

OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 10 July 2012 commencing at 10.00 am and finishing at 3.30 pm.

Present:

Councillor Don Seale – in the Chair

Councillors:

Alyas Ahmed	Patrick Greene	Rodney Rose
M. Altaf-Khan	Pete Handley	John Sanders
Alan Armitage	Jenny Hannaby	Larry Sanders
Lynda Atkins	David Harvey	Bill Service
Marilyn Badcock	Steve Hayward	Dave Sexon
Mike Badcock	Mrs J. Heathcoat	Chip Sherwood
Norman Bolster	Hilary Hibbert-Biles	C.H. Shouler
Ann Bonner	Ian Hudspeth	Dr Peter Skolar
Liz Brighthouse OBE	Ray Jelf	Roz Smith
Iain Brown	Stewart Lilly	Val Smith
Nick Carter	Lorraine Lindsay-Gale	Richard Stevens
Louise Chapman	A.M. Lovatt	Keith Strangwood
Jim Couchman	Sajjad Hussain Malik	Lawrie Stratford
Tony Crabbe	Kieron Mallon	John Tanner
Roy Darke	Charles Mathew	Alan Thompson
Arash Fatemian	Keith R. Mitchell CBE	Melinda Tilley
Anda Fitzgerald-O'Connor	David Nimmo-Smith	David Turner
Jean Fooks	Neil Owen	Nicholas P. Turner
Mrs C. Fulljames	Zoé Patrick	Carol Viney
Anthony Gearing	Susanna Pressel	Michael Waine
Michael Gibbard	Anne Purse	David Wilmshurst
John Goddard	G.A. Reynolds	
Janet Godden	David Robertson	

The Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

179/12 APOLOGIES FOR ABSENCE

(Agenda Item 1)

Apologies for absence were received from Councillors Billington, Hallchurch, Harbour and Jones.

The Chairman sought approval to the following and it was:

RESOLVED: (nem con)

- (a) to approve, for the purposes of Section 85 of the Local Government Act 1972, the absence of Councillor Peter Jones from any meeting of the Authority from the date of this meeting for six months on the grounds of his serious ill health;
- (b) that Councillor Patrick Greene act as Deputy Chairman for the duration of the Council Meeting.

180/12 MINUTES

(Agenda Item 2)

The Minutes of the Meeting held on 15 May 2012 were approved and signed subject to the following amendments to Minute 168/12:

- (a) first line of last paragraph of preamble substitute "Cllr Greene" with "Councillor Seale";
- (b) fifth line of the first paragraph substitute "tIBUTE" with "tribute".

181/12 DECLARATIONS OF INTEREST - SEE AMENDED GUIDANCE NOTE

(Agenda Item 3)

Mr Clark provided a brief overview of the new regulations for Members.

182/12 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

The Chairman reported as follows:

- Council congratulated the following who had been awarded an honour on the Queen's Honours List for 2012:
 - Sir Tony Baldry, Member of Parliament for Banbury had received a Knighthood for Public and Political Service;
 - Mrs Penny Hannigan, Teaching Assistant, Crowmarsh Gifford Church of England Primary School – had received a BEM for service to Education.
- Council welcomed the news that BMW had decided to invest £250m in to the UK. This would have direct benefits for Oxfordshire in terms of the Cowley Plant. Council noted that the money would be spent on production of the Mini model, and create jobs at a time of economic insecurity.

- Council paid tribute to a former County Councillor Jo Wilkin who had recently passed away. Council agreed to send their condolences to his family.

183/12 APPOINTMENTS

(Agenda Item 5)

- (a) The Council noted that the Leader of the Council, Councillor Hudspeth, had given formal notice that the Cabinet Member for Education now had responsibility for Adult Learning to take effect from 12 June 2012. As noted at a former Council, the responsibility was formerly that of the Cabinet Member for Safer & Stronger Communities. Accordingly, Council were asked to make the following change to the Committee structure:

RESOLVED: (nem con) to move adult learning from the remit of the Safer & Stronger Communities Scrutiny Committee to that of the Children's Services Scrutiny Committee.

- (b) The Council noted that under the Localism Act 2011 the Council had adopted a new Code of Conduct and new arrangements for handling complaints. Under those arrangements independent members were required and following an advertisement and interview process the Council was asked to appoint 2 independent members.

RESOLVED: (nem con) to approve Ms Ann Griffiths and Dr Nina Alpey as the appointed Independent Persons for Oxfordshire County Council under Section 28 of the Localism Act 2011:

184/12 PETITIONS AND PUBLIC ADDRESS

(Agenda Item 6)

The Council received petitions from the following residents of Oxfordshire:

Professor Yiannis Ventikos on behalf of the Bladon A4095 Action Group, requesting a 20mph speed limit through park street in Bladon; and

Mr Ian Leggett, on behalf of Bike Safe, requesting (in light of a recent feasibility study prepared by Sustrans into the construction of an off-road pathway for cyclists and pedestrians from Eynsham to Dean Court, Botley, along the B4044 via Farmoor) that the County Council respond to the high level of community support for the project outlined in the feasibility study, by strengthening the relevant passages in the Local Transport Plan (LTP) in order to demonstrate its commitment to;

- addressing the need to improve travel and choice along a busy, winding and unlit stretch of road;
- working proactively with local organisations to finalise a business plan and to secure external contributions to the cost;

- give greater priority to investment in a project that is fully consistent with the LTP's objectives.

185/12 LOCAL TRANSPORT PLAN 2011-2030 ANNUAL REVIEW 2012

(Agenda Item 8)

The Council had before them a report (CC8) which outlined proposed changes to the Local Transport Plan 3 as a result of the Annual Review, including updates to the Local Area Strategies, policy changes and clarifications concerning High Speed Rail, the County Rail Strategy, network classification and lorry routeing, network improvements, electric vehicles and controlled parking zones.

Councillor Rose moved and Councillor Hudspeth seconded the recommendations as set out in the report and on the face of the Agenda.

Councillor Tanner moved and Councillor John Sanders seconded the following five amendments:

“The document as revised by Cabinet is accepted except that:

- (a) **High Speed 2:** Policy PT6 to read: “Oxfordshire County Council fully supports the High Speed 2 rail proposals because of the positive impact HP2 will have on the British economy, including Oxfordshire”. 11.52 to read: First paragraph, delete last 2 sentences and replace with: “Oxfordshire County Council is convinced about the overall business case for HS2 and welcomes the positive impact the construction of HS2 will have on jobs and businesses in Oxfordshire especially at a time of recession.” In the second paragraph delete: “particularly” and insert “nonetheless”
- (b) **Controlled Parking Zones:** 5.42 delete last sentence and replace with: “We would expect that CPZs could offset the cost of their operation through charging for the issue of parking permits but that enforcement costs would be met from the Council’s general enforcement budgets as with non-CPZ areas”.
- (c) **Shores Green:** 18.31 and following, re-word to read: “Oxfordshire County Council welcomes the deletion of the costly Cogges Link Road scheme and agrees to take forward the alternative and more effective Shores Green scheme without delay.”
- (d) **Eastern Arc:** add at the end of paragraph 13.23: “The new medical research campus at Old Road and the development of Oxford Brookes University add to the need for a new strategic approach to traffic in the Headington area of Oxford.”
- (e) **Capital Programme:** “Council further resolves to amend the Capital Programme (Annexe 2 – Appendix D) to install traffic lights on the A40 at the junction with Colinwood Road in Oxford to enable vehicles to

get in and out of Risinghurst and pedestrians and cyclists to cross the A40 safely at this point, using funds made available by the cancellation of the Cogges Link Road scheme”.

Following a lengthy debate:

The first amendment (a) was put to the vote and was lost by 16 votes to 50.

The second amendment (b) was put to the vote and was lost by 7 votes to 54.

The third amendment (c) was put to the vote and was lost by 9 votes to 58.

The fourth amendment (d) was put to the vote and was lost by 19 votes to 48.

The fifth amendment (e) was put to the vote and was lost by 7 votes to 56.

The substantive motion was then put to the vote and was carried by 46 votes to 8, with 11 abstentions.

(Councillor Shouler requested that his abstention be recorded due to having a personal interest in the item).

RESOLVED: (by 46 votes to 8, with 11 abstentions) that the revised document was adopted to replace the 2011 version.

186/12 2012/13 - REQUESTS FOR VIREMENTS

(Agenda Item 9)

The Council had before them a report (CC9) which sought approval, under the Authority's Financial Regulations, to virements larger than £0.5m and associated carry forwards and underspends as set out in Annex 1(a) to the report.

Councillor Mallon moved and Councillor Hudspeth seconded the recommendations as set out in the report and on the face of the Agenda.

Councillor Brighthouse moved and Councillor Tanner seconded the following amendment as shown in bold italic:

“Council is RECOMMENDED to ***delete the virement of £349k to the efficiency reserve and add this figure to the carry forward of £657k for the Early Intervention Hubs***, and to approve ***other*** virements larger than £0.5m and the associated carry forwards as set out in Annex 1(a) and 1(b).”

Following debate, the amendment was put to the vote and was lost by 47 votes to 24.

The substantive motion was then put to the vote and was carried by 56 votes to 9.

RESOLVED: (by 56 votes to 9) to approve the virements larger than £0.5m and the associated carry forwards as set out in Annex 1(a) and 1(b) to the report.

187/12 SCRUTINY COMMITTEES - ANNUAL REPORT

(Agenda Item 10)

The Council had before them the Annual Report of the Scrutiny Committees (CC10).

Councillor Carter moved and Councillor Lindsay-Gale seconded the recommendation as set out on the face of the Agenda.

In response to general agreement as a result of debate, Councillor Rose undertook to ensure that future reviews of the Local Transport Plan 3 would be submitted to Scrutiny and the Local Transport Working Group prior to approval at Council.

Following a lengthy debate, Councillor Brighthouse moved and Councillor John Sanders seconded "that the question be now put".

The motion was put to the vote and it was

RESOLVED: (by 32 votes to 7) that the question be now put.

The substantive motion was then put to the vote and was agreed by 56 votes to 10.

RESOLVED: (by 56 votes to 10) to receive the report.

188/12 MEMBERS' CODE OF CONDUCT AND REGISTRATION OF INTERESTS

(Agenda Item 11)

The Council had before them a report (CC11) which set out new arrangements in relation to the Members' Code of Conduct and Registration of Interests in response to the Localism Act 2011.

RESOLVED: (on a motion by Councillor Seale, seconded by Councillor Greene and carried nem con) to:

- (a) confirm the adoption of the Members' Code of Conduct attached to the Guidance at Annex 1 to the report;
- (b) encourage Members to attend the briefings arranged by the Monitoring Officer on the requirements of the new Code of Conduct;
- (c) note the Guidance on the new Code of Conduct and Register of Interests at Annex 1 to the report.

189/12 REPORT OF THE CABINET

(Agenda Item 12)

The Council noted the report of the Cabinet Meetings held on 22 May and 19 June 2012.

In relation to paragraph 3 (Corporate Plan Performance and Risk Management for the fourth Quarter 2011) (Question from Councillor Michael Badcock) Councillor Rose undertook to provide a written response to a question on flooding and loss of insurance cover when Oxfordshire County Council drop out of the national agreement.

190/12 COUNTY COUNCIL MEETING DATES

(Agenda Item 13)

The Council had before them the report of the Monitoring Officer (CC13) containing the schedule of meeting dates proposed for the 2013/14 Council year.

RESOLVED: (on a motion by Councillor Seale, seconded by Councillor Greene and carried nem con) to:

- (a) agree the schedule of meeting dates for the 2013/14 Council Year; and
- (b) agree the February Council dates for 2013 and 2014 and the consequent waiving of the Council Procedure Rules in respect of paragraph 2.1.

191/12 INDEPENDENT ADMISSION APPEALS - PANEL MEMBER ARRANGEMENTS

(Agenda Item 14)

The Council had before them a report (CC14) which sought approval to travel and subsistence allowances for the panel members of Independent Admission Appeals.

RESOLVED: (on a motion by Councillor Rose, seconded by Councillor Hudspeth and carried by 54 votes to 0):

- (a) to approve, for school admission and exclusion appeal panel members, the same travel and subsistence allowances as were payable to members of the Council, subject to the same requirements as to the submission of claims and the supply of evidence except that the rate for the first 10,000 miles claimed for car travel be set at 40p per mile and not 35p per mile;
- (b) that only in the case of loss of business to continue to pay £100 per day as the maximum amount payable to a school admission or exclusion appeal panel member for financial loss necessarily incurred

as a result of attendance at an appeal panel hearing, subject to sufficient documentary evidence being produced to identify actual loss; and

- (c) that the revised allowances and rates be effective from 1 April 2011.

192/12 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

(Agenda Item 15)

15 Questions with notice were asked. Details of the questions and answers and the supplementary questions and answers (where asked) are set out in Annex 1 to the signed copy of the Minutes.

In relation to Question 2, Councillor Tilley undertook to provide Councillor John Sanders with a written answer detailing whether it will be possible for officers to collect information regarding the cost of transporting siblings to different schools.

In relation to Question 13, Councillor Fatemian undertook to circulate the findings of the Scrutiny Report into Oxfordshire residents receiving fully paid NHS Continuing Care to all Councillors.

193/12 MOTION FROM COUNCILLOR RICHARD STEVENS

(Agenda Item 16)

There being no proposer or seconder the motion was considered dropped in accordance with Rule 15.1 as set out in the Constitution.

194/12 MOTION FROM COUNCILLOR LARRY SANDERS

(Agenda Item 17)

Councillor Larry Sanders moved and Councillor Sherwood seconded the following motion:

“The NHS in Oxfordshire faces years of severe financial pressures which will inevitably affect the quality of health care for the people of the County. One of the larger elements of pressure comes from the need for the Oxford University Hospitals NHS Trust to pay at least £53 million per year to the owners of its PFI facilities. PFI payments are inflated by the profits taken by the owners and by the higher interest rates required from private companies as compared to public entities, such as County Councils.

In February 2012 Northumberland County Council proposed lending £100 million to the Northumbria Healthcare NHS Foundation Trust. They said “The provision of financial support would benefit the residents of Northumberland by enabling the Foundation Trust to secure savings from its existing PFI contracts which would prevent potential reductions in both the range and quantity of healthcare provision offered across Northumberland.”

Under the Local Government Act, local authorities can “do anything which they consider is likely to achieve the promotion or improvement of the economic wellbeing of their area.”

This County Council therefore requests the Cabinet to appoint a working party of appropriate Members and Officers to investigate, with colleagues from the Oxford University Hospitals NHS Trust, the potential for savings to be made through the provision of financial support by the County Council.”

Following debate, the motion was put to the vote and was lost by 46 votes to 2.

195/12 MOTION FROM COUNCILLOR JOHN SANDERS

(Agenda Item 18)

Councillor John Sanders moved and Councillor Tanner seconded the following motion:

“The Secretary of State refusal to permit the Council compulsorily to purchase the land required for the proposed £20 million Cogges Link Road has caused a serious setback to the expectations of the people of Witney. The Council believes this project was wrong and was an extremely expensive mistake. The Council calls on the Cabinet to investigate with urgency the Shores Green proposal with a view to its implementation.”

Councillor Rose moved and Councillor Harvey seconded the following amendment shown in bold italics and strikethrough:

“The Secretary of State refusal to permit the Council compulsorily to purchase the land required for the proposed £20 million Cogges Link Road has caused a serious setback to the expectations of the people of Witney. ~~The Council believes this project was wrong and was an extremely expensive mistake.~~ The Council calls on the Cabinet to investigate with urgency the, ***Down’s Road, Ducklington Lane, Shores Green, West End link along with other proposals*** with a view to its implementation.”

Following debate, the amendment was put to the vote and was carried by 53 votes to 8.

The substantive motion as amended was then put to the vote and it was:

RESOLVED: (nem con)

The Secretary of State refusal to permit the Council compulsorily to purchase the land required for the proposed £20 million Cogges Link Road has caused a serious setback to the expectations of the people of Witney. The Council calls on the Cabinet to investigate with urgency, Down’s Road, Ducklington Lane, Shores Green, West End link along with other proposals with a view to implementation.

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CC1

..... in the Chair

Date of signing