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# County Council

**3 April 2012**

## Agenda

County Hall, New Road, Oxford, OX1 1ND

[www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk) Fax: 01865 783195 Media Enquiries 01865 323870

## **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 Part 9.1 of the Constitution for a fuller description.

### **The duty to declare ...**

You must always declare any "personal interest" in a matter under consideration, i.e. 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.**

To: Members of the County Council

## ***Notice of a Meeting of the County Council***

**Tuesday, 3 April 2012 at 10.00 am**

**County Hall, Oxford OX1 1ND**

*Joanna Simons*

Joanna Simons  
Chief Executive

March 2012

Contact Officer: **Deborah Miller**  
Tel: (01865) 815384; E-Mail: [deborah.miller@oxfordshire.gov.uk](mailto:deborah.miller@oxfordshire.gov.uk)

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 7 and 13 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.

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***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.***

***The civic party will process into the Council Chamber at 9.58 am.***

***A buffet luncheon will be provided.***

## **AGENDA**

### **1. Minutes (Pages 1 - 4)**

To approve the minutes of the meeting held on 20 March 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**

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. Annual Treasury Management Strategy & Annual Investment Strategy 2011/12 and 2012/13 (Pages 5 - 8)**

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

Under authority given by Council in February 2011 and 2012 and as set out in the Annual Treasury Management Strategy & Annual Investment Strategy for 2011/12 and 2012/13, any changes required to the Annual Treasury Management Strategy & Annual Investment Strategy are delegated to the Chief Finance Officer in consultation with the Leader of the Council and Cabinet Member for Finance.

The Annual Treasury Management Strategy & Annual Investment Strategy for 2011/12 and 2012/13 use the Fitch Ratings Individual credit ratings in the matrices to determine the maximum lending duration and deposit amount for counterparties based on a combination of their ratings. Fitch have now launched a new Viability rating designed to be internationally comparable and represent Fitch's view as to the intrinsic creditworthiness of an issuer.

The replacement of the Individual rating with the Viability required an amendment to the matrices and therefore to the Annual Treasury Management Strategy & Annual Investment Strategy for both 2011/12 and 2012/13. The Chief Finance Officer has consulted with the Leader of the Council and the Cabinet Member for Finance and they have agreed to the changes in the Annual Treasury Management Strategy & Annual Investment Strategy for 2011/12 and 2012/13 and in exercise of the power given by Council in February 2011 and 2012, Cabinet agreed to note those changes.

***Council is RECOMMENDED to note the changes made to the credit rating matrix limits set out in the Annual Treasury Management Strategy & Annual Investment Strategy for 2011/12 and 2012/13.***

**9. Oxfordshire Minerals and Waste Plan: Minerals and Waste Core Strategy Proposed Submission Document (Pages 9 - 162)**

The County Council is preparing a new Oxfordshire Minerals and Waste Plan. The Minerals and Waste Core Strategy will form the central part of this plan. It is a strategic policy document that requires full Council approval before it can be published for representations to be made and then submitted to the Government for independent examination.

***Council is RECOMMENDED to approve the Minerals and Waste Core Strategy Proposed Submission Document at Annex 2, subject to any necessary editorial changes as agreed by the Director for Environment and Economy in consultation with the Cabinet Member for Growth and Infrastructure, for publication and for submission to the Secretary of State for independent examination.***

**10. Audit Committee - Annual Report (Pages 163 - 176)**

***Council is RECOMMENDED to receive the report.***

**11. Embedding Personalisation (Pages 177 - 180)**

Report by Cabinet Member for Adult Services (**CC11**).

This report summarises outcomes from the 'Hearsay' event and Business Strategy engagement sessions in 2011, both relating to developments in social care. It sets out the background to the growth of personalisation in Adult Social Care. The concept of personalisation is defined, and the policy context is set out, from Community Care law reforms of the 1990's to 'Putting People First' in 2007.

The report welcomes the introduction of Personalisation as a policy and reviews some of the risks involved in more direct purchasing of social care by individuals, for example the use of 'Personal Assistants'. It outlines the measures being proposed to Adult Social Care Scrutiny Committee for assuring quality in externally provided care. This includes the role of Members in promoting and assuring quality in services which operate in their locality.

***The Cabinet RECOMMENDED Council to receive the report and debate its implications for Members.***

## 12. Report of the Cabinet (Pages 181 - 188)

Report of the Cabinet meetings held on 12 & 20 December 2011, 17 January, 6 & 14 February and 13 March 2012 (CC12).

## 13. Questions with Notice from Members of the Council

### 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*

## 14. Motion From Councillor Zoe Patrick

“Council recognises the importance of Resource and Wellbeing Centres (Tier 3) for the elderly, offering companionship, learning opportunities, and other health and well-being services which may be difficult to access. Without these services, many elderly would become isolated, leading to depression and other medical conditions.

The Cabinet has identified the need to make savings to Resource and Wellbeing Centres. To achieve these savings, bids have been called for from the volunteer sector to take over the running of these centres, but so far this has proved to be unsuccessful. Therefore, a decision was taken that the centres should be run by our own internal staff for the next two years. Clients being able to continue to access Resource and Wellbeing Centres is crucial to their sustainability.

Council requests that the Transport Review provides a fair and affordable easy to access transport scheme to include suitable transport facilities for the severely disabled and to support, where available, community voluntary transport schemes to run alongside internal provision.”

## 15. Motion From Councillor Keith Mitchell

This Council

- (a) notes that there are expected redundancies among military personnel in Oxfordshire, . These military personnel and their dependents will need to adjust to civilian life and many will need to access a wide range of Council Services including Benefits advice, Adult and Children Services and Housing..
- (b) is concerned that military personnel coming to the end of their period of service can experience real difficulty in securing appropriate accommodation and employment causing considerable stress to them and to their dependents and place strain on county council social care and school provision.
- (c) recognises that:
  - (i) the nature of military life makes it hard to navigate the complex

system of housing provision;

- (ii) the lack of a consistent policy of prioritisation for housing military personnel across our five district councils adds to their difficulty.
  - (iii) Support dries up rapidly after a service person has left military service..
- (d) believes military personnel coming to the end of their period of service deserve better support in returning to civilian life.

Instructs the Leader of the Council to:

- (a) Write to District Council leaders, urging them to give consideration to a unified policy for prioritisation for service personnel requiring housing and other services.;
- (b) Write to the MoD stressing the need for improved support from the military in this area;
- (c) Refer the issue to the Oxfordshire Military Partnership for the new Leader of the Council and the Chief Executive to take forward.

## 16. Motion From Councillor Richard Stevens

"This Council notes recent judicial decisions relating to the provision by local authorities of social and community services (including, without limitation, social care services and library services), and notes in particular the recent decision of The Honourable Mrs Justice Lang DBE in the *The Queen and Isle of Wight Council [2011] EWHC 2911 (Admin)*, in which The Honourable Mrs Justice Lang DBE approved the following statement of the Court of Appeal in *R v North East Devon Health Authority ex parte Coughlan [2001] QB 213*:

"..whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken.."

Council calls on Cabinet to consider whether its consultation processes comply with this statement, with particular reference to the question of whether the recent consultation on library services gave the public in Oxfordshire sufficient information about the proposed running of library services by volunteers such that the proposals could be the subject of intelligent consideration and an intelligent response."

## 17. Motion From Councillor Val Smith

"This Council supports the Times newspaper safer cycling campaign."

## **18. Motion From Liz Brighthouse**

“This Council believes that it has the statutory responsibility for planning school places and therefore it is in the best position to decide on whether or not a Free School or new Academy is needed in a particular area. Council believes that where a Free Schools and other new Academies are required then the County Council with the sponsors should identify the land needed and that land, having been paid for from the public purse, would be returned to the County Council should the school no longer be required. The Councils asks the Leader of the Council to request the Secretary of State to adopt this sensible proposal.”

## **19. Motion From Councillor John Sanders**

“This Council is concerned about the danger pedestrians face crossing St Nicholas Road, near to the parade of shops in Littlemore. We call on the County Cabinet to agree to install a Pelican Crossing at St Nicholas Road in the near future to improve safety for pedestrians.”

## **20. Motion From Councillor Michael Waine**

“Council welcomes the Government’s intention to give all schools the maximum flexibility to decide the best way to spend available resources, subject to cost effective provision of specialised services.

Council notes:

The Dedicated Schools Grant (DSG) for Oxfordshire is well below the national average and below the grant of many similar shire counties.

The efforts of Oxfordshire Schools’ Forum, local MP’s and others in bringing this anomaly to the attention of Government.

Council calls on the Government to:

Adopt an Activity Led Funding formulae methodology which demonstrates clearly what the money provided will actually purchase in terms of services for young people, ensuring fair funding for each school based on established need.

Recognise the extra costs for areas of rural sparsity which are not currently recognised in the distribution of formulae.

Ensure that the calculation of the supplementary grant to academies (Local Authority Centre Spend Equivalent Grant –LACSEG) is done in such a way as to not financially disadvantage those schools that choose to remain as part of the Local Authority.

Correct the unique historic Oxfordshire post 16 Special School Places funding issue by providing the appropriate funding for ‘sixth form students’ in Oxfordshire Special Schools in line with that granted to all other LA’s nationally.”



## **21. Motion From Councillor Richard Stevens**

“This Council notes the Third Reading of the Coalition government’s Health and Social Care Bill in the House of Lords on 19 March 2012, the final stage of legislative scrutiny prior to the Bill receiving Royal Assent and becoming law.

This Council further notes that:

- under the legislation, the Council will assume responsibility for public health in Oxfordshire;
- figures obtained under freedom of information legislation and published on 13 March 2012 indicate that it is costing £654,500 to set up the Oxfordshire clinical commissioning group (CCG), money that could otherwise be spent on patient care in Oxfordshire;
- in a letter to the Oxford Mail on 14 March 2012, doctors from 24 GP surgeries in Oxford voiced their professional opinion that the legislation will harm patient care; and
- the government has refused to publish the risk register detailing the risks posed by the legislation, which would allow local authorities affected by the legislation - such as this Council - to properly assess the risks to the people of Oxfordshire.

This Council:

- regrets the cost and bureaucracy created by the Health and Social Care Bill in Oxfordshire (even prior to the legislation reaching the statute book);
- regrets the disregard of the warnings of medical professionals in Oxfordshire; and
- calls on the government to abandon its attempt to put the Health and Social Care Bill onto the statute book and, in the event of the Bill receiving Royal Assent, to repeal the subsequent Act,

and calls on Cabinet to write to the Secretary of State for Health expressing such sentiments.”

## **22. Motion by Councillor John Tanner**

“This Council is concerned about the danger pedestrians face crossing Weirs Lane, near to Donnington Bridge in Oxford. We call on the County Cabinet to agree to install a Pelican Crossing at Weirs Lane in the near future to improve safety for pedestrians.”

## **23. Motion From Councillor Larry Sanders**

“The NHS in Oxfordshire faces years of severe financial pressures which will inevitably affect the quality of health care for the people of the County. One of the larger elements of pressure comes from the need for the Oxford University Hospitals NHS Trust to pay at least £53 million per year to the owners of its PFI facilities. PFI

payments are inflated by the profits taken by the owners and by the higher interest rates required from private companies as compared to public entities, such as County Councils.

In February 2012 Northumberland County Council proposed lending £100 million to the Northumbria Healthcare NHS Foundation Trust. They said “The provision of financial support would benefit the residents of Northumberland by enabling the Foundation Trust to secure savings from its existing PFI contracts which would prevent potential reductions in both the range and quantity of healthcare provision offered across Northumberland.”

Under the Local Government Act, local authorities can “do anything which they consider is likely to achieve the promotion or improvement of the economic wellbeing of their area.”

This County Council therefore requests the Cabinet to appoint a working party of appropriate Members and Officers to investigate, with colleagues from the Oxford University Hospitals NHS Trust, the potential for savings to be made through the provision of financial support by the County Council.”

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 2 April 2012 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders