

To: Members of the Cabinet

Notice of a Meeting of the Cabinet

Tuesday, 15 March 2011 at 2.00 pm

County Hall, Oxford, OX1 1ND

Joanna Simons

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Chief Executive

March 2011

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Councillors

Membership

Keith R. Mitchell CBE	- <i>Leader of the Council</i>
David Robertson	- <i>Deputy Leader of the Council</i>
Arash Fatemian	- <i>Cabinet Member for Adult Services</i>
Ian Hudspeth	- <i>Cabinet Member for Growth & Infrastructure</i>
Jim Couchman	- <i>Cabinet Member for Finance & Property</i>
Kieron Mallon	- <i>Cabinet Member for Police & Policy Co-ordination</i>
Louise Chapman	- <i>Cabinet Member for Children, Young People & Families</i>
Michael Waive	- <i>Cabinet Member for Schools Improvement</i>
Rodney Rose	- <i>Cabinet Member for Transport</i>
Mrs J. Heathcoat	- <i>Cabinet Member for Safer & Stronger Communities</i>

The Agenda is attached. Decisions taken at the meeting will become effective at the end of the working day on Wednesday 23 March 2010 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: 19 April 2011

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, i.e. where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

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 (Pages 1 - 12)

To confirm the minutes of the meeting held on 16 February 2011 (**CA3**) and to receive for information any matters arising on them.

4. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am on the working day 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. Culham Parochial Primary School (Pages 13 - 28)

Cabinet Member: Schools Improvement

Forward Plan Ref: 2011/007

Contact: Roy Leach, Strategic Lead – School Organisation & Planning Tel: (01865) 816458

Report by Director for Children, Young People & Families (**CA6**).

The viability of Culham Parochial Primary School has been called into question due to a combination of factors: inability of the governing body to recruit a headteacher, falling

pupil roll and deficit budget. Efforts have been made by the governing body, supported by the council and the Oxford Diocese, to address these issues but it has not been possible to put in place a viable recovery plan. Reluctantly, council officers, the Diocese and governors in post at the start of the 2010-11 academic year, concluded that the school does not have a future and the council has undertaken a public consultation about a proposal to close the school with effect from the end of the current academic year. The report presents the outcomes of the consultation and describes the next steps required if effect is to be given to the proposal to close the school.

Cabinet decided in February to “defer the decision on whether to publish a statutory notice for the closure of Culham Parochial School to the March Cabinet to allow time for [three] conditions to be met”.

The Cabinet report considered on 16 February is attached and an update on the current position will be provided at the meeting to give maximum time for the conditions to be met

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 in that any delay would seriously prejudice the Council's interests, due to additional financial costs, and the interests of the public in that the publication of any necessary statutory notice would be delayed leading to significant disadvantage to parents with children at the School.

7. South East Regional Arts Council: Membership (Pages 29 - 30)

Cabinet Member: Leader

Forward Plan Ref: 2011/024

Contact: Geoff Malcolm, Committee Officer Tel: (01865) 815904

Report by Head of Law & Governance (**CA 7**).

To consider an invitation to Oxfordshire County Council to apply for a place on the Board of the South East Regional Arts Council.

Cabinet is RECOMMENDED to

- (a) *nominate the Cabinet Member for Safer & Stronger Communities for a place on the Arts Council England's Board of the South East Regional Arts Council; and***
- (b) *include the Board in the 'All Appointments' list as a 'Standing Advisory Body'.***

8. Proposal to Merge Elms Road Nursery School and Botley Primary School (Pages 31 - 106)

Cabinet Member: Schools Improvement

Forward Plan Ref: 2010/104

Contact: Barbara Chillman, Principal Officer – School Organisation and Planning Tel: (01865) 816459

Report by Director for Children, Young People & Families (**CA 8**).

The merger of Botley Primary School with Elms Road Nursery School and Children's Centre requires the formal closure of Elms Road Nursery School and an extension in age range of Botley Primary School. Cabinet agreed on the 21 December 2010 to the issuing of a linked formal statutory closure notice which was published on the 7 January 2011. The period in which representations could be made by interested parties closed on the 18 February and these are summarised in the report. A formal decision by Cabinet to close Elms Road Nursery School and extend the age range at Botley Primary School will allow the merged school to start operating from 1 September 2011.

The Cabinet is RECOMMENDED to:

- (a) Consider the representations made in response to the statutory closure notice with particular reference to the issues detailed in paragraphs 12-23 and the Statutory Guidance; and***
- (b) Approve the closure of Elms Road Nursery School with effect from midnight, 31 August 2011, AND the extension of age range at Botley Primary School with effect from 1 September 2011.***

9. Cogges Trust (Pages 107 - 114)

Cabinet Member: Safer & Stronger Communities

Forward Plan Ref: 2011/039

Contact: Martyn Brown, County Heritage & Arts Officer Tel: (01993) 814114

Report by Director for Social & Community Services (**CA9**).

This report follows reports to the Cabinet in November 2008 and as a delegated decision to the Cabinet Member for Social and Community Services in May 2009. Those reports respectively instructed officers to establish a new charitable trust to manage Cogges Manor Farm Museum and established the objects and powers of the new Trust. This report describes the work that has continued subsequently, seeks approval for the final stages of leasing the Cogges Manor Farm Museum to the new Trust including related property issues, its proposed charitable objects, and the financial implications.

The Cabinet is RECOMMENDED, subject to one-off funding support of £50,000 from West Oxfordshire District Council:

- a. to authorise the County Councils Assistant Head of Property to agree the grant of a lease of Cogges Manor Farm to the Trust on terms to be agreed***
- b. to authorise the County Councils Assistant Head of Property to enter into such other property arrangements in respect of the Mawles Lease and the Church Lease and on terms to be agreed as are appropriate to facilitate the new Trust in operating the Cogges Manor Farm***
- c. to authorise the Head of Legal Services to agree the creation of the Trust and its constitution***
- d. to nominate two representatives from the County Council as Trustees (currently Simon Kearey and Martyn Brown)***

- e. ***authorise the County Solicitor to agree suitable agreements with the Trust to cover the Council's funding support, the loan of exhibits and the transfer of chattels***

10. No Report

11. Annual Unannounced Inspection of Contact Referral and Assessment Arrangements and Children's Services Assessment 2010. (Pages 115 - 130)

Cabinet Member: Children, Young People & Families

Forward Plan Ref: 2011/043

Contact: Sian Rodway, Strategic Lead, Performance Tel: (01865) 815142

Report by Director for Children, Young People & Families (**CA11**).

To update Cabinet on the outcome of the unannounced inspection by Ofsted of our contact referral and assessment services within children's services which took place in November 2010 and the annual Children's Services Assessment which were published in December 2010.

The Cabinet is RECOMMENDED to note the positive outcome of the authority's latest inspection of services to safeguard children and the 2010 Children's services Assessment.

12. Local Transport Plan 2011-2030 - March 2011 (Pages 131 - 148)

Cabinet Member: Growth & Infrastructure

Forward Plan Ref: 2010/071

Contact: John Disley, LTP Project Director Tel: (01865) 810460

Report by Deputy Director of Environment & Economy
Highways & Transport (**CA12**).

The purpose of this report is to seek approval of the final version of the Local Transport Plan 2011 – 2030 (LTP3). As a policy document LTP3, if approved, will be put to the full County Council for adoption as formal policy.

Oxfordshire County Council has a statutory requirement to produce a new Local Transport Plan (LTP) by April 2011. This will be Oxfordshire's third Local Transport Plan (LTP3) and will cover the period from 2011 to 2030. LTP3 will be a blueprint for all transport development across the county, not just the publicly funded elements, and will also form the basis for county council comments on planning application, local development frameworks and other consultations.

The background against which the Plan is being developed is changing fast. It is important for the Plan to reflect the current economic climate whilst not losing sight of the longer term aspirations for Oxfordshire. It is important that the County Council has an agreed LTP in order to facilitate the delivery of (and respond to) development and enable the delivery of

priority transport schemes when funding becomes available.

A public consultation on the draft version of LTP3 was carried out between October 2010 and January 2011. The draft Plan has been amended in line with the responses received and also to take account of external factors such as the Comprehensive Spending Review, Regional Growth Fund and the establishment of the Oxfordshire Local Economic Partnership.

The Cabinet is RECOMMENDED to:

- (a) RECOMMEND the County Council to adopt the Local Transport Plan, subject to the inclusion of any consequential and editorial changes in the text as agreed by the Deputy Director of Environment & Economy Highways & Transport in consultation with the Cabinet Member for Growth and Infrastructure and the Cabinet Member for Transport; and***
- (b) to delegate the authority for any interim changes to the Plan to be agreed by the Deputy Director of Environment & Economy Highways & Transport in consultation with the Cabinet Members for Growth and Infrastructure and Transport, for proposed adoption as Policy as part of the annual review of the Plan.***

13. Financial Monitoring - March 2010 (Pages 149 - 266)

Cabinet Member: Finance & Property

Forward Plan Ref: 2010/183

Contact: Kathy Wilcox, Principal Financial Manager Tel: (01865) 323981

Report by Assistant Chief Executive & Chief Finance Officer (**CA13**).

This is the the seventh financial monitoring report for the 2010/11 financial year and covers the period up to the end of January 2011. Part 1 & 2 set out the Council's forecast position for the 2010/11 financial year and include projections for revenue, balances, reserves. The capital programme monitoring and capital programme review update is included at Part 3. Funding changes and Other Financial Issues are included in Part 4.

The Cabinet is RECOMMENDED to:

- (a) note the report and approve the virement requests as set out in annex 2a;***
- (b) Agree to use the exceptional funding from the Department of Transport on additional Highways Maintenance as set out in paragraphs 81 and 82;***
- (c) Agree the removal the additional funding relating to the pay award for employees earning less than £21,000 and transfer £0.381m to the Efficiency Reserve as set out in paragraphs 83 and 84; and***
- (d) Agree the creation of the Oxfordshire Buckinghamshire Partnership reserve as set out in paragraph 55.***

EXEMPT INFORMATION

Cabinet will be invited to resolve to exclude the public for the consideration of the report at Agenda Item 14 by passing a resolution in relation to that item in the following terms:

"that the public be excluded during the consideration of this matter since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

THE REPORT HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE IT.

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

14. Authority to Extend Changes to Terms and Conditions of Employment Groups Where Agreement Has Not Been Possible (Pages 267 - 272)

Cabinet Member: Deputy Leader

Forward Plan Ref: 2011/057

Contact: Sue Corrigan, Strategic HR Manager Tel(01865) 810280

Report by Head of Human Resources (**CA14**).

(The information contained in the report is exempt in that it falls within the following prescribed category:

4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.

It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information in that disclosure would be detrimental to consultations or negotiations in connection with labour relations matters.)

During the final months of 2010, following the identification of the £8 million shortfall in the 2011-12 budget savings, consultations and negotiations were undertaken with major trade unions to seek agreement to changes to terms and conditions of employment which would render substantial savings towards meeting this deficit. The outcome of this was that Unison, following consultation with their membership, reluctantly reached an agreement for two years which made changes to car allowance rate, introduced a limited freeze on incremental rises and reduced the level of redundancy compensation. Discussions with other trade unions did not result in an agreement. Discussions are still taking place with these unions, however, if agreement cannot be reached it would be necessary to take steps to make changes to contracts of employment without agreement in order to maintain consistency across employment groups as far as possible and to maximise the savings made. This report seeks Cabinet agreement should it be necessary to make these changes without agreement.

The Cabinet is RECOMMENDED to ask the officers to make every effort to obtain agreement from outstanding work groups to changes to terms and conditions in line with the Unison agreement, and, where this proves impossible, to authorise them to take appropriate steps to extend these changes to terms and conditions of employment to those groups of employees, so far as this is possible, where agreement has not proved to be possible.

15. Forward Plan and Future Business (Pages 273 - 276)

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 **CA15**. 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.
