

County Council

16 April 2024

Agenda



**OXFORDSHIRE
COUNTY COUNCIL**

To: Members of the County COUNCIL

Notice of a Meeting of the County Council

Tuesday, 16 April 2024 at 10.30 am

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

If you wish to view proceedings, please click on this [Live Stream Link](#). Please note, that will not allow you to participate in the meeting.

A handwritten signature in grey ink that reads "Reeves".

Martin Reeves
Chief Executive

April 2024

Committee Officer:

Colm Ó Caomhánaigh

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AGENDA

1. Minutes (Pages 1 - 6)

To approve the minutes of the meeting held on 20 February 2024 (**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 scrutiny and other committees on the nomination of political groups and to note any changes to the Cabinet made by the Leader of the Council.

6. Petitions and Public Address

Members of the public who wish to speak on an item on the agenda at this meeting, or present a petition, can attend the meeting in person or 'virtually' through an online connection. Requests must be submitted no later than 9am one working day before the meeting i.e., 9am on Monday 15 April 2024. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9am on the day of the meeting. Written submissions should be no longer than 1 A4 sheet.

7. Questions with Notice from Members of the Public

8. Questions with Notice from Members of the Council

9. Annual Report of the Director of Public Health (Pages 7 - 76)

Report by Corporate Director: Public Health and Community Safety

Directors of Public Health have a statutory duty to publish an annual report on a subject of their choice that they feel demonstrates the state of health within their community. The purpose of this item is to share the report for 23/24.

The full Council is RECOMMENDED to note the Director of Public Health Annual Report and to take every opportunity to support actions and initiatives that will progress related work.

10. Dispensation from Attending Meetings (Pages 77 - 78)

Report of the Director of Law & Governance and Monitoring Officer

Full Council has the discretion to approve a dispensation, based on the circumstances of the case, which means that the councillor does not cease to be a member of the Council for failing to attend a meeting during a six-month period.

The Council is RECOMMENDED

- a) **To grant a dispensation to Cllr Yvonne Constance from the statutory requirement to attend a meeting of the Council within a six-month period from the last noted attendance due to illness.**
- b) **To approve that the dispensation last up to and including 30 November 2024.**

11. Report of the Cabinet (Pages 79 - 86)

Report from Leader of the Council.

The report summarises the decisions from the Cabinet meetings on 19 December 2023, 23 January 2024, 30 January 2024, 27 February 2024 and 19 March 2024.

12. Review of Arrangements for Dealing with Complaints against Members (Pages 87 - 120)

Report of the Director of Law & Governance and Monitoring Officer

On 13 March 2024, the Audit and Governance Committee considered the revised arrangements for dealing with complaints against members and recommended that they be adopted by the Council.

Council is RECOMMENDED to approve and adopt the revised arrangements for dealing with Code of Conduct complaints against members attached to this

report together with annexes 1 to 5.

13. Audit & Governance Committee Terms of Reference - Whistleblowing Policy
(Pages 121 - 122)

Report of the Director of Law & Governance and Monitoring Officer

At its meeting on 13 March 2024, the Audit and Governance Committee received an updated Whistleblowing Policy and recommended its approval.

**Council is RECOMMENDED to amend the terms of reference for the Audit and Governance Committee to include the following addition:
'To monitor whistleblowing arrangements and to approve the Whistleblowing Policy'.**

14. Further Draft Recommendations re Electoral Arrangements for Oxfordshire County Council (Pages 123 - 128)

Report of the Director of Law & Governance and Monitoring Officer

During consultation on the draft recommendations, which were published on 3 October 2023, the Local Government Boundary Commission for England received 41 representations, most of which commented on the proposals for divisions in Cherwell District and the Vale of White Horse District. In light of these representations, the LGBCE has amended its proposals and has published further draft recommendations for all divisions in Cherwell and most in Vale of White Horse.

The Council is RECOMMENDED to support the further draft recommendations of the Local Government Boundary Commission for England (LGBCE) relating to the division boundaries for the Cherwell District and Vale of White Horse District and to submit a response to the further LGBCE consultation confirming this position.

15. Review of Political Balance (Pages 129 - 138)

Report of the Director of Law & Governance and Monitoring Officer

Council is RECOMMENDED

- a) **To note the review of political balance of committees to reflect the formation of a new political group 'The Independent Voice of Oxfordshire (TIVOO)' comprising three members: Cllr Stefan Gawrysiak, Cllr Damian Haywood (Deputy Group Leader) and Cllr Sally Povolotsky (Group Leader).**
- b) **To appoint members to the committees of the Council listed at Annex 1. A fully populated list with nominations from the political groups for the vacant seats will be circulated ahead of the meeting.**
- c) **To remove the Corporate Parenting Committee from the list of Council committees.**

EXEMPT ITEM

It is RECOMMENDED that the public be excluded for the duration of item 16 since it is likely that if they were present during that item 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 below in relation to those items and since it is considered that, in all the circumstances of the case, the public interest in maintaining the 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 ALSO MEANS THAT THE CONTENTS SHOULD NOT BE DISCUSSED WITH OTHERS AND NO COPIES SHOULD BE MADE.

16. Proposed Leadership Restructuring (To Follow)

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

1. Information relating to a particular individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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 FRIDAY BEFORE THE MEETING

17. Motion by Councillor Eddie Reeves

This Council regrets the way its retendering of services to neurodiverse families, children and young people was handled, leading to Autism Family Support Oxfordshire (AFSO) having funding for its youth groups and family support work cut from 1 April 2024.

The decision means that only funding for AFSO's Easter and Summer holiday activities will now be funded.

This Council further regrets the minimal oversight of such decision afforded to elected members and underscores the importance of democratic accountability in decisions taken in respect of services for vulnerable residents.

Specifically, one would have expected such a change to have been taken with the approval of the Leader of the Council, relevant Cabinet member and/or with pre-

scrutiny of such decision having been taken on a cross-party basis. In the latter case, this did not occur.

The effect of such an arbitrary decision by this Council is that, from 1 April 2024, two well-qualified members of AFSSO's team will be made redundant. Given that AFSSO has provided cost-effective support for children and young people from diagnosis up to the age of 25 for over a decade – managing a caseload of 4,500 families – it is reasonable to assume that cutting its services will make matters worse for families.

Given that the annual cost of maintaining these services is only £90,000, this Council requests that Cabinet review the decision and recommends that a paper be taken to the Education and Young People Overview & Scrutiny Committee explaining the chronology and governance surrounding it.

18. Motion by Councillor Mark Cherry

Council requests Cabinet to consider approving the Councils for Fair Tax declaration.

This commits Councils to

- Lead by example and demonstrate good practice in our tax conduct, right across our activities.
- Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
- Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
- Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
- Demand clarity on the ultimate beneficial ownership of suppliers, UK and overseas, and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
- Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
- Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses that are proud to promote responsible tax conduct and pay their fair share of corporation tax.

Council also requests the Leader of the Council to write to the Chancellor of the Exchequer supporting calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

19. Motion by Councillor David Rouane

Pride in the appearance of the public realm is important to our residents. Ensuring that streets and pavements are accessible, level, without hazards, clear of weeds and vegetation is essential for preventing long term damage to the footways, improving accessibility for all, visibility, reducing the chances of accidents, and also allowing people to have pride in their neighbourhood.

Council resolves to:

1. Note the difficulties in maintaining weed clearance to a high standard in view of the expanding network of highways, and in the context of over a decade of budget cuts; and
2. Acknowledge the justified phasing out of glyphosate and herbicide-based methods based on health and environmental grounds; and
3. Recognise that the Council has a statutory duty to keep pavements free of weeds and hazards; and
4. Request the Cabinet Member for Transport Management to consider options for alternative methods of weed removal, and scheduled maintenance that are both cost-effective and environmentally friendly, including supporting the work of towns and parishes, local groups and individuals, that can be developed and trialled around the county, and for ongoing consideration of other methods.
5. Request that the Cabinet Member for Finance give due consideration to the findings of this report as part of the 2025/26 budget setting.
6. Embrace collection of green matter from weeding and grass cutting and ask the Cabinet Member for Climate Change Delivery and Environment to consider the feasibility of a county owned Anaerobic digester facility.

20. Motion by Councillor Stefan Gawrysiak

In December Oxfordshire County Council removed 7 beds from the Chiltern care home. These beds were removed without any consultation with the GP's who run them, Henley Town Council and the community of South Oxfordshire and Henley. This lack of consultation by the Council is unacceptable.

These beds were originally provided as NHS beds.

Following FOI requests to the Integrated Care Board Buckinghamshire Oxfordshire Berkshire West (ICB BOB) and the Council we have firmly established that these beds are NHS Beds funded by ICB, the Council and Oxford Health NHS Foundation Trust and cannot be closed without consultation.

Dr Broughton interim Chief Executive of the ICB BOB states 28th February 2024

“The beds have not ‘lost NHS funding’, “The beds continued to be overseen by the Oxford University Hospital Hub team.”

These beds are NHS beds which cannot be removed without consultation.

This Council:

1. Deplores the removal without consultation
2. Believes these beds which serve a population of 140,000 of South Oxfordshire should be reinstated.

This Council requests that Cabinet:

3. Asks partners to

- seek to reinstate the 7 Chiltern Court Beds serving South Oxfordshire.
- conduct a consultation if they still wish to remove the beds.

21. Motion by Councillor Eddie Reeves

This Council restates its commitment to improving its Children's Services following its Extraordinary Meeting almost six months to the day on 13 October 2023.

Services provided by the Local Area Partnership have not been good enough in recent years and last year's Ofsted-Care Quality Commission report makes it clear that local challenges stand to be recognised and addressed.

At the time of writing, the Council awaits the determination of its Inspecting Local Authorities' Children's Services (ILACS) inspection.

Mindful of the improvements that are needed in its Children's Services in any event, this Council resolves to ensure that there is full and proper consideration of the outcome of the ILACS inspection by elected members, with the Cabinet members for Children's Services and Special Educational Needs and Disabilities (SEND) Improvement meeting with the Chairs of the Education & Young People and People Overview & Scrutiny Committees to ensure that there is proper cross-party scrutiny both of the contents of the report and subsequent improvements arising therefrom.

22. Motion by Councillor Donna Ford

Councillors note the increasing number of vacant bank and building society buildings on our high streets, which are largely the result of technological change. The loss of community banking services is of concern to many residents, especially older constituents and those with disabilities and adaptive needs.

Buckinghamshire Council has set up a Banking Hub in Buckingham library for people to access banking services in the town centre.

Established in partnership with Buckinghamshire Council through its Buckingham and Villages Community Board, with the support of Buckingham Town Council and community representatives, the temporary Banking Hub provides local people with access to banking services. This offers a counter service operated by the Post Office, where customers of all major banks and building societies can carry out regular cash transactions. It also offers a Community Banker service where customers can talk to their banking provider about more complicated issues. Community Bankers work on rotation, with a different bank or building society available on each day of the week, to ensure fair and equitable access to major banking and building society customers.

Council requests the relevant Cabinet member for Community and Corporate Services and the Cabinet Member for Finance to take a lead from forward-thinking colleagues at Buckinghamshire Council and, working with its Town Council, and District Council partners, invite banks and building societies that have left – or are due to leave – our

high streets to explore opportunities to work with this Council to set up similar banking hubs within appropriate Council libraries.

23. Motion by Councillor Eddie Reeves

This Council recognises that the voice of small and medium-sized enterprises ('SMEs') have, too often, been overlooked.

This Council resolves to request the Leader of the Council to appoint a Small Business Champion to provide a single point of contact for local businesspeople, including those running Co-operatives, and advise members attending Cabinet and relevant scrutiny committees of the impact of Council policies on the county's SMEs.

24. Motion by Councillor Freddie van Mierlo

The adopted Local Transport and Connectivity Plan aims to make walking, cycling, public and shared transport the natural first choice. The Director of Public Health's Annual Report states such initiatives have benefits for both physical and mental health – directly through increased physical activity and indirectly through cleaner, less polluted air.

To achieve this important shift, walking and cycling must be made safer. In January 2022, the government introduced new rules on the 'hierarchy of road users', clarifying that pedestrians and cyclists going straight ahead at a junction have priority over traffic waiting to turn into or out of a side road, unless road signs or markings indicate otherwise.

Unfortunately, no funds were given to implement these new rules and few alterations have been made to the road network to reflect these changes on our roads in the past year and a half. This council resolves to ask the Cabinet Member for Transport Management, in conjunction with the Director of Highways and Operations, to consider the formulation of a plan to gradually migrate the signs and lines to mirror the new guidance at the same time that regular planned line refreshes are taking place.

25. Motion by Councillor Charlie Hicks

This Council believes that:

1. The Council needs to do more to increase public involvement of Oxfordshire communities on decisions around the future of transport. Too many residents feel that their views and experiences have been ignored.
2. To bring the public into the room, we need a public deliberative process to empower residents to shape the future of transport in Oxfordshire. This is now possible thanks to the 2024/25 budget amendment by Oxfordshire Labour.

Council requests Cabinet to:

3. Deliver a Citizens' Panel, made up of a representative group of local people, picked by an independent organisation using a fair and transparent process, to be a direct

public accountability function to the Cabinet for the traffic filter trial. The Panel should first meet before the traffic filters are implemented and again multiple times through the traffic filter Experimental Traffic Regulation Order trial period, conducting a deliberative process with input from a range of stakeholders. It should be focused on whether the traffic filter trial is working and should make recommendations to Cabinet on what changes should be made during the trial, whether the filters should be made permanent or not, and next steps regarding “core schemes”.

This process will ensure that the lived experiences of residents are directly factored into future decisions about the traffic filters. To bring the whole public along with the process, it should be publicised widely (e.g. via Youtube) and the wider public should have the ability to provide input.

26. Motion by Councillor Sally Povolotsky

In September 2023, Ofsted and the Care Quality Commission declared their judgment post inspection that the Local Area Partnership (LAP) had multiple systemic failures.

Despite the Priority Action Plan (PAP), the Council is failing to meaningfully engage with and capture the voice of the user, our young people.

Council calls on Cabinet to consider;

1. Meaningfully involving young people and youth organisations throughout all policy-making processes within SEND improvement and the PAP. Co-management and co-creation structures are the best way to ensure direct participation.
2. Any consultations or engagement with young people by this council must have a visible public follow-up to the outcomes.
3. All Council policies and frameworks that affect young people, must include an impact assessment, and ensure there are mitigation measures in place for those youth groups that might be negatively impacted by a new policy or framework.
4. Ensuring all future events, in person/online, run by or funded by OCC, especially those related to the PAP, LAP, and SEND improvement, are open to all young people with the attendance of their parent or carer.
5. Launching a rapid task force for the voice of the young person and SEND users, and task them to create a framework for a Youth Forum within 3 months of this meeting date.
6. The leader to appoint a SEND Champion to enable seldom heard voices in the SEND community to feed into SEND improvement and services, and that person to sit on the SEND Improvement board.

27. Motion by Councillor Ian Middleton

In 2018 this council passed a motion stating that it was opposed to the licensing of a badger cull in Oxfordshire.

When DEFRA announced that badger culling would be phased out by 2025, many people believed that the cull had ended. Sadly, culling in Oxfordshire intensified, seemingly with the intent of shooting as many badgers as possible before the deadline. Over 50% of the county is in the killing zones.

A new DEFRA policy now allows epidemiological culling or 'epi-culling', which involves killing up to 100% of badgers across a large area in response to a new cluster of herd breakdowns. Epi-Culling was first introduced in Cumbria, and has been adopted on a trial basis in parts of England over the past five years. Oxfordshire is now being considered by DEFRA for future epi-culling programmes.

A recent scientific report shows that epi-culling is ineffective as a control measure. However, DEFRA, Animal and Public Health Agenda, the bTB Hub/NFU and British Cattle Veterinary Association, continue to advocate its use.

This council therefore :

1. Re-affirms our opposition to badger culling and condemns the introduction of epidemiological culling which has been shown to be an ineffective control measure for bTB.
2. Asks the cabinet to consider a specific policy that badger culling will not be permitted on council owned land.
3. Requests that the leader writes to DEFRA making clear our continued opposition to the cull and any extension of it in size and scope, especially with regard to epidemiological culling.

28. Motion by Councillor Ian Middleton

Many people in Oxfordshire who live in flood prone areas watch the skies with trepidation. In some communities even moderate amounts of sustained rainfall can cause significant flooding that overwhelms outdated flood relief infrastructure. This is often poorly maintained and constructed with no central plan for water management. Sewers are also regularly overwhelmed with infiltration from surface water, causing sewage to leak: putting public health at risk as well as properties.

As the Lead Local Flood Authority (LLFA), the Council has a responsibility to respond to these risks and work with other local authorities to develop flood management plans. We also assess how any new developments will impact on flood prone areas. That role is now more crucial as climate change increases the likelihood and frequency of heavy downpours and flooding across the county.

In the face of these urgent pressures, our powers of intervention are limited by out of date and inadequate guidelines set by central government. These include developers only having to prove that they won't make flooding worse, rather than helping to alleviate the problem in known flood risk areas.

Council calls on the Department of Levelling Up, Housing and Communities and other responsible agencies to work with us to :

1. Urgently review national planning guidance and legislation on flood prevention.
2. Provide more powers to LLFAs to prevent or limit developments in known flood risk areas
3. Require developers to contribute to reducing existing risks in flood prone areas as part of any new development.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships
- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.

- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.