



To: Members of the Cabinet

## ***Notice of a Meeting of the Cabinet***

**Tuesday, 29 January 2013 at 2.00 pm**

**County Hall, Oxford, OX1 1ND**

*Joanna Simons*

Joanna Simons  
Chief Executive

January 2013

Contact Officer:

**Sue Whitehead**

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### *Councillors*

### **Membership**

- |                      |   |
|----------------------|---|
| Ian Hudspeth         | - <i>Leader of the Council</i>                                  |
| Rodney Rose          | - <i>Deputy Leader of the Council</i>                           |
| Arash Fatemian       | - <i>Cabinet Member for Adult Services</i>                      |
| Nick Carter          | - <i>Cabinet Member for Business &amp; Communications</i>       |
| Louise Chapman       | - <i>Cabinet Member for Children &amp; the Voluntary Sector</i> |
| Melinda Tilley       | - <i>Cabinet Member for Education</i>                           |
| Hilary Hibbert-Biles | - <i>Cabinet Member for Growth &amp; Infrastructure</i>         |
| Mrs J. Heathcoat     | - <i>Cabinet Member for Safer &amp; Stronger Communities</i>    |
| Kieron Mallon        | - <i>Cabinet Member for Police &amp; Policies</i>               |

*The Agenda is attached. Decisions taken at the meeting will become effective at the end of the working day on Wednesday 6 February 2013 unless called in by that date for review by the appropriate Scrutiny Committee. Copies of this Notice, Agenda and supporting papers are circulated to all Members of the County Council.*

*Date of next meeting: 26 February 2013*

## 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.**

# AGENDA

## 1. Apologies for Absence

## 2. Declarations of Interest

- guidance note opposite

## 3. Minutes

To approve the minutes of the meeting held on 18 December 2012 (**to be circulated separately**) and to receive information arising from them.

## 4. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

## 5. Petitions and Public Address

## 6. Oxfordshire County Council Corporate Plan 2013/14 - 2017/18 (Pages 1 - 38)

*Cabinet Member: Leader*

*Forward Plan Ref: 2012/120*

*Contact: John Courouble, Corporate Policy Manager Tel: (01865) 896163*

Report by Assistant Chief Executive & Chief Finance Officer (**CA6**).

This report and Annex provides Cabinet with a draft of the Corporate Plan for 2013/4-

2017/18. The Plan is due to publish in March 2013 and Cabinet's approval of it is needed to do this. The report provides the detail of what changes have been made to the Plan in this edition.

***The Cabinet is RECOMMENDED to approve the draft Corporate Plan going before Council on 19 February 2013.***

## **7. Business Strategy and Service & Resource Planning Report for 2013/14 - 2017/18 - January 2013 (Pages 39 - 224)**

*Cabinet Member:* Leader

*Forward Plan Ref:* 2012/119

*Contact:* Lorna Baxter, Deputy Chief Finance Officer Tel: (01865) 323971

Report of The Leader of the Council (**CA7Leader**)

Report by Assistant Chief Executive & Chief Finance Officer (**CA7**).

This report is the final report to Cabinet in the series on the service & resource planning process for 2013/14 to 2016/17, providing councillors with information on budget issues for 2013/14 and the medium term. Information outstanding at the time of the Cabinet meeting will be reported to Council when it considers the budget on 19 February 2013.

The report sets out the latest information on the Council's financial position, including the treasury management strategy for 2013/14 and an updated capital programme.

The Leader of the Council has prepared a separate report, circulated alongside this report, which sets out the basis for the Cabinet's proposals. The proposals take into account comments to date from the public consultation on the budget (which closes on 1 February 2013) as well as the latest information on the Council's financial position outlined in this report, and also comments on the draft budget proposals from the individual Scrutiny Committees on 10 January 2013.

***The Cabinet is RECOMMENDED to:***

***(a) (in respect of revenue) RECOMMEND Council to approve:***

- (1) a budget for 2013/14 and a medium term plan to 2016/17, based on the proposals set out by the Leader of the Council;***
- (2) a council tax requirement (precept) for 2013/14;***
- (3) a council tax for band D equivalent properties;***
- (4) virement arrangements to operate within the approved budget;***

***(b) (in respect of treasury management) RECOMMEND Council to approve:***

- (1) the Treasury Management Strategy Statement ;***
- (2) that any further changes required to the 2013/14 strategy be delegated to the Chief Finance Officer in consultation with the Leader of the Council.***

***(c) RECOMMEND Council to approve the Prudential Indicators as set out in Appendix A of Annex 7.***

***(d) RECOMMEND Council to approve the Minimum Revenue Provision***

**Methodology Statement as set out in Appendix B of Annex 7.**

**(e) (in respect of capital) RECOMMEND Council to approve:**

- (1) the updated Capital Strategy, Corporate Asset Management Plan and Transport Asset Management Plan;**
- (2) a Capital Programme for 2012/13 to 2016/17;**

**(f) delegate authority to the Leader of the Council, following consultation with the Chief Finance Officer, to make appropriate changes to the proposed budget.**

**8. Future Devolved Governance: Local Transport Board (Pages 225 - 236)**

*Cabinet Member:* Deputy Leader

*Forward Plan Ref:* 2012/153

*Contact:* Tom Flanagan, Service Manager – Planning & Transport Policy Tel: (01865) 815691

Report by Director for Environment & Economy (**CA8**).

The purpose of this paper is to provide CCMT/Cabinet with the details of the proposals from the Department of Transport to devolve local major scheme funding to functional economic areas and the requirement to establish a Local Transport Board with a detailed Assurance Framework, that sets out the governance and working arrangements, to manage the capital grant that will be received should the County Council opt to become the accountable body.

***The Cabinet is RECOMMENDED to approve the following:***

- (a) that the County Council supports the proposal to devolve the funding of local major schemes and facilitates the creation of a Local Transport Board under the auspices of the SPIP Board.**
- (b) the County Council seeks views on the Assurance Framework set out in the Annex from District Councils, the Oxfordshire Local Enterprise Partnership, the SEMLEP, Network Rail, Highways Agency and the public transport operators;**
- (c) that the Director of Environment & Economy, in consultation with the Deputy Leader, be authorised to develop the Scheme Prioritisation Process and progress the Assurance Framework to completion for submission to the Department of Transport in accordance with their timetable in consultation with the Section 151 and Monitoring Officer.**

**9. South West Bicester New Primary School - Funding Agreement (Pages 237 - 242)**

*Cabinet Member:* Growth & Infrastructure

*Forward Plan Ref:* 2012/149

Contact: Tom Flanagan, Service Manager – Planning & Transport Policy Tel: (01865) 815691

Report by Director for Environment & Economy (**CA9**).

The report seeks approval to authorise officers to enter into a funding agreement with the Diocese of Oxford for their direct delivery of the school construction project and enables transfer in stages of a maximum capital grant of £6.664m from S106 resources forward funded from the Council's capital programme reserve, having deducted any direct costs incurred by the County Council in supporting delivery of the project.

This is due to increasing pupil place pressures which lead to demand for places in advance of delivery timescales for the new primary school which would otherwise be possible if the Council awaits funding through the Section 106 agreement.

***The Cabinet is RECOMMENDED to:***

- (a) ***authorise the Director of Environment & Economy to enter into a funding agreement with the Diocese of Oxford which enables transfer in stages of a maximum capital grant of £6.664m; and***
- (b) ***transfer (in accordance with such funding agreement) funds from developer contributions forward funded from the Capital Programme reserve, having deducted any direct costs incurred by the County Council in supporting delivery of the project.***

## **10. Care Homes Fees (Pages 243 - 258)**

*Cabinet Member: Adult Services*

*Forward Plan Ref: 2012/116*

Contact: Andrew Colling, Quality & Contracts Manager Tel: (01865) 323682

Report by Director for Social & Community Services (**CA10**).

The Council has a statutory duty to make arrangements for persons aged 18 or over who it assesses are in need of care and attention which is not otherwise available to them.

Consequently the Council pays for approximately 1,700 older people in care homes for older people at any one time, at a cost of circa £48m per annum.

Each year we set a rate for care home fees – in Oxfordshire we have bandings representing different payments for different levels of client need.

Recently Care Home providers have mounted successful and unsuccessful challenges to the way their local authority set the fee rate. Judgements were made on:

- the consultation process;
- the Service and Community Impact Assessment;
- the assessment of the cost of care.

As a result there has been debate nationally about the 'usual cost of care' and the

extent to which local authorities can take account of both their own resources and of market factors, such as the number of private payers (who generally pay more), when setting the rates.

There is no nationally agreed methodology for calculating the cost of care but the Association of Directors of Adult Services is developing its own model.

This paper proposes that the Banding System in Oxfordshire be simplified.

It proposes that we should

- a. Confirm the interim payment 3% already paid to care homes in 2012/13 and
- b. increase the payments for residential homes and for the lower band for nursing homes from 1st April 2013.

The cost of the proposed increases in 2013 /14 is £405,000 which will increase the pressures on the Older People pooled budget next year.

We are not offering a general inflation increase for 2013/14 in the light of the 3% increase earlier this year (cost to the council was £900k).

Our new rates are within the range of neighbouring authorities, but remain considerably below what we routinely pay for care in Oxfordshire today.

We will be carrying out further consultation with our providers on these proposals.

***The Cabinet is RECOMMENDED that:***

***(a) for 2012/13 and for Care Home Placements in Oxfordshire to:***

- 1. Confirm the 3% uplift agreed as an interim payment for all existing placements in care homes from April 2012.***
- 2. Confirm the 3% uplift agreed as an interim payment for all new placements in care homes from April 2012.***

***(b) for 2013/14 to:***

- ***Revise our Target banding Rates from April 2013 and***
  - (i). Delete the Residential-Substantial Target Banding Rate***
  - (ii). Increase the Target Banding rate for the Residential-Extensive Specialist Category to £452 per week for new placements.***
  - (iii). Increase all existing weekly Residential payment rates that are currently paid below £452 per week to £452 per week***
  - (iv). Delete the Nursing - Substantial Target Banding Rate***
  - (v). Increase the Nursing-Extensive Target Banding Rate to £560 per week***
  - (vi). Increase all existing weekly Nursing Extensive and Substantial rates that are currently below £560 per week to £560 per week.***
  - (vii). Retain the Nursing-Specialist Target Banding Rate at £630 per week***
  - (viii). Continue to use these rates as a guide to secure a care home placement at a funding level as close to the Target Banding Rate as***

*possible.*

*(ix). The above to apply from April 2013 and for care home placements in Oxfordshire.*

*(c) to consult the care home providers in Oxfordshire on the above points (b) (i)-(ix); and*

*(d) to review the Equality Impact Assessment once the outcome of the consultation is known. Fee setting is a function to which section 149 of the Equality Act 2010 applies, and the Equality Impact Assessment is the method by which the Council will have due regard to the needs set out in section 149.*

## **11. Day Opportunities and Transport Charging Model (Pages 259 - 272)**

*Cabinet Member: Adult Services*

*Forward Plan Ref: 2012/126*

*Contact: Alan Sinclair, Lead Commissioner – Older People Joint Commissioning Tel: (01865) 323665*

Report by Deputy Director, Adult Social Care (**CA11**).

Public consultation took place from 1st June to 31st October 2012 in Tier 2 and Tier 3 services providing day opportunities for older people and people with a physical disability.

In Tier 2 services, which are provided by small and medium sized voluntary sector organisations in small local venues such as village halls or community centres, the proposal is to introduce daily transport charges of £5 for a return journey.

In Tier 3 services, which are the 8 larger resource centres providing support to people with higher needs (7 of which are run by the County Council internal service and 1 by Leonard Cheshire in Witney), the proposals are:

1. To increase the attendance charge (from £4.18 per day to £15.00 per day) for a 5 hour day (10am-3pm).
2. To introduce the option of a 3 hour day for £9, (11am to 2pm)
3. To increase the transport charge from 82p to £5 for a daily return journey
4. An offer of additional subsidised services to support health & wellbeing such as basic foot care, massage and seated exercise classes.

The report provides details of the consultation that took place, who took part, stakeholder feedback, comments and suggestions .

The report gives a financial summary of the implications of the proposals.

The report sets out recommendations for consideration and approval with regards to the proposed increases of charges.

***The Cabinet is RECOMMENDED to approve the proposals set out in paragraphs 53 and 54.***



## 12. Equality Policy 2012-17: Annual Update (Pages 273 - 306)

*Cabinet Member: Police & Policies*

*Forward Plan Ref: 2012/144*

*Contact: Lisa Philip Alderton, Analyst Tel: (01865) 816394*

Report by Research & Major Programmes, Unit Manager (**CA12**).

This report sets out the Council's progress in the first year of the 'Equality Policy 2012-2017'. The Council is required to set specific, measurable equality objectives, and report at least annually on its progress towards its objectives. It must also regularly provide information about actual and potential service users. The equality objectives themselves must be revised at least every four years.

In the Equality Policy, the Council set out four objectives, and for each one set out priority actions for the year intended to meet them. The objectives are:

Objective 1: Understanding the needs of individuals and communities

Objective 2: Providing accessible, local and personalised services

Objective 3: Supporting thriving and cohesive communities

Objective 4: Promoting a culture of fairness in employment and service delivery.

The 'Equality Policy' set out 27 priority actions across the four objectives. This is first annual update on the Council's progress towards its goals.

There is also a legal obligation to regularly provide information about actual or potential users. The attached update includes an appendix detailing new information about the people of Oxfordshire from the 2011 Census.

***The Cabinet is RECOMMENDED to***

***(a) Accept the first update on the 'Equality Policy 2012-2017'***

***(b) Agree to the adjustment of the reporting timetable for future updates on the 'Equality Policy 2012-2017'***

## 13. Forward Plan and Future Business (Pages 307 - 310)

*Cabinet Member: All*

*Contact Officer: Sue Whitehead, Committee Services Manager (01865 810262)*

The Cabinet Procedure Rules provide that the business of each meeting at the Cabinet is to include "updating of the Forward Plan and proposals for business to be conducted at the following meeting". Items from the Forward Plan for the immediately forthcoming meetings of the Cabinet appear in the Schedule at **CA13**. This includes any updated information relating to the business for those meetings that has already been identified for inclusion in the next Forward Plan update.

The Schedule is for noting, but Cabinet Members may also wish to take this opportunity to identify any further changes they would wish to be incorporated in the next Forward Plan update.

**The Cabinet is RECOMMENDED to note the items currently identified for forthcoming meetings.**

#### 14. Delegated Powers of the Chief Executive - January 2013

*Cabinet Member: Leader*

*Forward Plan Ref: 2012/122*

*Contact: Sue Whitehead, Committee Services Manager Tel (01865) 810262*

To report on a quarterly basis any executive decision taken by the Chief Executive under the specific powers and functions delegated to her under the terms of Part 7.4 of the Council's Constitution - Paragraph 1(A)(c)(i). It is not for scrutiny call in.

| <i>Date</i>             | <i>Subject</i>  | <i>Decision</i>   | <i>Reasons for Urgency</i>   |
|-------------------------|---|---|--|
| <i>21 December 2012</i> | <i>Request for Exemption from Contract procedure rules – provision of a Crisis Response Service</i>                                 | <i>Approved an exemption from the full tendering requirements of the Council's Contract Procedure Rules</i> | The original procurement process for the service was concluded in December 2011 resulting in a contract which finished on 31 December 2012. This is not a favourable time to potentially move to a new provider, due to bank holidays and winter pressures on health and social care services. The 3 month contract to 31 March 2013 ensures continuity of provision during retendering. |
| <i>17 January 2013</i>  | <i>Request for Exemption from Contract procedure rules- Extension of a contract for supported services for adults with learning</i> | <i>Approved an exemption from the full tendering requirements of the Council's Contract Procedure Rules</i> | The 3 month contract to 31 March 2013 maintains continuity of service during transition to a new provider.   |

|  |                     |  |
|--|---------------------|--|
|  | <i>difficulties</i> |  |
|--|---------------------|--|

## EXEMPT ITEM

### Item 15

It is **RECOMMENDED** 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.

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

**THIS IS FOR REASONS OF COMMERCIAL SENSITIVITY AND THE FINANCIAL RISK TO THE COUNCIL IF THE CONTENTS ARE DISCLOSED.**

**THIS ALSO MEANS THAT THE CONTENTS SHOULD NOT BE DISCUSSED WITH OTHERS AND NO COPIES SHOULD BE MADE.**

## **15. Developing the Project Agreement with the Oxfordshire Care Partnership (Pages 311 - 336)**

*Cabinet Member: Adult Services*

*Forward Plan Ref: 2013/001*

*Contact: Simon Kearey, Programme Manager Tel: (01865) 323571*

Report by Director for Social & Community Services, Director for Environment & Economy and Assistant Chief Executive & Chief Finance Officer (**CA15**).

*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.*

This report sets out proposals for developments in the relationship that the Council has with the Oxfordshire Care Partnership for the provision of services for the care and support of older people in Oxfordshire.

The contract with the Oxfordshire Care Partnership, known as the Project Agreement, was signed in December 2001 (see Background Paper 1). Since then there have been significant changes in the needs of older people, important developments in the services and facilities that older people can choose and in the aspirations and choices that older people make for their care. There have also been significant changes in the financial circumstances facing the public sector.

It is important that the Council and the Oxfordshire Care Partnership respond to these changes and continue to meet the needs of older people to the same high standards under the Project Agreement as effectively as they have since the Project Agreement was signed. Therefore, a number of service developments are required to meet the range of needs with which increasing numbers of older people need help, to give older people and their families' real choice about how their care needs are met and to meet the financial challenges facing the Council.

Meeting these challenges will require some revision of the Project Agreement, whilst ensuring that the Oxfordshire Care Partnership continues to have a secure basis from which to operate therefore ensuring the contract remains viable. This report summarises the proposed revisions to the Agreement and the service developments that will be supported by these changes.

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