

CABINET

MINUTES of the meeting held on Tuesday, 18 June 2013 commencing at 2.00 pm and finishing at 3.35 pm.

Present:

Voting Members: Councillor Ian Hudspeth – in the Chair
Councillor Rodney Rose
Councillor Mrs Judith Heathcoat
Councillor Nick Carter
Councillor Melinda Tilley
Councillor Lorraine Lindsay-Gale
Councillor David Nimmo Smith
Councillor Arash Fatemian
Councillor Louise Chapman
Councillor Hilary Hibbert-Biles

Other Members in Attendance: Councillor Nick Hards (Agenda Item 6)
Councillor Laura Price (Agenda Items 7 & 8)
Councillor Glynis Phillips (Agenda Item 9)
Councillor Liz Brighthouse (Agenda Item 10)

Officers:

Whole of meeting Joanna Simons, Chief Executive; Sue Whitehead (Chief Executive's Office)

Part of meeting

6	Stephanie Skivington, Kathy Wilcox (Corporate Finance)
7	John Jackson, Director for Social & Community Services
8	John Jackson, Director for Social & Community Services; Lorna Baxter, Deputy Chief Finance Officer; Stephanie Skivington (Corporate Finance)
9	Jonathan McWilliam, Director for Public Health
12	Huw Jones, Director for Environment & Economy; Roy Newton (Infrastructure Development)
13	Huw Jones, Director for Environment & Economy

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.

59/13 MINUTES

(Agenda Item. 3)

The Minutes of the meeting held on 21 May 2013 were approved and signed.

60/13 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

Councillor Janet Godden had given notice of the following questions to Councillor David Nimmo Smith:

“Residents of Farmoor have queried with me the repairs to the edges of a long strip of the narrow B4017 at Filchampstead in preparation for the ride of respect, when other local road maintenance problems - particularly on the B4044 - have been reported more frequently and seem to deserve higher attention. What consideration was given to the need for road repairs when the route was chosen? What has been the cost of this work along the route of the ride, and what budget has this money come from?”

Councillor Nimmo Smith replied:

“The work that has been carried out at Filchampstead was structural patching, not edge strengthening, which was identified as required for repair. This section of patching work had been identified before Oxfordshire County Council were made aware of the Ride of Respect, but, as it was on the Route, it made sense to carry it out before the event took place. The route was identified by the Royal British Legion and agreed by Thames Valley Police. These decisions are not based on the condition of the highway but if there were significant safety issues relating to a road we would take the necessary action to ensure the safety of all road users.

The County Council are aware of issues that are faced on the roads in Oxfordshire and officers assess each potential location based on their merits and submit locations for programmed attention after they have completed their assessment. These decisions are based on their professional assessment factors including visual inspections, SCRIM test results (skid resistance test) and reports from Local Highway Representatives.

The structural patching work carried out was completed at a cost £36.5k which was funded from the structural patching budget. This patching was completed over a distance of approximately 2.5 kilometres in advance of surface dressing planned for the summer of 2014 in that area.

Due to the volume of motorcycles expected for the ride of respect, the proposed route was inspected and work undertaken to ensure any defects on the route were repaired. This work was funded out of the standard defect budget.

The B4044 has been assessed regarding defects remaining open and not completed, there appears to be 6 safety defects in this area that are overdue and beyond the 28 days required for completion. These are programmed for completion by Friday 21 June 2013.”

Councillor Susanna Pressell had given notice of the following questions to Councillor Hilary Hibbert-Biles:

“I’m sorry that you don’t have the benefit of a range of comments from the Health Scrutiny Committee, but yet again the Public Health Annual Report has not been sent to this committee before coming to Cabinet. This is very regrettable and seems to show that the administration has no respect for the scrutiny function. Instead of this, you just have a couple of questions from me:

firstly what do you see as the major public health challenges presented by our growing ethnic minority communities
and secondly how do you plan to meet these challenges and narrow the wide health gap between our Pakistani and Bangladeshi residents and the most healthy people in the County?”

Councillor Hibbert-Biles replied:

1. The Director of Public Health (DPH) Annual Report.

The Health Overview and Scrutiny Committee is free to set its own agenda and to request items for presentation at its meetings, but has not yet requested that this report be presented.

The DPH Annual Report is a statutory and independent report, presenting evidence of trends and gaps in the health and wellbeing of the population. This independence means that, though the views of committee members can be taken into account for future consideration, the report is not the subject of scrutiny or consultation.

2. The issue of inequalities in health, including those which are linked to ethnicity, are examined in the Director of Public Health Annual Report. There are two major public health challenges - poorer outcomes for particular groups on particular issues and an overall increase in the number of people from ethnic minorities in the population.

Specific challenges need to be addressed and it is the role of Public Health to identify these issues, influence the organisations responsible for delivering improvement and perform a “watchdog” role to ensure better outcomes. For example, South Asian communities have a higher prevalence of diabetes and it is the work of the Clinical Commissioning Group to ensure early identification and good management of the condition. Similarly the NHS England Thames Valley Area Team are now responsible for commissioning cancer screening services. They have been alerted to lower uptake of cervical screening programmes by women from some specific ethnic groups. Teams from the Clinical Commissioning Group are identifying and contacting these people individually to encourage attendance.”

The Joint Strategic Needs Assessment identifies particular groups in the population who have poorer outcomes. This analysis can then be used by all commissioners to ensure that they focus on the areas or populations with greatest need. It is this principle which is highlighted in the Director of Public Health Annual Report. Improving the quality of data to enable this process is an important and on-going task.

61/13 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

The following requests to address the meeting had been agreed:

- Item 6 – Councillor Nick Hards, Shadow Cabinet Member for Finance;
- Item 7 – Councillor Laura Price, Shadow Cabinet Member for Adult Social Care; Dr Stephen Richards and Mr Ian Busby
- Item 8 – Councillor Laura Price, Shadow Cabinet Member for Adult Social Care; Dr Stephen Richards and Mr Ian Busby
- Item 9 - Councillor Glynis Phillips, Shadow Cabinet Member for Public Health & the Voluntary Sector
- Item 10 - Councillor Liz Brighouse, Opposition Leader

At this point Cabinet agreed to vary the order of the agenda.

62/13 OLDER PEOPLE'S STRATEGY

(Agenda Item. 7)

Cabinet had before them the new Older People's Joint Commissioning Strategy 2013-2016, developed jointly by the County Council and the Oxfordshire Clinical Commissioning Group.

Dr Stephen Richards, Chief Executive, Oxfordshire Clinical Care Commissioning Group, referred to recent media coverage on urgent care pressure. Recent public presentations on a plan to address the issue had triggered the interest. He assured Cabinet that it was not the case as reported that £637m of the £650 budgeted had already been spent. More of the funding was committed at this stage than was expected and there was less contingency available than planned. They were committed to delivery with all their partners.

Councillor Price, Cabinet Member for Adult Social Care, welcomed the work for carers which was vital and also highlighted the importance of work on dementia. Her main concern was the lack of specific measures of success. She added that the objectives were important but she worried that there was a lack of a sense of innovation. She suggested that it might be necessary to look outside for examples of excellence and innovative solutions.

Councillor Heathcoat in proposing the recommendations emphasised that the Strategy was linked to other reports on the agenda today and that it was the result of collaboration by partners and had been subject to public consultation. A detailed action plan was attached. Stephen Richards

confirmed the support and engagement of the Oxfordshire Clinical Care Commissioning Group.

John Jackson, Director for Social & Community Services stressed the links to the other reports and commented that the focus was on meeting the needs of patients, users, carers and citizens. Organisational barriers should not get in the way and it was about working in new ways to avoid that. The Strategy so far had been subject to significant consultation. He outlined the further steps to put services in place, and to deliver on key priorities in an efficient way. He detailed how the delivery would be managed.

In welcoming the report Councillor Hibbert-Biles commented that she would wish to see the County Council encouraging the District Councils to provide more extra care housing and the Leader of the Council undertook to pick this up through the Spatial Planning & Infrastructure Partnership.

RESOLVED: to agree the Older People's Joint Commissioning Strategy 2013-2016.

63/13 OLDER PEOPLE'S POOLED BUDGET ARRANGEMENTS (SECTION 75 AGREEMENT)

(Agenda Item. 8)

Cabinet had before them a report that sought Cabinet approval to increase the services and budgets that form the Older Person's Pooled Budget arrangements between Oxfordshire County Council and the Oxfordshire Clinical Commissioning Group. It also proposed changes to the risk sharing and governance arrangements to ensure they are appropriate for a truly pooled budget between both parties under a formal Section 75 agreement.

Councillor Laura Price, Shadow Cabinet Member for Adult Social Care supported the proposals but stressed the need to ensure the arrangements put in place were robust.

Stephen Richards and Ian Busby spoke in support of the arrangements.

Councillor Heathcoat in proposing the recommendations commented that the changes were good news being innovative and exciting. She paid tribute to the hard work by all partners to bring the complex arrangements together and highlighted the experience outlined in paragraph 16 that would be useful going forward. Governance arrangements were important and would be monitored.

John Jackson added that the arrangements were nationally recognised as being innovative for their integrated approach to health and social care for older people. In recognising that there were risks he emphasised that the bigger risk lay with not doing it. It was about better outcomes and efficient use of resources. He highlighted the governance arrangements that would be put in place including the Joint Management Group. Lorna Baxter outlined

the financial position and agreed that the risks were outweighed by the benefits of joint working.

RESOLVED: to:

- (a) approve the proposed changes to the older people's pooled budget arrangements for older people, including changes to the Section 75 Agreement for All Client Groups to reflect this, subject to the inclusion of any necessary changes in the text as agreed by the Director for Social & Community Services after consultation with the Cabinet Member for Adult Social Care;
- (b) RECOMMEND that the County Council approves the virement of £21m into the Older People's Pooled Budget, as well as an income target of £18m.

64/13 PROVISIONAL 2012/13 REVENUE AND CAPITAL OUTTURN

(Agenda Item. 6)

Cabinet considered a report that set out the provisional revenue and capital outturn for 2012/13 and showed how actual expenditure and income for the year compared to the budgeted position. It also included proposals for carry forwards from 2012/13 to 2013/14.

Councillor Nick Hards, Shadow Cabinet Member for Finance highlighted the overspend on highways (paragraph 18) and hoped that the Council would look creatively at the issues created by the winter weather. He also referred to the surplus on on-street parking and queried whether this would be used.

Councillor Fatemian in moving the recommendations drew attention to the revised annex on the addenda. Cabinet in agreeing the recommendations thanked the Finance Team for their efforts over the year to produce such a good result.

RESOLVED:

- (a) in respect of the 2012/13 outturn to:
 - 1) note the provisional revenue and capital outturn for 2012/13 along with the year end position on balances and reserves as set out in the report;
 - 2) approve the carry-forwards and virements as set out in Annex 2;
 - 3) recommend Council to approve the virements greater than £0.5m for Children, Education & Families, Social & Community Services and Environment & Economy Directorates as set out in Annex 2b;
 - 4) agree that the surplus on the On-Street Parking Account at the end of the 2012/13 financial year, so far as not applied to particular eligible purposes in accordance with Section 55(4) of the Road Traffic

Regulation Act 1984, be carried forward in the account to the 2013/14 financial year;

- (b) in respect of the 2013/14 revenue budget and Capital Programme:
- 1) agree the increase of £0.581m to the Kennington Roundabout scheme as set out in paragraph 44;
 - 2) approve virements for 2013/14 as set out in Annex 7.

65/13 DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT

(Agenda Item. 9)

Cabinet considered the 6th Director of Public Health Annual Report for Oxfordshire. The priorities highlighted in this Report included

An ageing population – the “demographic challenge”

Breaking the cycle of disadvantage

-Mental health and wellbeing: avoiding a Cinderella service

The rising tide of obesity

Excessive alcohol consumption

Fighting killer infections

Councillor Glynis Phillips, Shadow Cabinet Member for Public Health and the Voluntary Sector drew attention to the health inequality highlighted by varying life expectancy figures across the County. The trend persisted and decisive action was needed. She commented that there was a general feeling from the report that we could be doing better across the public health agenda, even in areas where we were doing well. Councillor Phillips raised a number of concerns and felt that there were some omissions such as an update on children’s oral health and the use of district hospitals for brief advice.

Councillor Hibbert-Biles introduced the contents of the report which was the first one since public health returned to local government. There was a statutory duty to prepare and publish the report which she commended as being objective and with clear recommendations. She highlighted the priorities set out in the report.

Cabinet discussed the report by priority area and endorsed the recommendations at the end of each section.

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

66/13 APPOINTMENTS 2013/14

(Agenda Item. 10)

Cabinet had before them a paper setting out member appointments to a variety of bodies which in different ways support the discharge of the Council's executive functions.

Councillor Liz Brighthouse, Opposition Leader queried why all the Local Government Association and County Council Network places were taken by the ruling group. She noted that no independent members of the Conservative Independent Alliance had a place.

RESOLVED: to:

- (a) agree the change to the basis of the appointment to the Oxfordshire Safer Communities Partnership as set out paragraph 5 in the report; and
- (b) agree the appointments as set out in the Annex to the minutes.

67/13 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 11)

The Cabinet considered a list of items (CA) 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.

68/13 DIRECT CONSTRUCTION OF INFRASTRUCTURE BY DEVELOPERS

(Agenda Item. 12)

The information contained in the appendices 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)

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Cabinet agreed that the item be considered in public as there were no queries relating to the exempt annex.

Cabinet considered a paper on the implications of enabling direct delivery by developers of infrastructure required by new development. During discussion the importance of sufficient controls was stressed.

RESOLVED: to:

Approve:

- (a). In relation to development proposals the principle of direct delivery of
 - i. major
 - ii. on-site infrastructure, and
 - iii. major off-site highway infrastructure
- (b). The entering into of S106/S278 agreements (subject to the prior approval of the Director for Environment & Economy) to secure the direct delivery of major infrastructure in line with the key principles as set out in Annex 1.
- (c). The standard conditions (for S278 agreements) for the control of highway works in conjunction with development (as in Annex 2).
- (d). Development of school space standards for subsequent approval by Cabinet (Paragraph 4.5).

Revoke:

- (e). Previous determinations in relation to the standard conditions for highway works in conjunction with development and in relation to noise insulation compensation requirements taken by the Highways Committee on 18 May 1976.

69/13 EXEMPTION REPORT - MARCHAM PRIMARY SCHOOL

(Agenda Item. 13)

The information contained in the appendices 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)

Cabinet agreed that the item be considered in public as having read the report they had no queries on its contents.

Cabinet was advised that Vale of White Horse had resolved to grant Taylor Wimpey planning consent for a housing development adjacent to Marcham VC Primary School subject to prior completion of section 106 agreement. The development generates the need for 17 additional pupil places.

As identified in the County Council's response on the planning application "standard" developer contribution would be required and this funding would be passed to Oxfordshire County Council (OCC) to procure and manage the construction works.

Due to the developer's engagement with the community and in particular the primary school pre-application, the developer was willing to contract with the County Council to construct a two classroom extension to the school in lieu of providing contributions to OCC.

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Since this work is to be undertaken on the land outside the developer's site legally it cannot be covered by Section 106 agreement and thus, it is proposed that there should be a hybrid agreement with the developer's section 106 obligations to provide funding being 'released' in return for the delivery of the school extension.

The developer's commitment to construct the two classroom extension in return for release from section 106 obligations to provide funding constitutes a works contract with the County Council and brings the need to comply with procurement law and the Council's Contract Procedure Rules. Therefore an exemption was sought from tendering under Contract Procedure Rule 4.3.

RESOLVED: to approve this exemption from the Council's Contract Procedure Rules.

..... in the Chair

Date of signing