

To: **Members of the Cabinet**

## ***Notice of a Meeting of the Cabinet***

**Tuesday, 27 November 2012 at 2.00 pm**

**County Hall, Oxford, OX1 1ND**

*Joanna Simons*

Joanna Simons  
Chief Executive

November 2012

Contact Officer: **Sue Whitehead**  
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<i>Councillors</i>	<b>Membership</b>
Ian Hudspeth	- <i>Leader of the Council</i>
Rodney Rose	- <i>Deputy Leader of the Council</i>
Arash Fatemian	- <i>Cabinet Member for Adult Services</i>
Nick Carter	- <i>Cabinet Member for Business &amp; Communications</i>
Louise Chapman	- <i>Cabinet Member for Children &amp; the Voluntary Sector</i>
Melinda Tilley	- <i>Cabinet Member for Education</i>
Hilary Hibbert-Biles	- <i>Cabinet Member for Growth &amp; Infrastructure</i>
Mrs J. Heathcoat	- <i>Cabinet Member for Safer &amp; Stronger Communities</i>
Kieron Mallon	- <i>Cabinet Member for Police &amp; Policies</i>

*The Agenda is attached. Decisions taken at the meeting will become effective at the end of the working day on Wednesday 5 December 2012 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: 18 December 2012*

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

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

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

### Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

### What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

### List of Disclosable Pecuniary Interests:

**Employment** (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Rachel Dunn on (01865) 815279 or [Rachel.dunn@oxfordshire.gov.uk](mailto:Rachel.dunn@oxfordshire.gov.uk) for a hard copy of the document.

**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 - 14)

To approve the minutes of the meeting held on 16 October 2012 (**CA3**) and to receive information arising from them.

## 4. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days 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. Expansion of St Ebbe's CE(A) Primary School, Oxford to 2 form entry (Pages 15 - 52)

*Cabinet Member:* Education

*Forward Plan Ref:* 2012/134

*Contact:* Diane Cameron, School Organisation & Planning Tel: (01865) 816445

Report by Director for Children's Services (**CA6**).

*As set out under Rule 18(a) of the Scrutiny Procedure Rules, The Chairman of the*

*Council has agreed that this decision is exempt from Call-In as it is deemed urgent and any delay would seriously prejudice the Council's interests, in that the Cabinet's role would be negated by referral to the Schools' Adjudicator if the decision was not taken within two months of the end of the Statutory Notice, in this case being 3 December 2012.*

The proposal is to permanently increase the school admission number at St Ebbe's CE (VA) Primary School from 45 to 60. This means that each year group would consist of up to 60 places, taught in two classes, making a maximum total of 420 pupils.

The school has admitted up to 60 children by local arrangement with Oxfordshire County Council for September 2012, however this arrangement is not permanent. This proposal is to formally change the admission number to 60 on a permanent basis from September 2014.

The current capacity of the school is 315 and the proposed capacity will be 420. The current admission number for the school is 45 and the proposed admission number will be 60.

***The Cabinet is RECOMMENDED to approve the permanent expansion of St Ebbe's CE (A) Primary School with effect from 1 September 2014.***

## **7. Expansion of Windmill Primary School to 3 Form Entry (Pages 53 - 84)**

*Cabinet Member:* Education

*Forward Plan Ref:* 2012/090

*Contact:* Diane Cameron, School Organisation Officer, Tel: (01865) 816445

Report by Director for Children's Services (**CA7**).

The proposal is to permanently increase the school admission number at Windmill Primary School from 60 to 90. This means that each year group would consist of up to 90 places, taught in three classes, making a maximum total of 630 pupils an increase from the current capacity of 510.

The school has admitted up to 90 children by local arrangement with Oxfordshire County Council for September 2011 and 2012, however this arrangement is not permanent. This proposal is to formally change the admission number to 90 on a permanent basis from September 2014. The school has a published admission number of 60 for September 2013 but will admit up to 90 children should this proposal be approved.

***The Cabinet is RECOMMENDED to approve the publication of a statutory notice for the expansion of Windmill Primary School, Oxford.***

## **8. Expansion of Botley Primary School to 2 form entry (Pages 85 - 110)**

*Cabinet Member:* Education

*Forward Plan Ref:* 2012/132

*Contact:* Diane Cameron, School Organisation & Planning Tel: (01865) 816445

Report by Director for Children's Services (**CA8**).

*As set out under Rule 18(a) of the Scrutiny Procedure Rules, The Chairman of the Council has agreed that this decision is exempt from Call-In as it is deemed urgent and any delay would seriously prejudice the Council's interests, in that the Cabinet's role would be negated by referral to the Schools' Adjudicator if the decision was not taken within two months of the end of the Statutory Notice, in this case being 30 December 2012.*

The proposal is to permanently increase the school admission number at Botley School from 45 to 60. This means that each year group would consist of up to 60 places, taught in two classes, making a maximum total of 420 pupils an increase on the current capacity of 300.

The school has admitted up to 60 children by local arrangement with Oxfordshire County Council for September 2012, and is published at 60 for 2013, however this arrangement is not permanent. This proposal is to formally change the admission number to 60 on a permanent basis from September 2014.

***The Cabinet is RECOMMENDED to approve the permanent expansion of Botley School with effect from 1 September 2014.***

## **9. Expansion of Five Acres Primary School to 2 Form Entry (Pages 111 - 122)**

*Cabinet Member:* Education

*Forward Plan Ref:* 2012/092

*Contact:* Diane Cameron, School Organisation Officer, Tel: (01865) 816445

Report by Director for Children's Services (**CA9**).

The proposal is to permanently increase the school admission number at Five Acres Primary School from 45 to 60. This means that each year group would consist of up to 60 places, taught in three classes, making a maximum total of 420 pupils.

The school has admitted up to 60 children by local arrangement with Oxfordshire County Council for September 2012, however this arrangement is not permanent. This proposal is to formally change the admission number to 60 on a permanent basis from September 2014. The school has a published admission number of 45 for September 2013 but will admit up to 60 children should this proposal be approved.

The current capacity of the school is 315 and the proposed capacity will be 420. The current admission number for the school is 45 and the proposed admission number will be 60.

***The Cabinet is RECOMMENDED to approve the publication of a statutory notice for the expansion of Five Acres Primary School, Ambrosden.***

## 10. Progress Report on CLA and Leaving Care (Pages 123 - 134)

*Cabinet Member:* Children & the Voluntary Sector

*Forward Plan Ref:* 2012/097

*Contact:* Matthew Edwards, Corporate Parenting Manager Tel: (01865) 323098

Report by Director for Children's Services (**CA10**).

This report reviews the performance and outcomes of Looked After Children and Care Leavers (LAC) over the last twelve months. It provides the following information so Cabinet Members can fully understand and exercise their responsibilities as corporate parents:

- brief updates on the impact and outcomes of all key services supporting children in and on the edge of care.
- key challenges and pressures on the service
- actions taken in response to the All Party Parliamentary Working Group on Children Missing from Care
- an overview of recent changes in adoption legislation
- the timetable for the Corporate Parenting Service Review.

***The Cabinet is RECOMMENDED to note this report.***

## 11. Treasury Management Mid Term Review (2012/13) (Pages 135 - 148)

*Cabinet Member:* Leader

*Forward Plan Ref:* 2012/099

*Contact:* Hannah Doney, Financial Manager – Treasury Management Tel: (01865) 323988

Report by Assistant Chief Executive & Chief Finance Officer (**CA11**).

The report sets out the Treasury Management activity undertaken in the first half of the financial year 2012/13 in compliance with the CIPFA Code of Practice. The report includes Debt and Investment activity, Prudential Indicator monitoring, changes in Strategy, and forecast interest receivable and payable for the financial year.

***The Cabinet is RECOMMENDED to note the report, and to RECOMMEND Council to note the Council's Mid Term Treasury Management Review 2012/13.***

## 12. Staffing Report - Quarter 2 (Pages 149 - 152)

*Cabinet Member:* Deputy Leader

*Forward Plan Ref:* 2012/096

Contact: Sue Corrigan, Strategic HR Manager Tel: (01865) 810280

Report by Head of Human Resources (**CA12**).

This report gives an update on staffing numbers and related activity during the period 1 July 2012 to 30 September 2012. It gives details of the agreed staffing numbers and establishment at 30 September 2012 in terms of Full Time Equivalents. These are also shown by directorate in Appendix 1. In addition, the report provides information on vacancies and the cost of posts being covered by agency staff.

The report also tracks progress on staffing numbers since 1 April 2010 as we implement our Business Strategy.

**The Cabinet is RECOMMENDED to:**

- (a) **note the report;and**
- (b) **confirm that the Staffing Report meets the Cabinet's requirements in reporting and managing staffing numbers.**

### **13. Forward Plan and Future Business (Pages 153 - 154)**

*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 **CA13**. 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.***

### **EXEMPT ITEMS**

#### **Item 14**

In the event that any Member or Officer wishes to discuss the information set out in the Annex to Item 14, the Cabinet will be invited to resolve to exclude the public for the consideration of that Annex by passing a resolution in relation to that item in the following terms:

***"that the public be excluded during the consideration of Annex 1 since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".***

**NOTE:** The report does not contain exempt information and is available to the public. The exempt information is contained in the confidential annex.

## Item 15

It is **RECOMMENDED** that the public be excluded for the duration of items 15 in the Agenda since it is likely that if they were present during those items there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) and specified in relation to the respective items in the Agenda and since it is considered that, in all the circumstances of each case, the public interest in exemption outweighs the public interest in disclosing the information.

**THE REPORT AND RELEVANT ANNEX TO THE ITEMS NAMED HAVE NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.**

**THIS IS FOR REASONS OF COMMERCIAL SENSITIVITY AND THE FINANCIAL RISK TO THE COUNCIL IF THE CONTENTS ARE DISCLOSED.**

**THIS ALSO MEANS THAT THE CONTENTS SHOULD NOT BE DISCUSSED WITH OTHERS AND NO COPIES SHOULD BE MADE.**

## **14. Oxfordshire Residual Municipal Waste Bulking and Haulage Procurement (Pages 155 - 168)**

*Cabinet Member: Growth & Infrastructure*

*Forward Plan Ref: 2012/088*

*Contact: Andrew Pau, Head of Waste Management Tel: (01865) 815867*

Report by Deputy Director for Environment & Economy – Growth & Infrastructure **(CA14)**.

*The information contained in Annex 1 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)*

*It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would distort the proper process of the transaction and the Council's standing generally in relation to such transactions in future, to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority.*

Oxfordshire County Council as a Waste Disposal Authority (WDA) has a responsibility to dispose of residual waste collected by the Waste Collection Authorities (WCAs) and residual waste delivered to Household Waste Recycling Centres (HWRCs). The

Council currently manages approximately 300,000 tonnes of municipal waste per year.

In March 2011 the Council entered into a long term contract for the treatment of residual municipal waste with Viridor Oxfordshire Ltd (Viridor) who are constructing an energy from waste (EfW) facility at Ardley in north Oxfordshire. Under the terms of the contract all residual municipal waste that is processable must be delivered for treatment at the EfW facility once it is operational which is currently estimated to be in autumn 2014.

A procurement process has been undertaken to secure a bulking and haulage service for residual municipal waste from the districts of South Oxfordshire, Vale of White Horse, West Oxfordshire and the northern part of Cherwell to ensure that waste can be delivered to the EfW facility efficiently from those parts of the county that are furthest away from Ardley.

The tenders submitted have been subject to rigorous evaluation using technical and financial criteria, including consideration of the implications for the WCAs who will be delivering to waste transfer stations. The results of the evaluation demonstrate that good technical and value for money solutions can be provided for each lot and authorisation is sought to award contracts for municipal waste bulking and haulage services.

***The Cabinet is RECOMMENDED to note the outcome of the evaluation and endorse the award of contracts for the provision of residual municipal waste bulking and haulage services as follows;***

- (a) ***Lot 1 northern part of Cherwell to Tenderer 2 on the basis of their variant 2 tender ;***
- (b) ***Lot 2 South Oxfordshire and Lot 3 Vale of White Horse to Tenderer 1 on the basis of their variant 2 tender; and***
- (c) ***Lot 4 West Oxfordshire to Tenderer 1 on the basis of their compliant tender.***

## **15. Conversion to Sponsored Academies - Financial Liabilities (Pages 169 - 176)**

*Cabinet Member: Education*

*Forward Plan Ref: 2012/138*

*Contact: Simon Pickard, Finance Business Partner, CEF Tel: (01865) 797512*

Report by Director for Children's Services (**CA15**).

*The information contained in Annex 1 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)*

*It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would distort the proper process of free negotiations between the authority with another party*

*for the purposes described and would prejudice the position of the authority in those negotiations and other negotiations of a similar nature in future.*

The majority of Oxfordshire academies are likely to be formed as converter academies by decision of the governing body under Academies Act 2010. These academies generally convert with no redundancies and take all existing assets and liabilities of the school with them as they convert.

Some schools are however directed to become academies due to having been identified as making insufficient progress towards floor targets or underperforming in other ways. The legal arrangements for these conversion (Sponsored Academies) are different to those under Academies Act 2010, and in essence involve closure of the predecessor school and the opening of a new academy in its place. These arrangements applied to the North Oxfordshire Academy, Oxford Academy and Oxford Spires Academy.

This report seeks guidance on the stance that officers should adopt in negotiating binding agreements about past liabilities and future restructuring costs in relation to sponsored academies. A draft set of recommended terms to replace the Department for Education (DfE) standard terms is included in the report.

Two agreements in respect of sponsored academies are currently being sought by DfE and need to be finalised by early December to enable the target transfer date to be achieved.

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