

County Council

9 July 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, 9 July 2013 at 10.00 am

County Hall, Oxford OX1 1ND

Joanna Simons

Joanna Simons
Chief Executive

June 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 and 10 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 - 10)

To approve the minutes of the meetings held on 14 May 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 (Pages 11 - 22)

- (a) to revisit the political balance on Scrutiny and other committees and to appoint members to them as necessary **(CC5)**;
- (b) to replace Councillor Mark Lygo with Councillor Jamila Azad on the Oxfordshire County Council Teachers' Joint Committee;
- (c) to make any other 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. Minerals & Waste Core Strategy (Pages 23 - 30)

Report by Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) **(CC8)**.

The County Council is responsible for preparing the Oxfordshire Minerals and Waste Plan. The Minerals and Waste Core Strategy will form the central part of this plan. The Core Strategy Proposed Submission Document was approved by full Council on 3 April 2012 for publication for representations to be made and subsequent submission to the Government for independent examination.

.The Core Strategy sets out the vision, objectives, spatial strategy and core policies for the supply of minerals and management of waste in Oxfordshire to 2030. Detailed site allocations are to be identified in a subsequent document.

.Following approval by full Council, the Minerals and Waste Core Strategy Proposed Submission Document was published on 25 May 2012.

The Core Strategy was submitted to the Government on 31 October 2012 and the Planning Inspectorate appointed an Inspector to carry out the independent examination of the plan. On 14 February 2013, with the authority's agreement, the Inspector suspended the examination until 31 May 2013. This was to provide sufficient time for officers to complete the requested work and further consider the issue of compliance with the new duty to co-operate and the implications for the examination of the Core

Strategy.

Counsel advice has been sought and considers there is a very real risk that the Inspector will find the Core Strategy to be unsound on the ground that it is based on an Assessment which does not accord with the National Planning Policy Framework.

The Council is RECOMMENDED to:

- (a) **withdraw the Oxfordshire Minerals and Waste Core Strategy;**
- (b) **prepare a revised Oxfordshire Minerals and Waste Local Plan in accordance with a new Minerals and Waste Development Scheme.**

9. Director of Public Health Annual Report 2013 (Pages 31 - 78)

Report by the Director of Public Health (CC9).

This is the 6th Director of Public Health Annual Report for Oxfordshire. It is also the first Annual Report produced since Public Health returned home to Local Government.

The purpose of a Director of Public Health is to improve the health and wellbeing of the people of Oxfordshire. This is done by reporting publicly and independently on trends and gaps in the health and wellbeing of the population in Oxfordshire and by making recommendations for improvement to a wide range of organisations.

Producing a report is now a statutory duty of Directors of Public Health and it is the duty of the County Council to publish it.

The Director of Public Health's Annual Report is the main way in which Directors of Public Health make their conclusions known to the public. This helps the Director of Public Health to be an independent advocate for the health of the people of Oxfordshire.

The Annual Report:

- Is Scientific;
- Is Factual;
- Is Objective;
- Focuses on long term gaps;
- Makes clear recommendations

The priorities highlighted In this Report include the six main long-term challenges to long-term health in Oxfordshire which are:

- An ageing population – the “demographic challenge” ;
- Breaking the cycle of disadvantage;
- Mental health and wellbeing: avoiding a Cinderella service;
- The rising tide of obesity;
- Excessive alcohol consumption;
- Fighting killer infections

These topics are dealt with one by one. The current issues and recent action are laid

out and progress will be monitored in future reports.

Within these topics there is a particular emphasis in this report on 3 issues:

- Health in rural areas;
- Loneliness as a health issue, and
- The increase in residents from minority ethnic groups.

The Council is RECOMMENDED to receive the Report.

10. Report of Cabinet (Pages 79 - 84)

Report of the Cabinet Meetings held on 16 April 2013, 21 May 2013, and 18 June 2013 (CC10).

11. Scrutiny Committees - Annual Report (Pages 85 - 98)

This Scrutiny Annual Report (CC11) provides an overview of the work of the Council's six scrutiny committees over the course of 2012/13.

Structured to reflect the activity of the Council's six scrutiny committees the report is presented by the former Chairman of the Strategy & Partnerships Scrutiny Committee. It highlights the work carried out by each Committee to scrutinise activity and decisions over the past year. This is the last Annual Report of the six scrutiny committees system as it existed up to May 2013.

In 2012 a cross-party working group overseen by the Strategy & Partnerships Scrutiny Committee reviewed the Council's governance arrangements and considered a range of proposals. Through the review the overview and scrutiny function has been streamlined from 6 committees to 3 (Performance, Education and Health).

The Audit Working Group has reviewed this report and commented that the layout and structure has been improved giving a clearer overview of the activity of each committee. Additional comments will inform future reporting on the new scrutiny committees.

Council is RECOMMENDED to receive the report.

12. 2013/14 Requests for Virements (Pages 99 - 108)

Report by the Assistant Chief Executive & Chief Finance Officer (CC12).

Council is RECOMMENDED to approve the virements larger than £0.5m and the associated carry forwards as set out in Annex 1(a) and 1(b) to the report.

13. Older People's Pooled Budget Arrangements (Section 75 Agreement) (Pages 109 - 110)

Report by Director for Social & Community Services and Assistant Chief Executive & Chief Finance Officer (**CC13**).

As set out in the Older People's Pooled Budget Arrangements, the expansion of the Older People Pool represents a change in policy. The virement of budgets requires approval by Council under the Authority's Financial Regulations.

The Cabinet report sought Cabinet approval to increase the services and budgets that form the Older Person's Pooled Budget arrangements between Oxfordshire County Council and the Oxfordshire Clinical Commissioning Group, and to ensure the risk sharing and governance arrangements are appropriate for a truly pooled budget.

These joint working arrangements include a new Older People's Joint Commissioning Strategy 2013-2017 which has been the subject of public consultation. The Older People's pooled budget is a key mechanism for implementing the detailed action plan that forms part of the new strategy, and programme management arrangements to ensure its successful delivery are also being finalised.

Council is RECOMMENDED to approve the virement of £21m into the Older People's Pooled Budget, as well as an income target of £18m.

14. Amendments to the Financial Procedure Rules - Change to the Constitution (Pages 111 - 138)

Report by the Assistant Chief Executive & Chief Finance Officer (**CC14**)

The Financial Procedure Rules are part of the Council's Constitution and provide the framework for management of the Authority's financial affairs. They are part of the means by which the Council seeks to achieve excellence in corporate governance. They aim to demonstrate high standards of financial integrity in the delivery of services.

This report presents the proposed amendments to the Financial Procedure Rules for capital and includes a new section to allow the Council to act as an Accountable Body for partnerships.

The Council is RECOMMENDED to:

- (a) agree the proposed changes to the Financial Procedure Rules, as outlined in Paragraph 3 above and as detailed in Annex 1; and***
- (b) ask the Monitoring Officer to amend the Council's Constitution accordingly.***

15. 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

16. Motion From Councillor Liz Brighthouse

“This Council asks the Cabinet to look at ways to ensure that all new contracts have written into them public service values of local engagement, terms and conditions of service, including a commitment to the Living Wage and all of the usual policies of Health and Safety, Equality etc. It also asks that ways to engage local communities in the provision of services through co-operatives or other mutual organisations should be developed and supported.

This would ensure the Council Taxpayers of Oxfordshire have services which are responsive to the local communities.”

17. 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.”

18. 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 has 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.”

19. 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.”

20. Motion From Councillor David Williams

“This Council agrees with Lord Neuberger, President of the Supreme Court who said: (The Guardian 18/06/2013)

- Access to justice for all - particularly the poor, the vulnerable and the disadvantaged is being put at risk;
- The ability to hold the Government and other institutions to account is essential to the rule of law. We take great care in any approach to reduce access to judicial review. It is a small price to pay for a democratic and just society.

This Council opposes the Government’s proposed restrictions to seek legal aid entitlement and fears that this may have a detrimental impact on the functions of Oxfordshire County Council and local people’s ability to seek redress against the Council and in legal proceedings initiated by the Authority for trading standards and child protection cases.

It is essential that local people subject to these proceedings have access to proper legal representation of which legal aid is an essential part.

The reputation of the courts as defenders of liberty and justice will be undermined and recourse to law will become restricted to a wealthy elite.

Social stability rests on a rock that justice is available to all. That social cohesion that

we have taken for granted for generations is in danger if we undermine people's ability to seek legal redress.

The Council therefore calls upon the Chief Executive to make the opinions and concerns of the Council on this matter known to the Lord Chief Justice and the relevant Government Ministers of State."

21. Motion From Councillor David Williams

"Given that youth unemployment is now an extremely serious issue with damaging long term social and personal consequences, Oxfordshire County Council should seek to establish from its suppliers that they have employees drawn from all age cohorts and do not neglect young people.

Numerous themes for contract compliance already exist but the County Council as a part of its financial and budgetary and social responsibility asks the Cabinet to strengthen its commitment to youth employment by considering ways by which the County Council can secure that any contracting organisation or company has a firm commitment to ensuring a reasonable proportion of the its workforce are under the age of 23. (applicable to all concerns with a workforce of 25 or more) and to seek ways to achieve a performance of at least 5% by those contractors."

22. Motion From Councillor John Christie

"This Council, in demonstrating its commitment to fulfilling its legal duty to advance Equality of Opportunity under the Equality Act 2010, will respect the use by Councillors of gender neutral and inclusive titles in addressing and referring to those who chair meetings of the Council and its Committees.

Council therefore requests the Monitoring Officer to bring a report back to the next meeting of the Council outlining proposals to amend the Constitution accordingly."

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 12 January 2009 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders