford University Hospitals NHS Trust, the potential for savings to be made through the provision of financial support by the County Council.”

## 18. Motion From Councillor John Sanders

The Secretary of State refusal to permit the Council compulsorily to purchase the land required for the proposed £20 million Cogges Link Road has caused a serious setback to the expectations of the people of Witney. The Council believes this project was wrong and was an extremely expensive mistake. The Council calls on the Cabinet to investigate with urgency the Shores Green proposal with a view to its implementation.

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### Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 9 June 2012 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders