

# CABINET

**MINUTES** of the meeting held on Tuesday, 18 October 2016 commencing at 2.00 pm and finishing at 4.03 pm

**Present:**

**Voting Members:** Councillor Ian Hudspeth – in the Chair  
Councillor Rodney Rose  
Councillor Mrs Judith Heathcoat  
Councillor Nick Carter  
Councillor Melinda Tilley  
Councillor Lorraine Lindsay-Gale  
Councillor David Nimmo Smith  
Councillor Lawrie Stratford

**Other Members in Attendance:** Councillor Liz Brighthouse, (Agenda Item 9)  
Councillor Nick Hards (Agenda Item 6)  
Councillor John Howson (Agenda Item 10)  
Councillor Glynis Phillips (Agenda Item 8)  
Councillor Gill Sanders (Agenda Item 7 & 10)

**Officers:**

Whole of meeting	Peter Clark (County Director); Sue Whitehead (Corporate Services)
Part of meeting	
Item	Name
6	Katy Jurczynszyn
7	Hannah Farncombe, Deputy Director – Safeguarding; Tan Lea, Strategic Safeguarding Partnerships Manager
8	Jonathan McWilliam, Director of Public Health
9	Ian Dyson, Assistant Chief Finance Officer - Assurance

*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.*

## **82/16 APOLOGIES FOR ABSENCE**

(Agenda Item. 1)

Apologies were received from Councillor Hilary Hibbert Biles.

## **83/16 MINUTES**

(Agenda Item. 3)

The Minutes of the meeting held on 20 September 2016 were approved and signed as a correct record.

## 84/16 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

Councillor Howson had given notice of the following question to Councillor Tilley:

“Will the Cabinet member please confirm that any rural primary school in Oxfordshire that meets the definition of such a school in the 2006 Education and Inspection Act on becoming an academy of any description would no longer have the protection provided by the Act regarding the procedure to be adopted should closure be contemplated? As an academy the school can be closed by no more than a phone call from the trustees to the Education Funding Agency. This means many rural primary schools in Oxfordshire have already lost this safeguard.”

Councillor Tilley replied:

“The current statutory guidance which includes a “...*presumption against the closure of rural schools.*” requires that consideration is given to a number of factors before proceeding. Such consideration is only required to be given in the case of “*maintained*” schools and , by implication not in the case of academies.

However, any significant proposals for amalgamation or merger with another academy can only be determined through what is known as the full business case route to the Education Funding Agency and will involve consultation with the local authority. Officers would expect a proposal to close an academy to follow a similar route and are aware of at least one other proposal nationally that has done so. However, there is no specific reference to rural primary schools anywhere in this or other academy regulation documentation that officers are aware of.”

Supplementary: Councillor Howson queried whether if a Multi Academy Trust moved to a hub model the home to school transport costs would fall onto the County Council. It was agreed that officers clarify the position which would depend on the regulations and let Councillor Howson have a response.

Councillor Tanner had given notice of the following question to Councillor Nimmo Smith:

‘The white lines and signs on the roads on my division are becoming more and more faded and increasingly difficult to discern. This is creating a dangerous situation for motorised traffic, cyclists and pedestrians, not least at the wide junction of Iffley Turn, Iffley Road and Henley Avenue where there are no traffic islands. Could the Cabinet member tell me when those white lines and signs will be repainted?’

Councillor Nimmo Smith replied:

“I am sure all Members are aware that there has been a deterioration in the maintenance of signs and lines in many parts of the County in recent years

as we have had to prioritise where limited resources are directed. Officers do try to focus funds on locations where the lack of lining can particularly impact on safety or traffic flow, and on that basis the junction mentioned would not have a high priority. However I can inform Cllr Tanner that the junction is on the list being compiled for re-marking in 2017.”

Supplementary: Councillor Tanner asked whether Councillor Nimmo Smith would agree that given the issues faced not just in Councillor Tanner’s Division but across the County that either the balance of spending was wrong, more money was needed from central government or needed to be raised locally. Councillor Nimmo Smith replied that there was always a balance to be found in how money was apportioned and currently they did the best they could with the funding available.

## **85/16 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item. 5)

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

Item 6 – Councillor Nick Hards, Shadow Cabinet Member for Finance

Item 7– Councillor Gill Sanders, Shadow Cabinet Member for Children, Education & Families

Item 8 - Councillor Glynis Phillips, Shadow Cabinet Member for Public Health

Item 9 - Councillor Liz Brighthouse, Chairman of Performance Scrutiny Committee

Item 10 – Councillor Gill Sanders , Deputy Chairman of Education Scrutiny Committee; Councillor John Howson, Member of Education Scrutiny Committee

## **86/16 2016/17 FINANCIAL MONITORING & BUSINESS STRATEGY DELIVERY REPORT - AUGUST 2016**

(Agenda Item. 6)

The Cabinet had before them the second financial monitoring report for 2016/17 that focused on the delivery of the Directorate Business Strategies that were agreed as part of the Service and Resource Planning Process for 2016/17 – 2019/20. Parts 1 and 2 included projections for revenue, reserves and balances as at the end of August 2016. Capital Programme monitoring and a programme update was included at Part 3.

Councillor Nick Hards, Shadow Cabinet Member for Finance, noted the largely positive position at the half way stage of the year and congratulated all involved. However he raised a number of detailed concerns around: slippage in the LED replacement programme (paragraph 48), the SEN transport budget, the funding of support for unaccompanied asylum seeking children, the adult social care precept and the shortfall in the cost of the new library. He also expressed disappointment at the government’s use of ring fencing that showed a lack of trust in local authorities to spend money

appropriately (paragraphs 50 and 22). Councillor Tilley, Cabinet Member for Children, Education & Families responding to a suggestion from Councillor Hards undertook to write to the Secretary of State about the ring fencing of the DSG funding.

Councillor Lawrie Stratford, Cabinet Member for Finance responded to the points raised, reiterating his congratulations to staff on the position reached although he was not complacent. Councillor Heathcoat, Cabinet Member for Adult Social care commented that nothing had been received from central government to suggest that local authorities would not be able to raise the 2% adult social care precept next year.

Councillor Stratford introduced the contents of the report and attention was drawn to the addenda and additional recommendation.

A Cabinet Member queried how the children coming from Calais involved the County Council in a significant cost when the criteria included them having family in this country. Jim Leivers, Director for Children Services explained that generally the funding was insufficient to cover the necessary support for unaccompanied asylum seeking children. In terms of the specific circumstances it was the responsibility of local authorities to check the viability of placements even when a child was placed with family. If a placement was not viable then a child would become a looked after child in Oxfordshire.

There was some discussion around the additional budget provision requested for the Westgate Library provision. There was concern expressed by some cabinet members that there was no ceiling for responding to changes brought about by aspirations for its future. Councillor Lorraine Lindsay-Gale, Cabinet Member for Property, Culture & Community Services, highlighted the once in a lifetime opportunity to refurbish Oxfordshire's flagship library. It would involve the library as a community hub with online access to services and also hot desking for staff. She was happy to give Cabinet Members a breakdown of what was happening. Both Councillor Lindsay-Gale and Councillor Stratford gave assurances that costs would be closely monitored.

**RESOLVED:** by 6 votes for, to 2 against, with 2 abstentions to:

- (a) note the report;
- (b) approve the virement requests set out in Annex 2a;
- (c) approve the supplementary estimates as set out in paragraphs 41 and 42;
- (d) approve the request for funding from the Efficiency Reserve as set out in paragraph 57;
- (e) note the Treasury Management lending list at Annex 3;
- (f) approve the updated Capital Programme at Annex 8 and the associated changes to the programme in Annex 7c;
- (g) approve an additional £2.1m in the budget provision for the Westgate Library project.

- (h) approve the inclusion into the Capital Programme of the new primary school for Southam Road, Banbury;
- (i) to approve the new charge as set out in Annex 9; and
- (j) to approve the 2017/18 Fees and Charges for the Registration Service.

**87/16 THE OXFORDSHIRE SAFEGUARDING CHILDREN BOARD (OSCB) ANNUAL REPORT/THE PERFORMANCE, AUDIT & QUALITY ASSURANCE ANNUAL REPORT AND THE CASE REVIEW & GOVERNANCE ANNUAL REPORT**

(Agenda Item. 7)

The OSCB's remit is to co-ordinate and ensure the effectiveness of what is done by each agency on the Board for the purposes of safeguarding and promoting the welfare of children in Oxfordshire. The annual report before Cabinet summarised the key achievements in the last year and provided an analysis of safeguarding arrangements. Cabinet also considered two further annual reports: the Performance, Audit & Quality Assurance Annual Report and the Case Review & Governance Annual Report.

Councillor Gill Sanders, Shadow Cabinet Member for Children, Education & Families commented on the detail of the report which she had generally found very encouraging. She highlighted areas of concern around early help, the MASH and the increase in activity and problems of recruitment leading to increased pressure on services. She noted that the Board had been considering the impact of inevitably reduced budgets. The report also highlighted the Looked after Children exclusion and absence from school figures which had been discussed by the Corporate Parenting Panel. Schools should be encouraged to keep children in school. She also highlighted the waiting times for CAMHs which although improved were still too long. She defended the thriving families programme which had been criticised nationally in the media but which had been successful in Oxfordshire.

Responding to a concern from Councillor Sanders that the criticism would be used to remove funding Peter Clark, County Director stated that in discussion with advisors at DCLG there had been every indication that the funding would be available until 2020. Tan Lea added that Oxfordshire County Council had met all its phase 1 targets and welcomed the tighter criteria and focus on greater evidence in phase 2.

Hannah Farncombe and Tan Lea presented the contents of the three reports.

Councillor Tilley, Cabinet Member for Children, Education & Families in speaking to the report welcomed the greater involvement by young people in the Children's Trust.

During discussion Cabinet:

highlighted the need for greater linkages with adult safeguarding and the Oxfordshire Adults Safeguarding Board. It was hoped that future reports would provide more detail.

Considered the absence rates, fixed and permanent exclusions and heard that it was difficult to link the reported increase to academisation. The increase was of great concern and they were trying to get underneath the figures to understand why it was happening.

**RESOLVED:** to note the reports.

## **88/16 DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT**

(Agenda Item. 8)

Cabinet considered the annual report from the Director of Public Health that summarised key issues associated with the Public Health of the County. It included details of progress over the past year as well as information on future work. The report covered the following areas: The Demographic Challenge, Building Healthy Communities, Breaking the Cycle of Disadvantage, Lifestyles and Preventing Disease Before it Starts, Mental Health and Fighting Killer Diseases.

Councillor Glynis Phillips, Shadow Cabinet Member for Public Health, thanked the Director for an interesting report. She supported the use of smarter health contracts targeting the most deprived. She had been struck by the emphasis on prevention but believed that more needed to be done to get the balance right and that we should be working with commissioners to move money to preventative services. She would have wished the report to be stronger on ongoing areas of work with recommendations that were about action rather than review and monitoring. She noted that the section on thriving families downplayed the achievements and this reflected national doubts on its value. She welcomed the chapter on mental health with more needing to be done.

Jonathan McWilliam introduced the contents of the report highlighting the main points of each of the chapters. Responding to the point by Councillor Phillips in relation to thriving families he had been interested in the data and it was not a reference to the national debate.

During lengthy discussion Cabinet commended the Director of Public Health for an excellent report. Consideration should be given as to how the contents could be abbreviated and communicated to the wider public. Consideration should also be given to how the report was formally presented to reduce duplication.

Councillor Carter, Cabinet Member for Local Government, business, ICT and customer services suggested that the report provided an excellent manifesto for unitary government showing the importance of linking strands together.

There was reference to the issue of female genital mutilation and some discussion of why the issue of male genital mutilation was not viewed with the same level of concern.

On the suggestion of the Leader of the Council it was agreed that the Director of Public Health present the Annual Report to the next Oxfordshire Growth Board.

**RESOLVED:** to RECOMMEND Council to receive the report and note its recommendations.

## **89/16 BUSINESS MANAGEMENT & MONITORING REPORT FOR QUARTER 1 - 2016/17**

(Agenda Item. 9)

Cabinet considered a report that provided details of performance for quarter one 2016-17 for the Cabinet to consider. The report was required so that the Cabinet can monitor the performance of the Council in key service areas and be assured that progress is being made to improve areas where performance is below the expected level.

Councillor Brighthouse, Chairman of Performance Scrutiny Committee commented that it was the first in the new format of reports that were a great improvement on previous ones. She highlighted a number of areas they had considered at the Performance Scrutiny Committee meeting. This included the high standing of the adult social care services; continuing issues around reablement; the good work in relation to foster carers and the expected savings in ICT through the transformation agenda which she hoped would be delivered with improved services. Councillor Brighthouse added that the Committee had also considered the Oxfordshire Safeguard Childrens Board and the Oxfordshire Safeguarding Adults Board annual reports. The Committee would be looking to use some of the issues raised to set the agenda for the upcoming meeting with the Police & Crime Commissioner.

Following discussion it was:

**RESOLVED:** to note and discuss the performance reported in the dashboards.

## **90/16 REQUEST FROM EDUCATION SCRUTINY COMMITTEE**

(Agenda Item. 10)

At their meeting on 29 September 2016 the Education Scrutiny Committee considered a report on 'the Strategic and Operational Responsibilities of the County Council & the Resources Required to Carry Out These Duties, particularly in relation to School Improvement and Support Services'.

The Education Scrutiny Committee had noted that the government continued to reduce resources available to local authorities dramatically, whilst expecting them to continue to carry out their statutory duties, particularly in relation to maintained schools, and that the diminishing funding would have a negative effect on the discharge of our duties. The Committee had also noted that there was a lack of clarity about the government's expectations of local government e.g. no right to intervene in academies but still held accountable for their performance.

The Committee had agreed to refer the issue to Cabinet with a request that the Cabinet write to the Secretary of State to express the concerns of the Committee. A copy of the report was attached for consideration.

Councillor Gill Sanders, Deputy Chairman of Education Scrutiny Committee and Chairman for the meeting on 29 September noted that it would have been helpful for Cabinet to have had a copy of Education Scrutiny Committee's discussions. Councillor Sanders commented that there had been genuine cross-party support for the recommendation. The Committee had expressed concern over the possible further delay in the National Funding Formula and that the funding gap was increasing with reduced funding and increased responsibilities such as the extension of free early years' entitlement. The Committee had also noted that the County retained responsibility for permanently excluded children. There was a need for improved engagement with Multi Academy Trusts(MATs) who were needed to replicate the work of local authorities. However for those schools that did not want to become part of a MAT school-to-school support was vital. She referred to the strategic review happening in the next 2 years but expected to retain most current responsibilities.

Responding to a comment from Councillor Tilley that there were few permanent exclusions and that fixed term exclusions were a greater cause for concern, Councillor Sanders indicated that the Committee's concern had been the delay with permanent exclusions of getting a child into another school.

Councillor Howson, speaking as a member of the Education Scrutiny Committee supported everything the views expressed by Councillor Sanders. He added that the loss of a particular strategic post made it more difficult to know how the authority would manage. He was keen to maintain high levels of interaction with schools and at regional and national levels. In practice the White paper had not removed responsibilities and it was important that as an authority we were able to take a strategic view. He commended the high level of operational expertise but felt that someone was needed to pull things together at that strategic level.

Councillor Tilley responding to the comments made commented that it was not possible to restore the post of Deputy Director of Education. However she would certainly write to the Secretary of State for Education as requested. She added that the team put in place was working well. She noted that Oxford Academy had been found to be 'Good'. Councillor Tilley

referred to the work of the School Alliance and brokering of school to school support that meant that schools were realising that they did not need to stand alone.

Cabinet considered the request from the Education Scrutiny Committee and it was:

**RESOLVED:** that Councillor Tilley and Councillor Hudspeth write to the Secretary of State as requested.

## 91/16 DELEGATED POWERS - OCTOBER 2016

(Agenda Item. 11)

**RESOLVED:** to note the following quarterly report of any executive decisions taken under the specific powers and functions delegated under the terms of Part 7.2 (Scheme of Delegation to Officers) of the Council's Constitution – Paragraph 6.3(c)(i).

<i>Date</i>	<i>Subject</i>	<i>Decision</i>	<i>Reasons for Urgency</i>
19 August 2016	Exemption from Contract Procedure Rules- Provision of Independent Day Centres	to approve an exemption from tendering with the Council's Contract Procedure Rules in respect of a contract with the existing providers for independent day centres. The value of this award will total £1,115,966.75.	To allow the review of all day care services for older people to identify whether there are day care service options that can more effectively meet the needs of the most vulnerable service users in the community. The existing services will need to continue during this review to ensure continuity of service in the event that any of the services need to be remodelled as a consequence of the review.

**92/16 FORWARD PLAN AND FUTURE BUSINESS**

(Agenda Item. 12)

The Cabinet considered a list of items (CA) 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 ..... 2016

**1 FIELD\_TITLE**  
(Agenda Item. FIELD\_AGENDA\_NUMBER)

FIELD\_SUMMARY