

CABINET

MINUTES of the meeting held on Tuesday, 16 July 2013 commencing at 2.00 pm and finishing at 5.37 pm

Present:

Voting Members: Councillor Ian Hudspeth – in the Chair
Councillor Rodney Rose
Councillor Mrs Judith Heathcoat
Councillor Nick Carter
Councillor Melinda Tilley
Councillor Lorraine Lindsay-Gale
Councillor David Nimmo Smith
Councillor Arash Fatemian
Councillor Hilary Hibbert-Biles

Other Members in Attendance: Councillor Lynda Atkins (Agenda Item 6)
Councillor George Reynolds (Agenda Item 6)
Councillor Kieron Mallon (Agenda Item 6)
Councillor Glynis Phillips (Agenda Items 6)
Councillor Gill Sanders (Agenda Item 6 & 12)
Councillor Nick Hards (Agenda Items 8 & 9)*
Councillor Laura Price (Agenda Items 10 & 11)
Councillor Liz Brighthouse (Agenda Item 17)
Councillor Stewart Lilly (Agenda Item 17)
Councillor John Sanders (Agenda Item 21)

* Name added at meeting on 17 September 2013

Officers:

Whole of meeting Joanna Simons (Chief Executive); Sue Whitehead (Chief Executive's Office)

Part of Meeting Item No.	Name
6	Peter Clark, County Solicitor, Jim Leivers, Director for Children's Services, Roy Leach, Neil Darlington(School Organisation & Planning)
7	Greg Ley (Corporate Finance)
8	Stephanie Skivington (Corporate Finance)
9	Lorna Baxter, Assistant Chief Finance Officer
10	John Jackson, Director for Social & Community Services
11	John Jackson, Director for Social & Community Services
12	Jim Leivers, Director for Children's Services, Matthew Edwards
13 -16	Kevin Griffin (Children, Education & Families)
17	Huw Jones, Director for Environment & Economy; Graham Shaw, Customer Services, Frances Craven, Deputy Director Education & Early Years

- 18 Alexandra Bailey (Chief Executives Office)
20 Lucy Butler, Deputy Director, Children, Education & Families
21 Huw Jones, Director for Environment & Economy; Mark Kemp, Deputy Director, Commercial

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.

72/13 APOLOGIES FOR ABSENCE

(Agenda Item. 1)

Apologies were received from Councillor Louise Chapman.

73/13 DECLARATIONS OF INTEREST

(Agenda Item. 2)

Councillor Fatemian declared a personal interest on Item 6, Home to School Transport Policy as a governor of Warriner School.

Councillor Carter declared an interest in Item 21, Highways Contract – Buy Out of Atkins Highways by Skanska in so far as his wife was about to take up a position with Atkins and took no part in the decision leaving the room.

74/13 MINUTES

(Agenda Item. 3)

The Minutes of the meeting held on 18 June 2013 were received and it was agreed they be submitted for approval to the next meeting.

75/13 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

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

“How long has it taken for prosecutions started by Oxfordshire County Council since September 2012 in relation to non-attendance of pupils at school to be completed?”

Councillor Tilley replied:

“The length of proceedings in relation to non- attendance of pupils at school (from issue at Court to final hearing), in the period September 2012 to July 2013, is given in the table below. Over this period 34 cases commenced , 33

of which ended in conviction, one of which in acquittal. The average length of proceedings was 11 weeks.

Number of Weeks	Number of Cases
8 weeks or less	19
9 - 14 weeks	7
15 - 24 weeks	5
25 weeks +	3

Supplementary: In response to a question Councillor Tilley replied that yes she would continue to press the Minister of Justice to give as much priority as possible to these cases.

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

“Consultants White Young and Green, (WYG), were engaged by the Council in early May 2013 to write a Headington Transport Strategy. A strategy to deal with the congestion, rat-running, speeding and to improve cycling and walking in the Headington area is to be welcomed. Could the cabinet member please tell me how and when the decision to employ WYG was taken?”

Councillor David Nimmo Smith replied:

“White Young Green (WYG) were commissioned in May 2013 to work with the county council’s Infrastructure Development team, local members and stakeholders to consider the current and future transport challenges in Headington and develop a strategy for the area.

WYG have worked with the county council on similar projects in Banbury and Bicester, looking at transport and the infrastructure implications of future growth. They were appointed in accordance with Council procurement rules for work under £25,000 in value and have proved themselves to be both technically competent and able to deliver within the required timescales.”

Supplementary: Councillor Smith asked why key local stakeholders such as local councillors were not invited to attend the Steering Group and were not being included in the development of the strategy. Councillor Nimmo Smith replied that he would provide a written response.

76/13 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

Item 6 - Councillor Lynda Atkins)
 Councillor George Reynolds)speaking as a local councillor
 Councillor Kieron Mallon)
 Councillor Glynis Phillips)

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

District Councillor for Garsington, Elizabeth Gillespie
Sue Moon, Oxon Bus Action Group
Niall McWilliams, Head Teacher, Carterton Community College
Graham Speke, Carterton Community College
Bob Edward, Carterton, supporting proposals
Annabel Kay Head Teacher, Warriner School
Andrew Baud, founder of the Shutford Community Association, member of
The Warriner Partnership working party and governor at Sibford Gower
Primary School
Kathy Haig, Headteacher, Burford School
Andrew Pitman, Chair of Governors, Burford School
Richard Martin, governor at Burford School
John White, Mayor of Burford
Mr Rae, Chair of Governors at Brize Norton Primary School
Ed Scates
Margot Nelson, St Swithens CE Primary School, Kennington resident, parent
and Chair of Governors

Item 8 – Councillor Nick Hards, Shadow Cabinet Member for Finance

Item 9 – Councillor Nick Hards, Shadow Cabinet Member for Finance

Item 10 – Councillor Laura Price, Shadow Cabinet Member for Adult Social
Care

Item 11- Councillor Laura Price, Shadow Cabinet Member for Adult Social
Care

Item 12 – Councillor Gill Sanders , Shadow Cabinet Member for Children,
Education & Families

Item 17 – Councillor Liz Brighthouse, Opposition Leader
Councillor Lilly, speaking as Chairman of Pension Fund Committee
Robin Gill, School Forum

Item 18 – Councillor Liz Brighthouse, Opposition Leader

Item 21 - Cllr John Sanders

77/13 HOME TO SCHOOL TRANSPORT POLICY

(Agenda Item. 6)

Cabinet had before them a report that contained an analysis of the responses to a consultation with the public, head teachers and other interested parties upon a number of proposed changes to the Home to School Transport Policy. Cabinet further had a note from the Chairman of the Education Scrutiny Committee containing recommendations following consideration of the proposals at their meeting on 4 July 2013 and a further supplementary report containing an update on the analysis of consultation responses in the light of responses received since the circulation of the

agenda. Finally Cabinet had before them a supplementary report advising that the new Guidance which had been the basis of consultation had now been withdrawn by the Department for Education and the previous 2007 Guidance reinstated and that therefore it was inappropriate to consider the proposals today.

Peter Clark, County Solicitor confirmed the advice given in the supplementary report no decision on the current proposals be taken today.

Councillor Hudspeth indicated that he would be accepting the advice given but that in any case he had been minded to defer the matter following the letters and emails that he had received and other representations made to him by councillors and the public. He accepted that there would be a need to repeat the consultation and that he did not wish to rush this decision. However he referred to the serious financial challenge that the Council faced and that the whole budget was being considered to see where the savings could be achieved. He noted that the proposals had been in line with the then current guidance, had not affected anyone currently in receipt of free transport and that the majority of parents were not affected. His ambition was that all schools in Oxfordshire would be good or excellent and that there would be no reason not to go to the local school. He referred to a number of existing anomalies, stressed that he would meet with residents and that he had an open mind.

Mrs Nelson, St Swithens CE Primary School, Kennington resident, parent and Chair of Governors submitted a petition against the proposals and in speaking to the petition highlighted 5 areas of concern: she wished Kennington to maintain the diverse social cohorts it currently achieved that she felt would be threatened by the changes to the policy; child safety - it was impractical to expect parents to walk with their children each day; congestion would increase; there were educational concerns and concerns around social equality.

Councillor Lynda Atkins, as Chairman of the Education Scrutiny Committee highlighted the key points set out in her note of the discussion at the meeting on 4 July 2013.

Councillor George Reynolds, speaking as a local councillor expressed concerns over the length of the consultation and the range of people consulted. Parish Councils had not been consulted directly and more information was needed on what the proposals meant to people. He also highlighted the possible implications for the villages, parents, children and schools in his division with 6 of 7 primary schools impacted and 10 of 25 villages/hamlets.

Councillor Kieron Mallon, speaking as a local councillor accepted that savings had to be made but commented that as a recent Cabinet member he had been able to encourage and then vote for the provision of a sixth form at Warriner School. The sixth form needed time to bed in and their partnership working would be affected by Proposal 5. He welcomed the

deferral of any decision and agreed with others that the consultation had been poor. He detailed concerns with regard to proposal 3 and 4 but welcomed that the poorest families would not be affected, that it was to have been phased in with a slow increase in charges. He urged the Cabinet to recognise the problems for rural children.

Councillor Glynis Phillips, speaking as a local councillor expressed her relief that it was being withdrawn but added her concerns to others including the local parish council for Risinghurst that the proposals would result in more children being driven to school and that routes were not safe.

Councillor Gill Sanders, Shadow Cabinet Member for Children, Education & Families, stated that the Labour Group were in favour in principle of looking at the policy and of protecting essential services. It was a good idea if children did eventually go to their closest schools but she felt that the current situation was poor and that the proposals suffered from poor presentation, inadequate consultation and were hasty. She welcomed the decision not to take these proposals forward and hoped that future consultation would be better.

District Councillor for Garsington, Elizabeth Gillespie spoke in support of points made by Maldon School. She agreed with others that the consultation was flawed and also felt that the financial conclusions were flawed as she did not believe that 3 buses could be cancelled from Garsington. She also referred to the importance of parental choice and that the most economically disadvantaged families not be discouraged.

Sue Moon, Oxon Bus Action Group, indicated that she had only recently set up the Action Group and already had over 1000 people using the Facebook page as a means of keeping in touch. She highlighted that schools had only 1 week before the original end date of the consultation and queried that as far as she could tell the matter had not been raised with Parish Councils. She reiterated previous concerns relating to safeguarding children's safety. She warned that similar proposals to those withdrawn today would see the campaign continue and she was certain that councillors making this decision would find themselves punished at the ballot box. She submitted a petition adding that she would be seeking sufficient signatures to spark a Council debate. Councillors Fatemian and Tilley made it clear that they had raised this matter at every Parish Council meeting they attended.

Graham Speke, Carterton Community College, spoke in support of the proposal highlighting that it would address an issue of inequality across the County and referring particularly to the positive implications for Carterton Community College.

Bob Edward, Governor at Carterton Community College spoke in support of the proposal commenting that the current imbalance affecting Carterton needed to be adjusted. However he supported greater consultation to allow the democratic process to be seen.

Niall McWilliams, Head Teacher, Carterton Community College supported the proposals on the basis of fairness and equity.

Annabel Kay Head Teacher, Warriner School supported comments by Councillor Reynolds commenting that 6th form status had been granted in July 2012 but that the current proposals put the school significantly at risk.

Andrew Baud, founder of the Shutford Community Association, member of the The Warriner Partnership working party and governor at Sibford Gower Primary School spoke against the proposals asking Cabinet to look again at consultation, to work with all parties and to consider ring fencing rural communities.

Kathy Haig, Headteacher, Burford School spoke against the proposal but focussed on the common purpose of providing outstanding education to all the children of Oxfordshire. She highlighted the partnership working between Burford School and local primary schools and that the proposals would mean that of 9 partner schools in only 2 cases would Burford School be their nearest school. She suggested that transport be devolved to schools noting that she already provided buses for out of hours activities.

Andrew Pitman, Chair of Governors, Burford School, spoke against the proposals reiterating concerns that the proposal would have been socially divisive and would have resulted in the destruction of the catchment area. The proposal could see the numbers of children coming to Burford falling substantially.

Richard Martin, governor at Burford School, spoke against the report commenting that they only worked if parents chose to pay for transport. The education of children was important and it could not be right that this could be set by the bus transport team.

John White, Mayor of Burford spoke against the report expressing the opposition of the Town Council.

Mr Rae, Chair of Governors at Brize Norton Primary School highlighted the detrimental affect the changes would have on the school which had been the first to be adjudged excellent in all categories by Ofsted.

Ed Scates added his concerns to those already heard.

Cabinet in discussion supported the proposal to defer consideration for further review and a later consultation. However they recognised the financial constraints the Council was under and that further consideration of the way forward would be needed.

RESOLVED: to defer any decision and to restart consultation in September with a view to reconsideration of the matter at Cabinet's meeting in November.

78/13 TREASURY MANAGEMENT 2012/13 OUTTURN

(Agenda Item. 7)

Cabinet considered a report reviewing Treasury Management activity in 2012/13 in accordance with the CIPFA code of practice.

RESOLVED: to note the report, and to **RECOMMEND** Council to note the Council's Treasury Management Activity in 2012/13.

79/13 2013/14 FINANCIAL MONITORING & BUSINESS STRATEGY DELIVERY REPORT - MAY 2013

(Agenda Item. 8)

Cabinet considered a report that focused on the delivery of the Directorate Business Strategies which were agreed as part of the Service and Resource Planning Process for 2013/14 – 2016/17. Parts 1 and 2 included projections for revenue, reserves and balances as at the end of May 2013. Capital Programme monitoring and update was included at Part 3. Changes to Fees and Charges were included in Part 4.

Councillor Nick Hards, Shadow Cabinet Member for Finance drew attention to the level of overspend in respect of children's social care and the Older Peoples Physical Disability Pooled budget. Councillor Fatemian responded to the points made commenting that after one month it was early to draw conclusions but that all overspends were treated seriously.

RESOLVED: to:

- (a) note the report;
- (b) approve the virement requests set out in Annex 2a;
- (c) note the updated Treasury Management lending list at Annex 7;
- (d) approve the updated Capital Programme at Annex 9 and the associated changes to the programme in Annex 8c and the proposed programme of works for the additional £3.551m of highways maintenance funding set out in Appendix D of Annex 9; and
- (e) approve the changes to charges for Trading Standards and note the change in charges at Hill End Outdoor Education Centre as set out in Part 4 and Annex 10.

80/13 IMPACT OF THE 2015/16 CENTRAL GOVERNMENT SPENDING ROUND

(Agenda Item. 9)

Cabinet considered a report that outlined the key features and implications of the 2013 Spending Round announced on 26 June 2013, which sets out public spending totals for the financial year 2015/16.

Councillor Nick Hards, Cabinet Member for Finance expressed concerns at the possible consequences of the measures imposed by central government.

Responding Councillor Fatemian confirmed the Council's awareness that Council assets not be neglected and highlighted the impact of the new measures that increased the savings needed.

RESOLVED: to note the report.

81/13 JOINT CARERS STRATEGY

(Agenda Item. 10)

Cabinet had before them a report setting out the Oxfordshire Carers' Strategy 2013 - 2016. This replaced the previous Carers' Strategy which ran from 2009 - 2012. It detailed Oxfordshire's commitment to the support of unpaid carers who support relatives, neighbours and friends across Oxfordshire.

The strategy is a joint commitment from Oxfordshire County Council and Oxfordshire Clinical Commissioning Group to continue and further develop their support to carers of all ages, along with their partners in the voluntary sector and other commissioned services. A period of consultation with carers and carers' services from November 2012 to March 2013 led to the drafting of the revised Carers' Strategy.

The Strategy is underpinned by an Implementation Plan which will support the delivery of the intentions laid out in the Strategy during its lifetime to ensure good outcomes for carers.

Councillor Laura Price, Shadow Cabinet Member for Adult Social Care expressed her thanks for the time given by carers and welcomed the measures to increase identification of carers. She suggested that there was an omission with no mention of financial wellbeing that could undermine a lot of the other work outlined here.

Councillor Heathcoat introduced the contents of the report highlighting the demanding and diverse role of carers and the importance of valuing both the giver and receivers of care.

RESOLVED: to agree the Oxfordshire Carers' Strategy 2013 - 2016.

82/13 CARE HOME FEES

(Agenda Item. 11)

Cabinet considered a report that provided feedback on the consultation on Care Home Fees that ended on 18 June 2013. The consultation with care home providers was approved following consideration by Cabinet on 19 January 2013 on proposed new arrangements for Care Home Fees in Oxfordshire in 2013/14.

Councillor Laura Price highlighted the dismal response rate and expressed concern at the unwillingness of providers to discuss the financial position.

John Jackson explained the context to the report and the efforts taken to engage with providers.

RESOLVED: to approve the proposals set out in the report.

83/13 PLACEMENT STRATEGY FOR CHILDREN IN AND ON THE EDGE OF CARE

(Agenda Item. 12)

Cabinet considered a report that outlined the vision, approach and scope of the Placement Strategy for Children in and on the edge of care.

Councillor Gill Sanders, Shadow Cabinet Member for Children, Education & Families supported the strategy and spoke of the need to build additional capacity in Oxfordshire.

RESOLVED: to:

- (a) approve the placement strategy; and
- (b) endorse the initial approach to increase in-county residential capacity and give approval for a detailed survey of potential sites to be undertaken followed by more detailed costings and return to cabinet for consideration.

84/13 EXPANSION OF QUEENSWAY PRIMARY SCHOOL, BANBURY TO 2 FORM ENTRY

(Agenda Item. 13)

Cabinet considered a proposal to permanently increase the school admission number at Queensway Primary School to 60 from 30 from September 2014. This means that each year group would consist of up to 60 places, taught in two classes of 30 children each, making a maximum total of 420 pupils.

RESOLVED: to approve the publication of a statutory notice for the expansion of Queensway Primary School, Banbury.

85/13 EXPANSION OF ST JOSEPH'S CATHOLIC (VA) PRIMARY SCHOOL, OXFORD TO 2 FORM ENTRY

(Agenda Item. 14)

Cabinet considered a report that sought approval to permanently increase the school admission number at St Joseph's Catholic (VA) Primary School, Oxford to 60 from 45 from September 2014. This means that each year group would consist of up to 60 places, taught in two classes of 30, making a maximum total of 420 pupils.

RESOLVED: to approve the permanent expansion of St Joseph's Catholic (VA) Primary School, Oxford with effect from 1 September 2014.

86/13 EXPANSION OF WATCHFIELD PRIMARY SCHOOL TO 2 FORM ENTRY

(Agenda Item. 15)

Cabinet considered a report on a proposal to permanently increase the school admission number at Queensway Primary School to 60 from 45 from September 2014.

RESOLVED: to approve the publication of a statutory notice for the expansion of Watchfield Primary School.

87/13 EXPANSION OF WOLVERCOTE PRIMARY SCHOOL, OXFORD TO 1.5 FORM ENTRY

(Agenda Item. 16)

Cabinet had before them a report on a proposal to permanently increase the school admission number at Wolvercote Primary School to 45 from 30 from September 2014.

Councillor Tilley in moving the recommendations commented that in future it was intended that if possible decisions such as this would be dealt with as a delegated decision. Cabinet supported this move but stressed that it was important that where there were serious objections that they could still be considered by Cabinet.

RESOLVED: to approve the permanent expansion of Wolvercote Primary School with effect from 1 September 2014.

88/13 FUTURE DIRECTION OF OXFORDSHIRE CUSTOMER SERVICES AND SCHOOL FACING SERVICES

(Agenda Item. 17)

Cabinet had before them two reports on the future direction of Oxfordshire Customer Services and school facing services.

(a) Oxfordshire Customer Services - School Support and Back Office Services

Cabinet considered a report that referred to work undertaken since October 2012 to develop a strategic direction for the future of school related support and back office services generally, including those in Children, Education & Families (CEF) which have been prepared to an internally commissioned specification model for delivery of service functions 2013/14. Cabinet noted that in June 2013, these proposals had taken on added significance because the Comprehensive Spending Review required further savings not achievable within the current CEF budget and delivery model.

Councillor Brighouse, Opposition Leader although not suggesting that the proposals not go forward felt that more time and consideration was needed to ensure this was the right move. She referred to the amount of change faced by schools already and the problems faced by them with the current outsourced service.

Mr Gill as the governor of a primary school stressed the need to preserve the values of the current Schools Support Service. As a member of the Schools Forum he expressed disappointment that they had not been consulted as they could have helped develop the model and he strongly urged that the matter be forwarded to them for consideration. He was concerned at the possible loss of services and urged Cabinet to look at alternative models of provision.

Councillor Carter responding to the points made commented that consideration would be exhaustive but that the Council did not have the luxury of a huge amount of time

RESOLVED: to agree the following:

- (a) subject to any changes following soft market testing, services listed in section 3 should continue to be delivered in-house
- (b) subject to any changes following soft market testing, remaining back office and schools support services listed in section 4 should be prepared for externalisation

(b) Oxfordshire Customer Services - Externalisation of Back-Office and Support Functions

Cabinet had before them a report on proposals for the externalisation of back-office support services currently delivered from Oxfordshire Customer Services (OCS). The Comprehensive Spending Review required further savings which is not achievable with the current OCS delivery model.

Councillor Stewart Lilly, Chairman of the Pension Fund Committee referred to recommendation (f) and commented that during discussion of the proposal

at Pension Fund Committee they had stressed that this only go forward if it was right for the members of the Pension Fund.

RESOLVED: to agree the following:

- (a) updated service specifications alongside externalisation proposals and actions should form the basis for updating and delivering the Business Strategy as regards OCS and should therefore be at the heart of service and resource planning from now onwards;
- (b) all service specifications should be reviewed as to the business case for continuing wholly or in part from April 2014;
- (c) subject to any amendments following soft market testing results, services listed in section 3 should continue to be delivered in-house;
- (d) subject to any amendments following the soft market testing results, HR, Financial and ICT back-office services listed in section 4 should be in scope for externalisation;
- (e) subject to soft market testing results, externalisation proposals should be prepared in September 2013 for Cabinet decision on outsourcing and/or joint venture with a view to procuring and implementing the solutions necessary by 31st March 2015; and
- (f) as recommended in Annex 1, to agree to the further exploratory work needed to develop a full business case for the future merger of the Buckinghamshire, Oxfordshire and Berkshire LGPS Funds, including detailed discussions with the Department of Communities and Local Government

89/13 CORPORATE PLAN PERFORMANCE REPORT FOR THE 4TH QUARTER 2012

(Agenda Item. 18)

Cabinet considered a quarterly performance monitoring report against the Corporate Plan priorities - Quarter 4. This report also introduced proposals for performance monitoring for 2013-14, as discussed by the Performance Scrutiny Committee on 27th June 2013.

RESOLVED: to:

- (a) to note this report; and
- (b) to approve the performance indicators for 2013/14.

90/13 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 19)

The Cabinet considered a list of items 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.

91/13 EXEMPT ITEMS

(Agenda Item.)

RESOLVED: that the public be excluded for the duration of item 21 and 22 in the Agenda since it is likely that if they were present during those items 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 in relation to the respective items in the Agenda and since it is considered that, in all the circumstances of each case, the public interest in exemption outweighs the public interest in disclosing the information.

92/13 ADULT SOCIAL CARE MANAGEMENT SYSTEM

(Agenda Item. 20)

Cabinet considered a report seeking approval for the procurement of a new Adult Social Care Management System.

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

3 – information relating to the financial or business affairs of any particular person (including the authority holding that information)

It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would distort the proper process of free negotiations between the authority with another party for the purposes described and would prejudice the position of the authority in those negotiations and other negotiations of a similar nature in future.

Cabinet agreed the approach to be taken.

93/13 HIGHWAYS CONTRACT - BUY OUT OF ATKINS HIGHWAYS BY SKANSKA

(Agenda Item. 21)

Cabinet considered the implications to the County Council of Atkins decision to restructure its business and its proposal to sell the operational services part of the UK Highways & Transport business to Skanska. It hopes to complete the sale during the summer..

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

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

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 to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority.

Atkins was awarded the Oxfordshire Highways Partnership contract in April 2010. The approximate annual value is between £20M to £25M. The scope of the contract covers highway maintenance, design services and construction.

Atkins notified the Council in September of its intention to restructure its business by seeking a purchaser of its local highways contract. On 28 February, Atkins issued a briefing to the City and its staff about its proposal to sell the operational services part of the UK Highways & Transport business to Skanska. It hopes to complete the sale during the summer. Clearly this course of action will have a very significant impact for the Council.

RESOLVED: to:-

- (a) approve in principle to the transfer of the performance of the Highways Contract from Atkins to Skanska subject to the following details being agreed:
 - Publish a Voluntary Ex Ante Transparency (VEAT) Notice
 - Suspend entry into the arrangement/transfer for a 10 days standstill period following publication
 - Agree appropriate indemnities to mitigate the risk for the Council from Atkins and Skanska
 - Secure the necessary Parent Company Guarantee from Atkins and Skanska
 - Completion of due diligence

- (b) approve to delegate the decision on the proposed transfer of the performance of the Highways Contract from Atkins to Skanska to the Chief Executive in consultation with the Director for Environment & Economy along with the Cabinet Member for Environment and the County Solicitor.

..... in the Chair

Date of signing