

County Council

2 April 2013

Agenda

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 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.

To: Members of the County Council

Notice of a Meeting of the County Council

Tuesday, 2 April 2013 at 10.00 am

County Hall, Oxford OX1 1ND



Joanna Simons
Chief Executive

March 2013

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

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 7, 10 and 12 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.

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.

A buffet luncheon will be provided

AGENDA

1. Minutes (Pages 1 - 6)

To approve the minutes of the meeting held on 19 February 2013 (**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. **Interim Arrangements for taking Emergency Decisions immediately following the County Council Elections**

Under the provisions of section 7 of the Local Government Act 1972 (as amended), all the existing County Councillors will retire together on the fourth day following the elections (i.e. on 7 May 2013) and the newly elected and re-elected Councillors will take office from that day. All positions under the Council's political management arrangements except for the Chairman and Vice-Chairman of the Council (for which there is a specific statutory exemption) fall vacant on that day, until they are filled at the first meeting of the County Council on 14 May 2013. In terms of formal member decision making there will therefore be a hiatus during this period and some provision will need to be made in the event that any urgent decisions are required.

Under the Constitution the Chief Executive has delegated power to take any Executive or non-Executive decision after consultation with the appropriate Director and following consultation with the Leader and Deputy Leader of the Council or (in the case of non-executive functions) the relevant Committee Chairman and Deputy Chairman. As these positions will not be filled until 14 May 2013 this delegation will need to be temporarily varied so that these powers can be exercised following consultation with the Chairman and Vice-Chairman of the Council, although there would be informal discussions with group leaders where these have been notified.

The Council is therefore RECOMMENDED to agree a temporary variation to Part 7.3 of the Constiution Specific Powers and Functions of Particular Officers with effect that from 7 May 2013 to 14 May 2013 paragraph 6.3 (c) is to be read as follows:-

“(c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate Director and thereafter with the Chairman and Vice-Chairman of the Council.”

9. Improved Member Engagement and Streamlined Governance: Governance Review (Pages 7 - 44)

Report by County Solicitor & Monitoring Officer (**CC9**).

The Localism Act 2011 creates new freedoms for local authorities to consider for themselves the best framework for decision making in the Council and for increasing member involvement.

Whilst in Oxfordshire the leader and cabinet model has been successful in enabling quick decision making and strong leadership, the limitations of the current scrutiny system has meant that the Council has not been able fully to engage backbench members to influence key decisions and policy developments.

Consequently, Cabinet asked the Strategy and Partnerships Scrutiny Committee to oversee a cross-party working group to review the Council's governance arrangements and to consider a range of proposals. This was also conducted in the light of the imminent reduction in the number of members (following a boundary review) and in the light of fewer staff and resources being available to support future arrangements.

The recommendations from the working group enjoyed cross-party support and have been endorsed by both the Strategy and Partnerships Scrutiny Committee and by Cabinet. The governance arrangements now proposed will tie in more closely with the business of the Council and provide an opportunity for the greater engagement of all members.

In summary, the proposals are:

- Creation of Cabinet Advisory Groups;
- Creation of a standing Transport Advisory Panel;
- Streamlining of the overview and scrutiny function from 6 committees to 3 (Performance, Education and Health);
- Abolition of the Democracy & Organisation Committee with the re-alignment of its functions to Council, the Remuneration Committee and Audit & Governance Committee;
- Strengthening of local member engagement via Locality Working Groups.

In addition, Council is asked to note the statutory responsibility to establish a Health and Wellbeing Board.

Council is RECOMMENDED to:

- (a) endorse the proposals for new governance arrangements outlined in this report in paragraphs 5 to 24;***
- (b) agree that any approved governance arrangements be reviewed twelve months after coming into effect;***
- (c) note the establishment of a Health and Wellbeing Board for Oxfordshire and approve the outline terms of reference at Annex 3;***
- (d) ask the Monitoring Officer to make the consequential amendments to the Constitution to reflect these changes;***
- (e) note the additional Constitutional updates at Annex 4.***

10. Report of the Cabinet (Pages 45 - 52)

Report of the Cabinet meetings held on 18 December 2012, 29 January, 26 February and 19 March 2013 (CC10).

11. Audit & Governance Committee - Annual Report (Pages 53 - 66)

Council is RECOMMENDED to receive the report.

12. 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

13. Motion From Councillor Anne Purse

“This Council is responsible for maintaining Oxfordshire’s roads, but there is great concern about the time taken and the standard of repair. It is acknowledged that the winter of heavy rain and freezing temperatures has caused a considerable increase in the problems, but we cannot continue with dangerous holes left for longer than the 28 days required, or holes filled to a such a poor standard that further repairs are needed shortly afterwards.

People are damaging their vehicles, motorcycles and cycles on our roads, but find it hard to get recompense since it is impossible to prove which pothole was reported when in a situation where many roads have repeated holes and repeated repairs. This Council calls upon the Cabinet to require our contractors to meet their obligation on highways repairs and so ensure our roads are fit for the public to travel on.”

14. Motion From Councillor John Tanner

“This Council regrets the £10 million of public money lost on the failed Cogged Link, the collapse of the recycling centre strategy, the failure to tackle delays in hospital to home transfer and the continued under performance of too many Oxfordshire schools. We urge the Cabinet, within existing budgets, to provide youth workers for every area of the County, to provide accessible transport for elderly and disabled people, to safeguard Oxfordshire's children's centres and to pay at least the Living Wage to all County Council staff and contracted employees.”

15. Motion From Councillor Stewart Lilly

“This Council welcomes the news of the “City Deal”, and its significant benefits to all of Oxfordshire. This success in moving to the next stage recognises the tremendous efforts of this Council & its staff in the valuable contribution that Oxfordshire can and will make to bringing the country’s economy out of recession. Government clearly recognises that this authority has worked tirelessly in recent years to promote the County for economic growth. The University, the Science Vale Enterprise Zone, and the people of Oxfordshire now have exciting futures. Developing the detail of proposal will ensure that Oxfordshire’s important infrastructure will be able to progress and also provide much needed additional employment.

This council wishes the next administration to build upon this success and commit to continued partnership working with the City and district councils, business community and universities in developing the deal.”

16. Motion From Councillor Zoe Patrick

“This Council recognises the importance of housing development being planned in a sustainable way with the infrastructure required in place at an early stage.

The County Council Developer Funding Team have had success in gaining infrastructure for some larger developments in various parts of the county in the past. However, there are many smaller developments in parts of Oxfordshire where numbers of houses are built without apparent input and without any objections from the highways officers, in spite of the extra traffic being created on existing roads. There is also concern that not enough priority is being given to ensure there are enough school places within existing schools when these developments are agreed. In some cases, new schools will be needed to cope with the demand. This is especially a problem when there are repeated applications in an area, that over a couple of years add up to many hundreds of houses, which would have triggered road and education infrastructure if in a single application.

As the County Council will be responsible for maintaining our roads and ensuring there are enough school places for our children, it is important that this is dealt with as a matter of urgency. This Council therefore urges the Cabinet to take heed of these problems and to work with officers to find urgent solutions to this issue. including closer working with district planning officers and improved liaison with local members.”

17. Motion From Councillor Tony Crabbe

“The Henley Triathlon has taken place for the last two years and there are plans to hold another event this year. The event comprises three stages, swimming, road running and long distance cycling. The swimming and road running take place in Henley but the road race takes the cyclists around South Oxfordshire on the County road network. The cycling route has been changed each year due to the complaints of local residents, businesses and Parish Councils. The roads over which the event is held are closed to traffic for many hours on the Sunday of the event causing a disruption to those situated on the route.

The company organising the event, Just Racing, are a private company who aim to make a profit. The event is said to be prestigious and brings business to Henley. There is much discussion locally on the validity of this statement. The County Council are constrained in relation to the grounds upon which Special Events Orders can be granted without reference to taking into account strong local feelings both from communities and businesses.

Council therefore requests that the Leader writes to the relevant Ministers to request that greater freedom is provided to the County Council to make decisions that better reflect community concerns in line with the Governments stated aim that more decisions should be taken locally.”

18. Motion From Councillor Jenny Hannaby

“This Council reaffirms its commitment to the safeguarding and wellbeing of the elderly and vulnerable in Oxfordshire.

Council notes the Annual Report of the Safeguarding Adults Board as presented to Adult Services Scrutiny committee and the Health and Wellbeing Board, and welcomes the initial steps taken to ensure that responsible agencies work together to minimise risk of personal abuse in residential care or nursing homes. Oxfordshire residents need to be assured that the highest level of care will be delivered with dignity and respect, and that the safety of those suffering from dementia, mental and learning or physical disabilities will always be of the highest priority.

Council does not believe that the Care Quality Commission has the capacity to meet its growing responsibilities, and notes the increase in reported failures in care inside residential care and nursing homes nationally and within Oxfordshire. Council calls on the cabinet to learn from mistakes and inadequacies revealed by whistle-blowers and the CQC, but also sees the need for pro-active monitoring through joint working and information sharing between the safeguarding adults team and the care home support service to ensure the safety of all residents in our care.”

19. Motion From Councillor Keith Mitchell

Council recognises the value provided to many young people by school cadet corps and asks the Cabinet in the new Council to consider how to encourage Oxfordshire state schools to promote school cadet corps.

20. Motion From Councillor Stewart Lilly

“That this County Council’s new administration examine the possibility of increasing and seeking greater flexibility with pre-planning application fees to bring this authority in line with neighbouring District, and other authorities in England. These measures to also see the addition of “administration fees” for the clearance and discharge of conditions of planning permissions issued. Government gives authorities the freedom to levy such costs as it derives to be reasonable. This would also bring much needed income to the County Councils finances.”

21. Motion From Councillor Larry Sanders

“The Government estimates there will be 500,000 fewer disabled working-age people able to claim Personal Independence Payments than would have received Disability Living Allowance (DLA) which it will replace. About 5000 disabled Oxfordshire residents will be affected, plus those who receive Carers Allowance for looking after people who receive DLA. This follows many other benefit changes which adversely impact disabled people.

The abolition of DLA is opposed by over 50 respected national organisations, including Age UK, Carers UK, Citizens Advice, Macmillan Cancer Support, Mind, Mencap and the Royal National Institute of Blind People, as well as the UK Disabled Peoples Council, the umbrella grouping for over 300 organisations of people with disabilities.

A major objection is that there has been no assessment of the:

- combined effect on disabled people and their carers of the many reductions in benefits and services;
- costs to the Government of the loss of employment by the large number of people who rely on DLA to enable them to work
- additional costs to the NHS and local Councils.

This Council:

- asks the Leader to request that the Government postpone abolition of DLA until such an assessment has been conducted; and
- asks for the formation of a cross-party Working Group to report to the Cabinet and Council on what needs to be done to meet the likely increase in demand for this Council’s services which would be caused by the various changes (as has been done by Buckinghamshire County Council).

22. Motion From Councillor Larry Sanders

The Welfare Benefits Up-rating Bill, if passed, will cap the increases of key benefits and tax credits for working-age families and their children at 1% a year for the next three years - well below expected rises in living costs. The government estimates this will push 200,000 more children into poverty.

The Bishop of Oxford joined over forty other Bishops of the Church of England in opposition to the Bill. Their letter said:

“The change will hit the poorest the hardest... Children and families are already being hit hard by cuts to support, including those to tax credits, maternity benefits, and help with housing costs. They cannot afford this further hardship penalty.”

The Archbishop of Canterbury supported the Bishops, saying: “As a civilised society we have a duty to support those among us who are vulnerable and in need. When times are hard, that duty should be felt more than ever... Politicians have a clear choice. By protecting children from the effects of this bill, they can help fulfil their commitment to end child poverty.”

This Council asks the Leader to:

- thank the Bishops and Archbishop for their efforts to protect the children of Oxfordshire;
- affirm our commitment to work to end child poverty through the services we provide;
- inform the Government that we oppose the Bill;
- establish a cross-party Working Group to investigate how the Council can use its powers to reduce child poverty in Oxfordshire.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders on **Thursday 28 March 2013 at 3.45 pm.**