

County Council

13 December 2011

Agenda

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, i.e. where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

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, 13 December 2011 at 10.00 am

County Hall, Oxford OX1 1ND

Joanna Simons

Joanna Simons
Chief Executive

December 2011

Contact Officer: **Deborah Miller**
Tel: (01865) 815384; E-Mail: deborah.miller@oxfordshire.gov.uk

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 7 and 11 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.

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.

The civic party will process into the Council Chamber at 9.58 am.

A buffet luncheon will be provided.

A Briefing session on Children Looked After will be held for all Members of the Council following the conclusion of the Council Meeting.

AGENDA

1. Minutes (Pages 1 - 34)

To approve the minutes of the meeting held on 1 November 2011 (**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

(a) To make the following appointment:

Mrs Kathleen Medlock as the Parent Governor Representative for Primary Schools on the Children's Services Scrutiny Committee.

(b) To make any other changes in 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. Treasury Management Mid Term Review (Pages 35 - 46)

Report by Assistant Chief Executive and Chief Finance Officer (CC8)

Cabinet at its meeting on 15 November 2011 considered a report that set out the Treasury Management activity undertaken in the first half of the financial year in compliance with the CIPFA Code of Practice and agreed that it be recommended to Council to note the report. The report includes Debt and Investment activity, an update on Prudential Indicators, changes in Strategy, any Breaches of approved Strategy and a forecast of interest receivable and payable in the financial year.

Council is RECOMMENDED to note the report.

9. Review of the Constitution (Pages 47 - 52)

Report of the County Solicitor & Monitoring Officer (CC9)

A major review of the Constitution took place in 2009. Since that time the Constitution has generally worked effectively. The Monitoring Officer is authorised to make changes to comply with the law, give effect to decisions of the Council or to correct or clarify matters for accuracy.

Other changes require the approval of the full Council. Some minor changes, to improve the business and efficiency of the Council, are suggested in this report. The report also specifically reviews the operation of the Council's Petition Scheme to fulfil Council's requirement for an annual review of the Scheme.

Council is RECOMMENDED to:

- (a) Approve the addition to the Protocol on Members' Rights and Responsibilities of explicit reference to Directors' responsibilities to report to the Monitoring Officer on a quarterly basis of their arrangements for keeping members informed of local issues;***
- (b) Determine whether or not to maintain a Petition Scheme for Oxfordshire County Council;***
- (c) Amend the Councillor Call for Action Rules (Part 9.3, Annex 1) so that the committee hears, in the first instance, from the member concerned and that the consideration of evidence and witnesses occurs if and when the committee agrees to pursue the relevant Councillor Call for Action.***

10. Report of the Cabinet (Pages 53 - 56)

Report of the Cabinet meeting on 15 November 2011.(CC10)

11. Questions with Notice from Members of the Council

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

12. Motion From Councillor Arash Fatemian

This Council welcome the findings of the Commission on Funding of Care and Support chaired by Andrew Dilnot. In particular, that the recommendations from the commission remove uncertainty from the cost of social care and introduce a cap on how much any individual should pay for their care. If implemented, the recommendations from the Dilnot Commission will further the Council's Adult Social Care Directorate in closer working between health and social care and using resources to meet increased demand more effectively, resulting in better outcomes for older people.

In Summary the commission recommends that:

- Individuals' lifetime contributions towards their social care costs should be capped at £35,000 (the most appropriate and fair figure). After the cap is reached, individuals would be eligible for full state support.
- The means-tested threshold, above which people are liable for their full care costs, should be increased from £23,250 to £100,000
- There should be national eligibility criteria and portable assessments to ensure greater consistency
- All those who enter adulthood with a care and support need should be eligible for free state support immediately rather than being subjected to a means test.

Council welcomes the recommendations of the report and believe they will lead to better outcomes for Older People across the country but specifically in Oxford.

Council asks the Leader to write to the Department of Health and the local MPs to express our support for implementation of the proposals at the earliest opportunity.

13. Motion From Councillor Janet Godden

"Council welcomes the Coalition Government's proposal to extend free childcare to disadvantaged two-year-olds by April 2013 and notes that this should benefit around 1,000 infants in Oxfordshire.

Council looks forward to the new arrangements that will improve life chances for these two-year-olds, but notes that many of the county's nurseries and children's centres are currently full. Council asks Cabinet to ensure that sufficient provision will be available in appropriate and local settings for such very young children, and to report to CEF Scrutiny if there is likely to be any shortfall."

14. Motion From Councillor Sarah Hutchinson

"Between January and October 2011 youth unemployment rose by 72% across the county, with an 80% increase in Oxford West and Abingdon, a 100% increase in Banbury and a 140% increase in Witney.

Given the devastating effect that unemployment can have on young people, their life chances, and their families, and the long-term costs this inflicts on society, this council is deeply concerned about the effect of the Coalition government's policies on young people, who are being robbed of employment and educational opportunities.

Council therefore asks the Cabinet Member to write to the Prime Minister

expressing alarm at youth unemployment in Oxfordshire and asking the Government to take more action to provide our young people with long-term, properly paid jobs.”

15. Motion From Councillor John Tanner

“ This Council believes that all employees within Oxfordshire, both private and public, should have decent pensions. Elderly people who have worked hard all their lives should not be forced into poverty in their declining years, resulting in an increased call on Oxfordshire County Council services .

We regret the disruption caused to public services on 30th November. But that day of action demonstrated just how valuable are the services provided by local government staff, teachers, National Health Service employees and other public sector workers within Oxfordshire. We recognise that for local government employees, whose wages have been frozen, a cut in pension benefits is the last straw.

We applaud those dedicated public servants, including our own employees, who were prepared to lose a day's pay in order to campaign for decent pensions and proper services for the public.

It is unreasonable to ask local government employees to pay more, work longer and get less when local government public pension funds (including the Oxfordshire Pension Fund) are already funded. The public sector has a responsibility to show others what it is to be good employers, to pay decent wages and provide proper pensions.

We request the Leader to write to the Coalition Government to urge them to:

- a) negotiate just pension settlements with the public sector unions
- b) support the local government employers in providing good pensions for local government workers
- c) encourage private employers to provide pensions at least as good as the public sector.”

16. Motion From Councillor Zoe Patrick

"This council welcomes the Quality Bus Partnership and the introduction of the Smartcard joint-ticketing and joint timetabling which has followed. Council recognises that this has had some impact on helping to alleviate traffic congestion and carbon reduction in the city centre. Council therefore calls on the Cabinet to extend joint-ticketing outside Oxford to other areas of the county where more than one bus company operates and where this can help to encourage more bus usage in Oxfordshire.”

17. Motion From Councillor Susanna Pressel

“This Council has listened to the many individuals and groups who are worried that some libraries might struggle to get enough volunteers to keep them open for long enough each week.

We therefore request Cabinet in bringing forward its budget proposals to include in a reserve enough money to put back some of the staff posts which have been proposed for removal, if this becomes necessary.”

18. Motion From Councillor Larry Sanders

“It is important that as many residents as possible learn to communicate well in English. This is good for their children's education, good for the economy and good for the promotion of an inclusive and harmonious community.

Unfortunately, in recent years, Government policy has led to the reduction of the number of residents receiving free English language tuition from Oxfordshire County Council by 84%, from 760 to 120, in the period 2006/7 to 2010/11. This has led to a decrease in the number attending County Council English language classes by 53%, from 772 to 361, in the same period.

Resolved:

That this County Council:

- recognizes the importance of encouraging and aiding residents to become more effective communicators in English
- asks the Safer and Stronger Communities Scrutiny Committee to assemble the views of community organisations, local schools and employers and the Adult Learning team with the goal of making recommendations to these groups and other decision-makers which will encourage people to take up the educational opportunities available and which will assist them in making contact with all governmental and non-governmental agencies which could make grants which would make it possible for more people to take part.”

19. Motion From Councillor Richard Stevens

"This Council notes recent judicial decisions relating to the provision by local authorities of social and community services (including, without limitation, social care services and library services), and notes in particular the recent decision of The Honourable Mrs Justice Lang DBE in the *The Queen and Isle of Wight Council [2011] EWHC 2911 (Admin)*, in which The Honourable Mrs Justice Lang DBE approved the following statement of the Court of Appeal in *R v North East Devon Health Authority ex parte Coughlan [2001] QB 213*:

"..whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper,

consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken.."

Council calls on Cabinet to consider whether its consultation processes comply with this statement, with particular reference to the question of whether the recent consultation on library services gave the public in Oxfordshire sufficient information about the proposed running of library services by volunteers such that the proposals could be the subject of intelligent consideration and an intelligent response."

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 12 December 2011 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders