

# CABINET

**MINUTES** of the meeting held on Tuesday, 16 October 2018 commencing at 2.00 pm and finishing at 3.50 pm

**Present:**

**Voting Members:** Councillor Ian Hudspeth – in the Chair  
Councillor Mrs Judith Heathcoat  
Councillor Lawrie Stratford  
Councillor Ian Corkin  
Councillor Steve Harrod  
Councillor Lorraine Lindsay-Gale  
Councillor Yvonne Constance OBE  
Councillor David Bartholomew  
Councillor Mark Gray  
Councillor Eddie Reeves

**Other Members in Attendance:** Councillor Sobia Afridi (Agenda Item 8)  
Councillor Liz Brighthouse (Agenda Item 9 &10)  
Councillor John Howson (Agenda Item15)  
Councillor Mark Lygo (Agenda Item 15)  
Councillor Glynis Phillips (Agenda Item 6, 7 & 10)  
Councillor Emily Smith (Agenda Item 10)

**Officers:**

Whole of meeting	Yvonne Rees (Chief Executive); Sue Whitehead (Resources Directorate)
Part of meeting	
Item	Name
6	Lorna Baxter, Director of Finance
7	Bev Hindle, Strategic Director for Communities; Katy Jurczynszyn, Strategic Finance Manager
8	Jonathan McWilliam, Director of Public Health
9	Robin Rogers, Spatial Infrastructure Planning Res. Manager
11	Ian Dyson, Assistant Director of Finance (Assurance)
15	Lucy Butler, Director for Children's Services; Allyson Milward, Strategic Lead for Education Sufficiency

*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.*

### **93/18 DECLARATIONS OF INTEREST**

(Agenda Item. 2)

Councillor Phillips, as a resident of Headington, declared an interest in respect of the Access to Headington Scheme when speaking on Item 7, Capital Programme Monitoring and Medium Term Financial Plan Delivery Report.

### **94/18 MINUTES**

(Agenda Item. 3)

The Minutes of the meeting held on 18 September 2018 were approved and signed as a correct record subject to the following corrections:

Attendance – delete duplicate incidence of Councillor Heathcoat and add Councillor Hudspeth.

Minute 86/18 – In the second paragraph of the preamble the figure £46.5 be corrected to read £46.5m

Minute 87/18 – Sixth paragraph to be amended to read:

“Although Councillor Bartholomew agreed that internal borrowing was preferable he did not feel that it was appropriate to tie the Treasury Management Team in to internal borrowing if circumstances arose when a much better return could be achieved with external investments and the capital funding was obtained via the PWLB.”

### **95/18 QUESTIONS FROM COUNTY COUNCILLORS**

(Agenda Item. 4)

Councillor Turnbull had given written notice of the following question to Councillor Lindsay-Gale:

“How many maintained schools and colleges in Oxfordshire are operating in-year budget deficits?”

Councillor Lindsay-Gale replied:

“Based on the budget and monitoring plans provided by maintained schools 111 schools out of a total of 154 (or 72%) are operating in year budget deficits.

There will be many reasons for in-year deficits, schools may be budgeting for significant one-off costs (redundancy, repair & maintenance, building work, ICT replacements) or managing the impact of fluctuating pupil numbers.

Each year, schools are asked to plan their budget for a three year period taking into account any brought forward balances.”

Councillor Howson had given written notice of the following question to Councillor Constance:

“Please can you provide an indication of the timetable when traffic reduction measures, as presented in the Oxford Transport Strategy and a briefing to Councillors in January 2018 are likely to be introduced?”

Councillor Constance replied:

“The County Council is presently working with the City Council to develop options as part of a detailed business case and this will be accompanied by extensive public consultation. We remain committed to exploring options to reduce traffic in Oxford, which includes consideration of a workplace parking levy and congestion charge. The project programme is being reviewed by officers at present with a view to reporting to Cabinet at the next available opportunity once this review has been completed”.

Supplementary: Councillor Howson asked if given a number of very large planning applications with significant transport implications the Cabinet Member would give some idea of when work would come to fruition. Councillor Constance replied that she at this stage she could not give an end date but that progress was being made. A City Council and County Council Steering Group had been set up and was meeting monthly. Councillor Constance assured Councillor Howson that he would be amongst the first to know when more information was available.

Councillor Roz Smith had given written notice of the following question to Councillor Constance:

“Pressure on residential parking bays in Headington is increasing. Could the Cabinet member provide information of the number of parking permits issued to businesses which allow them to park in the controlled parking zone (CPZ) in central Headington?”

Councillor Constance replied

“There are currently 36 valid Business Permits issued in the central Headington CPZ.

Supplementary: Councillor Roz Smith referred to the Car Parking Policy and noted that permits for businesses were issued for commercial business need and not for commuting. She feared that some permits were being used for commuting and asked what monitoring was being done or could be done to ensure permits were being used correctly? Councillor Constance indicated that it should be possible to check whether permits were valid and she would consider the point made and reply in writing on what could be done to monitor use.

Councillor Emily Smith had given written notice of the following question to Councillor Corkin:

“What is the date of the first Partnership Working Group meeting for the Cherwell-Oxfordshire partnership and will this be open to the public?”

Councillor Corkin replied:

“The Partnership Working Group has been established through the s113 arrangements and is a cross-party group that will be considering detailed business plans and proposals for joint working arrangements. The first meeting will be held on 23 October 2018 at 2.00 pm in County Hall, Oxford. It would not be appropriate for this group to meet in public given that it will be discussing personal information in relation to staffing and, likely, confidential and sensitive information relating to risk. However, the purpose of the group is to have a space within which to discuss and debate those matters with a view to making recommendations having been satisfied that any proposal is sufficiently robust.

The recommendations will be to the respective Cabinets of Cherwell and Oxfordshire for final approval which, of course, will meet in public”.

Supplementary: Asked whether minutes would be available and whether political balance had been agreed on the Group, Councillor Corkin replied that the minutes of the meetings would remain confidential but with recommendations coming through to the respective Cabinet meetings. All main political groups were represented on the Working Group.

## **96/18 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item. 5)

The Leader of the Council had agreed the following requests to address the meeting:-

Item	Speaker
Item 6– Financial Monitoring and Medium Term Financial Plan Delivery Report	Councillor Glynis Phillips, Shadow Cabinet Member for Finance
Item 7 – Capital Programme Monitoring Report	Councillor Glynis Phillips, Shadow Cabinet Member for Finance
Item 8 – Director of Public Health Annual Report	Cllr Sobia Afridi – Shadow Cabinet Member, Adult Social Care & Public Health
Item 9 –Operating Model – Implementation Strategy	Councillor Liz Brighthouse, Opposition Leader

Item 10 – Performance Scrutiny Young Carers Deep Dive Recommendations	Councillor Liz Brighthouse, Chairman of Performance Scrutiny Committee
Item 15 – Updated Financial and Resource Contributions to the Swan School Project in Oxford	Councillor John Howson, local councillor for St Margaret's  Councillor Mark Lygo, local councillor for Marston & Northway

## 97/18 FINANCIAL MONITORING AND MEDIUM TERM FINANCIAL PLAN DELIVERY REPORT - AUGUST 2018

(Agenda Item. 6)

Cabinet considered a report that set out the forecast position of the revenue budget as at the end of August 2018. The report also included an update on the delivery of savings, plus forecast reserves and balances.

Councillor Phillips, Shadow Cabinet Member for Finance, stated that the report illustrated the fragility of the Council's financial position. In particular the ongoing increase in demand for children's services was a national problem requiring a national solution. Councillor Phillips highlighted a number of issues including that services such as those for unaccompanied young asylum seekers were not fully funded by government. She also noted that where schools became academies debt was retained by the authority but that any surplus was kept by the school. Councillor Phillips looked forward to the government Green Paper and hoped that the Chancellor's budget statement would reflect the end of austerity.

Councillor Bartholomew, Cabinet Member for Finance, refuted that the Council's financial position was fragile. The overspend was similar to that at the same point last year, would be addressed and a balanced budget delivered. Councillor Bartholomew commented that children's services were demand led and the Council was doing everything it could at a local level. He shared Councillor Phillip's concern about the underfunding of services for unaccompanied young asylum seekers. Councillor Bartholomew had sympathy with the point she made on schools becoming academies.

Councillor Bartholomew, introduced the contents of the report. Lorna Baxter, Director of Finance, referred to the additional funding from government for adult social care. The Council had not received notification of their share of the funding and expected that it would have conditions attached.

### **RESOLVED:-**

- (a) note the report;
- (b) note the virements set out in Annex 2b;
- (c) approve the supplementary estimates set out in Annex 2c and paragraph 10;

- (d) approve the bad debt write-offs as set out in paragraphs 21 and 22.

## **98/18 CAPITAL PROGRAMME MONITORING REPORT - AUGUST 2018**

(Agenda Item. 7)

Cabinet considered a capital programme update and monitoring report that focussed on the delivery of the 2018/19 capital programme based on projections at the end of August 2018 and new inclusions within the overall ten-year capital programme.

Councillor Phillips, Shadow Cabinet Member for Finance, commented that the report reflects the amount of activity taking place. Referring to the annexes which listed projects she noted that the Risinghurst project did not seem to be there. Councillor Phillips highlighted the Access to Headington project and asked Cabinet to support the recommendation. She added that the issue had been the piecemeal approach to the project with works since October 2016 and a further phase still outstanding. Councillor Phillips queried confidence levels that the Council had the capacity and confidence to manage this level of activity.

Councillor Bartholomew responded to the points made noting that it was not always possible to get all the money for a project together at one time. In reality schemes were ready to go and the Council sought funding where ever they could. Capacity was being addressed at every level with people being brought. In addition the capacity of contractors was being addressed. Councillor Hudspeth, Leader of the Council added that he had complete confidence in officers to monitor the programme. It was good to have such a robust capital programme. It was an exciting time for Oxfordshire to be in a position to deliver the infrastructure everyone wants.

Councillor Bartholomew, introduced the contents of the report and moved the recommendations.

### **RESOLVED:-**

- (a) note the report;
- (b) approve the updated Capital Programme at Annex 2 and the associated changes to the programme in Annex 1c;
- (c) approve the stage 0 budget requirement of £2.5m towards the expansion at Radley School within the Basic Need Programme with funding options considered at Stage 1 gateway.
- (d) approve the stage 0 budget requirement of £1.5m towards the expansion at Bardwell School within the Basic Need Programme.
- (e) approve the additional budget requirement of £3.5m towards the Eastern Arc Phase 1: Access to Headington Project, for an overall budget provision of £14.5m.

## **99/18 DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT XI**

(Agenda Item. 8)

Cabinet had before them a report which summarised key issues associated with the Public Health of the County. It was an independent report about the health and wellbeing of Oxfordshire residents in the broadest terms. It used science and fact to describe the health of Oxfordshire and to make recommendations for the future.

The report covered the following areas:

Chapter 1: The Demographic Challenge

Chapter 2: Creating Healthy Communities

Chapter 3: Breaking the Cycle of Disadvantage

Chapter 4: Lifestyles and Preventing Disease Before it Starts

Chapter 5: Promoting Mental Wellbeing and Positive Mental Health

Chapter 6: Fighting Killer Diseases.

Councillor Afridi, Shadow Cabinet Member for Adult Social Care & Public Health, thanked Jonathan McWilliam for the balanced report and for all his hard work over the years. Councillor Afridi commented that prevention was better than cure and highlighted Chapter 3, on breaking the cycle of disadvantage. She queried why there was nothing in the report about the rise in drug use. Councillor Stratford, Cabinet Member for Adult Social Care & Public Health responding to comments made.

Councillor Stratford, in moving the recommendation referred to the recommendations from the Oxfordshire Joint Health & Overview Scrutiny Committee that should also be recommended to Council. He stated that it was an interesting read and as always a good report. He highlighted a number of issues, including the demographic challenge and the impact of loneliness and noted that a lot of the issues were for others to address.

Jonathan McWilliam, presented the contents of the report. Councillor Hudspeth, Leader of the Council, stressed the importance of building on communication and the importance to keep working with partners. In noting that this was Jonathan's last annual report Councillor Heathcoat thanked him for all his work over the years.

During discussion Cabinet in commending the report:

1. Highlighted the issue of loneliness which was affecting more people. Carers looking after dementia sufferers often felt isolation; it was possible to be lonely in a crowded place and with the growth agenda there would be a lot of people moving into new housing areas.
2. The chapter on the demographic challenge and people and place was useful providing empirical evidence that could be used by councillors at the local level.

**RESOLVED:-**

to **RECOMMEND** Council to receive the report and note its recommendations.

Including the recommendations of the Oxfordshire Joint Health Overview & Scrutiny Committee.

**100/18 OPERATING MODEL: IMPLEMENTATION STRATEGY**

(Agenda Item. 9)

In September 2018, Cabinet endorsed a new Operating Model as the basis for transformation of the whole Council to support the delivery of the Thriving Communities vision. Cabinet also agreed a set of delivery principles and directed the Chief Executive to bring further proposals for implementation of the Operating Model back to Cabinet for decision.

Cabinet had before them a report that set out the scale of change that implementing the Operating Model and associated workstreams would represent. It set out a proposed strategy for delivering that change that recognised that the programme can only be successful with full ownership by the Council's members and staff and with clear accountability for delivery sitting with the Council's senior managers. It recommended working with a strategic partner, noting that other suppliers may be required over the life-time of the programme to work alongside the Council to deliver benefits in the most effective way.

The report also considered decision making on costs and initial funding arrangements and the required approach towards staff, resident and partner engagement. Finally, the report made recommendations with respect to ensuring appropriate member oversight of this strategic, long-term programme.

Councillor Brighouse, Opposition Leader, expressed her pleasure at the way the report had moved on. She accepted that radical action was needed in the face of cuts and rising demand. Councillor Brighouse stressed the need to look at governance and to work together to avoid the Cabinet Member being exposed. In terms of implementation she recognised that on occasion outside skills and expertise would be needed and noted that in this paper it was not just about going to PWC but to others as appropriate. Councillor Brighouse asked that cabinet ensure the involvement of all councillors. All councillors had equal knowledge of their own division and could contribute. The right HR model was important to be able to manage HR requirements properly. She hoped that going forward all would be engaged and that the funding referred to would be available to invest in adult social care and children's services.

Councillor Reeves, Cabinet Member for Transformation, commended Councillor Brighouse for her comments and noted the great degree of consensus there was on this matter.



Councillor Reeves, in introducing the report drew attention to paragraph 9 setting out the implementation approach. Engagement was key to success with a vital role for councillors to play. The Cabinet Advisory Group should be established quickly and the role of the Performance Scrutiny Committee and the Audit & Governance Committee was equally vital. People should not underestimate the challenge for staff.

During discussion Cabinet:

1. Thanked Robin Rogers, the team and the Chief Executive for the reworking of the approach.
2. Agreed with comments highlighting the importance of engagement.
3. Recognised that the transformation was necessary to deliver savings and better services. In choosing to go for more savings it would allow Cabinet to be reinvest in services, with real challenge and choices to be made.
4. Considered how the transformation programme would work with the OCC Cherwell Partnership working.
5. Recognised that staff are the Council's biggest asset and that morale could be affected by uncertainty over the future. It was important to find a mechanism for keeping them involved.
6. The transformation provided an opportunity for staff to develop in new directions and that was to be welcomed.

Having reviewed the approach set out in the report Cabinet:

**RESOLVED:-** to:

- (a) approve the approach for implementation set out in paragraph 9;
- (b) agree the recommended option for resourcing the approach through supplementing internal capacity with a strategic partnering arrangement (in-accordance with the access agreement entered into with PwC, following Cabinet's approval in July 2018) and alternative commissioned support as required, as set out from paragraph 28;
- (c) agree to the proposals for funding programme expenditure within 2018/19 from the Transformation Reserve as set out in paragraph 82;

## **101/18 PERFORMANCE SCRUTINY YOUNG CARERS DEEP DIVE RECOMMENDATIONS**

(Agenda Item. 10)

Cabinet considered the report setting out recommendations from the Performance Scrutiny Committee deep dive into how the Council identifies and supports young carers to reduce the inequalities they face.

Councillor Brighthouse, Chairman of Performance Scrutiny Committee, set out the context for the deep dive and indicated that the work was seen not as the end result but as a beginning. Councillors knew that young carers were disadvantaged but were often under the radar, managing their own lives.

Councillor Phillips, speaking as a member of the deep dive recognised that the weakness in the work so far had been that they had not been able to speak to young carers. The councillors involved intended to continue this work. Councillor Phillips referred to the work of Be Free Young Carers, who were not supported financially by the Council. Councillor Emily Smith, speaking as a member of the deep dive added that children were picking up the gap in service provision of adult social care.

Responding to a question Councillor Phillips explained that it had not been possible to speak to young carers to this point, due to diary clashes, but that it had been important to members to bring to Cabinet's attention the findings so far.

During discussion Cabinet:

1. Commended the work done so far by councillors and officers but generally felt that the report was premature and incomplete. In particular it was important to speak to young carers. Cabinet looked forward to the report coming back once further work was completed.
2. There was support for the principle of a Young Carers Councillor champion but more work was needed to define the role.
3. Considered the work of the charity Be Free Young Carers and discussed the response to the first recommendation, with one Cabinet Member suggesting that officers sit down with the charity to find a way forward..

Councillor Brighthouse, responded, commenting that deep dives were evidence based and that this one had resulted from members of the Performance Scrutiny Committee identifying a gap in an earlier Council commissioned report. Officers had worked hard and there had been a need to air the issues. The work so far indicated that there was a lot more to be done. Data was needed on on the referrals, with more data required from adult social care and children's services.

**RESOLVED:** to defer a decision on the recommendations in the report pending further work by the Performance Scrutiny Committee and a further report back to Cabinet.

## **102/18 BUSINESS MANAGEMENT & MONITORING REPORT FOR QUARTER 1 - OCTOBER 2018**

(Agenda Item. 11)

Cabinet considered a report that demonstrated the state of Oxfordshire County Council's (OCC's) business as regards progress towards Corporate Plan priorities at the end of Quarter 1 2018-19. This was the first report using the new OCC Corporate Plan and Outcomes Framework, and the first to

focus fully on the high priority outcomes rather than the underlying measures.

Councillor Heathcoat, Deputy Leader of the Council Performance commented that improvement/deterioration since the last quarter of 2017-18 could not easily be assessed at the outcome level as the 13 outcomes were newly created. However, the indicators beneath the outcomes offered continuity and showed performance improvement in household waste, delayed transfers of care and the numbers of children's social care assessments. There were also a majority of green indicators across the whole report. The direction of travel was positive. Future reports would link into the transformation programme.

**RESOLVED:-** to note the report.

### 103/18 DELEGATED POWERS - OCTOBER 2018

(Agenda Item. 12)

Cabinet noted the following executive decisions taken under the specific powers and functions delegated under the terms of Part 7.2 (Scheme of Delegation to Officers) of the Council's Constitution – Paragraph 6.3(c)(i). It is not for scrutiny to call in.

<i>Date</i>	<i>Subject</i>	<i>Decision</i>	<i>Reasons for Urgency</i>
1 August 2018	Request for exemption from tendering under Contract Procedure Rule ("CPR") 20 in respect of the award of a Works Contract at Matthew Arnold Secondary School	Approved an exemption from the tendering requirements under OCC's Contract Procedure Rules in respect of the award of a works contract for a Basic Needs project to provide additional secondary school places at Matthew Arnold School at a cost of £2,315,920.	In order to minimise further impact on delivery following the collapse of Carillion.
1 August 2018	Request for exemption from tendering under Contract Procedure Rule ("CPR") 20 in respect of the award of a Contract for a Two Classroom Modular Building at Great Milton CE School	Approved an exemption from the tendering requirements under OCC's Contract Procedure Rules in respect of the award of a contract for a Two Classroom Modular Building at Great Milton CE	In order to minimise further impact on delivery following the collapse of Carillion.

		School at a cost of C£180,000.	
1 August 2018	Request for exemption from tendering under Contract Procedure Rule ("CPR") 20 in respect of the award of a Contract to Provide a Basic Need Additional Primary Expansion of Sutton Courtenay CE Primary School	Approved an exemption from the tendering requirements under OCC's Contract Procedure Rules in respect of the award of a contract to provide a basic need additional primary expansion of Sutton Courtenay CE Primary School at a cost of £394,904	In order to minimise further impact on delivery following the collapse of Carillion.
1 August 2018	Request for exemption from tendering under Contract Procedure Rule ("CPR") 20 in respect of the award of a Contract for Abingdon, Wantage and Oxford Options Adult Centres	Approved an exemption from the tendering requirements under OCC's Contract Procedure Rules in respect of the award of a contract for Abingdon, Wantage and Oxford Options Adult Centres at a cost of £95,522 (£125,522 taking into account a sum set aside for contingency).	To avoid significant delays to essential works following the collapse of Carillion.
7 August 2018	Request for exemption from tendering under Contract Procedure Rule ("CPR") 20 in respect of the award of a Contract for Cross Regional residential and educational provision for looked after children with complex needs	Approved an exemption from the tendering requirements under OCC's Contract Procedure Rules in respect of the award of a contract to Broadwood Residential Limited for Cross Regional (Oxfordshire, Buckinghamshire, Reading, Bracknell Forest, Milton	To ensure continuation of service provision during an exercise to procure residential and educational provision for looked after children with complex needs with 5 other local authorities.

		Keynes and Hertfordshire) residential and educational provision for looked after children with complex needs from 1 January 2019 – 31 July 2019 at a cost of £689,619	
24 September 2018	Request for Exemption from Contract Procedure Rules for a Contract providing Care Services for People with a Learning Disability provided by the Kingwood Trust	Approved an exemption from the re-tendering requirements under OCC's Contract Procedure Rules and to extend the current contract with the Kingwood Trust by up to a further 8 months	To enable the continuity of a statutory service and to enable a full tender to be launched for these services.

## 104/18 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 13)

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

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

## 105/18 EXEMPT ITEM

(Agenda Item. 14)

**RESOLVED:** that the public be excluded during the consideration of the Annex since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda.

## PROCEEDINGS FOLLOWING THE WITHDRAWAL OF THE PRESS AND PUBLIC

## 106/18 UPDATED FINANCIAL AND RESOURCE CONTRIBUTION TOWARDS THE SWAN FREE SCHOOL PROJECT IN OXFORD

(Agenda Item. 15)

*The information contained in the annex is exempt in that it falls within the following prescribed category:*

3. *Information relating to the financial or business affairs of any particular person (including the authority holding that information);*

*and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that the disclosure could affect both the outcome of the current planning application for delivery of the school and the conduct of the Education Skills and Funding Agency (ESFA).*

Cabinet received information on progress with provision of the above school to meet demand for secondary school places in Oxford from September 2019 and to ensure that the county council is in a position to respond quickly to whatever planning decision is taken by Oxford City Council on 15 October 2018.

The ESFA team leading the project had indicated that a revised programme of transfer of assets from the Council would be required to ensure the need for places in 2019 could be met.

Councillors John Howson and Mark Lygo addressed Cabinet.

**RESOLVED:** to approve the way forward.

..... in the Chair

Date of signing .....