

CABINET

MINUTES of the meeting held on Tuesday, 19 March 2013 commencing at 2.00 pm and finishing at 3.50 pm

Present:

Voting Members: Councillor Ian Hudspeth – in the Chair
Councillor Rodney Rose
Councillor Arash Fatemian
Councillor Nick Carter
Councillor Melinda Tilley
Councillor Hilary Hibbert-Biles
Councillor Mrs J. Heathcoat
Councillor Kieron Mallon

Other Members in Attendance: Councillor Roz Smith, (Item 6, 7),
Councillor Liz Brighthouse, (Item 6, 7),
Councillor Zoe Patrick, (Item 10,12)
Councillor Alan Armitage, (Item 11)
Councillor David Turner, (Item 12)
Councillor Alan Armitage, (Item 13)

Officers:

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

Part of meeting:

Item	Name
6	Barbara Chillman(School Organisation & Planning)
7	Allyson Milward(School Organisation & Planning)
8	Allyson Milward(School Organisation & Planning)
9	Huw Jones, Director of Environment & Economy; Jennifer Makkreel (Environment & Economy); Ken Davies, Design Manager Capita/Carillion
10	Martin Tugwell, Deputy Director(Strategic & Infrastructure Planning)
11	Huw Jones, Director of Environment & Economy; Martin Tugwell, Deputy Director(Strategic & Infrastructure Planning)
12	Peter Clark, County Solicitor & Monitoring Officer; Alexandra Bailey, Research & Major Projects Manager
13	Alexandra Bailey, Research & Major Projects 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.

27/13 APOLOGIES FOR ABSENCE

(Agenda Item. 1)

Apologies were submitted on behalf of Councillor Louise Chapman.

28/13 MINUTES

(Agenda Item. 3)

The minutes of the meeting held on 26 February 2013 were agreed and signed.

29/13 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

Councillor Roz Smith had given notice of the following question to Councillor Melinda Tilley:

"Will the County Council be making a response to the current consultation on proposed changes to the national curriculum?"

Councillor Tilley replied:

"Yes, I can confirm that the Directorate for Children, Education and Families will be making a response to the consultation on behalf of the County Council."

Supplementary: Councillor Roz Smith queried whether Councillors were to have any input into the response. Councillor Tilley replied that she was happy to receive input from Councillor Smith and any other Councillor but that she could not promise to email all Councillors inviting such input.

Councillor Jenny Hannaby had given notice of the following question to Councillor Arash Fatemian:

"The performance report presented to the Shadow Health and Wellbeing Board showed an increase in delayed transfers of care. Does the Cabinet Member for Adult Services share my disappointment at these increases despite extra resources being put in place. Dr Stephen Richards chairman of the Health and Wellbeing Board made the comment in his view numbers will rise even further. Is this comment shared by you and are you content with this situation?"

Councillor Hudspeth replied:

"We are working hard and jointly with the NHS to improve the situation with regard to delayed transfers of care. While I share your frustration that the number of delays has risen recently I am optimistic that the numbers will be brought down in the medium term. We are currently implementing a new

system called 'Discharge to Assess'. The system aims to ensure that more people return home from hospital in a timely way and have their on-going care needs assessed after they are discharged. We don't believe that hospital is the best place to make life changing decisions and too many people have been going straight from hospital in to a permanent care home place. The new system means new ways of working for the staff and it will inevitably take a little time to implement. We have also experience increased numbers of referrals of older people across the health and social care system. This is a national trend that is putting pressure on our systems in Oxfordshire."

30/13 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

The following requests to address the meeting had been agreed:

Item 6 – Lynn Knapp, The Headteacher of Windmill Primary

Mr Khan-Gordon, parent

Councillor Roz Smith, local Councillor

Councillor Liz Brighouse, local Councillor

Item 7 - Mr Hussey, Headteacher, St Gregory the Great School

Item 9 – Councillor Roz Smith, local Councillor

Councillor Liz Brighouse, local Councillor

Item 10 –Councillor Zoe Patrick, Opposition Leader

Item 11 –Councillor Alan Armitage, Opposition Deputy Leader

Councillor Warwick Robinson, West Oxfordshire District Council

Item 12 –Councillor Zoe Patrick, Opposition Leader

Councillor David Turner, at the invitation of the Chairman as Liberal Democrat spokesperson on the Strategy & Partnerships Scrutiny Working Group

Item 13 – Councillor Alan Armitage, Opposition Deputy Leader

31/13 CABINET STATUTORY NOTICE: PROPOSAL TO EXPAND WINDMILL PRIMARY SCHOOL, OXFORD

(Agenda Item. 6)

Note: As set out under Rule 18(a) of the Scrutiny Procedure Rules, this decision is exempt from Call-In as it is deemed urgent and any delay would seriously prejudice the Council's interests, in that the Cabinet's role would be negated by referral to the Schools' Adjudicator if the decisions were not taken within two months of the end of the Statutory Notices, in this case being 6 April 2013.

Cabinet considered a report seeking approval to the proposal to permanently increase the school admission number at Windmill Primary School from 60 to 90. The report set out representations received following the publication of a statutory notice.

Lynn Knapp, Headteacher Windmill Primary School, referred to the strong and thriving school community, noting that a once failing school was now

good following work in close partnership with the Council. This improvement brought with it the issue of expansion and the school felt strongly that if it were to be done it should be in such a way that it strengthens the climate of learning in the school. She would not want to see the whole ethos of the school undermined and referred in particular to the strong curriculum and the use of outside space for learning. Attainment had increased and parents were worried by the proposal; it was vital that classroom and learning spaces not be compromised. The hall was a strong part of the school and it had to be sufficiently large to meet the school's needs. Finally Ms Knapp asked that if it went forward that it be done in partnership with the school; that they be kept in the loop which they felt had not happened so far.

The Leader congratulated the Headteacher on the progress made by the school and Councillor Tilley, Cabinet Member for Education gave assurances that if the proposals were agreed today the Council would work very closely with Ms Knapp and the school.

Mr Khan-Gordon, the parent of a pupil at the school spoke against the proposals indicating that he spoke for a large number of people who objected to the expansion. He referred to paragraph 10 of the report highlighting that there was no emergency need to expand. There was no 3 form entry in Oxfordshire and the majority of 3 form entry schools were in London and Birmingham. There was no compelling need for the expansion and 80% of stakeholders opposed the proposals. Parents had questioned both figures and the costs involved. He commented that 2 form entries was Oxfordshire's stated preferred option and that this allowed children to thrive.

Responding to questions about how the additional numbers would be dealt with Mr Khan-Gordon replied that he was one of the parents who would be affected but that the risk was too great for the increase to be nodded through. A Cabinet Member made it clear that no decision was nodded through. Responding to further comments he added that parents were engaged in the school and had been disappointed not to have any details about what the school would look like.

Councillor Roz Smith, speaking as a local Councillor, praised the exceptionally good Headteacher and recognised the difficult decision facing Cabinet. She highlighted the main concerns of respondents: lack of detail about the planned build, concerns over the learning environment and problems with traffic movement. It was already a big school with problems from inconsiderate parking. The traffic problems needed to be looked at in the wider context of the traffic strategy for Headington. She added that wrap around care for children at the school also needed to be given the highest priority as there was already a waiting list.

Councillor Brighouse, speaking as a local Councillor, commented that she did not envy Cabinet the decision they had to make. Children were at the heart of it. She knew that Windmill School was an excellent school as were others in the area and all were over subscribed with 500 preferences seeking 150 places in the area. Even with the expansion children would be turned

away. She was aware of children being taxied to other areas. There was a crisis on places in the area and she noted that some of the best schools in the Country were 3 form entry. She urged the Council to work in partnership with the school and to look to the needs of the community on transport concerns.

Councillor Tilley in moving the recommendation stressed that she understood the concerns expressed and that the reasons there were no plans at the recent meeting was that there were no plans as no decision had been taken. She commented that there was sufficient funding to do the scheme but she was not in a position to promise everything at this stage as there were always unknowns with any building project. Barbara Chillman added that there was a sufficiency of laces but only 1.4% spare places before late applications. This was less than that recommended by the Audit Office.

During discussion Cabinet whilst understanding the concerns commended the plan as well thought out and the start of good things for the school. Some spare capacity was needed and it was possible for large school to do very well with good teaching staff and supportive parents. They emphasised the need for partnership working to ensure the success of the project.

RESOLVED: to approve the expansion of Windmill Primary School by the permanent increase to the school admission number to 90 with effect from 1 September 2013.

32/13 STAGE TWO STATUTORY NOTICE PROPOSAL TO ALTER THE LOWER AGE RANGE AT ST GREGORY THE GREAT CATHOLIC SCHOOL, OXFORD

(Agenda Item. 7)

Note: As set out under Rule 18(a) of the Scrutiny Procedure Rules, this decision is exempt from Call-In as it is deemed urgent and any delay would seriously prejudice the Council's interests, in that that St Gregory the Great Catholic School is due to become an Academy on 1 April 2013 and the process to change the age range needs to be completed by that date.

Cabinet considered a report on the proposal to alter the lower age range of St Gregory the Great Catholic School. Cabinet noted that the proposal was linked to a plan, supported by the county council and the Catholic Archdiocese of Birmingham, for St Gregory's to expand into the currently vacant building on Cricket Road, adjacent to their current site. The proposal is also linked to the school converting to an academy and forming part of a Multi Academy Company, with six Catholic primary schools around the county.

Mr Hussey, Headteacher, St Gregory the Great Catholic School, spoke in support of the proposals which in a unique collaboration would make best use of a building that had lain empty for two years. Following concerns over the consultation this had been undertaken again to ensure it was open and

transparent. A transport plan had been commissioned and received. Mr Hussey noted that existing success working with John Fisher School meant there was access to a strong curriculum and he outlined some of the benefits.

Councillor Tilley, Cabinet Member for Education in introducing the report stated that she was fully supportive of the proposals. Allyson Milward referred to the need for places in Oxford and commented that those least likely to get places were those parents seeking catholic places.

Cabinet welcomed the plans and particularly the involvement of all age ranges in the life of the school from 4 year olds to Age Concern. They congratulated all those who had worked hard to bring the proposals forward, which was an excellent example of partnership working.

RESOLVED: to approve the alteration of the lower age range of St Gregory the Great Catholic School with effect from 1 September 2013.

33/13 STAGE TWO STATUTORY NOTICE PROPOSAL FOR CHANGE OF CATEGORY FOR BLETCHINGDON PAROCHIAL CE PRIMARY SCHOOL

(Agenda Item. 8)

Cabinet considered a report seeking approval to the proposal by the Governing Body of Bletchington Parochial CE Primary School to change the category of the school from Voluntary Controlled to Voluntary Aided. No other change to the school is contingent on this proposal.

RESOLVED: to approve the change of category of Bletchington Parochial CE Primary School to Voluntary Aided with effect from 1 April 2013.

34/13 JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY 2012

(Agenda Item. 10)

In 2007 Oxfordshire Waste Partnership agreed a Joint Municipal Waste Management Strategy and action plan. The Strategy was a high level policy document and committed to a five-yearly review to ensure that it remained current. In 2012/13 a review of the Strategy was carried out and an updated document has been produced and consulted upon. At the January 2013 meeting of the Partnership, the refreshed document was agreed and signed off. It now needs to be adopted by each partner council.

Cabinet considered the revised Oxfordshire Waste Partnership Joint Municipal Waste Management Strategy.

Councillor Patrick, Opposition Leader (speaking on behalf of Councillor Purse), referred to the list of bullet points on page 138 of the report and expressed some concern over bullet point three over the approach to environmental enforcement. She hoped that a common sense approach did

not mean that fly tipping and dumping of hazardous waste would not be dealt with.

Councillor Biles in proposing the Strategy replied that they would continue to enforce against serious or persistent offenders. She highlighted that they had done better with recycling than expected being recipients of the Green Apple Gold Award. The majority of the changes in the refreshed Strategy were minor. However it should not be thought that it would be easy to maintain that high standard and the new targets were challenging. She highlighted future plans including for food waste collection from flats and that the Strategy would be monitored.

RESOLVED: to

- (a) approve and adopt the revised Oxfordshire Waste Partnership Joint Municipal Waste Management Strategy; and
- (b) delegate authority to the Director for Environment and Economy to authorise the financial arrangement deed of variation in consultation with the Leader.

35/13 FUTURE WITNEY TRANSPORT INFRASTRUCTURE

(Agenda Item. 11)

Cabinet had before them a report seeking endorsement for the programme of investment in transport infrastructure in Witney in support of the proposals in the draft West Oxfordshire Local Plan and approval to proceed with delivery of Phase 1 of the investment programme (delivery of the Ducklington Lane/Station Lane junction improvement).

Councillor Alan Armitage commented that it was a very sad day and that he was not surprised the report was brief as there was nothing comparable to the golden bullet of the original road proposal. The only redeeming feature was that the scheme would not cost very much. He hoped that changes to planning law could allow the Cogges Link Road back onto the agenda at some future time.

Councillor Robinson, West Oxfordshire District Council, highlighted the growth in the town and referred to the existing traffic problems. The Cogges Link Road was no longer an option and the current proposals were pragmatic and deliverable. The proposals represented a way forward and he hoped that Cabinet would support them.

Councillor Rose, in moving the recommendations, thanked West Oxfordshire District Council and commented that they now had a good phased approach to the problems in the Witney area.

RESOLVED: to:

- (a) endorse the programme of investment in transport infrastructure in Witney in support of the proposals in the draft West Oxfordshire Local Plan;
- (b) approve in principle Phase 1 of the investment programme (delivery of the Ducklington Lane/Station Lane junction improvement) and agree to the use of S106 funds held by the County Council to enable its delivery at the earliest opportunity. Agree to the inclusion into the capital programme of £2m total project budget and release of £0.2m project development budget under the capital governance approval process; and
- (c) approve in principle the use of S106 funds held by the County Council to support delivery of Phase 2 of the investment programme (the A40 Downs Road junction), in conjunction with funds secured as part of the measures agreed in relation to the proposed West Witney strategic development area. Agree to release of £0.2m project development budget under the capital governance approval process.

36/13 IMPROVED MEMBER ENGAGEMENT AND STREAMLINED GOVERNANCE - GOVERNANCE REVIEW FURTHER DETAILS

(Agenda Item. 12)

A working group comprising members of the Strategy & Partnerships Committee have developed a number of proposals for the future development of governance and back bench member engagement following the May election. The proposals are based on feedback from members, research on other locality authority models and underpinned by a principle of less bureaucracy and more engagement in the context of reduced member and officer resources. Cabinet had before them a report that set out details of the proposed new arrangements.

Councillor Patrick welcomed the review and referred to the earlier in depth reviews and the need to find a way to work effectively and to enable Councillors to feel engaged. Councillor Patrick endorsed groups being proportional and welcomed Cabinet Advisory Group (CAG) and the Transport Advisory Group (TAG) as a way of influencing matters before the decision was taken. She also welcomed that the Chairman was to be the best person for the job. She was glad that the Health Overview and Scrutiny Committee were to continue as it had been one of the most successful committees. She further welcomed the continuing locality agenda.

Councillor David Turner, who had been a member of the Working Group, confirmed that the report reflected the views of the Working Group. He had been concerned that a Cabinet Member would be Chairman of the Advisory Groups. However having seen it in action at Hertfordshire he was convinced that it could be a very productive process where all were heard. He was disappointed that it had been decided not to back opposition Chairmen of

Scrutiny Committees and noted the “best person for the job” approach. This would be treated with some cynicism if the best person was always from the ruling group.

The Leader in moving the recommendations commented that like Councillor Turner he had had some concerns about the Advisory Groups being chaired by Cabinet Members but he was willing to stand by the advice of the working group. He gave an assurance that “the best person for the job” was in no way prescriptive and thanked Councillor Turner for his efforts and input on the working group. The Leader noted that this had been the first review covering the scrutiny arrangements since their introduction in 2001 and he felt it was important that they be reviewed in 12 months and annually thereafter. With fewer Councillors it was important to make best use of them and the review was about ensuring their engagement with on-going policy issues and development. He added that he was also keen on promoting the localities agenda.

Cabinet endorsed the proposals and supported the review in 12 months to monitor their effectiveness. Responding to concerns that adult services were no longer part of the remit of Health Overview & Scrutiny Committee the Leader advised that the Committee’s remit was unchanged. The Cabinet Member for Safer & Stronger Communities hoped that the areas for which she was responsible would not fall through the cracks.

RESOLVED: to endorse the proposals outlined prior to consideration by Council. If supported, the Constitution will be updated accordingly, with changes coming into effect following the election.

37/13 CORPORATE PLAN PERFORMANCE AND RISK MANAGEMENT REPORT FOR THE 3RD QUARTER 2012

(Agenda Item. 13)

Cabinet had before them a report that outlined the progress the Council has made toward the Corporate Plan priorities for the period between October to December 2012.

Councillor Rose in moving the recommendations advised that in future the title of the report would not refer to risk management which was considered in detail by the Audit & Governance Committee.

RESOLVED: to note this report.

38/13 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 14)

The Cabinet considered a list of items for the immediately forthcoming meetings of the Cabinet.

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

39/13 EXEMPT ITEM

(Agenda Item. 8a)

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RESOLVED: that the public be excluded during the consideration of Appendices A-D of the Annex to the report 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 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.

PUBLIC SUMMARY OF PROCEEDINGS FOLLOWING THE WITHDRAWAL OF THE PRESS AND PUBLIC

40/13 BAYARDS HILL PRIMARY SCHOOL - REDEVELOPMENT PROJECT

(Agenda Item. 9)

Cabinet considered a report that sought Stage 2 Full Business Case approval to award a contract for construction/ refurbishment to Bayard's Hill Primary School within an approved budget figure of £6.6 million.

Councillor Brighthouse, speaking as a local Councillor spoke in support of the scheme which she hoped could see a start on site as soon as possible.

Councillor Roz Smith, speaking as a local Councillor welcomed the project but regretted that it was not aiming for excellence in terms of sustainability.

Both Councillors paid tribute to the efforts of the Head teacher and the Leader undertook to write to pass on congratulations.

Huw Jones introduced the contents of the report and the context for the current decision. Jennifer Makkreel provided Cabinet with an update on the current negotiations with the contractor and stressed that these were not intended to increase the budget but rather to bring the contract costs in line with the budget available.

RESOLVED: Cabinet is RECOMMENDED to approve the Stage 2 Full Business Case up to the financial limit of £6.66m and to agree delegation of authority to the Director of Environment and Economy, to approve letting of the construction contract within the agreed financial limit (£6.66m).

..... in the Chair

Date of signing