

# CABINET

**MINUTES** of the meeting held on Tuesday, 19 November 2019 commencing at 2.00 pm and finishing at 3.15 pm

**Present:**

**Voting Members:** Councillor Ian Hudspeth – in the Chair  
Councillor Mrs Judith Heathcoat  
Councillor Lawrie Stratford  
Councillor Ian Corkin  
Councillor Yvonne Constance OBE  
Councillor David Bartholomew

**Other Members in Attendance:** Councillor Glynis Phillips (Agenda Item 9)  
Councillor Susanna Pressel (Agenda Item 9)  
Councillor Laura Price (Agenda Item 6)  
Councillor John Sanders (Agenda Item 11)  
Councillor Richard Webber (Agenda Item 7)

**Officers:**

Whole of meeting Yvonne Rees (Chief Executive); Lorna Baxter, Director of Finance; Nick Graham, Director of Law & Governance; Sue Whitehead (Law & Governance)

Part of meeting Item	Name
6	Richard Webb, Assistant Director of Regulatory Service
7	Chris Hilliard, Deputy Director of Education (Interim); Allyson Milward, Head of Access to Learning
8	Simon Furlong, Corporate Director of Communities
10	Tim Chapple, Finance Manager, Treasury
11	Simon Furlong, Corporate Director of Communities; Charlotte Simms, Senior Policy Officer

*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.*

## **107/19 APOLOGIES FOR ABSENCE**

(Agenda Item. 1)

Apologies were received from Councillors Mark Gray, Steve Harrod, Lorraine Lindsay-Gale and Eddie Reeves.

## **108/19 MINUTES**

(Agenda Item. 3)

The Minutes of the meeting held on 15 October 2019 were approved and signed subject to the following amendment in bold italics:

Page 11, paragraph 3 – First sentence to be amended to read:

Responding to a question from Councillor David Bartholomew, Cabinet member for Finance, Councillor Phillips confirmed her view that the ***report*** structure was improving.

## **109/19 QUESTIONS FROM COUNTY COUNCILLORS**

(Agenda Item. 4)

Councillor Richard Webber had given notice of the following question to Councillor Lindsay-Gale:

“Some Service families moving into Oxfordshire mid-year are experiencing difficulties in finding school places. As all but one of the secondary schools in Oxfordshire are academies and control their own in-year admissions policies will the Cabinet Member agree to write to the Secretary of State for Education asking for control of in-year admissions.”

Councillor Lindsay-Gale was not present but had supplied the following response:

‘Oxfordshire is fully committed to supporting Service families and it is deeply concerning that some Service families have experienced difficulties in finding a school place for their children. However, problems associated with in-year admissions are not confined to Service families.

Currently all mainstream state funded schools are required to take part in the coordinated admissions system for the main entry points for primary and infant schools, junior schools and transfer from primary to secondary school. It would be sensible to require studio schools and university technical colleges to be take part in a coordination of admissions scheme for the main point of entry. Local authorities are responsible for coordinating admissions and in Oxfordshire the scheme has worked well with a high proportion of children receiving first preference schools.

Most schools in Oxfordshire are part of the in-year admissions scheme but it would be helpful if all schools were required to take part in a coordinated admissions scheme for in-year applicants. In-year schemes should have timescales that apply to all local authorities and all admission authorities.

Therefore, I would be happy to write to the Secretary of State to ask for changes to the School Admissions Code 2014 to ensure that all admissions to mainstream schools are included in coordinated admissions arrangements for which local authorities are responsible. Primary legislation may be

necessary to enable changes of this kind and I would support such a step to achieve a more efficient and fairer system.

There are arrangements in place to identify schools for hard to place children, but they can involve long delays due to the need to ask the Secretary of State to direct admission. This is against the interests of these vulnerable children and it would be helpful if local authorities responsible for coordination of admissions also had the legal right to direct admission when no school is willing to offer a child a school place. Therefore, I am also willing to write to the Secretary of State to request changes to primary legislation that would invest local authorities with the power to direct admission of hard to place children.'

## **110/19 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item. 5)

The following requests to address the Committee had been agreed by the Chairman:

Item	Speaker
Item 6 – Delegation of Enforcement Powers to City/District Councils	Councillor Laura Price, Opposition Deputy Leader
Item 7 – Statutory Notice to Close Culham Parochial CE Primary School	Councillor Richard Webber, local councillor Sutton Courtenay & Marcham
Item 9 - Business Management & Monitoring Report - September 2019	Marc Thompson, local resident Councillor Susanna Pressel, local Councillor Jericho & Osney Councillor Glynis Phillips, Shadow Cabinet Member for Finance
Item 11. Oxfordshire Local Aggregates Assessment 2019	Councillor John Sanders, Shadow Cabinet Member for Environment

## **111/19 DELEGATION OF ENFORCEMENT POWERS TO CITY/DISTRICT COUNCILS**

(Agenda Item. 6)

The County Council and the City and district councils all have statutory responsibilities in relation to different aspects of the regulatory framework that applies to letting agents and landlords. New legal requirements seek to raise the energy efficiency standards of rented property. For these new requirements to be effective in raising the energy efficiency of buildings in Oxfordshire a new approach is required between the county council and the city and district councils. Cabinet considered a report recommending that the county council delegates powers to enforce the Energy Performance of

Buildings (England and Wales) Regulations 2012 and the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 to the city and district councils whilst retaining the power to also enforce these Regulations.

Councillor Laura Price, Opposition Deputy Leader, spoke in support of the recommendations. She queried the level of engagement from other District Councils and whether it was an all or nothing approach. Could other Councils sign up later. Councillor Price expressed some concern that staffing could be impacted if some Councils did not join up front and demand was reduced. Could we then deliver to the same standard?

In response to queries Richard Webb, Assistant Director of Regulatory Service indicated that he had had meetings with other Oxfordshire District Councils, but no others had yet expressed the wish to take the proposal forward. He added that the proposals would provide an enabling power that they could use but was not compulsory. The proposals should enable a shift in focus by staff to take on anticipated increases in work in other areas.

Councillor Judith Heathcoat, Deputy Leader of the Council, introduced the contents of the report noting that it was partnership working at its very best and moved the recommendations.

During discussion cabinet welcomed the proposals making the following points:

- A member queried whether the regulations would apply to new housing noting that as part of a Government consultation the Council would be responding on the need to require a Code 4 energy efficiency standard for new housing which was achievable but not mandatory. It was queried whether the County would need to persuade the planning authority to take this up. Richard Webb advised that these regulations related to the rented sector. He would take the point back to planning colleagues.
- A member commented that the language in paragraph 4 referring to rogue landlords was not helpful in that this type of language demonised landlords. Landlords were needed and there were more good ones than bad. More balanced language was required and paragraph 25 was an example of that.
- There was consideration of the particular issues relating to houses in multiple occupation that may have been converted without full consideration of the impact on energy efficiency.

**RESOLVED:** to:

- (a) approve the delegation of specific powers from the county council to the city and district councils in relation enforcement of the legal requirements concerning domestic Energy Performance Certificates (EPCs).
- (b) approve the delegation of specific powers from the county council to the city and district councils in relation to the enforcement of the Minimum Energy Efficiency Standards (MEES) in commercial properties; and

- (c) authorise the Director of Community Safety and Chief Fire Officer, acting in consultation with the Director of Law & Governance, to enter the necessary agreements to implement this delegation.

## **112/19 STATUTORY NOTICE TO CLOSE CULHAM PAROCHIAL CE PRIMARY SCHOOL**

(Agenda Item. 7)

Cabinet considered a report following the publication of a Statutory Notice relating to the county council's proposal to close Culham Parochial Church of England Primary School.

Councillor Richard Webber, local councillor Sutton Courtenay & Marcham whilst not objecting to the proposals expressed concern that this was the tip of the iceberg regarding rural schools. He commented that he had not seen signs of much overall planning noting that there was spare capacity at Sutton Courtenay.

Councillor Ian Hudspeth, Leader of the Council responded to the points made and confirmed that there was planning and future projections on numbers.

Councillor Hudspeth introduced the report and moved the recommendations.

During discussion Cabinet in supporting the recommendation:

- referred to the historical context that had seen the school saved from closure before. At that time there had been a strong protest from local people. Cabinet noted that this was not the case currently with only 3 objections being received.
- Explored the difficulty caused to school place planning when it was subject to decisions made elsewhere on housing.
- Noted that the report made it clear that home to school transport would be available

**RESOLVED:** to approve the proposed closure of Culham Parochial Church of England Primary School.

## **113/19 COMMUNITY ASSET TRANSFER POLICY**

(Agenda Item. 8)

Cabinet had before them a report that set out the background to the community asset transfer policy and the issues that have arisen from its application in its current form, most recently through the children's services transformation. The report proposes revisions to the policy to improve the process for all parties in future, to provide greater clarity when working with community organisations interested in taking on council buildings.

Councillor Ian Corkin, Cabinet Member for Cherwell Partnership introduced the contents of the report and moved the recommendations.

**RESOLVED:** (unanimously) to adopt the revised Community Asset Transfer Policy.

## **114/19 BUSINESS MANAGEMENT & MONITORING REPORT - SEPTEMBER 2019**

(Agenda Item. 9)

Cabinet considered a report that set out Oxfordshire County Council's (OCC's) progress towards Corporate Plan priorities and provided an update on the delivery of the Medium-Term Financial Plan from 1 September to 30 September. A summary of overall performance and description of change was contained within the report. The report contained three annexes covering current performance against targets, the Leadership Risk Register and the current financial position. Cabinet also had before it the comments of the Performance Scrutiny Committee following that Committee's consideration of on 7 November 2019 and this is attached as an annex to these minutes.

Councillor Susanna Pressel, local Councillor Jericho & Osney commented in relation to the proportion of people walking and cycling in Oxfordshire. Firstly, she requested that the County Council encourage cycling and walking by putting money into funding for roads maintenance. She stated that conditions were particularly bad in Oxford and as a result people made short car journeys instead of cycling because cycling was no pleasure. Secondly Councillor Pressel queried how revenue was shared out between the District Councils and the City noting that the City had a greater length of pavements and generally more wear and tear from greater usage of the roads. Lastly, Councillor Pressel asked how much of the additional funding for potholes had been spent in the City. Councillor Hudspeth responded to the points made explaining that the City Council had the responsibility from the County for the maintenance of roads in the City and perhaps there was a need for a review of performance. He commended the capital programme that saw surfaces renewed rather than repaired and that meant that maintenance funding went further. Responding to the last point Councillor Hudspeth undertook to provide information on the distribution across the City and Districts of the pot hole fund.

Marc Thompson, local resident spoke of his experiences as a regular cyclist. He expressed disappointment that the work on Botley Road had not been carried through to the City centre and in particular that work to the rail bridge had not happened. He referred to the poor quality of workmanship in the completed works. Mr Thompson also highlighted the poor quality of country roads and referred to the accidents, running at 10% of the membership, that had occurred within his small cycling club. Councillor Yvonne Constance, Cabinet Member for Environment asked that Mr Thompson let her have details. Councillor Constance referred to the record levels of funding and felt that it was unfair if he was referring to historic accidents. In relation to the recent work on Botley Road she would ask officers to look at it again.

Councillor Glynis Phillips, Shadow Cabinet Member for Finance highlighted the comments from the Performance Scrutiny Committee. Councillor Phillips then commented that the report was familiar with the same concerns relating to delayed discharges of care and the timeliness of Education & Health Care Plans. With regard to delayed discharges of care she asked what other more successful areas were doing that we were not. In relation to EHCPs Councillor Price referred to comments on page 69 relating to the restructuring programme that 'Our restructuring programme will ensure that we are in a better place in the long-term to meet future demands.' She felt that this was a relaxed and complacent view and that progress needed to be tracked.

Councillor Price referring to the forecast outturn felt that were no surprises. She was grateful for the reserve and contingency funds but felt that it was not possible to continue in this way.

Councillor Judith Heathcoat, Deputy Leader of the Council in introducing the business and risk elements of the report stated that the report gave a clear and comprehensive picture and demonstrated good progress at the half way point in the year. She noted that the risk register was included for the first time. In moving the recommendations Councillor Heathcoat highlighted the positive work of Oxfordshire Fire & Rescue Service and Trading Standards Service in on helping adults to live safe and well.

Councillor Lawrie Stratford, Cabinet Member for Adult Social Care commented that the challenge around delayed discharges of care was recognised. It was the biggest single concern he had. He did believe however that the relative position to other authorities was perhaps not how it was portrayed as he believed that the counting elsewhere was done differently.

Councillor David Bartholomew, Cabinet Member for Finance introduced the finance element of the report drawing attention to Annex C which set out variations. Councillor Bartholomew noted that 77% of the planned savings were to be delivered.

**RESOLVED:** to note the report and consider any matters for future attention by the Committee.

## **115/19 TREASURY MANAGEMENT MID-TERM REVIEW (2019/20)**

(Agenda Item. 10)

Cabinet considered a report that set out the Treasury Management activity undertaken in the first half of the financial year 2019/20 in compliance with the CIPFA Code of Practice. The report included Debt and Investment activity, Prudential Indicator monitoring and forecast interest receivable and payable for the financial year.

Councillor David Bartholomew, Cabinet Member for Finance introduced the contents of the report and moved the recommendations.

Cabinet congratulated the team on their levels of investment.

**RESOLVED:** to:

- (a) note the report, and
- (b) **RECOMMEND** Council to note the Council's Mid-Term Treasury Management Review 2019/20.

## **116/19 OXFORDSHIRE LOCAL AGGREGATES ASSESSMENT 2019**

(Agenda Item. 11)

The purpose of an annual Local Aggregates Assessment is to review the latest information available in order to forecast future demand as well as analysing all aggregate supply options and assessing the balance between supply and demand. Cabinet had before them a report on the latest LAA that set the level of provision to be made for future supply of sand and gravel and crushed rock from quarries and the NPPF states the LAA should 'forecast future demand, based on a rolling average of 10 years' sales data and other relevant information, and an assessment of all supply options.'

Councillor John Sanders, Shadow Cabinet Member for Environment asked what the outcome of the meeting of the South East England Aggregate Working Party (SEEAWP) had been. Charlotte Simms, Senior Policy Officer, Development Management - Policy replied that SEEAWP had been happy with the report and had made no comments.

Councillor Yvonne Constance, Cabinet Member for Environment, introduced the contents of the report and moved the recommendations.

Following comments about the need to translate the figures in a way that people would understand it was agreed that officers look at whether it is possible to provide a simple illustration linked to housing, road or other developments that would demonstrate what the figures represented.

**RESOLVED:** (unanimously) noting that there was no advice from the South East England Aggregate Working Party to:

- (a) approve the inclusion of the provision level figures in paragraph 30 of the report in the Oxfordshire Local Aggregate Assessment 2019 for use as the basis for provision for mineral working in the Oxfordshire Minerals and Waste Local Plan and for calculating the Oxfordshire landbank; and
- (b) authorise the Director for Planning and Place in consultation with the Cabinet Member for Environment to finalise the Oxfordshire Local Aggregate Assessment 2019 and to publish it on the Council website.



**117/19 FORWARD PLAN AND FUTURE BUSINESS**

(Agenda Item. 12)

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.

..... in the Chair

Date of signing ..... 2019

## **MINUTE 114/19 - BUSINESS MANAGEMENT & MONITORING REPORT – SEPTEMBER 2019 – NOTES FOR CABINET FROM PERFORMANCE SCRUTINY COMMITTEE**

The Performance Scrutiny Committee considered the September Business Monitoring and Management report at our meeting on 7<sup>th</sup> November 2019.

The Committee challenged the methodology and commentary provided in relation to a number of targets, including those that have remained ‘amber’ throughout the year so far or have been consistently green without more detailed information provided in the commentary about specific achievements including:

- Achievement of planned savings – we have asked for actual data to be provided in the commentary
- Percentage of children who receive a 12-month review has a target of 93% and a current measure of 90% - whilst we are significantly above the national average (76.7%) we should still be pushing to meet our own target
- Our target to reduce the number of permanent exclusions has been rated amber despite being over our target rate of less than 44 (currently 59). Whilst we acknowledge this is consistent with a national trend, we should still be trying to reduce this number as often the safest place for a child, particularly vulnerable learners, will be at school
- Progress with our One Public Estate programme has been consistently rated green, but the commentary has not provided any notable successes to date
- Under our ‘Safe and Healthy Lives’ outcome we identified that a number of the targets have been dramatically exceeded and queried whether our original targets were not stretching enough or were unrealistic

We queried the forecast overspend in Children’s Services with the Director of Finance and understand that this is not related to service delivery but anticipated savings on third party spend not materialising. We are reassured that officers are providing external support to try to address this overspend and we will monitor the situation.

Finally, we touched on changes that we would like to see to the outcome’s framework for next year. We are keen that we revise our measures in relation to air quality and Co2 emissions and link this more explicitly to the wider climate emergency agenda. We also questioned the number of measures where there is ‘no target set’ and therefore have no rating, an example being our measures around volunteering, and whether these targets need to be revised for next year so that they are measurable. We would like to see targets that are measurable, and evidence based next year.