

ITEM 3(b)

CABINET

MINUTES of the meeting held on 15 September 2009 commencing at 2.00 pm and finishing at 4.57 pm.

Present:

Voting Members: Councillor Keith R Mitchell CBE – in the chair

Councillor David Robertson
Councillor C.H. Shouler
Councillor Ian Hudspeth
Councillor Louise Chapman
Councillor Michael Waine
Councillor Rodney Rose
Councillor Mrs J. Heathcoat

Other Members in Attendance:

Councillor A. Armitage	(for Agenda Item 6)
Councillor A. Purse	(for Agenda Items 7, 8 & 9)
Councillor Zoe Patrick	(for Agenda Items 8, 11 & 14)
Councillor J. Fooks	(for Agenda Items 9 & 15)
Councillor Altaf Khan	(for Agenda Item 10)
Councillor J. Tanner	(for Agenda Item 10)
Councillor J. Hannaby	(for Agenda Items 12 & 12A)

Officers:

Whole of meeting: A.R. Cloke (Legal & Democratic Services).

Part of meeting:

Agenda Item

Officer Attending

5	Kathy Wilcox (Financial Planning)
6	Lorna Baxter (Financial Planning)
7	Joanne Clegg (Transport, E&E)
7, 8 & 9	Peter Mann (Transport, E&E)
8	Cathy Browning (Transport, E&E)
10 & 11	Roy Leach (School Organisation & Planning, CYP&F)
12 & Urgent Item	Nick Welch (Major Programmes, S&CS)
13	Joy White (Transport, E&E)
15	Sue James (Strategic HR &OD, Corporate Core)

The Cabinet 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.

83/09 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Jim Couchman.

84/09 MINUTES

The Minutes of the meeting held on 21 July 2009 were approved and signed.

85/09 QUESTION TIME

From Councillor John Sanders to Councillor Hudspeth, two questions relating to LTP 3: (i) about targets, performance indicators and measurement criteria, and (ii) about objectives for public transport not on main routes, such as in rural and suburban areas.

Councillor Hudspeth replied that (i) LTP3 will include targets, performance indicators relating to all forms of transport; and, (ii) stakeholders were involved in drafting the objectives (he also referred to the Schedule of Addenda which included consultation results from both series of consultations).

From Councillor Brighthouse to Councillor Waine, two questions relating to Building Schools for the Future: (i) about the Transformation Strategy, and (ii) about other schools moving up the Government's list for BSF money ahead of Oxfordshire.

Councillor Waine replied that (i) the school had received assistance from the local authority, through the National Challenge agenda, as well as the dedicated Raising Achievement team; and, (ii) the County Council had been invited on 10 August to submit a bid and there had been no delay in the process.

86/09 PETITIONS AND PUBLIC ADDRESS

The following requests to address the meeting had been agreed:-

Request from	Agenda Item
Mr. G.P. Smith (member of the public)	7 – Local Transport Plan 3
Mr. A. Joyce (member of the public)	7 – Local Transport Plan 3
Mr Amar Latif (member of the public)	10 – Oxford School
Ms Anna Thorne (member of the public)	10 – Oxford School

87/09 FINANCIAL MONITORING

(Agenda Item 5)

The Cabinet considered a report (CA5) which set out the forecast financial position for the 2009/10 financial year based on four months of actuals to the end of July 2009. It included projections for revenue, balances, reserves and capital. The report set out explanations where the forecast revenue outturn was significantly different from the budget along with proposals to recover the position where appropriate.

The in-year Directorate forecast was an overspend of £4.013m for revenue and £14.166m for general balances. After taking into account the forecast revenue overspend, the consolidated revenue balances forecast was £10.153m.

Carry-forwards from 2008/09 were approved by Cabinet on 23 June 2009 as part of the Provisional Outturn Report for 2008/09 and were now included in the latest budget.

The report also included an updated Capital Programme and update about progress in respect of Building Schools for the Future.

As noted in paragraph 47 of the Financial Monitoring Report the Employer's final offer in settlement of the 2009/10 claim was made on 22 July 2009. The offer was accepted by the Unions on 10 September 2009 and agreement reached on the rates of pay applicable from 1 April 2009. Spinal Column Points 4-10 inclusive have been increased by 1.25%, and SCP 11 and beyond by 1.00%.

The agreement also provided for an additional day of annual leave for those with less than five years service currently entitled to 20 days. Oxfordshire County Council's minimum annual leave entitlement is 24 days so this does not apply to any staff employed by the Authority.

Further detail would be provided in the August report.

RESOLVED: to:

- (a) note the report;
- (b) approve the virements as set out in Annex 2a;
- (c) approve the supplementary estimate request as set out in Annex 2f and paragraph 26 and 33;
- (d) approve the transfer of £0.027m surplus pay inflation from Community Safety to the Efficiency Savings Reserve as set out in paragraph 48; and

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- (e) Confirm agreement that the Readiness to Deliver statement for Building Schools for the Future should be submitted to the Partnership for Schools by 17 September 2009; and
- (f) approve the transfer of £0.8m estimated surplus pay inflation from Directorate budgets for 2009/10 to the Efficiency Savings Reserve.

88/09 SERVICE & RESOURCE PLANNING REPORT FOR 2010/11 - 2014/15

(Agenda item 6)

The Cabinet considered a report (CA6), the first in a series on the service and resource planning process for 2010/11 to 2014/15, providing councillors with information on the budget issues for 2010/11 and the medium term. The report presented the current Medium Term Financial Plan (MTFP) as agreed by Council on 10 February 2009 and the assumptions on which it was based. It set out the known and potential financial issues for 2010/11 and beyond which impact on the existing MTFP and the proposals for planning to meet these pressures, which were endorsed by the Cabinet in July 2009.

The report set out the Service and Resource Planning process for 2010/11, although it was mostly concerned with finance and the implications were set out in the main body of the report. The Council is required under the Local Government Finance Act 1992 to set a budget requirement for the authority and an amount of Council Tax. This first report forms an initial basis for those requirements that will lead to the budget requirement and Council Tax being agreed in February 2010.

RESOLVED: to:

- (a) note the report;
- (b) approve the Service and Resource Planning Process for 2010/11; and
- (c) provide advice on the development of the Financial Strategy

89/09 LOCAL TRANSPORT PLAN 3

(Agenda item 7)

The Cabinet considered a report (CA7) which set out the results of the initial stages of consultation on the draft objectives for Oxfordshire's third Local Transport Plan (LTP3) and seeks a decision on the prioritisation of those objectives. It also informs members of the environmental criteria that will be used for the Strategic Environmental Assessment (SEA) of the LTP and sets out the stages of developing the SEA.

Two series of consultations have recently taken place in relation to LTP3. Comments have been invited on the draft set of ten objectives for the LTP and on the scoping report for the SEA. Public focus groups were asked for their views on how the relative priorities of the objectives apply in each of the

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four settlement types that have been identified to help with recognising the differentiation between parts of Oxfordshire (Oxford, larger towns, market towns and rural Oxfordshire).

Following the close of the consultation period, there were some suggested changes to the wording of the objectives in the report circulated with the agenda, and these were set out in Schedule of Addenda.

RESOLVED: to

- (a) approve the prioritisation of the objectives for each of the four types of settlement as set out in the report, subject to consideration of the views of the Growth & Infrastructure Committee;
- (b) delegate authority to the Head of Transport, in consultation with the Cabinet Members for Growth & Infrastructure and Transport Implementation, to make any changes necessary; and
- (c) note the consultation undertaken on the Strategic Environmental Assessment.

90/09 ACCESSING SCIENCE VALE UK - SOUTHERN CENTRAL OXFORDSHIRE TRANSPORT STUDY (SCOTS) – RECOMMENDED STRATEGIC TRANSPORT PACKAGE REPORT (Agenda Item 8)

The Cabinet considered a report (CA8) the purpose of which was to inform members of the progress made in developing the Southern Central Oxfordshire Transport Study (SCOTS) Strategic Transport Package being put forward for the Didcot – Wantage/Grove area of southern Oxfordshire, which is part of the 'Accessing Science Vale UK' strategy work being undertaken.

The report and decisions were required to allow Oxfordshire County Council to form a strategic response to the Vale of White Horse (VoWHDC) and South Oxfordshire (SODC) District Councils' Local Development Framework (LDF) proposals for southern central Oxfordshire. As such it will become part of the evidence base for both SODC's and the VoWHDC's LDFs.

The main themes discussed in the report were how and why SCOTS had come about, the Transport Package being put forward to mitigate the planned growth in the area, the environmental, financial and staff implications associated with the package. The report also set out the next steps required to complete this work and the risks associated with it.

RESOLVED: to:

- (d) approve in principle the strategic transport package required to mitigate growth in the SCOTS area to 2026, subject to the further work being undertaken, including funding options; and

- (e) delegate the authority to add to or amend the SCOTS to the Director for Environment and Economy, in consultation with the Cabinet Member for Growth and Infrastructure, should the further work reveal that changes are necessary.

91/09 CHILTERN RAILWAYS – EVERGREEN 3 PROJECT TO INTRODUCE A NEW LONDON MARYLEBONE – BICESTER – OXFORD TRAIN SERVICE
(Agenda Item 9)

The Cabinet considered a report (CA9) on Chiltern Railways intention to submit a Transport and Works Act application for works to enable introduction of a new half hourly rail service between London Marylebone and Oxford via High Wycombe and Bicester.

Works would include a short new stretch of railway in Bicester, upgrading and partially doubling the existing railway between Oxford and Bicester, improvement of Bicester Town station, a new Parkway station at Water Eaton and new platforms at, and track approaching, the north end of Oxford station. The County Council will be a consultee on this application and needs to form a view on it. The report discussed the potential benefits of the proposal; its relationship with the East West rail proposal over the same stretch of line; its relationship with the County Council's Access to Oxford project; possible implications for the Water Eaton Park and Ride site; other transport implications; implications for green belt policy; implications for minerals and waste strategies; implications for public rights of way; and some other issues. The Cabinet was invited to consider in principle the overall County Council view on the proposal, and any conditions to be applied to that view.

RESOLVED: to:

- (a) advise Chiltern Railways that, if the full transport benefits as now outlined in this report continue to be offered, the council supports in principle the Evergreen 3 proposals subject to:
 - (1) the submission of a full and acceptable Transport Assessment which addresses the points raised in Annex 2 of this report;
 - (2) the Transport and Works Act application being accompanied by evidence to demonstrate that there are very special circumstances which justify the development on the site in the green belt;
 - (3) the proposals accommodating the existing Aggregates Rail Depot and, if appropriate, the development of a Materials Recovery Facility at the Water Eaton site;
 - (4) satisfactory arrangements to ensure that there is no prejudice to continued operation of the free County Council car park at Water Eaton for bus access to the city centre and hospitals;

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- (5) effective liaison with the Access to Oxford project to upgrade Oxford station;

and on the basis that Chiltern Railways should also pay due regard to all other impacts in Oxfordshire of their proposals, including in particular the Rights of Way issues mentioned in the report.

- (b) delegate to the Heads of Transport and Sustainable Development, in consultation with the Cabinet Member for Growth and Infrastructure, the authority to respond to the TWA application and other aspects of this project as it develops, in accordance with the general principles outlined in this report.

92/09 OXFORD SCHOOL – FEASIBILITY STUDY INTO REPLACING IT WITH AN ACADEMY

(Agenda Item 10)

The Cabinet considered a report (CA10) about the option of possibly replacing the school with an academy.

Oxford School is a 'National Challenge School' because its headline GCSE results fell below a nationally acceptable threshold of 30% or more students gaining 5 or more grades A*-C (including English and mathematics).

Local authorities are expected to consider radical proposals which will bring about significant and sustained improvements, including whether such schools should be replaced by academies. An 'Expression of Interest' in exploring the academy option has been submitted to the Department for Children, Schools & Families. If approved, it will result in the release of funding from the DCSF for the undertaking of a detailed feasibility study. This will consider the viability of creating an academy to replace Oxford School as well as ascertain the views of a wide range of stakeholders, including parents, students, staff, elected and community representatives.

RESOLVED: to:

- (a) note the content of the Expression of Interest;
- (b) agree to proceed with the 'Feasibility Study'; and
- (c) request officers to bring a further report on the outcomes of consultations undertaken as part of the 'Feasibility Study'.

93/09 SECONDARY SCHOOL PROVISION IN THE GROVE/WANTAGE AREA

(Agenda Item 11)

The Cabinet considered a report (CA11) on the implications of housing growth in the Grove and Wantage area on the provision of secondary school places

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The Wantage and Grove area has been identified as an area offering the potential for significant additional housing. If this housing is built it will require additional secondary school provision to meet the anticipated increased demand for school places. A previous review of secondary school places confirmed the desirability of rationalising the current King Alfred's School, Wantage from its current 3 sites to just two.

The report explores the implications of one or more significant housing developments in the Wantage and Grove area and how the secondary school needs arising from these can be met alongside delivering the King Alfred's School rationalisation.

RESOLVED: to

- (a) note the contents of this report and confirm that a new secondary school (with sixth form provision) should be planned and available prior to significant development as part of Grove airfield and/or North East Wantage; and
- (b) request officers, once Oxfordshire's position regarding Building Schools for the Future is confirmed, to work together with King Alfred's School governors to try to reach agreement on a strategy to achieve rationalisation of the school onto 2 sites.

94/09 CHIPPING NORTON CARE HOME

(Agenda item 12)

The Cabinet considered a report (CA12) which set out the arrangements that are required to secure the funding the development of a Primary Health Care Centre in Chipping Norton, which is an integral element to the overall development of community health and care home services.

The County Council is undertaking the development of a care home through the existing arrangements between itself and the Oxfordshire Care Partnership but these do not cover the development of the Primary Health Care Centre. Specific arrangements and guarantees are required of the County Council by the scheme's developers and funders. This report gives the details and of the guarantees that are required, the implications for the Council, and seeks formal agreement for these arrangements.

RESOLVED: to approve the proposed arrangements with the Oxfordshire Care Partnership, Bedfordshire Pilgrims Housing Association and the Oxfordshire PCT whereby

- (a) in the event of the Project Agreement dated 20 December 2001 being terminated, the County Council would meet the outstanding finance charges applicable to both the Care Home and the Community Health Facility and would grant a direct lease of the Community Health Facility

to the PCT at a rent sufficient to repay those charges over the remainder of the initial 30 years finance period; and

- (b) in the event of the PCT either failing to enter into the Sub-subunderlease with OCP after the Community Health Facility has been constructed or committing a major breach of covenant resulting in forfeiture of the Sub-subunderlease and becoming liable to pay the outstanding finance charges on the Community Health Facility to OCP/BPHA, the County Council would stand as guarantor for the PCT. This would make the County Council responsible for payment of the outstanding finance charges on the Community Health Facility to BPHA and recovering such payment through a "Compensation Agreement" with the PCT (or by taking legal action if the PCT did not comply with the terms of the Compensation Agreement).

95/09 ITEM OF URGENT BUSINESS - EXTRA CARE HOUSING DEVELOPMENT, ORCHARD FIELDS, BANBURY

In accordance with Regulation 16 of the The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended), the Chairman of the Strategy & Partnerships Scrutiny Committee (since this is a property-related item) has agreed that the need to take the decision is urgent and cannot reasonably be deferred.

In addition, given the timescale for completing the licence (before 30 September 2009), the Chairman of the Council has agreed, under Rule 17(a) of the Scrutiny Procedure Rules, that any delay is likely to seriously prejudice the Council's interests, in that the availability of grant will be reduced or removed and this would be fatal to the viability of the scheme, and so the Call In procedure shall not apply to this decision.

This report seeks Cabinet approval for a license to be issued to Bedfordshire Pilgrims Housing Association (bpha) which will include compensation for costs incurred should the lease for the extra care housing development that they are undertaking not be completed by practical completion of the work.

The extra care housing (ECH) development is part of a broader development on the same site of a care home. The Social & Community Services Directorate was successful in obtaining a £1.35million grant for the ECH development. The grant conditions include the deadline of 30 September 2009 for start on site and failure to meet this deadline will lead to the loss of the grant, or a significant reduction in its value. Both these eventualities would mean that the ECH scheme would no longer be viable.

This report is seen as being an urgent item for the Cabinet because of the Department of Health deadline and need for a license to be issued for the work to start on site.

RESOLVED to agree to a license being issued to bpha (Bedfordshire Pilgrims Housing Association), including the requirement for compensation should the leases not be in place by the time of practical completion.

96/09 LONDON ROAD CORRIDOR SCHEME – OSLER ROAD TO WHARTON ROAD

(Agenda Item 13)

The Cabinet considered a report (CA13) on the London Road Corridor scheme which sought approval of the Financial Project Appraisal.

This is the third section of the London Road Corridor to be developed to make bus journeys quicker and more reliable and improve road safety for all users. Additionally this project seeks to enhance the Headington Shopping Centre through the use of quality surface materials to footway areas and the de-cluttering of unnecessary street furniture. The scheme was the subject of a public consultation process and Transport Decisions Committee approved the final design on 2 July 2009.

This improvement scheme to the London Road corridor is a key part of the County Council's second Local Transport Plan and its Capital Programme. The delays experienced by the large numbers of people travelling along the route by bus are very significant and, as a result, there is a continuing major impact on the reliability and attractiveness of buses as an alternative to the car for journeys in this area. The accident rate on the London Road is around twice the national average for a major route such as this. Most of the accidents result in slight injury but of the 4 serious accidents 3 were pedestrians and one was a cyclist. The measures to reduce speeds together with improved crossing provision should bring the severity and frequency of accidents down.

The scheme is estimated at £2.035 million including fees. Funding has been allocated from the Capital Programme for the financial years 2008/09 to 2010/11 and comprises of Supported Capital Expenditure (SCE) and developer funding. The programmed start of construction is April 2009.

RESOLVED: to approve Project Appraisal H192 for the London Road Corridor (Osler Road– Wharton Road) scheme.

97/09 GOVERNMENT DRAFT LEGISLATIVE PROGRAMME 2009/10

The Cabinet considered a report (CA14) by the Leader of the Council.

The 2009/10 draft legislative programme was announced by Government at the end of June. It sets out proposed legislation for the next session of parliament, to be announced in the Queen's speech in late 2009. Comments are invited on the proposed programme, individual bills and specific policy issues by 21 September 2009.

This paper summarises the bills in the programme and the implications for the county council for those that are relevant to the county council and our services. Key legislative changes affecting Oxfordshire County Council are highlighted below:

- proposals to enshrine in law the Government's commitment to eradicate child poverty by 2020- to introduce an incentive to support up to four carbon capture and storage projects on a commercial scale
- a number of proposals around improving performance in schools, including introducing a set of guarantees of a good standards of education for each child
- new powers of intervention in Youth Offending and enabling the media to report on certain family proceedings in court
- the continuation of the equalities legislation currently progressing through parliament, including banning negative age discrimination

RESOLVED: to endorse the proposed County Council response to proposals.

98/09 ESTABLISHMENT REVIEW

(Agenda Item 15)

The Cabinet considered a report (CA15) which gave an update on activity since the implementation of the Establishment Review and associated Recruitment Approval process on 1 August 2005.

It provides detail on the overall objectives of the review and summarises progress made against the targets which were agreed to ensure delivery of those objectives. Details of the agreed establishment figure at 30 June 2009 in terms of Full Time Equivalents is provided, together with the detailed staffing position at 30 June 2009. These are shown in the report by directorate and service area.

The report also provides information on current activity and in addition there is information on grant funded posts and those vacancies which are being covered by agency staff and at what cost.

RESOLVED: to:

- (a) note the report;
- (b) confirm that the Establishment Review continues to meet the Cabinet's requirements in reporting and managing staffing numbers.

99/09 FORWARD PLAN AND FUTURE BUSINESS

(Agenda item 16)

The Cabinet considered a list of items (CA16) for the immediately forthcoming meetings of the Cabinet together with changes and additions set out in the schedule of addenda.

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

.....in the Chair

Date of signing.....2009