

# **County Council**

**11 December 2018**

## **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, 11 December 2018 at 10.30 am**

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



Yvonne Rees  
Chief Executive

November 2018

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, 8 and 9 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 - 38)**

To approve the minutes of the meeting held on 6 November 2018 (**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 Cabinet (Pages 39 - 42)**

Report of the Cabinet Meetings held on 18 September 2018 and 20 November 2018 (CC9).

### **10. Treasury Management Mid-Term Review (2018/19) (Pages 43 - 60)**

Report by Director of Finance (CC10).

The report sets out the Treasury Management activity undertaken in the first half of the financial year 2018/19 in compliance with the CIPFA Code of Practice. The report includes Debt and Investment activity, Prudential Indicator monitoring and forecast interest receivable and payable for the financial year.

***Council is RECOMMENDED to note the report and the Council's Mid-Term Treasury Management Review 2018/19.***

### **11. Constitution Review (Pages 61 - 68)**

Report by Director of Law & Governance (CC11).

This report seeks Full Council's agreement to incorporate several changes into changes to the Council's Constitution. The changes fall under two headings and are sought to bring greater clarity and to reflect decisions already taken by the Council.

The Monitoring Officer has delegated authority to make changes to the Constitution to reflect the decisions of the Council, Cabinet and Committees and where changes are needed to bring clarity or to reflect legislation. Other changes require the approval of Full Council. In this case, the proposed changes are being brought to Full Council for approval. The background papers incorporating the governance documents to be included, are available to councillors in the Members' Resource Centre..

The first change proposed is to the Council's Officer Employment Procedure Rules, effectively to bring greater clarity to the arrangements for appointing the Council's senior managers. The proposed change brings the Council's terminology for its senior manager positions into line with the wording in the relevant Regulations and to be clear as to the relevant body or person responsible for making the appointment in each case. This will enhance accountability and avoid confusion that has arisen as to the definition of 'Chief Officers' and 'Deputy Chief Officers'.

For example, currently, the terms of reference of the Remuneration Committee are that it has a role in appointing Directors with no distinction made between 'Strategic Directors' and any other 'Directors'. This report proposes a distribution of responsibility that provides greater clarity. The choice of which posts should be appointed by the Remuneration Committee lies with the County Council itself and is not determined by regulations.

This matter is entirely separate from the arrangements agreed by Council for handling any joint management appointments arising from the Oxfordshire-Cherwell Partnership. The scenarios in this report are solely those that the Council is required to have in place for its own appointments where these occur outside of that context. It is proposed to insert Annex 1 as an appendix to the Council's Officer Employment Procedure Rules.

The second change is an administrative one. This is to insert new provisions into the Council's Constitution to give effect to the decisions already taken by the Council regarding the partnership between this Council and Cherwell District Council. The changes proposed are the insertion of an 'Ethical Walls arrangement' and the terms of reference of the two new committees - namely the Joint Shared Service and Personnel Committee and the Joint Appeals Committee.

The third change is to adopt into the Constitution the 'Chief Executive Protocol' endorsed by the Audit and Governance Committee, which sets out how the Joint Chief Executive will work effectively on behalf of both authorities.

***Council is RECOMMENDED to:***

- (a) agree that the proposed senior officer appointment arrangements set out at Annex 1 be incorporated into the Council's Constitution;***
- (b) agree that the following be incorporated into the Council's Constitution:***
  - (i) terms of reference of the Partnership Working Group, Joint Shared Service and Personnel Committee and the Joint Appeals Committee;***
  - (ii) the protocol on the 'Roles of Members and Officers in Dealing with Conflicts of Interest';***
  - (iii) the Chief Executive Protocol.***

- (c) **Ask the Monitoring Officer to make the changes accordingly to the Constitution and the Council's Pay Policy Statement.**

## **12. East West Rail Link (Pages 69 - 90)**

Report by Director for Planning and Place (**CC12**).

East West Rail, linking Oxford to Cambridge and beyond, has been supported by Oxfordshire over the course of its development since 1995. The Council is a Stakeholder and agreed financial contributor to the project. Strategically, the case and need for East West Rail has never been more important, as it is an essential infrastructure element of the Oxford-Milton Keynes-Cambridge corridor as well as supporting the wider growth and connectivity agenda in Oxfordshire and across England's Economic Heartland.

A Transport and Works Act Order has now been submitted for phase 2 of the Western section, between Oxford and Bedford, which requires the approval of the Secretary of State. A Public Inquiry into the scheme due to be held in February/March 2019.

Whilst the County Council is a strategic supporter of the project and the benefits it would bring, there are significant concerns about some aspects of the proposals as set out in the Transport & Works Act, and it is proposed that the Council objects to these aspects of the scheme at the Public Inquiry. Objection at a Transport & Works Act Inquiry by the Council, as a Statutory Body, requires approval by Full Council under the terms of the Transport & Works Act regulations. The purpose of this report is to seek that approval.

**COUNCIL is RECOMMENDED to:**

- (a) **confirm its position as objecting to the Transport and Works Act Order on Highways / Transport and Ecology Grounds, on the basis of the points set out in Annex 2 to this report; and**
- (b) **with agreement from the Cabinet Member for the Environment, authorise officers to withdraw either or both areas of objection on the basis of satisfactory further information or updated proposals submitted by the East West Rail Alliance in response to these objections and to conclude such legal agreement(s) with Network Rail as they consider necessary to protect the County Council's interests.**

## **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 by Councillor Laura Price**

"The greatest strength of local government is its ability to embrace openness and transparency, working with and for the people we represent to strive for the very best services and the most effective use of public money.

To ensure that Council is committed to this fundamental principle we propose the Monitoring Officer conduct a review of:

1. Any meetings including Members relating to Council functions and informing decision-making which are held in private
2. Timings of meetings

The review will be reported back to Audit & Governance Committee to form an action plan ensuring the maximum amount of business is held in public and that meetings are scheduled at times which enable the widest possible access to elected Councillors."

### **14. Motion by Councillor Mike Fox-Davies**

"The high growth in housing and commerce is driving many construction projects across most areas of Oxfordshire and this has major consequences to the surrounding community. One of these consequences is the damage by the construction traffic to minor roads and allied infrastructure which are not designed for that weight or volume of traffic.

This Council therefore seeks to ask the Strategic Director for Communities to instruct officers to put the necessary mechanisms in place which will require Developers to mitigate any damage to such roads and infrastructure and return them back to pre-construction condition."

### **15. Motion by Councillor Emma Turnbull**

"There is inadequate youth service provision for young people (aged 11-19) across Oxfordshire in their local neighbourhoods.

In recent years, Oxfordshire County Council has lost 136 youth worker posts, which provided open-access sessions in youth and community centres, with activities such as music and sports, alongside detached and outreach work on the streets.

Young people need safe places to meet outside of formal educational settings. Currently there is no direct provision for young people in Oxfordshire. Without the support of youth workers, many young people are failing to achieve their potential during their vital teenage years, and lack self-esteem and confidence. Without somewhere to go and somebody to talk to, these young people have an increased risk of unhealthy relationships and behaviours, substance misuse, exploitation and mental health issues.

There is a huge need for a statutory youth service delivered in dedicated youth settings, providing opportunities and support for young people to develop in a positive way.

Council calls on the Cabinet to:

Consider the needs of young people in Oxfordshire with a view to funding a sustainable youth service;  
Write to the Secretary of State for Education to enable provision of a statutory youth service.”

## **16. Motion by Councillor Jamila Azad**

“In Oxfordshire we have a proud record of excellent support for children in our care, however a 2016 report by The Children’s Society found that when care leavers move into independent accommodation and begin to manage their own budget fully for the first time it can be extremely challenging. With no family to support them and insufficient financial education, some are falling into debt and financial difficulty.

Research from The Centre for Social Justice found that over half (57%) of young people leaving care have difficulty managing their money and avoiding debt when leaving care.

The Children and Social Work Act 2017 places corporate parenting responsibilities on district councils for the first time, requiring them to have regard to children in care and care leavers when carrying out their functions. This provides us with a fantastic opportunity to work together with our District and City colleagues for the benefit of approximately 800 young care leavers in the 16-25 year old age bracket.

Council therefore resolves to ask the Leader of the Council to use our convening powers and expertise in corporate parenting to work with all council tax collecting authorities to look at the implications of exempting young care leavers, with a view to agreeing a workable proposal to be published across Districts in Sept 2019.”

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 10 December 2018 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders