

# **County Council**

**21 March 2017**

## **Agenda**

## Declarations of Interest

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

Under the Localism Act 2011 it is a criminal offence to

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

### Whose Interests must be included?

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

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

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

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

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

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

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

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

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

### List of Disclosable Pecuniary Interests:

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

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or [glenn.watson@oxfordshire.gov.uk](mailto:glenn.watson@oxfordshire.gov.uk) for a hard copy of the document.

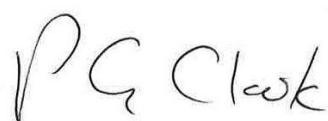
**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

To: **Members of the County Council**

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

**Tuesday, 21 March 2017 at 10.00 am**

**Council Chamber - County Hall, New Road, Oxford OX1 1ND**



P.G. Clark  
Chief Executive

March 2017

Committee Officer: **Deborah Miller**  
Tel: 07920 084239; E-Mail: [deborah.miller@oxfordshire.gov.uk](mailto:deborah.miller@oxfordshire.gov.uk)

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 7 and 12 will be recorded. The purpose of recording proceedings is to provide an *aide-memoire* to assist the clerk of the meeting in the drafting of minutes.

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

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

## **AGENDA**

### **1. Minutes (Pages 1 - 6)**

To approve the minutes of the meeting held on 14 February 2017 (**CC1**) and to receive information arising from them.

### **2. Apologies for Absence**

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

Members are reminded that they must declare their interests orally at the meeting and specify (a) the nature of the interest and (b) which items on the agenda are the relevant items. This applies also to items where members have interests by virtue of their membership of a district council in Oxfordshire.

### **4. Official Communications**

### **5. Appointments**

To make any changes to the membership of the Cabinet, scrutiny and other committees on the nomination of political groups.

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

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

### **8. Questions with Notice from Members of the Council**

### **9. Report of the Council (Pages 7 - 12)**

Report of the Cabinet Meetings held on 20 December 2016, 24 January 2017 and 21 February 2017 (**CC9**).

### **10. Interim Arrangements for taking Emergency Decisions immediately following the County Council Elections**

Under the provisions of section 7 of the Local Government Act 1972 (as amended), all the existing County Councillors will retire together on the fourth day following the elections (i.e. on 9 May 2017) and the newly elected and re-elected Councillors will take office from that day. All positions under the Council's political management arrangements except for the Chairman and Vice-Chairman of the Council and the Leader (for each of which there is a specific statutory exemption) fall vacant on that day, until they are filled at the first meeting of the County Council on 16 May 2017. In terms of formal member decision making there will therefore be a hiatus during this period and some provision will need to be made in the event that any urgent decisions are required.

Under the Constitution the Chief Executive has delegated power to take any Executive or non-Executive decision after consultation with the appropriate Director and following consultation with the Leader and Deputy Leader of the Council or (in the case of non-executive functions) the relevant Committee Chairman and Deputy Chairman. As these positions will not be confirmed until 16 May 2017 this delegation will need to be temporarily varied so that these powers can be exercised following

consultation with the Chairman and Vice-Chairman of the Council and the Leader.

***The Council is therefore RECOMMENDED to agree a temporary variation to Part 7.2 of the Constitution Specific Powers and Functions of Particular Officers with effect that from 9 May to 16 May 2017 paragraph 6.3 (c) is to be read as follows:-***

***“(c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate Director and thereafter with the Chairman and Vice-Chairman of the Council and the Leader, as appropriate.”***

## **11. Constitution Review (Pages 13 - 18)**

Under the Constitution, the Monitoring Officer is required to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect. This includes making recommendations to Council on any necessary amendments. The Monitoring Officer is authorised to make any changes to the Constitution which are required to:

- Comply with the law
- Give effect to the decisions of Council (or Cabinet, Committees etc.)
- Correct errors and otherwise for accuracy or rectification

Other changes will only be made by Full Council, following a recommendation of the Monitoring Officer.

This report therefore:

- recommends one change for Council's approval;
- notes that the Monitoring Officer will make any consequential changes to the Constitution arising from the Senior Management Review; and
- lists certain changes made by the Monitoring Officer under his delegated powers, for noting.

***Council is RECOMMENDED to:***

- (a) agree the proposed change to the Council Procedure Rules outlined at paragraph 6 of this report (Financial Procedure Rules, write off provisions);***
- (b) note that the Monitoring Officer will make any consequential amendments to the Constitution arising from the senior management review;***
- (c) note the changes already made to the Constitution by the Monitoring Officer under delegated powers since the last annual Constitution Review report to Council (as outlined in Annex 1 to the report).***

## **12. Response to the NHS Consultation on the Oxfordshire Transformation Programme (Pages 19 - 28)**

Report from the County Leadership Team (**CC12**).

On 21 February the Cabinet considered a paper from the Council leadership team

setting out the officers' assessment of the Oxfordshire Clinical Commissioning Group's (OCCG) proposals for the future of health and care services in the County. They agreed the following recommendation, 'to welcome the opportunity to comment on this consultation, acknowledge the difficulties faced by NHS services locally as presented in the OCCGs case for change, but on balance not to support the proposals based on the lack of information on the impact on council services and that of the public.'

Cabinet's views on the proposals were presented to the Oxfordshire Joint Health Overview and Scrutiny Committee (OJHOSC) on 7 March. The OJHOSC is the statutory consultee on substantial developments or variations in the provision of the health service. OJHOSC invited evidence from a wide range of organisations and will be responding to the OCCG consultation with comments and recommendations as well as meeting again to consider whether the OCCG has responded adequately to the issues it has raised.

Due to the scale, impact and interest of all members in the proposals to transform local health services Cabinet wants to give County Council the opportunity to consider the potential impact on council services and the public. These views will be collated and fed back to the OCCG as part of the consultation process.

A copy of the Consultation document can be found on the CCG web site: [The Oxfordshire Big Health & Care Consultation: Phase 1 - Consultation Document](#)

**Council is RECOMMENDED to:**

- (a) **note the views expressed to HOSC by Cabinet on the proposals;**
- (b) **identify any further concerns regarding the proposals;**
- (c) **agree for Officers to summarise these further concerns to the OCCG as a response to the consultation;**
- (d) **Share these concerns with HOSC to aid their further consideration of the OCCG proposals.**

## **MOTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL**

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

### **13. Motion From Councillor Liz Brighouse**

"Despite:

- paying higher per hour costs than most authorities to our Home Care Providers;
- investing a significant amount of time and resources in enhancing the status of Home Care workers; and
- having changed the contracting arrangements for Home Care;

there is still a perception that this is a low status profession with poor pay and conditions of service. There is now a severe crisis in recruitment of Home Care professionals which is a greater threat to services than the financial challenges.

Oxfordshire County Council therefore asks the Cabinet to start a process to:

- create a directly employed workforce with training, continuous professional development, fair pay and conditions of service at its core;
- provide training and education opportunities for young people in this area of employment and engage with young people in considering the caring professions as a future career path.”

#### **14. Motion From Councillor Melinda Tilley**

“This Council is concerned about the prevalence of prejudice-related bullying in schools and online, particularly the impact on vulnerable groups.

We are aware that cyber bullying is a growing issue and that some groups of children are more likely to experience and be affected by bullying. This Council, along with the Children’s Trust, and Corporate Parenting Panel, will do everything we can to raise awareness and try to halt this toxic bullying.”

#### **15. Motion From Councillor Howson**

“Across Oxfordshire small primary schools serve an important purpose in creating an education system where the school is firmly located within its community. Children can walk or cycle to school: these schools form a vital hub for many communities.

This Council wishes to express concern to the government at Westminster that the new funding formula for schools does not destroy schools with fewer than 250 pupils unintentionally, as a result of making them financially unviable.

Many of these schools have been part of the education scene in Oxfordshire for more than 150 years.

Around 100 primary schools in Oxfordshire lose money under the proposed new formula and schools set to receive extra funding will be capped below the amount they should receive.

This Council asks the Cabinet Member for Education to write to the Secretary of State for Education to express the concerns of this Council that the proposed new formula could lead to the wholesale closure of small schools, especially as any resulting increase in transport costs would fall on the council tax payers of Oxfordshire and additionally that some Oxfordshire schools will not receive the full funding identified as due to them under the new formula.”

#### **16. Motion From Councillor Mark Cherry**

“The Bankside Road is needed urgently if the town is to avoid total gridlock on its roads. Oxfordshire is a net contributor to the National Economy and the North of the County continues to grow with the construction of 8000 houses and the construction of HS2. Therefore more businesses and more vehicles are inevitable. This issue has been talked about for over 30 years and it is now time for action.

"This Council calls on the Leader of Oxfordshire County Council to give urgent consideration of the Bankside link Road and for this to be prioritised in the Banbury area strategy in LTP4."

### **17. Motion From Councillor David Williams**

"In view of the continued opposition to the ONE Oxfordshire proposals this Council calls on Cabinet not to pursue the proposal at this stage and that spending to promote the concept ends. Further dialogue will now be entered into with the District and City authorities to seek a more consensual agreement as to what form of unitary local government is eventually presented to Central Government."

### **18. Motion From Councillor Richard Webber**

"District Councils have responsibility for measuring and monitoring Air Quality and, where appropriate, putting in place Air Quality Management Areas and Action Plans. Unfortunately, most of the possible remedial actions to counteract worsening Air Quality are costly, involve Highway and traffic issues and fall on the cash-strapped County Council. This has led to, frustration from residents and a feeling that "nothing can be done".

Council believes that the growing national and government awareness of the health and economic implications of poor Air Quality, together with the opportunity offered by a Unitary Council to bring under one roof all Air Quality issues, Council therefore asks the Director for Environment & Economy to explore, as a matter of urgency, the feasibility and legality of demanding s106 contributions from *all* developments in Oxfordshire, with such contributions increasing from developments in or near established AQMAs. This would allow the sum of money accrued to be used on Air Quality alleviation measures."

### **19. Motion From Councillor Anne Purse**

"Lorries parking for long periods of time in laybys on Oxford's Ring Road, and in particular the Eastern Bypass between Headington and Cowley, continue to bring a nuisance to local residents and other road users. Because the drivers stay for hours at a time, many overnight, where there are no toilets they habitually use the roadside verges instead. This is a serious matter which ought to be and can be resolved, but that does not mean just moving the problem to another area.

Council therefore requests that the Cabinet Member Environment holds talks urgently with those large local businesses likely to attract numerous vehicle deliveries regarding the provision of proper systems and facilities for parked lorry drivers, so reducing the unpleasantness and growing risk to public health being caused at present."



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## **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 20 March 2017 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders