

## CABINET

**MINUTES** of the meeting held on Wednesday, 16 February 2011 commencing at 2.00 pm and finishing at 16.20 pm

### Present:

**Voting Members:** Councillor Keith R. Mitchell CBE – in the Chair  
Councillor David Robertson (Deputy Chairman)  
Councillor Arash Fatemian  
Councillor Ian Hudspeth  
Councillor Jim Couchman  
Councillor Kieron Mallon  
Councillor Louise Chapman  
Councillor Michael Waine  
Councillor Rodney Rose  
Councillor Mrs J. Heathcoat

**Other Members in Attendance:** Councillor Jenny Hannaby (Agenda Items 9 & 10)  
Councillor Lorraine Lindsay-Gale (Agenda Items 6 & 8)  
Councillor Charles Mathew (Agenda Item 8)  
Councillor Zoe Patrick (Agenda Item 13)  
Councillor Anne Purse (Agenda Item 8)

### Officers:

Whole of meeting Chief Executive, S. Whitehead (Chief Executive's Office)

Part of meeting Agenda Item	Officer
6	R. Leach, Strategic Lead Planning & Organisation
7	Assistant Chief Executive & Chief Finance Officer
8	M. Tugwell, I. Walker (Environment & Economy)
9	Director for Social & Community Services
10	Director for Social & Community Services
11	C. Thomas, (Fire & Rescue Service)
12	A. Milward (Children, Young People & Families)
13	S. Corrigan S. James (HR)

*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.*

## **15/11 MINUTES**

(Agenda Item. 3)

The minutes of the meeting held on 25 January 2011 were agreed and signed subject to the following corrections.

Minute no. 4/11 on the supplementary question from Councillor Pressel:

Councillor Mrs Heathcoat was asked if she considered it less likely that the Council would win the bid for ~~£2m~~ **£10m" (£2m p.a. for 5 years)** now that staffing had been reduced by 50%.

Minute 7/11 on the Draft Corporate Plan adding comments from Councillor Patrick, Opposition Leader relating to areas that required further emphasis such as skills shortages and equalities and looking forward to progress reports on breaking the cycle of deprivation and on the action plans.

## **16/11 QUESTIONS FROM COUNTY COUNCILLORS**

(Agenda Item. 4)

Councillor Roy Darke had given notice of the following question to the Cabinet Member for Finance & Property:

"On item 7, Financial Monitoring I notice that under Pooled Budgets (para 26)

that the overspend is currently running at nearly £5m. and that this current overspend includes £2m carried forward from last year. Even when the PCT element is taken into account the Council is heading for nearly £2m overspend. What measures will the Cabinet Member be taking to take control of this failure to meet the budget?"

Councillor Couchman replied:

"As Councillor Darke acknowledges the overspending which is the responsibility of the County Council is £1.827m. In the next Monthly Monitoring report, he will see that this overspending has fallen still further to £1.298m. All of this overspending relates to social care for adults with physical disabilities (the much larger element of the budget which relates to older people is currently showing that spend is in line with budget). This overspending on social care for adults with physical disabilities is not a reflection of a failure to control the budget but reflects an increase in the number of people who require care.

This includes students with physical disabilities who have come to study in Oxford and a number of cases which have transferred across for social care funding from the Primary Care Trust. An action plan has been developed

which is looking to find savings in the cost of care such as through the use of supported living arrangements and challenging high cost placements. However, this will not eliminate the overspending which will need to be carried forward into next year. The budget agreed yesterday allocates extra resources to adults with physical disabilities to help manage the pressures next year."

Councillor Jean Fooks had given notice of the following question to the Cabinet Member for Growth & Infrastructure:

"The proposals to build a Waste Recycling Centre at Kidlington, to cater for the residual household waste from the whole county, and to close facilities at Ardley, Dean, Stanford and Redbridge have generated much concern. Can the Cabinet member reassure us that the district councils, Kidlington Parish Council and the public will be properly consulted before any decision is taken on these sites? Will a full environmental assessment be done on the possible extra traffic generation they will cause?"

Councillor Hudspeth replied: "Yes."

Supplementary: Councillor Fooks asked for information on the timetable.

Councillor Hudspeth replied that it would be over the Summer period and that full information on the consultation would be available.

Councillor Richard Stevens had given notice of the following two questions to the Cabinet Member for Adult Services:

Since the last Cabinet meeting on 25 January 2011, has the Cabinet member been able to find any evidence of Oxfordshire benefiting from the £1 billion extra nationally in the Personal Social Services Grant, as announced in the Coalition's Spending Review in October 2010?

Councillor Fatemian replied:

"It was stated at the last Cabinet, that the £1bn had been included in the total revenue support grant, but it was not possible to determine what share was available to Oxfordshire. However, if it had not been included it would have meant that the total level of funding to the authority would have been further reduced. This position still remains the case.

"In the event that the answer to the preceding question above is "no", has the Cabinet Member written, or will he write, to the minister responsible to ask where the money is?"

Councillor Fatemian indicated that Local Government had been given the money as part of the total revenue support and was expected to act in a

responsible manner. He looked forward to using the money for Adult Services in the best way possible.

## **17/11 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item. 5)

The following requests to address the meeting had been agreed:

- Item 6. Cllr Lorraine Lindsay-Gale, local member;  
Andrew Churchill-Stone, Chair of Governors of Culham Parochial School,  
Kitson Thomas (Chair of Save Culham School Group) and  
Chris Mills, a local resident.
  
- Item 8. Cllr Anne Purse, Shadow Cabinet Member for Growth & Infrastructure  
Cllr Charles Mathew. local member  
Cllr Lorraine Lindsay-Gale, local member
  
- Item 9. Cllr Jenny Hannaby, Shadow Cabinet Member for Adult Services
  
- Item 10. Cllr Jenny Hannaby, Shadow Cabinet Member for Adult Services
  
- Item 13. Cllr Jean Fooks, Opposition Deputy Leader

## **18/11 CULHAM PAROCHIAL PRIMARY SCHOOL**

(Agenda Item. 6)

The Cabinet considered a report (CA6) setting out the outcomes of the consultation about a proposal to close the school with effect from the end of the current academic year and describing the next steps required if effect is to be given to the proposal to close the school.

Andrew Churchill-Stone, Chair of Governors of Culham Parochial School, spoke in support of keeping the school open as a Local Authority School. Referring to the major difficulties previously identified he stated that as at 31 March 2001 there would be no deficit to carry forward, there was a reasonable expectation that a Headteacher would be appointed shortly and as a fall back position negotiations were underway with St Edmunds Catholic School about the possibility of a shared headship. In addition he believed that the school would be viable with 40 pupils. He asked cabinet to save a school that he believed was viable.

Responding to a question from Councillor Michael Waine, Mr Churchill Stone stated that the interviews for the Headteacher would be held on 1 March 2011.

Kitson Thomas, Chair of Save Culham School Group, commented that he had emailed all Cabinet members. The Group comprised a wide range of people from parents, parishioners, teachers and local church representatives, councillors and the local MP. He referred to the viability of the School and to various statistics that showed that there would be a rise in the local population. He referred to the pupil numbers that were confirmed and was confident that at least 38 pupils would be on roll in September 2011 if the School remained open.

Responding to a question about the impact of the European Free School application Mr Thomas stated that initially they were only looking at 2 year groups. He added that the application for the Culham Parochial Primary School to become a free school was meant to show their commitment to retaining a school in Culham and that they would much prefer it to remain as it was.

Chris Mills, a local resident, spoke in support of the School remaining open: the School had been the heart of the community for over 160 years. It educated villagers successfully and lifelong friendship were established. The School gave the village its roots; it was and remained a focus of community activity with space for pre-school and village meetings. He felt that the problem with pupil numbers was only recent and that talk of closure made the position more difficult. He asked that the village be given the help and security of a little more time that would enable the School to recover quickly.

Responding to a question from Councillor Judith Heathcoat Mr Mills confirmed that as a villager he did believe that there was a sustainable future for the School. Responding to a comment from Councillor Jim Couchman he acknowledged that first and foremost it was a school and that it was because it was an effective school that it was a focus for the community.

Councillor Lorraine Lindsay-Gale, local member, spoke in support of keeping the School open. She had been impressed with the commitment being shown. The School was valued by the community and she hoped that the Cabinet would be able to choose option (c) and give the School some more time. She felt that what had been heard so far merited time for development work. She referred to the 2010 manifesto pledge to small schools and commented that Culham Parochial Primary School was the type of school that was envisaged then.

Councillor Waine referred to a petition submitted to the County Council prior to the meeting and additional information and emails of support. He thanked the 4 speakers for their commitment and effort. He commented that the standards at the school would have fallen without the Local Authority support and that leadership was paramount. He explained the background leading to the current position and noted that every effort had been made to find a solution. He noted that it was good that the deficit had been resolved but that the current budget was based on higher numbers and that from April 2011 it would be based on fewer numbers.

He stated that there was a clear decision before the Cabinet as to whether to move to a Statutory Notice for Closure or to allow more time. Having heard from Roy Leach, Strategic Lead – School Organisation & Planning that a final decision was needed by May to ensure children had a school place the decision on the statutory notice could be delayed by a short period. The Cabinet Member for Schools Improvement proposed a deferral of the decision to the March meeting of Cabinet subject to conditions relating to a suitable Headteacher appointed or a hard federation in place for September 2011, demonstration of a 3 year sustainable and balance budget and demonstration of a sustained demand for pupil numbers above 40.

During discussion concern was expressed that if there were a single local authority representative on the interview panel they could perhaps feel undue pressure to make what they considered an unsuitable appointment so that the first condition might be fulfilled. It was proposed that to avoid this a second local authority representative be included on the interview panel.

**RESOLVED:** to defer the decision on whether to publish a statutory notice for the closure of Culham Parochial Primary School to the March Cabinet meeting to allow time for the following conditions to be met:

- (a) a suitable Headteacher appointed for 1 September 2011 or earlier, or, a “hard federation” agreed with another primary school offering long term continuity of leadership.
- (b) to demonstrate over a 3 year period that they can deliver a sustainable and balance budget.
- (c) to demonstrate sustained demand for consistent pupil numbers above 40; and
- (d) Cabinet further agreed that two Local Authority representatives be included on the interview panel for the Headteacher.

## **19/11 FINANCIAL MONITORING - FEBRUARY 2011**

(Agenda Item. 7)

Cabinet considered the sixth financial monitoring report (CA7) for the 2010/11 financial year that covered the period up to the end of December 2010. Part 1 & 2 set out the Council's forecast position for the 2010/11 financial year and included projections for revenue, balances, reserves. The capital programme monitoring and capital programme review update was included at Part 3.

The Cabinet Member for Finance & Property commented on areas of concern and individual Cabinet Members responded on action being taken.

**RESOLVED:** to note the report and approve the virement requests as set out in annex 2a.

**20/11 OXFORDSHIRE MINERALS & WASTE DEVELOPMENT  
FRAMEWORK: CORE STRATEGY - PREFERRED MINERALS  
STRATEGY**

(Agenda Item. 8)

The Cabinet considered a report (CA8) that summarised the findings of a local assessment of the requirement for aggregates supply produced by consultants for the County Council. This included locally derived figures for the levels of mineral supply that the Core Strategy should provide for, as an alternative to the top-down figures in the South East Plan.

The interim preferred strategy for mineral working agreed by Cabinet in October 2010 had been tested for deliverability using these supply levels against a preliminary assessment of potential sites. The report noted that the Minerals and Waste Plan Working Group had recommended that the strategy for sand and gravel should be amended by removal of the Radley/Nuneham Courtenay area and inclusion of the Cholsey area.

The local assessment of aggregates supply requirements will be made available and comments invited from industry and other key stakeholders over the next two months. A formal public consultation on the preferred minerals strategy, combined with a preferred waste strategy, will be undertaken in June/July 2011.

Councillor Anne Purse, Shadow Cabinet Member for Growth & Infrastructure, commented that she had expressed reservations in November about the evidence base for the minerals strategy. There was now much more information and she was pleased to see the evidence supporting a lower figure. She now felt that the recommendations were more in line with other reports and pleased that thinking had caught up with her views.

Councillor Mathew, as a local Councillor for Eynsham stated that the area had provided the bulk of primary gravel in Oxfordshire and further afield for several years. He acknowledged the need for primary gravel but he asked for an equitable distribution and sustainability, with market driven pits close to the areas of need. He also asked for recognition of the cumulative effect on the local area and an acceptance of the heightened flood risk. He would wish to see infrastructure to match the development talking place and no more lakes permitted. There needed to be enforcement of planning conditions. He referred to the characteristics of the area including the Newbridge with a weight restriction, the toll bridge at Swinford and existing developments in the area.

He referred to the sites at Stonehenge that had been granted permission and Gill Mill likely to be granted. Together with other sites it would mean the further obliteration of archaeological sites in the area. Local residents had been very patient and he asked that Cabinet support a more sustainable solution for Oxfordshire.

Responding to a question from Councillor Hudspeth Councillor Mathew confirmed that of course the Gill Mill site was subject to a decision by Planning & Regulation Committee and would have to await any such decision.

Councillor Lorraine Lindsay-Gale welcomed the recent publication of the Atkins report and thanked officers and the Cabinet Member for Growth & Infrastructure for their commitment to the project. She welcomed the lower figure for aggregates supply which negated the need to go looking for large new sites. If successful the locally derived figure could be the first success for localism.

The Cabinet Member for Growth & Infrastructure in introducing the report commented that the gravel extraction tax should come back to the Council. Gravel could only be taken from where it existed but those areas should get the mitigation. The Cabinet Member for Growth & Infrastructure proposed an additional recommendation to write to the Secretary of State and to the Chairman of the Planning & Regulation Committee to state that under the Coalition Government's Localism agenda the Council now endorse this as the emerging M3 figure when consideration is given to any application from this date onward.

Councillor Mitchell referred to representations received and considered by Cabinet Members from Eye and Dunsden Parish Council and OUTRAGE.

Generally Cabinet Members welcomed the Atkins Report and recommendations. Councillor David Robertson expressed some concern at the impact of current mineral workings in West Oxfordshire, noted that Councillor Mathew had referred to the issue of enforcement and asked for reassurance over enforcement activity. He added that he was aware that things had been promised and not delivered.

Councillor Chapman supported the reduced figures for aggregates supply but stated that she was unable to support the strategy because of the impact on West Oxfordshire. It was easy to go to a place that was already in use but the Council should spread the load. She believed that the policy was flawed and would be responding to the consultation.

Councillor Hudspeth responding to the comments made agreed to the need to look at enforcement; to learn from past practice to ensure future permissions can be properly enforced. A financial contribution was needed from the start.

Martin Tugwell, Deputy Director Growth & Infrastructure, accepted that there had been a concentration in West Oxfordshire in the past but added that as part of the agreed strategy as new sites came forward they would be better located to where the demand is.

**RESOLVED:** (by 8 votes for to 1 against)



- (a) to adopt the locally derived figures for aggregates supply requirement in paragraphs 7 and 8 of the report as the basis for the County Council's preferred spatial strategy approach for mineral working.
- (b) to agree the County Council's preferred spatial strategy approach for mineral working for consultation is:
  - i. sand and gravel – concentration of working in existing areas of working, at Lower Windrush Valley, Eynsham/ Cassington/Yarnton, Sutton Courtenay, Cholsey and Caversham;
  - ii. soft sand – working in three existing areas: south east of Faringdon; Tubney/Marcham/Hinton Waldrist; and Duns Tew;
  - iii. crushed rock – working in three existing areas: north of Bicester to the east of the River Cherwell; south of the A40 near Burford; and south east of Faringdon.
- (c) to agree that consultation on the preferred spatial strategy approach for mineral working be combined with consultation on a preferred waste spatial strategy, in June/July 2011.
- (d) that the Cabinet Member for Growth & Infrastructure to write to the Secretary of State and the Chairman of the Planning & Regulation Committee to state that under the Coalition Government's Localism agenda we now endorse this as the emerging M3 figure when consideration is given to any application from this date onward.

**21/11 PROCUREMENT OF CARERS SUPPORT SERVICE - AWARD CONTRACT FOR CARERS' SUPPORT CPU 570**

(Agenda Item. 9)

Cabinet considered a report (CA9) that recommended the award of the Carers' Support contract to the successful bidder Age UK, Oxfordshire

Councillor Jenny Hannaby, Shadow Cabinet Member for Adult Services sought clarification over the tendering process and in particular the role played by the representative of Age UK on the evaluation panel. She also sought reassurance that the service provided would be properly monitored and scrutinised.

The Cabinet Member for Adult Services stated that the opposition group had been briefed at each stage. The report today was the end of an extremely rigorous procurement process. The work of carers was very much valued. Age UK had a long history of work in the County, were well respected and had a good track record. He was confident that they would be able to meet what was a very demanding contract. The Director for Social & Community Services clarified the procurement process. He commented that in the standard pre qualification questionnaire eight companies had been put through including Age UK, Oxfordshire but only four had tendered and this had not included Age UK, Oxfordshire. At tender evaluation stage none of

the four had been suitable on the grounds of quality. At that point the Council had gone back to the other four and two had put in bids. The assessment process had been very clear and they had worked closely with procurement and legal services. The representative of Age UK had been part of the evaluation as the Acting Chief Executive of the Carers Forum. That person had not been involved in the preparation of the Age UK bid and the Director for Social & Community Services believed that that individual and Age UK, Oxfordshire had acted completely properly.

The Director for Social & Community Services undertook to report to Scrutiny if requested on the way in which the contract targets were to be monitored.

**RESOLVED:** to award Age UK Oxfordshire the contract for this service for a period of 3 years, (with two annual options to extend) on the basis of having provided the most economically advantageous bid which meets our needs.

## **22/11 PROPOSAL TO DISCONTINUE THE SERVICE AND MAINTENANCE CONTRACT FOR STAIRLIFTS ETC**

(Agenda Item. 10)

Cabinet considered a report (CA10) that set out the current contractual arrangements to provide service, maintenance and repairs for Stairlifts, Through Floor (vertical) Lifts and Step Lifts by Social and Community Services. The report updated members on the outcome of the consultation exercise and sought a decision regarding the ending of the service provision. Councillor Jenny Hannaby Shadow Cabinet Member for Adult Services, commented that historically this was a very complicated position between County and District. She queried who would pick up responsibility when lifts broke and sought assurance that maintenance could be part of the personal care package.

Responding to a query from Councillor Hudspeth about the position being taken by Vale of White Horse District Council Councillor Hannaby stated that it was her understanding that they would not take on existing contracts but would seek to get a longer warranty. It was confirmed that maintenance could be included in personal budgets should individuals wish it. It was noted that if a decision was taken to discontinue maintenance then all lifts would be serviced before maintenance was discontinued.

**RESOLVED:** to:

- (a) Consider the information provided by the Consultation and the options for the service
- (b) Agree Option 3 to end the service.

**23/11 INTEGRATED RISK MANAGEMENT PLAN (IRMP) FIRE & RESCUE - PROJECT**

(Agenda Item. 11)

Cabinet considered a report (CA11) that proposed the projects to be included within the Fire Authority's Integrated Risk Management (IRMP) Action Plan for the fiscal year 2011-12. The proposals summarised those areas where the Service's Senior Leadership Team (SLT) believe service improvements should be made. To meet the requirements of the IRMP process each proposal was supported by evidence to validate their inclusion and justify their contribution to improved community engagement and community/fire-fighter safety. Each proposal recognised the prevailing economic constraints.

Colin Thomas, Deputy Chief Fire Officer responding to a query about the recruitment and retention of retained fire fighters indicated that although the total numbers were slightly reducing the quality of cover was targeted to times of need. This led to reducing levels of non-availability and increasing availability.

**RESOLVED:** to approve the proposed projects to be included in the IRMP Action Plan 2011-12.

**24/11 ST EDBURGS CE AIDED PRIMARY SCHOOL**

(Agenda Item. 12)

Cabinet considered a report (CA12) on proposals to expand St Edburg's CE(A) Primary School and to lower the age range.

**RESOLVED:** to support the publication of a statutory notice for the following related proposals: (i) to expand St Edburg's CE(A) Primary School, Bicester by the school governors and (ii) to lower the age range.

**25/11 ESTABLISHMENT REVIEW - FEBRUARY 2011**

(Agenda Item. 13)

Cabinet considered a report (CA13) that gave an update on activity since 31 March 2010, detailing the agreed establishment figure at 31 December 2010 in terms of Full Time Equivalents, together with the detailed staffing position at 31 December 2010. These were shown in the report by directorate and service area. The report also provided information on current activity and in addition there was information on grant funded posts and those vacancies which were being covered by agency staff and at what cost.

Councillor Zoe Patrick Opposition Leader noted that posts and people were being cut. The total number of people employed was in the report but she asked for information on the change in numbers from 31 March 2010. The figures showed that there were 295 FTE down but she queried how many people this represented. Referring to paragraph 8 of the report Councillor Patrick expressed concern at the moratorium on job evaluation and the

impact on jobs that were changed with an increase and duties and responsibilities but with no review of the grade for the job.

The Deputy Leader commented that figures were always shown as full time equivalents. The moratorium was on the green book evaluation scheme. Sue Corrigan added that structure change and job changes would still be taken into account. She undertook to send Councillor Patrick details on the head count.

**RESOLVED:** to:

- (a) note the report; and
- (b) confirm that the Establishment Review continues to meet requirements in reporting and managing staffing numbers.

**26/11 FORWARD PLAN AND FUTURE BUSINESS**

(Agenda Item. 14)

The Cabinet considered a list of items (CA14) 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 .....