

CABINET

MINUTES of the meeting held on Tuesday, 22 May 2018 commencing at 2.00 pm and finishing at 3.30 pm

Present:

Voting Members: Councillor Ian Hudspeth – in the Chair
Councillor Mrs Judith Heathcoat
Councillor Lawrie Stratford
Councillor Steve Harrod
Councillor Lorraine Lindsay-Gale
Councillor Yvonne Constance OBE
Councillor David Bartholomew
Councillor Hilary Hibbert-Biles
Councillor Mark Gray

Other Members in Attendance: Councillor Sobia Afridi (Agenda Item 7)
Councillor Susanna Pressel (Agenda Item 8)
Councillor Laura Price (Agenda Item 9)
Councillor John Sanders (Agenda item 6)
Councillor Roz Smith (Agenda item 6)

Officers:
Whole of meeting Nick Graham, Director of Law & Governance; Sue Whitehead (Resources Directorate)
Part of meeting
Item Name
6 Chanika Farmer, Principal Transport Engineer/Planner
7 Benedict Leigh, Deputy Director, Adult Social Care
8 Ben Threadgold, Policy & Performance Service Manager

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.

44/18 MINUTES
(Agenda Item. 3)

The Minutes of the meeting held on 17 April 2018 were approved and signed as a correct record.

45/18 QUESTIONS FROM COUNTY COUNCILLORS
(Agenda Item. 4)

Cabinet noted a question from Councillor Howson had not been processed and a copy of the question and response would be circulated to all councillors and included in the papers for the next meeting.

46/18 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

The Leader of the Council had agreed the following requests to address the meeting:-

<p>6. Oxford – Gathorne Road Wingfield House – Proposed Restoration of Parking Permits</p>	<p>Julian Philcox, Director, JP Planning Ltd</p> <p>Harold Grant, developer and landlord of Wingfield House</p> <p>District Councillor Altaf-Khan, Councillor for Headington and Deputy Opposition Leader, Oxford City Council</p> <p>Councillor Roz Smith, local councillor for Headington & Quarry</p> <p>Councillor John Sanders, Shadow Cabinet Member for Environment</p>
<p>7. Adult Social Care Contributions Policy</p>	<p>Councillor Sobia Afridi, Shadow Cabinet Member for Adult Social Care</p>
<p>8. Equalities Policy – Revised Equalities Policy – Including Revised Objectives – Post Consultation Stage</p>	<p>Councillor Susanna Pressel, Shadow Cabinet Member for Local Communities</p>
<p>9. Staffing Report – Quarter 4, 2017</p>	<p>Councillor Laura Price, Opposition Deputy Leader</p>

47/18 OXFORD - GATHORNE ROAD WINGFIELD HOUSE - PROPOSED RESTORATION OF PARKING PERMITS

(Agenda Item. 6)

Cabinet considered a report relating to the proposed provision of residents and visitors parking permits to Wingfield House, 2A Gathorne Road, Headington, Oxford, following the rescission of the previous decision by the Cabinet Member for Environment on 8 February 2018.

The Chairman referred to late representations Cabinet Members had received that morning. He invited Mr Philcox to address the points made to share them with the meeting and added that if necessary he would allow Mr Philcox additional time.

Julian Philcox, Director, JP Planning Ltd, spoke against the recommendation. He highlighted his email and attachments of 4th May 2018 including a letter dated 4th May), a parking stress survey (5th February 2018) and the

'Powergen' Court of Appeal Case. He was concerned that no regard had been given to this material. The Powergen case was vital in considering whether it was possible to re-open a case determined by a planning inspector. The parking stress survey showed a significant underutilisation of parking. Mr Philcox referred to the decision of the planning inspector stating that the decision had been open to challenge but no such challenge had been made. There had been three opportunities to look at this decision during the planning decision process including the opportunity to appeal the inspector's decision. Mr Philcox stressed the principle established by Powergen and the duty to co-operate. Nothing had materially changed since the decision and he called on Cabinet to make the difficult decision in the face of opposition to allow the changes to the CPZ order. He stated that there was capacity and that there would be no impact on parking stress or parking safety. He urged Cabinet not to ignore the Inspector's decision and the principle of Powergen nor to rely on what he believed was flawed consultation.

Responding to questions from Councillor Constance, Mr Philcox clarified that the information had been submitted late as he and his client had not been notified of the consultation process, had only met with the case officer last week and had felt that they had to respond to the Cabinet report. On paragraph 34 of the report which was highlighted by Councillor Constance to illustrate that it was open to the cabinet member to make a separate decision Mr Philcox refuted this as he believed that the appeal inspector's decision left no wriggle room.

Harold Grant, as the developer, builder and landlord of Wingfield House commented that he had sent fuller comments to Cabinet Members. He agreed with all that had been said by Mr Philcox and was of the view that the matter had not been dealt with for the best of all involved. No residents should have any concerns over the provision of basic needs for parking. The Council had a duty to be fair to all residents. This matter had already been determined by the Secretary of State through the planning process. The continuation of the consultation had been an attempt to justify the recommendation not to change the CPZ order. Mr Grant believed that the parking survey data was flawed and asked that the modest request that would not affect other residents be granted.

Responding to a question from Councillor Hudspeth Mr Grant indicated that he did now make prospective tenants aware that there was no parking and that it did cause a problem.

District Councillor Altaf-Khan, Councillor for Headington and Deputy Opposition Leader, Oxford City Council, highlighted that there was parking stress and spoke in favour of the recommendation. He noted that the CPZ area was very large and asked that this be reviewed.

Councillor Roz Smith, local councillor for Headington & Quarry, spoke in support of the recommendations commenting that the development had undertaken as a car free development. She highlighted parking issues in the

area and suggested that to amend the order would open the floodgates to similar requests that would cite this decision as a change of policy by the County Council. Responding to questions from Councillor Constance, Councillor Smith confirmed that with Access to Headington some parking spaces would be lost and that access for carers would be impacted.

Councillor John Sanders, Shadow Cabinet Member for Environment and local councillor for Cowley, spoke in support of the recommendation commenting that in his Division there were very many car free developments. Conditions for the development concerned were not disputed at the time and the appeal was an attempt to undermine the County Council's parking policy. He was pleased that all three political parties were in agreement and believed it was essential that the change to the CPZ not be allowed.

Chanika Farmer, Principal Transport Engineer/Planner advised Cabinet that there had been a review of legal powers which confirmed that the Council was not obligated to follow the appeal decision. The decision made by the Cabinet Member in October 2017 was a decision open to Councillor Constance to take. However, as the decision was being taken afresh following its rescission in February 2018 consultation and surveys had been carried out. Ms Farmer explained that Mr Philcox and Mr Grant had been missed off the original consultation but that both had been given additional time to respond which they had done. In addition, she had met with them both last week. She did not believe that their record of that meeting in their letters to Cabinet were an accurate reflection of that meeting.

Councillor Constance detailed the additional time given to Mr Philcox and Mr Grant as part of the public consultation. Ms Farmer confirmed that the parking surveys had followed the Lambeth methodology. At the request of Cabinet, Nick Graham, Director of Law & Governance responded to the points raised about the Powergen case. He did note that there had been a legal challenge to the earlier decision, made by Councillor Constance, but this had been found to be not unlawful. The judicial review made no reference to Powergen and the separate legal powers were set out in the report at paragraph 9 onwards. There was no new information today but there was further information and it was within Cabinet's powers to make a separate and different decision. The decision of the court in the judicial review had upheld this principle. With regard to the Powergen case this concerned a separate set of regulations and there had been no reason for the refusal. The two cases were not analogous. As covered in the report it was wrong in law to suggest that the Council was bound by the decision of the Planning Inspector.

Councillor Constance in moving the recommendations emphasised the legal position and that the decision had been rescinded to get further information.

During discussion Councillor Hudspeth accepted that these decisions could be extremely contentious. The planning permission for Wingfield House had been granted based on a car free development and to change that could

open the flood gates on other car free developments. He disagreed with the planning inspectors and in this case felt they had made a wrong decision.

RESOLVED: (unanimously) not to approve the proposed changes to the CPZ Order as set out in the report.

48/18 ADULT SOCIAL CARE CONTRIBUTIONS POLICY

(Agenda Item. 7)

Cabinet had before them a report seeking approval of a revised Adult Social Care Contributions Policy that outlined how the Council would ensure a fair approach to assessing the financial contributions made by people with eligible care needs towards the cost of the social care services they receive.

A review of the Contributions Policy in 2017 identified several changes that would ensure a fairer and more consistent approach to assessing people's financial contributions, simplify the process, and better align the Policy with the Care Act 2014. A public consultation on these proposals was held between January and April 2018 to gather people's views on the potential impact of the changes.

Councillor Afridi, Shadow Cabinet Member for Adult Social Care, spoke against the proposals querying what message it sent to the Council's residents particularly the elderly and vulnerable. Councillor Afridi referred to the proposal to charge people the full cost of home care services, based on what care providers actually charge the Council, rather than an average hourly rate which she felt would be perceived by the public as a post code lottery. Councillor Afridi stated that direct provision of services was the way forward.

Councillor Bartholomew responded commenting that it was not a postcode lottery but was about reflecting the true cost of services provided where a person lived. He added that those affected were self-funders and there was no reason for them to pay less than the going rate. It was about looking for equality for everyone. Councillor Stratford, Cabinet Member for Adult Social Care, added that the proposal was about being fair and more transparent in the distribution of funds. Self-funders have sufficient funds to source their own provision and choose to come to the Council. Three-quarters will have no change or pay less. All saving would be reinvested in adult social care for those who needed it most. It was not a new principle and most councils were already doing it that way. Benedict Leigh, added that the increase would be no more than £30 and 1,300 would be better off. Referring to the direct provision of services Councillor Stratford stated that this was being reviewed in line with the decision at full Council.

Responding to questions from Cabinet, Benedict Leigh explained that the savings being reinvested would benefit older people receiving care at home.

Councillor Stratford moved the recommendations:

RESOLVED: to:

- (a) consider the results of public consultation on the proposed changes to the Adult Social Care Contributions Policy,
- (b) approve the recommended policy changes, and
- (c) approve the implementation of the policy changes from October 2018.

49/18 EQUALITIES POLICY - REVISED EQUALITIES POLICY - INCLUDING REVISED OBJECTIVES - POST CONSULTATION STAGE

(Agenda Item. 8)

Cabinet considered a report seeking approval of The Equality Policy 2018-2022 that set out how the Council is approaching its responsibilities for ensuring that the principles of equality, diversity, fairness and inclusion are applied to our own workforce and the services we commission and deliver to residents. A draft of the policy went out for public consultation between January - March 2018 and the policy has been amended following feedback.

Councillor Susanna Pressel, Shadow Cabinet Member for Local Communities, generally welcomed the report which she had commented on during the consultation. Referring to page 3 of the Policy, Councillor Pressel referred to the protected characteristics which were to be considered alongside areas of disadvantage and queried how that would be addressed. The Policy needed to say more about staff training and the link to the quality of services although she was pleased to see this was being developed. She asked for additional information on why equity audits were not to be completed until next year and on comparisons with other authorities. Councillor Pressel queried what work had been done to determine the usefulness of SCiAs and whether they could be improved upon. Referring to the Annex 2 information it highlighted the need to explain more clearly why the Council needed to collect protected characteristic data.

Councillor Gray responded to the points made explaining that areas of disadvantage were not the same as areas of deprivation. Ben Threadgold, Policy & Performance Service Manager, introduced the report and added that there were good examples of the impact of SCiAs. The Policy was a live document and there was a clear link to performance reporting. In looking at our equalities activity use was made of the LGA Self-Assessment Framework.

Councillor Gray moved the recommendations:

RESOLVED: to approve the Equality Policy and Strategy 2018 – 2022.

50/18 STAFFING REPORT - QUARTER 4 - 2017

(Agenda Item. 9)

Cabinet considered a report that gave an update on staffing numbers and related activity during the period 1 January 2018 to 31 March 2018. It gave details of the actual staffing numbers at 31 March 2018 in terms of Full Time Equivalents. In addition, the report provided information on the cost of posts being covered by agency staff.

Councillor Price, Opposition Deputy Leader, highlighted the sharp rise in agency spend and the need to understand the underlying reasons for it to ensure that posts were not being filled by agency staff when they would be better filled by permanent staff. She welcomed the new staffing report that in future would provide greater detail particularly around agency staff.

Councillor Heathcoat, Deputy Leader of the Council, in moving the recommendations commented that the increase in permanent staff in Quarter 3 had been caused by bringing Carillion staff in house. In response to the points raised by Councillor Price she noted that agency staff were necessary to ensure continuity of services to residents. The figures were for both Quarter 3 and Quarter 4 following the start of the new contract so appeared high. Councillor Heathcoat commented that overall there had been an annual reduction on 2016/17.

RESOLVED: to note the report.

51/18 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 10)

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.

Councillor Hudspeth advised that an addendum item was scheduled for this afternoon entitled 'Consultation to close Northfields School'. A paper was being prepared on the future options for Northfields School, a school which supports boys with social, emotional and mental health needs. This was to have been taken as an emergency item today and was requested at short notice late last week. Councillor Hudspeth explained that officers had asked for a few more days to prepare the paper so it contained all relevant information, and he proposed to hold a further special meeting in the very near future to discuss this. The date would be notified to all councillors and publicised as soon as possible.

RESOLVED: to note the items currently identified for forthcoming meetings.

..... in the Chair

Date of signing