

To: Members of the Cabinet

Notice of a Meeting of the Cabinet

Tuesday, 16 October 2012 at 2.00 pm

County Hall, Oxford, OX1 1ND

Joanna Simons

Joanna Simons
Chief Executive

October 2012

Contact Officer:

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Councillors

Membership

- | | |
|----------------------|---|
| Ian Hudspeth | - <i>Leader of the Council</i> |
| Rodney Rose | - <i>Deputy Leader of the Council</i> |
| Arash Fatemian | - <i>Cabinet Member for Adult Services</i> |
| Nick Carter | - <i>Cabinet Member for Business & Communications</i> |
| Louise Chapman | - <i>Cabinet Member for Children & the Voluntary Sector</i> |
| Melinda Tilley | - <i>Cabinet Member for Education</i> |
| C.H. Shouler | - <i>Cabinet Member for Finance</i> |
| Hilary Hibbert-Biles | - <i>Cabinet Member for Growth & Infrastructure</i> |
| Mrs J. Heathcoat | - <i>Cabinet Member for Safer & Stronger Communities</i> |
| Kieron Mallon | - <i>Cabinet Member for Police & Policies</i> |

The Agenda is attached. Decisions taken at the meeting will become effective at the end of the working day on Wednesday 24 October 2012 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of this Notice, Agenda and supporting papers are circulated to all Members of the County Council.

Date of next meeting: 27 November 2012

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 Rachel Dunn on (01865) 815279 or Rachel.dunn@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.

AGENDA

1. Apologies for Absence

2. Declarations of Interest

- guidance note opposite

3. Minutes (Pages 1 - 6)

To approve the minutes of the meeting held on 17 July 2012 (**CA3**) and to receive information arising from them.

4. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

5. Petitions and Public Address

6. Oxford University Hospitals Trust Application to become a Foundation Trust (Pages 7 - 16)

Cabinet Member: Adult Services

Forward Plan Ref: 2012/102

Contact: John Jackson, Director for Social & Community Services Tel: (01865)323574

Report by Director for Social & Community Services and Director of Public Health (**CA6**).

Oxford University Hospitals NHS Trust (OUHT) was formed in November 2011 from the

Nuffield Orthopaedic Centre and the Oxford Radcliffe Hospitals NHS Trust.

OUHT is currently applying to become a Foundation Trust. Foundation Trusts differ from other NHS Trusts in that they have a membership drawn from communities served by the Trust and the staff that work for it. The membership elects a Council of Governors which is involved by the Trust's Board of Directors in setting the future direction for the Trust. Foundation Trusts have the freedom to respond to local needs, and through their public and staff membership they are able to reflect the concerns and wishes of their local population. The government has said that all NHS Trusts must become Foundation Trusts by 2014.

The purpose of this report is to set out the possible issues relevant to the application so that the Cabinet can express a view to both the Board of OUHT and also the Strategic Health Authority. This paper reflects discussions with both the Oxfordshire Clinical Commissioning Group and the OUHT.

Also included for information is a summary of the comments of the Joint Health Overview & Scrutiny Committee who considered the matter at their meeting on 27 September 2012 and will be submitting a response.

The Cabinet is RECOMMENDED to support the application of Oxford University Hospitals Trust to become a Foundation Trust on the basis that it is committed to the following principles:

- (a) Commitment to the highest standards of medical and nursing services for both secondary and tertiary care. This includes ensuring that frail older people are treated with dignity and respect in accordance with the standards set by the Commission on Dignity in Care for Older People.***
- (b) Continued and strengthened commitment to working in partnership with the rest of the NHS, local government and other partners to deliver the most effective and efficient ways of meeting the care needs of the people of Oxfordshire.***
- (c) Actively supporting the move to providing more care within the community rather than in a hospital setting as part of a broader commitment to the local delivery of services.***
- (d) Actively supporting developments which prevent people from needing care or limiting the extent to which they might need care.***
- (e) Commitment to the continued existence of the Horton hospital providing district general hospital services to the people of north Oxfordshire.***

7. 2012/13 Financial Monitoring & Business Strategy Delivery Report - August 2012 (Pages 17 - 70)

Cabinet Member: Finance

Forward Plan Ref: 2012/077

Contact: Kathy Wilcox, Principal Financial Manager Tel: (01865) 323981

Report by Assistant Chief Executive & Chief Finance Officer (CA7).

This report focuses on the delivery of the Directorate Business Strategies which were agreed as part of the Service and Resource Planning Process for 2012/13 – 2016/17. Parts 1 and 2 include projections for revenue, reserves and balances as at the end of August 2012. The Capital monitoring is included at Part 3.

The Cabinet is RECOMMENDED 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; and***
- (d) approve the updated Capital Programme at Annex 9 and the associated changes to the programme in Annex 8c.***

8. Oxford Park & Ride : Thornhill & Water Eaton Introduction of Charging (Pages 71 - 80)

Cabinet Member: Transport

Forward Plan Ref: 2011/201

Contact: Steve Smith, Highways & Transport Service Manager Tel: (01865) 810435

Report by Director for Environment, Economy & Customer Services (**CA8**).

A requirement to fund an identified revenue gap of £150,000 a year has been established as set out in the Environment & Economy Business Strategy 2011-15. A system of charging for long stay parking at Thornhill and Water Eaton sites has been proposed to achieve at least this.

This report summarises the public consultation on the advertised Traffic Regulation Order (TRO) for charging; the outcome of a customer survey via citizen panel; and recommends to Cabinet members a proposed level of charging.

Cabinet is recommended to:

- (a) approve the making of the Oxfordshire County Council (Park and Ride Parking Places - Thornhill and Water Eaton) Order 201* as advertised***
- (b) confirm the timing of the introduction of charges as identified in paragraph 9; and***
- (c) instruct officers to undertake a review between 6 – 12 months of commencement of charging.***

9. OCC Response to the Consultation on the Cherwell Local Plan (Pages 81 - 172)

Cabinet Member: Growth & Infrastructure

Forward Plan Ref: 2012/112

Contact: Daniel Round, Strategic Policy Manager Tel: (01865) 815623

Report by Director for Environment, Economy & Customer Services (**CA9**).

Cherwell District Council has published the Cherwell Local Plan Proposed Submission Draft for consultation ahead of its submission to Government towards the end of the year. A public examination is expected to follow in 2013, with the Plan adopted by March 2014.

The Draft Local Plan will shape development in Cherwell for the period to 2031. Growth is focused primarily at Bicester and to a lesser extent at Banbury, with more limited growth at Kidlington and in the larger villages.

This report and its annexes sets out the County Council's response to the consultation and highlights the key issues for this authority over the next 20 years in Cherwell.

The Cabinet is RECOMMENDED to inform Cherwell District Council that:

- (a) Oxfordshire County Council believes the Draft Local Plan is broadly sound, subject to our representations in Annex 3 being addressed;***
- (b) In principle, Oxfordshire County Council supports the strategic allocated development sites that have been identified in the Draft Local Plan;***
- (c) Oxfordshire County Council supports the proposed Green Belt review at Langford Lane/Oxford Airport but requests that this is expanded to incorporate the land in the vicinity of Begbroke Science Park to be considered for key sector employment growth; and***
- (d) Oxfordshire County Council requests that the detailed officer comments as outlined in Annex 4 are taken into account before the Plan is submitted to Government.***

10. Corporate Plan Performance and Risk Management Report for the 1st Quarter 2012 (Pages 173 - 194)

Cabinet Member: Deputy Leader

Forward Plan Ref: 2012/067

Contact: Alexandra Bailey, Senior Performance & Improvement Manager Tel: (01865) 816384

Report by County Council Management Team (**CA10**).

Quarterly performance monitoring report against the Corporate Plan priorities - Quarter 1

The Cabinet is RECOMMENDED to note the report.

11. Delegated Powers of the Chief Executive - October 2012

Cabinet Member: Leader

Forward Plan Ref: 2012/078

Contact: Sue Whitehead, Committee Services Manager Tel: (01865) 810262

Report by Head of Law & Culture (**CA11**).

To report on a quarterly basis any executive decision taken by the Chief Executive under the specific powers and functions delegated to her under the terms of Part 7.4 of the Council’s Constitution – Paragraph 1(A)(c)(i). It is not for scrutiny call in.

<i>Date</i>	<i>Subject</i>	<i>Decision</i>	<i>Reasons for Urgency</i>
3 October 2012	<i>Request for Exemption from Contract procedure rules – Bicester Town Centre Access Improvements</i>	<i>Approved an exemption from the full tendering requirements of the Council’s Contract Procedure Rules</i>	By adding the improvements to other work being undertaken by the developer in connection with highway works for Bicester town Centre Redevelopment scheme it limits the time during which traffic is disrupted and ensures the scheme is delivered within the necessary time period.

12. Forward Plan and Future Business (Pages 195 - 198)

Cabinet Member: All

Contact Officer: Sue Whitehead, Committee Services Manager (01865 810262)

The Cabinet Procedure Rules provide that the business of each meeting at the Cabinet is to include “updating of the Forward Plan and proposals for business to be conducted at the following meeting”. Items from the Forward Plan for the immediately forthcoming meetings of the Cabinet appear in the Schedule at **CA12**. This includes any updated information relating to the business for those meetings that has already been identified for inclusion in the next Forward Plan update.

The Schedule is for noting, but Cabinet Members may also wish to take this opportunity to identify any further changes they would wish to be incorporated in the next Forward Plan update.

The Cabinet is RECOMMENDED to note the items currently identified for forthcoming meetings.

EXEMPT ITEM – ITEM 13 BELOW

In the event that any Member or Officer wishes to discuss the information set out in Appendix C to the Business Case, the Cabinet will be invited to resolve to exclude the public for the consideration of that appendix by passing a resolution in relation to that item in the following terms:

"that the public be excluded during the consideration of Appendix C to the Business Case since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

NOTE: The report Annex and remaining appendices do not contain exempt information and are thus available to the public. The exempt information is contained in confidential appendix C

APPENDIX C TO THE BUSINESS CASE HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.

THIS IS FOR REASONS OF COMMERCIAL SENSITIVITY AND THE FINANCIAL RISK TO THE COUNCIL IF THE CONTENTS ARE DISCLOSED.

THIS ALSO MEANS THAT THE CONTENTS SHOULD NOT BE DISCUSSED WITH OTHERS AND NO COPIES SHOULD BE MADE.

13. Oxford Spires Academy New Buildings and Alterations (Pages 199 - 286)

Cabinet Member: Deputy Leader

Forward Plan Ref: 2012/041

Contact: Martin Tugwell, Deputy Director for Environment & Economy – Strategy & Infrastructure Planning Tel: (01865) 815513

Report by Director for Environment, Economy & Customer Services (**CA13**).

(The information contained in Appendix C to the Business case 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 prejudice on-going negotiations and disadvantage the company concerned.)

Oxford Spires Academy opened in January 2011, replacing Oxford School. The project is to provide new and refurbished accommodation funded by a £7.808m capital grant

the Education Funding Agency (EFA).

The capital project follows the National Academy Framework process established by Partnership for Schools (PfS) now EFA and is similar to that followed by the Oxford Academy (formerly Peers School). Under this process the Authority (OCC) are responsible for procurement of the works (excluding ICT which is procured by the Academy Trust) which it then leases to the Academy Trust by way of a Development Agreement, interim short term lease and ultimately a long term (125 year) lease.

Planning consent is due in early October, 2012 with EFA approval sought soon after this and formal Contract signing programmed for October, 26th, 2012; the Contract Sum is £6,433,777 which will be met from EFA funding, a separate contract for ICT will be let by CfBT Schools Trust. The date for the proposed opening of the new Academy buildings is proposed to be in phases from September 2013.

The Cabinet is RECOMMENDED to:

- (a) approve the Final Business Case***
 - (b) authorise that the contract be let and the development agreement be entered into subject to EFA approval and agreement on funding drawdown; and***
 - (c) approve the 'passport' of ICT funding to the Academy Trust in accordance with EFA processes***
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