

## OXFORDSHIRE COUNTY COUNCIL

**MINUTES** of the meeting held on Tuesday, 3 April 2012 commencing at 10.00 am and finishing at 4.10 pm.

### **Present:**

Councillor Patrick Greene – in the Chair

### Councillors:

Don Seale	John Goddard	Susanna Pressel
Alyas Ahmed	Janet Godden	Anne Purse
M. Altaf-Khan	Tim Hallchurch MBE	G.A. Reynolds
Alan Armitage	Pete Handley	David Robertson
Marilyn Badcock	Jenny Hannaby	John Sanders
Mike Badcock	Tony Harbour	Larry Sanders
Maurice Billington	Steve Hayward	Bill Service
Norman Bolster	Mrs J. Heathcoat	Dave Sexon
Ann Bonner	Hilary Hibbert-Biles	C.H. Shouler
Liz Brighouse OBE	Ian Hudspeth	Dr Peter Skolar
Iain Brown	Ray Jelf	Roz Smith
Nick Carter	Stewart Lilly	Val Smith
Louise Chapman	Lorraine Lindsay-Gale	Richard Stevens
Jim Couchman	A.M. Lovatt	Keith Strangwood
Roy Darke	Sajjad Hussain Malik	Lawrie Stratford
Arash Fatemian	Kieron Mallon	John Tanner
Anda Fitzgerald-	Charles Mathew	Melinda Tilley
O'Connor	Keith R. Mitchell CBE	David Turner
Jean Fooks	David Nimmo-Smith	Michael Waine
Mrs C. Fulljames	Neil Owen	David Wilmshurst
Anthony Gearing	Zoé Patrick	
Michael Gibbard		

*The Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.*

### **148/12 MINUTES**

(Agenda Item 1)

**RESOLVED:** that the Minutes of the meeting held on 20 March 2012 were approved and signed, subject to the following amendment: Minute 147/12 – delete ‘Councillor Skolar’ and substitute with ‘Councillor Seale’.

## **149/12 APOLOGIES FOR ABSENCE**

(Agenda Item 2)

Apologies for absence were received from Councillors: Atkins, Crabbe, Harvey, Hutchinson, Jones, Rose, Sherwood, Thompson, N. Turner and Viney.

## **150/12 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE**

(Agenda Item 3)

The following declarations of interest were made:

Councillor George Reynolds declared a Personal Interest in relation to Agenda Item 9 due to his role as Chairman of the Wroxton Ironstone Liaison Committee.

Councillor Jenny Hannaby declared a Personal Interest in relation to Agenda Items 11, 13 and 14 due to her role as Vice-President of the Wantage Branch of the Royal British Legion and also Chairman of the newly formed Friends of the Health & Wellbeing Centre Wantage Trust and Chairman of the Wantage League of Friends Hospital.

Councillor Roz Smith declared a Personal Interest in relation to Agenda Item 15 due to having family in the services.

Councillor Seale declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion.

Councillor Mallon declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion – Member of the Household Division Association.

Councillor Hallchurch declared a Personal Interest in Agenda 15 due to his membership of the Oxford Yolmany Association and to fund raising for the Army Benevolent funds.

Councillor Service declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion.

Councillor Harbour declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion.

Councillor Charles Badcock declared a Personal Interest in Agenda Item 15 due to the Phoenix Fund at Didcot being one of his mayoral declared charities.

Councillor Nimmo-Smith declared a Personal Interest in Agenda Item 15 due to being a Member of the Royal British Legion and a Member of Level AED Sergeants Mess.

## **151/12 OFFICIAL COMMUNICATIONS**

(Agenda Item 4)

The Chairman reported as follows:

- (i) The Chairman had attended his 13 repatriation in honour of Capt Rupert Bowers, 2nd Battalion, The Mercian Regiment, Worcesters and Foresters, Sgt Luke Taylor of the Royal Marines and L/Cpl Michael Foley of the Adjutant General's Corps.
- (i) Council observed a minute's silence in memory of Former County Councillor Mary Steward Smith. The leader of the Labour Group, Councillor Brighouse and Councillor Janet Godden shared memories and experiences with Council and paid tribute to Councillor Steward Smith.
- (ii) A listing of Chairman's Events was now available on the website:  
<http://www.oxfordshire.gov.uk/cms/content/chairman-council>

## **152/12 APPOINTMENTS**

(Agenda Item 5)

**RESOLVED:** to note the decision of the Leader under the authority given him under paragraph 1.1 of the Cabinet Procedure Rules to appoint a joint committee for the purpose of signing off the Thames Valley Police and Crime Panel arrangements and the appointment of Councillor Kieron Mallon (Cabinet Member for Policing and Policy Coordination) to represent the County Council on this Joint Committee.

## **153/12 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 6)

The following petitions and public address were received under Agenda Item 9 – Oxfordshire Minerals and Waste Plan: Minerals and Waste Core Strategy Proposed submission Document

Mr Bernard Stone, on behalf of Wallingford Town Council, spoke in support of CAGE against the proposed site at Cholsey and in particular outlined the damaging effect that the Cholsey site would have on the historic town of Wallingford in terms of noise and dust, traffic and a loss of tourism.

Mr Henry Pavlovich began to address the Council questioning a statement that the Cabinet Member for Growth and Infrastructure had made at the Cabinet Meeting on 13 March 2012. In the event, the Chairman, advised by the Monitoring officer, suggested that the address was inappropriate and it was ruled out of order.

Mr Arnold Grayson, on behalf of the Branch Executive Committee of CPRE spoke against the figures of gravel extraction and exportation set out in the Strategy, and in particular the 2% drop in gravel consumption in the County last year and the 4% fall per year in the economies use of gravel. He

believed that the forecasts were too high as a result and that a major increase in exports would be likely to follow if the 1.01 million tonnes per annum figure were accepted for Oxfordshire's extraction. He urged the Council to consider imports and that any future reviews of the Policy be open to the public.

Mr Jonny Allen spoke against the proposed site at Cholsey on the grounds that the site had received MOD objections, was of a scale and proximity to an AONB to be of concern, had received significant objections and for heritage reasons. He believed that all other sites in South Oxfordshire should be given proper consideration and that Cholsey should be removed.

Mr Goodstadt expressed concern over the figures set out in the Strategy for supply and demand of gravel and in particular that the demand figures were too high as the strategy had taken a 20 year view rather than the required 10 year view. Referring to the National Planning framework that had been recently issued, he urged Council to put the decision on hold until a legal view of the guidelines could be taken.

#### **154/12 ANNUAL TREASURY MANAGEMENT STRATEGY & ANNUAL INVESTMENT STRATEGY 2011/12 AND 2012/13**

(Agenda Item 8)

The Council had before them a report by the Assistant Chief Executive and Chief Fire Officer (CC8) which set out changes to the Fitch ratings and subsequent necessary changes to the Annual Treasury Management Strategy & Annual Investment Strategy for both 2011/12 and 2012/13.

**RESOLVED:** (on a motion by Councillor Couchman, seconded by Councillor Mitchell and carried nem con) 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.

#### **155/12 OXFORDSHIRE MINERALS AND WASTE PLAN:MINERALS AND WASTE CORE STRATEGY PROPOSED SUBMISSION DOCUMENT**

(Agenda Item 9)

The Council had before them a report (CC9) which set out the Minerals and Waste Core Strategy Proposed Submission Document including the vision, objections, spatial strategy, core policies and implementation framework for the supply on minerals and management of waste in Oxfordshire to 2030.

Councillor Lindsay-Gale moved and Councillor Heathcoat seconded the recommendations as set out in the report and on the face of the Agenda.

Councillor Tanner moved and Councillor Larry Sanders seconded the following two amendments:

“Page 26 Policy M2: Sharp sand and gravel – “delete ‘1.01 million tonnes’ and replace with ‘700,000 tonnes’ a year”

“Page 27 Policy M3: Location for aggregate workings - Amend (ii) to read: “a new area or areas of working within South Oxfordshire, to replace Sutton Courtenay when etc...”

Following debate the first amendment was lost by 52 votes to 10.

Following debate the second amendment was lost by 44 votes to 15.

The substantive motion was then put to the vote and was carried by 40 votes to 22.

**RESOLVED:** (by 40 votes to 22) 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.

## **156/12 AUDIT COMMITTEE - ANNUAL REPORT**

(Agenda Item 10)

The Council had before them the Annual Report of the Council's Audit Committee (CC10).

**RESOLVED:** (nem con) to receive the report.

## **157/12 EMBEDDING PERSONALISATION**

(Agenda Item 11)

The Council had before them a report (CC11) by the Cabinet Member for Adult Services which summarised the outcomes from the 'Hearsay' event and Business Strategy engagement sessions in 2011, relating to developments in social care. The report set out the background to the growth of personalisation in Adult Social Care.

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

Councillor Fatemian moved and Councillor Seale seconded the following motion as amended by Councillor Patrick in bold italic:

“The Cabinet **RECOMMENDED** Council to receive the report and debate its implications for Members ***and refer the issue to the Adult Services Scrutiny Committee for further consideration.***”

The amendment proposed by Councillor Stevens as set out in the Schedule of Business, Annex 1 was withdrawn.

Council then debated embedding personalisation. The following key points arose from debate:

- Everyone receiving Social Care should have a choice;
- Managing risks – there should be cross party working on it;
- The formal role for members – adequate training will need to be given to enable members to carry out this role;
- Enhancing the role of local members – how is this going to be formalised?
- Need to ensure consistency of care given at home – care quality commission?
- Feedback from ‘Hearsay’ event - what did people actually say? Need to ensure that it is not political
- Need to ensure that members and officer roles are clearly defined and that members are not carrying out roles that professional officers should be doing;
- The whole area needs to be properly funded;
- People with a learning disability have been left behind – these people need the most care;
- Needs are often hidden;
- The need to promote the concept of “corporate parent”.
- The need to recognise that the whole area can exploit vulnerable people – need safeguarding in place, especially for people with Dementia;
- Need to consider how to monitor and manage risks;
- Members need to visit day centres and care homes in their areas;
- LINKs should be involved in the process;
- Members should not inspect homes in their own areas
- Members promoting and assuring quality - concerns about promoting one company over from another;
- NHS could do more in care homes. Capture views of quality of care homes and community care providers from visiting health professionals;
- Need to get extra care housing up and running;
- members should not take on the role of social workers;
- Scrutiny should ensure providers are adequate;
- The importance of LINKs was emphasised including the importance of focusing on service users.

Following debate the motion was put to the vote and it was:

**RESOLVED:** (nem con) that Council record the views expressed during the debate and that these are taken into consideration by the Cabinet and Adult Services Scrutiny Committee.

## **158/12 REPORT OF THE CABINET**

(Agenda Item 12)

The Council had before them the report of the Cabinet Meetings on 12 & 20 December 2011, 17 January, 6 & 14 February and 13 March 2012 (CC12).

In relation to paragraph 6, (Development in the Oxfordshire Care Partnership Agreement) (Question from Councillor Hannaby) responding to a request for assurances that the changes to the project agreement would have little impact on those residents already in the five care homes whose freehold would soon be transferred and that they would not be required to vacate to cheaper residential homes in the future and that the resident and families would be consulted at all times, Councillor Fatemian undertook to provide a written response.

In relation to paragraph 12 (2011/12 Financial Monitoring & Business Strategy Delivery Report September 2011) (Question from Councillor Darke) Councillor Couchman agreed to provide a briefing to all members of the Council.

In relation to paragraph 24 (Dial-a-Ride Provision in Oxfordshire) (Question from Councillor David Turner) Councillor Mitchell undertook to provide a written response to the question on the lack of publicity for the new Dial-a-Ride in South Oxfordshire.

## **159/12 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL**

(Agenda Item 13)

11 Questions with notice were asked. Details of the questions and answers and the supplementary questions and answers (where asked) will be set out in Annex 2 to the Minutes.

In relation to Question 2, Councillor Mitchell undertook to provide Councillor John Sanders with a written answer detailing the cost of the double yellow lines in Headington that were installed and removed.

In relation to Question 3, Councillor Tilley undertook to issue a press release detailing how many primary school children had been placed in their parents' first, second or third preference primary school.

In relation to Question 5, Councillor Fatemian undertook to provide Councillor Hannaby with a written response regarding Wantage Hospital, once he had received details on the specific situation from Councillor Hannaby.

In relation to Question 8, Councillor Mitchell undertook to provide Councillor Purse with a written response on why the Sandhills to Wheatley Cycle Route had not been upgraded.

## **160/12 ORDER OF BUSINESS**

Councillor Greene moved and Councillor Brighthouse seconded a motion to take item 21 (motion by Councillor Stevens) in place of item 16 (motion by Councillor Stevens).

The motion was put to the vote and was lost by 41 votes to 17.

The Chairman moved and Councillor Seale seconded that item 20 be moved to the next item on the Agenda as it had received cross party support.

**RESOLVED:** to vary the order of business as indicated in the Agenda in order for Council to consider Agenda Item 20 (Motion by Councillor Waine) which had cross party support.

## **161/12 MOTION FROM COUNCILLOR MICHAEL WAINE**

(Agenda Item 20)

**RESOLVED:** (on a motion by Councillor Waine, seconded by Councillor Patrick and carried nem con)

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.

### **162/12 MOTION FROM COUNCILLOR JENNY HANNABY**

(Agenda Item 14)

**RESOLVED:** (on a motion by Councillor Hannaby, seconded by Councillor Patrick and carried nem con)

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.

### **163/12 MOTION FROM COUNCILLOR KEITH MITCHELL**

(Agenda Item 15)

Councillor Mitchell moved and Councillor Mallon seconded the following motion as amended by Councillor Goddard in ~~strikethrough~~ and **bold italics**:

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;~~
- (a) **Write to District Council leaders urging them to join the leader of the Council to give consideration to a unified policy for meeting the full range of needs of service personnel, and their dependents, following their discharge from service;**
- (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.

Following debate, the motion as amended was carried unanimously.

**RESOLVED:**

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 join the leader of the Council to give consideration to a unified policy for meeting the full range of needs of service personnel, and their dependents, following their discharge from service;
- (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.

## **164/12 MOTION FROM COUNCILLOR RICHARD STEVENS**

(Agenda Item 16)

Councillor Stevens moved and Councillor Pressel seconded the following motion:

"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."

Following debate, the motion was lost by 39 votes to 12, with 3 abstentions.

**165/12 MOTION FROM COUNCILLOR VAL SMITH**

(Agenda Item 17)

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Councillor Val Smith moved and Councillor Stevens seconded the following motion as amended by Councillor Mitchell in Bold Italics:

“This Council supports the Times newspaper safer cycling campaign ***but does not commit to measures requiring additional investment in the current financial climate.***”

Following debate the motion was put to the vote and was carried nem con.

**RESOLVED:**

This Council supports the Times newspaper safer cycling campaign but does not commit to measures requiring additional investment in the current financial climate.

**166/12 MOTION FROM LIZ BRIGHOUSE, JOHN SANDERS, RICHARD STEVENS, JOHN TANNER AND LARRY SANDERS**

(Agenda Item 18)

The time being 4.00 pm the meeting closed and the motions from Councillors Brighouse, John Sanders, Stevens, Tanner and Larry Sanders were considered dropped in accordance with Council Procedure Rule 15.1.

**167/12 LEADER OF THE COUNCIL**

Following the conclusion of the formal meeting, Councillor David Robertson, Deputy Leader of the Council reminded those present that Councillor Mitchell had indicated that he would be resign as Leader of the Council on 14 May 2012. This was therefore his last meeting as Leader of the Council. He then thanked Councillor Mitchell and led tributes from the leaders of the political groups.

Councillor Mitchell thanked Council for their kind words and shared memories and experiences of his time as Leader of the Council.

..... in the Chair

Date of signing