

To: **Members of the Cabinet**

Notice of a Meeting of the Cabinet

Tuesday, 24 November 2009 at 2.00 pm

County Hall, Oxford, OX11ND

Joanna Simons

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Chief Executive

November 2009

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<i>Councillors</i>	Membership
Keith R Mitchell CBE	- <i>Leader of the Council</i>
David Robertson	- <i>Deputy Leader of the Council</i>
Jim Couchman	- <i>Cabinet Member for Adult Services</i>
Ian Hudspeth	- <i>Cabinet Member for Growth & Infrastructure</i>
Louise Chapman	- <i>Cabinet Member for Children, Young People & Families</i>
Michael Waine	- <i>Cabinet Member for Schools Improvement</i>
Rodney Rose	- <i>Cabinet Member for Transport Implementation</i>
Mrs J. Heathcoat	- <i>Cabinet Member for Safer & Stronger Communities</i>

The Agenda is attached. Decisions taken at the meeting will become effective at the end of the working day on 2 December 2009 unless called in by that date for review by the appropriate Scrutiny Committee. Copies of this Notice, Agenda and supporting papers are circulated to all Members of the County Council.

Date of next meeting: 15 December 2009

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Section DD of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

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.

AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest** - guidance note opposite
3. **Minutes** (Pages 1 - 8)

To confirm the minutes of the meeting held on 20 October 2009 (**CA3**) and to receive for information any matters arising therefrom.

4. **Questions from County Councillors**

Any county councillor may, by giving notice to the Proper Officer by 9 am on the working day before the meeting, ask a question on any matter in respect of the Cabinet's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

5. **Petitions and Public Address**
6. **Financial Monitoring** (Pages 9 - 86)

Cabinet Member: Leader

Forward Plan Ref: 2009/109

Contact: Kathy Wilcox, Principal Financial Manager (01865 323981) Ref: 2009/109

Report by: Assistant Chief Executive & Chief Finance Office (**CA6**)

This is the sixth financial monitoring report for the 2009/10 financial year and covers the period up to the end of September 2009 for both revenue, balances, reserves and capital.

The report sets out explanations where the forecast revenue outturn is significantly different from the budget along with proposals to recover the position where

appropriate. The in – year Directorate forecast is an overspend of £3.484m.

The current position for general balances shows an unchanged forecast of £14.088m. After taking into account the forecast Directorate overspend, the consolidated revenue balances forecast is £10.604m.

The report also includes Capital monitoring against the programme agreed last month.

Cabinet is RECOMMENDED to:

- (a) ***note the report; and***
- (b) ***approve the virements as set out in Annex 2a.***

7. European School Culham - Proposal to Replace it with an Academy (Pages 87 - 98)

Cabinet Member: Schools Improvement

Forward Plan Ref: : 2009/199

Contact: Roy Leach, Strategic Lead School Organisation & Planning (01865 816458)

Report by: Director for Children, Young People & Families (**CA7**)

The European School at Culham is currently funded through a grant from the European Union. This grant funding is being phased out and the Department for Children, Schools and Families has agreed with the school's trust that it can be brought into the English maintained sector through replacing it with an academy. The first formal stage of this process is the submission of an 'Expression of Interest' to the Schools Minister for his approval. Although the replacement academy will not be maintained by the County Council, the Council's support for the creation of an academy is sought. If the academy goes ahead, the project management of the delivery of new buildings will be the responsibility of the County Council.

The Cabinet is RECOMMENDED to

- (a) ***note the contents of the draft Expression of Interest;***
- (b) ***support the submission of the Expression of Interest as the basis of a proposal to replace the European School, Culham with an academy subject to the financial guarantees detailed in paragraphs 16, 17 and 18; and***
- (c) ***request officers to bring a further report on the outcomes of consultations undertaken as part of the 'Feasibility Study'.***

8. Reading Transport Innovation Fund (TIF) Bid (Pages 99 - 104)

Cabinet Member; Growth & Infrastructure

Forward Plan Ref: 2009/200

Contact: Owen South, Senior Transport Planner (01865 815735) Ref:

Report by: Head of Transport

The report (**CA8**) updates Cabinet on developments in the Reading Area Transport Innovation Fund (TIF) bid since Cabinet last considered this matter in January 2009 and agreed to participate in ongoing work with Reading Borough Council and other neighbouring local authorities.

It describes proposals for a Low Emission Zone in Reading, which includes an element of charging. It also describes proposed partnership arrangements.

It seeks a decision on whether or not Oxfordshire County Council should enter in to a Partnership Agreement with Reading Borough Council, other neighbouring authorities and the Department for Transport. If so, a further decision is required on which of three levels of partnership status is appropriate.

The Cabinet is RECOMMENDED:

- (a) **to agree in principle that Oxfordshire County Council can participate in the Reading Area Transport Innovation Fund (TIF) scheme as a Level 2 Programme Partner;**
- (b) **to make clear to the other local authorities and the Department for Transport that this is conditional on their agreement that the various elements of the programme, and the bridge specifically, can only go ahead with the agreement of the local authorities in whose areas these are located; and**
- (c) **to authorise the Cabinet Member for Growth and Infrastructure to sign the partnership agreement subject to the agreement in (ii) above and to legal and financial advice.**

9. Oxfordshire County Council Parking Policy (Pages 105 - 230)

Cabinet Member: Growth & Infrastructure

Forward Plan Ref: 2009/090

Contact: Pat Higgins, Group Manager, Traffic Enforcement Tel: (01865) 814022

Report by Head of Transport (**CA9**)

Oxfordshire County Council has been undertaking parking enforcement in the city of Oxford since 1997, initially under the Traffic Regulation Act 1991 and, since March 2008, under the Traffic Management Act 2004.

During this time policies and working practices have been developed from experience and from best practice drawn from other local authorities also undertaking Civil Parking Enforcement. These were the subject of a report to the delegated decisions session of the Cabinet Member for Transport on 24th April 2008.

It is intended that West Oxfordshire District Council will be the first District within the County that will undertake Civil Parking Enforcement under an agency agreement. Oxfordshire County Council, as the highways authority, is required to make an application to the Department for Transport to create a Civil Parking Area which will enable civil enforcement of the various parking regulations in the District of West Oxfordshire to be undertaken.

As part of this application to the Department for Transport Oxfordshire County Council is expected to have in place a comprehensive parking policy document indicating how various aspects of the Traffic Management Act 2004 will be implemented and enforced.

The attached draft policy document is designed to fulfil this requirement. It contains an enforcement procedures section which will also serve to standardise the enforcement practices throughout the County as and when Civil Parking Enforcement is introduced.

Cabinet is RECOMMENDED to approve the Parking Policy Document for use throughout those parts of the County where Civil Parking Enforcement is undertaken.

10. Appointments to Outside Bodies (Pages 231 - 254)

Cabinet Member: Leader

Forward Plan Ref: 2009/108

Contact: Sue Whitehead, Committee Services Manager Tel: (01865) 810262

Report by the Assistant Head of Legal & Democratic Services (CA10)

The report details specific appointments requiring the formal approval of Cabinet, seeks endorsement of an advice note for members and reports on indemnity and insurance issues for members on outside bodies. It seeks approval to the arrangements for strategic partnership Cabinet Member appointments.

Cabinet is RECOMMENDED to:

- (a) agree the procedure for considering appointments to strategic partnerships as set out in the report;***
- (b) agree specific appointments as set out in paragraph 4 above;***
- (c) endorse the advice note for councillors serving on outside bodies for issuing to all members appointed to outside bodies; and,***
- (d) delegate authority to the Monitoring Officer to put in place appropriate indemnity and insurance to enable members to undertake their functions.***

11. Forward Plan and Future Business (Pages 255 - 256)

Cabinet Member: All

Contact Officer: Sue Whitehead, Committee Services Manager (01865 810262)

The Cabinet Procedure Rules provide that the business of each meeting at the Cabinet is to include “updating of the Forward Plan and proposals for business to be conducted at the following meeting”. Items from the Forward Plan for the immediately forthcoming meetings of the Cabinet appear in the Schedule at **CA11**. This includes any updated information relating to the business for those meetings that has already been identified for inclusion in the next Forward Plan update.

The Schedule is for noting, but Cabinet Members may also wish to take this opportunity to identify any further changes they would wish to be incorporated in the next Forward Plan update.

The Cabinet is RECOMMENDED to note the items currently identified for forthcoming meetings.

12. Delegated Powers of the Chief Executive (Pages 257 - 258)

Cabinet Member: Leader

Forward Plan Ref: 2009/146

Contact: Sue Whitehead, Democratic Services (01865 810262)

Report by: Assistant Head of Legal & Democratic Services

Schedule attached (**CA12**) reporting on a quarterly basis any executive decisions taken by the Chief Executive under the specific powers and functions delegated to her under the terms of the schedule to Section L of the Council's Constitution - Paragraph 1(A)(c)(i)

Please note that this not for scrutiny call in.
