

CABINET

MINUTES of the meeting held on Tuesday, 16 July 2024 commencing at 2.00 pm and finishing at 3.05 pm

Present:

Voting Members: Councillor Liz Leffman – in the Chair
Councillor Dr Pete Sudbury (Deputy Chair)
Councillor Tim Bearder
Councillor Neil Fawcett
Councillor Kate Gregory
Councillor John Howson
Councillor Dan Levy
Councillor Dr Nathan Ley
Councillor Judy Roberts

Other Members in Attendance: Councillor Donna Ford

Officers:

Whole of meeting Lorna Baxter (Executive Director of Resources & Section 151 Officer), Anita Bradley (Director of Law & Governance and Monitoring Officer), Stephen Chandler (Executive Director of People and Transformation), Chris Reynolds (Senior Democratic Services Officer)

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.

92/24 APOLOGIES FOR ABSENCE

(Agenda Item. 1)

Apologies for absence were received from Councillor Andrew Gant and Martin Reeves (Chief Executive).

93/24 DECLARATIONS OF INTEREST

(Agenda Item. 2)

There were none.

94/24 MINUTES

(Agenda Item. 3)

The minutes of the meeting held on 18 June 2024 were approved as a correct record.

95/24 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

See annex.

96/24 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

11 Business Management and Monitoring Report

Dr Stuart Bartlett
Prof E. Mavrikis

97/24 APPOINTMENTS

(Agenda Item. 6)

Cabinet noted that Councillor Sally Povolotsky had been appointed as Water Resources Champion.

98/24 REPORTS FROM SCRUTINY COMMITTEES

(Agenda Item. 7)

There were none.

99/24 DIDCOT GARDEN TOWN HOUSING INFRASTRUCTURE FUND (HIF1) - AMENDMENTS TO THE GRANT DETERMINATION AGREEMENT

(Agenda Item. 8)

Cabinet had before it a report regarding amendments to the grant determination agreement with Homes England for the Didcot Garden Town Housing Infrastructure Fund project (HIF1). The project had been widely publicised, and the details published in previous Cabinet reports.

Following consideration by the Council's Planning and Regulation Committee in July 2023, the HIF1 planning application was 'called in' by the Secretary of State for Levelling Up, Housing and Communities on 25 July 2023, and a decision was now awaited following the conclusion of conjoined planning and Orders Public Inquiries, which closed in May 2024.

After extensive negotiation, Homes England had agreed to contribute further funding to the programme of £36,400,000, potentially extending to £116,000,000, and to extend the funding window to 31 March 2028. The remaining required funding would be met by the previously approved contributions from OxLEP, Section 106 income, and the allowance in the Council's budget through capital borrowing.

Councillor Judy Roberts, Cabinet Member for Infrastructure and Development Strategy, presented the report.

During discussion, a member made the following points in opposition to the to the proposals in the report:-

- They argued that the project would not solve the problems of congestion, pollution, and climate change, but rather worsen them.
- They questioned the carbon impact assessment of the project. They considered that the appendix to the report understated the significance of the CO2 emissions from the construction.
- They advocated for alternative solutions to the transport and housing issues arising from the project. They cited the Pathway to Zero Carbon Oxfordshire report, which recommended reducing travel demand and shifting to local and active travel modes, instead of building more roads. They suggested that the council should negotiate with the government to use the £400m for cycle ways and other sustainable infrastructure.
- They also expressed concern about the cost and risk of the project. They noted that the project's cost has doubled in three years, and that there were still huge financial risks associated with building a bridge over a railway line and wetlands. They could not support the council's decision to underwrite any over-spend, especially when there were considerable financial pressures in other areas including Adult Social Services.

Another member expressed concern that the Cabinet was being requested to decide on the issues in the report before the outcome of the planning inquiry was known.

Councillor Roberts responded to the comments and said that the issues both for and against the project had been explored by the Planning and Regulation Committee.

The Monitoring Officer reminded members that the planning application associated with this project would be determined by the Secretary of State following the report by the planning inspector.

The Chair reiterated the point that the outcome of the planning inquiry was awaited and that, should the Secretary of State determine that the HIF1 scheme should proceed, it was important that the Council has access to the grant funding outlined in the report to support the implementation of the project.

Councillor Roberts proposed and Councillor Leffman seconded the recommendations, and they were approved.

RESOLVED, 7 voting in favour, 1 against and 1 abstention to:-

- a) approve the proposed changes to the Grant Determination Agreement (GDA) as set out in paragraphs 13 and 14 of the report; and
- b) authorise the Director of Environment and Highways, in consultation with the Director of Law & Governance and Monitoring Officer, Executive Director of Resources and Section 151 officer, Cabinet Member for Infrastructure and Development Strategy and Cabinet Member for Finance to finalise the terms of, and enter into, the amended Grant Determination Agreement.

100/24 OXFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP - BOARD APPOINTMENTS

(Agenda Item. 9)

Cabinet had before it a report setting out the decisions taken at the OxLEP Board meeting on 11 June 2024 requiring Company Member endorsement. The recommendations related to the appointment of two new Non-Executive Directors (NED's) replacing existing NED's who had signalled their intent to resign.

The Chair presented the report and explained the background to the appointments of the two directors in the context of the transfer of LEP functions to the County Council.

The Chair moved and Councillor Sudbury seconded the recommendations, and they were approved.

RESOLVED to:-

- a) endorse the appointment of Dr Olga Kozlova as a Board Director upon the resignation of Professor Patrick Grant
- b) endorse the appointment of Cllr David Hingley as a Board Director upon the resignation of Cllr Barry Wood

101/24 TREASURY MANAGEMENT ANNUAL PERFORMANCE 2023/24

(Agenda Item. 10)

Cabinet had before it a report on the Council's treasury management activities for the financial year 2023/24. The Chartered Institute of Public Finance and Accountancy's (CIPFA's) 'Code of Practice on Treasury Management 2021' required that the Council and Audit & Governance Committee received a report on Treasury Management activities at least four times per year. This report was the final report for the financial year 2023/24 and set out the position at 31 March 2024.

Councillor Dan Levy, Cabinet Member for Finance, presented the report and thanked the Treasury Manager and his team for their excellent work in achieving the results presented to the Cabinet.

RESOLVED to

- (a) note the report,**
- (b) recommend the Council to note the council's treasury management activity and outcomes in 2023/24.**

102/24 BUSINESS MANAGEMENT & MONITORING REPORT - MAY 2024

(Agenda Item. 11)

Cabinet considered a report presenting the May 2024 performance, risk, and finance position for the council. The business management reports were part of a suite of performance, risk and budget documents which set out the council's ambitions, priorities, and financial performance.

Members were addressed by two members of the public and Councillor Nigel Simpson on concerns regarding the proposed increase to charges for the Home to School Transport Spare Seats Scheme.

The Chair referred to the motion passed at the July 2024 meeting of Full Council and said that a report on the provision of school bus places would be considered by the Cabinet in due course.

Councillor Dan Levy, Cabinet Member for Finance, presented the report.

During discussion the following points were made:-

- The Council's leading position on household waste recycling but concerns at delays by Government in developing a deposit return scheme for drinks containers
- Concerns that the impact of extreme weather events as a result of climate change had not been included in the corporate risk register
- The likely increase in the deficit budget on the High Needs Block of the Dedicated Schools Grant and the need for this to be addressed by the Government

Councillor Levy moved and Councillor Ley seconded the recommendations, and they were approved.

RESOLVED to:-

- a) note the report and annexes.**
- b) approve the virement requests in Annex B-2a and note the requests in Annex B-2b.**

c) approve the OxLEP carry forward of funding and transfer £0.2m held in the Council's reserves to OxLEP Ltd.

d) approve the increase to charges for the Home to School Transport Spare Seat Scheme from September 2024.

103/24 CAPITAL PROGRAMME UPDATE AND MONITORING REPORT - JULY 2024

(Agenda Item. 12)

Cabinet had before it the first quarterly capital programme update and monitoring report for 2024/25 which set out the monitoring position based on activity to the end of May 2024. The report also provided an update to the Capital Programme approved by Council in February 2024, taking into account additional funding and new schemes.

Councillor Dan Levy, Cabinet Member for Finance, presented the report and explained the background to the schemes for which approval was requested.

During discussion members welcomed the proposals in the report and referred, in particular, to the opening of Shrevenham Primary School and the relocation of Banbury Library.

RESOLVED to:-

Capital Programme

- a) note the capital monitoring position for 2024/25 set out in this report and summarised in Annex 1.
- b) approve the updated Capital Programme at Annex 2 incorporating the changes set out in this report.

Budget Changes / Budget Release

- c) approve to release £4m of corporate funds back to the capital programme from the Special Education Needs (SEN) Provision Programme due to the additional SEN High Needs Grant funding received between 2021/22 and 2024/25 following the announced funding allocations (paragraph 76).
- d) approve the inclusion of Oxford Community Support Service (CSS) Cowley into the Capital Programme with an indicative budget of £1.078m to be funded from the Asset Rationalisation Programme, Property Decarbonisation Programme and Section 106 funding (paragraph 68).
- e) approve the change of the use of the budget for the purposes of relocating Banbury Library (paragraph 70).

104/24 DELEGATED POWERS REPORT FOR APRIL TO JUNE 2024
(Agenda Item. 13)

Cabinet had before it a report refers on the executive decisions taken during the period April to June 2024 inclusive.

Under the Scheme of Delegation in the Council’s Constitution (Part 7.2, paragraph 6.3 (c)(i)), the Chief Executive was authorised to undertake an executive function on behalf of the Cabinet. The quarterly report detailed the use of this delegated power in relation to such executive decisions; that is, decisions that might otherwise have been taken by Cabinet.

The Chair presented the report.

Councillor Leffman moved and Councillor Roberts seconded the recommendations and they were approved.

RESOLVED to note the executive decisions taken under delegated powers, set out in paragraph 4 of the report.

105/24 FORWARD PLAN AND FUTURE BUSINESS
(Agenda Item. 14)

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.

106/24 FOR INFORMATION ONLY: CABINET RESPONSE TO SCRUTINY ITEM
(Agenda Item. 15)

RESOLVED to note the response to the Scrutiny item on the Update on the Priority Action Plan.

.....in the Chair

Date of signing

CABINET – 16 JULY 2024

ITEM 4 – QUESTIONS FROM COUNTY COUNCILLORS

<p>1. COUNCILLOR CHARLIE HICKS</p> <p>On 20 June 2024 the UK Supreme Court held in a landmark decision that Surrey County Council's ("the Council") decision to grant planning permission to a developer was unlawful because the environmental impact assessment ("EIA") for the project did not include an assessment of the downstream greenhouse gas ("GHG") emissions.</p> <p>Please can the Leader let me know whether she and/or our legal department and/or our planning department believe this ruling has an effect on the legality of any projects that Oxfordshire County Council has been granted (or is seeking) planning permission for (as an applicant), or has granted (or is considering to grant) planning permission for (as a planning authority), including road-building projects, where downstream greenhouse gas emissions can be expected from traffic models that predict more traffic will be generated by the road schemes?</p>	<p>COUNCILLOR LIZ LEFFMAN, LEADER OF THE COUNTY COUNCIL</p> <p>The view from the legal and planning departments, having reviewed the recent Surrey County Council ruling regarding consideration of downstream greenhouse gas emissions, is that does not have a direct impact at present as existing road schemes subject to Environmental Impact Assessment already consider direct and indirect effects. It will be for the decision maker to ensure those effects are properly considered with due regard to this and other relevant rulings. We also await the decision on the HIF1 scheme, which will likely provide further advice on how this judgement should be taken into account in decision making going forward.</p>
<p>2. COUNCILLOR BOB JOHNSTON</p> <p>Firstly could the Cabinet member for Railways update me on the Councils efforts to get the partially completed</p>	<p>COUNCILLOR JUDY ROBERTS, CABINET MEMBER FOR INFRASTRUCTURE AND DEVELOPMENT STRATEGY</p> <p>OxRail 2040: Plan for Rail strategy aims to deliver three phases of 25kv AC overhead electrification across</p>

<p>electrification of the line from Didcot to Oxford completed, which was paused by Grayling. This given that most of the base tubes to support the catenary have been installed and some of the uprights likewise, and given that the County has spent some £4 million pounds raising bridges to keep them above the catenary. Secondly can I have an update on the project to re-open the Grove/Wantage station. Finally the next time she meets with Network Rail can she ask him what they are going to do to tidy up their realm in a much it has become a linear scrap heap with discarded rail and other metallic objects given that this scrap is very valuable and the thousands of tonnes littering the railways must be worth at least in the low millions of pounds, because extra money is always useful when finances are tight as they are at present</p>	<p>Oxfordshire by 2040. The first phase targets Didcot-Oxford-Banbury by 2035, with a stretch target of Didcot-Oxford by 2030. The second phase aims to reach a double-tracked Hanborough Mobility Hub by 2035. The final phase, supported by EWR and cross-regional partners, aims to extend to Oxford Parkway/Bicester/Bicester Village by 2040.</p> <p>A request for quotes from specialist rail consultancies is being finalised to produce a DfT-compliant Strategic Outline Business Case and an initial assessment of financing options for a new railway station for Wantage and Grove. The consultant is expected to report back by the end of January 2025. The potential new station will be highlighted in the draft OxRail 2040: Plan for Rail strategy. There are ongoing discussions with industry colleagues on infrastructure requirements, services, and rolling stock availability.</p> <p>The level of overgrown vegetation and discarded sections of track is becoming a concern, and Network Rail colleagues will be asked about plans to improve the situation across the County.</p> <p>:</p>
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