

County Council

11 December 2012

Agenda

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members' conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Rachel Dunn on (01865) 815279 or Rachel.dunn@oxfordshire.gov.uk for a hard copy of the document.

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, 11 December 2012 at 10.00 am

County Hall, Oxford OX1 1ND

Joanna Simons

Joanna Simons
Chief Executive

November 2012

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 12 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.

A buffet luncheon will be provided

AGENDA

1. Minutes (Pages 1 - 22)

To approve the minutes of the meeting held on 11 September 2012 (**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 confirm Councillor Kieron Mallon as the Council's duly appointed representative on the Police and Crime Panel for the current Council year;
- (b) to make any changes to the 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. **2012/13 Requests For Virements (Pages 23 - 24)**

Report by the Assistant Chief Executive & Chief Finance Officer (**CC8**).

As reported to Cabinet on 16 October 2012, expenditure on the Council element of the Physical Disabilities Pool is expected to exceed budget by +£1.842m. Council is recommended to approve a temporary virement to amend the Council contributions to the Pools with the effect of moving funding from the Learning Disabilities Pool, where there is a forecast underspend, to offset pressures in the Physical Disabilities Pool.

The on-going effect of the pressures on the Physical Disabilities Pool will be considered as part of the Service & Resource Planning Process.

Council is RECOMMENDED to approve a temporary virement in 2012/13 to amend the Council contributions to the Pools with the effect of moving £1.842m funding from the Learning Disabilities Pool to the Physical Disabilities Pool.

9. **Treasury Management Mid Term Review (2012/13) (Pages 25 - 38)**

Report by Assistant Chief Executive & Chief Finance Officer (**CC9**).

The report sets out the Treasury Management activity undertaken in the first half of the financial year 2012/13 in compliance with the CIPFA Code of Practice. The report includes Debt and Investment activity, Prudential Indicator monitoring, changes in Strategy, and forecast interest receivable and payable for the financial year.

The Cabinet RECOMMEND Council to note the Council's Mid Term Treasury Management Review 2012/13.

10. Questions with Notice from Members of the Council

11. Report of the Independent Remuneration Panel on Members' Allowances (Pages 39 - 44)

Report by County Solicitor and Monitoring Officer (**CC11**).

The Independent Remuneration Panel has considered:

- whether a Special Responsibility Allowance should be payable to the County Council's representative on the Thames Valley Police & Crime Panel;
- whether a Special Responsibility Allowance should be payable for the County Council's representative as he had been appointed Vice-Chairman of the Thames Valley Police & Crime Panel;
- the level of Special Responsibility Allowance(s).

The Council is RECOMMENDED that:

- special responsibility allowance of £1,500 be paid to the Council's representative on the Thames Valley Police & Crime Panel;***
- a Special Responsibility Allowance of £3,000 be paid to the Council's representative as the Vice-Chairman of the Thames Valley Police & Crime Panel;***
- the Independent Remuneration Panel review these arrangements within six months.***

12. Report of the Cabinet (Pages 45 - 48)

Report of the Cabinet meetings held on 18 September, 16 October and 27 November 2012 (**CC12**).

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

13. Motion From Councillor Arash Fatemian

“Council welcomes a recent report to Adult Services scrutiny which sets out the rigorous independent contract monitoring and procedures that the directorate has had in place for some time to ensure the wellbeing of those using services throughout Oxfordshire. Council is further reassured that this is an evolving process that develops over time.

However, this Council is concerned to learn that the Care Quality Commission in this region is currently operating under resource and asks the Leader to write to CQC expressing Oxfordshire County Council's wishes that this situation be immediately addressed to the correct levels to further compliment the Council's own work."

14. Motion From Councillor Zoe Patrick

"Council recognises that young unemployed people are particularly disadvantaged by the current economic situation and that they deserve extra support to move onto the first steps to permanent employment.

Council notes and supports the £1 billion Youth Contract scheme – launched by the Coalition Government as a result of Lib Dem intervention – that opens up various opportunities for young people.

Council further acknowledges that the cost of transport to Job Centres, job interviews, work experience and apprenticeships can be a real barrier to young people.

Council therefore, requests the Chief Executive/Cabinet to examine the feasibility of extending the concessionary travel scheme to include 18 – 24 year olds in receipt of Job Seekers Allowance or undertaking apprenticeships and to report back to Council within 3 months."

15. Motion From Councillor John Sanders

"This Council is concerned that two bus companies, running vital transport services for the Council, have gone into liquidation within a few days of each other. It calls into question whether the procurement policies of the Council are fit for the job.

At the moment, the Council looks for the "cheapest overall package" in choosing to subsidise bus services.

European procurement regulations admit either of two tendering criteria - (a) the lowest price or (b) the most economically advantageous tender (MEAT). The regulations state that suppliers can be assessed and excluded on the basis of their economic and financial capacity.

The Council now resolves to ask Cabinet to adopt the MEAT alternative for all bus service contracts and for all other Council services where failure would be likely to result in serious disadvantage to people who use the services or increased cost to the Council. This process will include a rigorous assessment of the commercial viability of tenderers as part of the Council's due diligence in assessing contracts."

16. Motion From Councillor Jenny Hannaby

"This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4th July 2010. The report recommended, inter alia:

- a) that a cap should be set on an individual's contributions; and
- b) that the upper threshold for means-testing should be raised.

This Council calls upon Her Majesty's Government to:

- (i) bring forward legislation to implement these two proposals without any further delay; and
- (ii) ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.

The Council calls on the Chief Executive to write to the Secretary of State for Health outlining these concerns."

17. Motion From Councillor Alan Armitage

"Council notes that:

The Living Wage movement started in the UK in 1999, following examples set in the United States;

Many commercial, industrial and government organisations have since adopted a policy of paying a Living Wage in place of the legally required National Minimum Wage;

Oxford City Council was one of the first Local Authorities to be formally accredited by the Living Wage Foundation, and Oxford University is gradually adopting the policy, college by college;

Support for the principle of a Living Wage has been shown by leading politicians including David Cameron (during the 2010 General Election campaign), London Mayor Boris Johnson, and Secretary of State for Work and Pensions Iain Duncan Smith;

Feedback from contractors implementing the Living Wage indicates that it provides many benefits including:

- Easier recruitment and retention of staff, reducing recruitment costs;
- Tougher competition for jobs producing higher quality staff;
- Better motivation and loyalty of all staff;
- Helping to combat child poverty and social deprivation;
- Closing the gap between the pay of men and women;

Council asks the Cabinet to initiate research to establish whether these benefits would be likely to apply if the County Council adopted a Living Wage policy for its own non-teaching staff and those of its principal subcontractors, how such a policy could be sensibly phased in, and what would be the net cost of such a change."

18. Motion From Councillor Larry Sanders

“The Government estimates that there will be 500,000 fewer disabled working-age people able to claim Personal Independence Payments than would have received Disability Living Allowance (DLA) which it is set to replace April 1, 2013. About 5000 disabled Oxfordshire residents will be affected, plus a significant number who receive Carers Allowance for looking after a people who receive DLA. This change follows a number of other benefit changes which also adversely impact disabled people.

The abolition of DLA has been opposed by over 50 respected national organisations, including Age UK, Carers UK, Citizens Advice, Macmillan Cancer Support, Mind, Mencap and the Royal National Institute of Blind People, as well as the UK Disabled Peoples Council, the umbrella grouping for over 300 organisations of people with disabilities.

A major objection is that there has been no ‘holistic’ assessment of the:

- combined effect on disabled people and their carers of these changes;
- costs to the Government of the loss of employment by the large number of people who rely on DLA to enable them to work;
- additional costs to the NHS and local Councils.

This Council:

- Asks the Leader to request that the Government postpone abolition of DLA until such an assessment has been conducted; and
- Asks the Adult Services Scrutiny Committee to form a working party to determine the likely increase in demand for this Council’s services which would be caused by the various changes in benefits (as has been done by Buckinghamshire County Council).”

19. Motion From Councillor Arash Fatemian

“Council welcomes the recent publication of the White Paper on social care that embraced the principles of the Dilnot Commission and would make social care a much fairer proposition for everyone. Council also congratulates the Coalition Government for having the courage to tackle this difficult challenge which too many Governments have consistently delayed.

Council recognises the difficult financial situation facing Local and Central Government, as a result of the reckless spending of the last Labour government, however, having taken this first step, council asks the Leader to write to the Government expressing this organisation's wish to see the Dilnot commission recommendations implemented in full at the earliest possible opportunity.”

20. Motion From Councillor Arash Fatemian

“This Council is surprised to learn that Oxford City Council is spending £450,000 on upgrading public conveniences throughout the City (Oxford Mail, 25th October 2012). Oxfordshire County Council recognises the importance of public conveniences for all but especially for older people, those with a disability, pregnant women, and families

with young children.

However, Council asks the Leader to write to the City Council to express concern about spending priorities, especially given the attitude that the City Councillors & County Councillors from Oxford City have adopted to issues such as the funding of the Dial-A-Ride service and to consider if all the spending is really necessary such as decorating the walls with comments.”

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 12 January 2009 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders