



County Council

4 November 2014

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 Glenn Watson on (01865) 815270 or glenn.watson@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, 4 November 2014 at 10.00 am in the Council Chamber

County Hall, Oxford OX1 1ND



Joanna Simons
Chief Executive

October 2014

Contact Officer: **Sue Whitehead**
Tel: (01865) 810262; E-Mail: sue.whitehead@oxfordshire.gov.uk

In order to comply with the Data Protection Act 1998, notice is given that Items 4, 8, 9 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. Election of the Vice Chairman for the Remainder of the 2014/15 Council Year**
- 2. Minutes (Pages 1 - 38)**

To approve the minutes of the meeting held on 9 September 2014 (**CC2**) and to receive information arising from them.

3. Apologies for Absence

4. 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.

5. Official Communications

6. Appointments

To make any changes to the membership of the Cabinet, scrutiny and other committees on the nomination of political groups.

7. Petitions and Public Address

8. Questions with Notice from Members of the Public

9. Questions with Notice from Members of the Council

10. Report of the Cabinet (Pages 39 - 44)

Report of the Cabinet Meetings held on 16 September 2014 and 21 October 2014 (CC10).

11. Requests for Virements and the Use of Reserves (Pages 45 - 48)

Report by the Chief Finance Officer (CC11).

Under the Council's Financial Regulations, Council approval is required for temporary virements of £0.500m or more and where they represent a change in policy. The one-off transfer of funds of £0.500m or more between revenue and capital budgets also requires Council approval.

The Financial Monitoring & Business Strategy Delivery Report to Cabinet on 21 October 2014 set out the following requests which require approval in accordance with the Financial Regulations and the Virement Rules for 2014/15.

Council is recommended to:

- (a) approve the release of £2.751m contingency to Children's Social Care (CEF2-3) within CE&F on a one – off basis;***
- (b) agree that that £1.500m one – off funding from the Older People and***

Physical Disability Pooled Budget reserves will be used to offset part of the in – year pressure across the pools (SCS1) including the Learning Disabilities Pool;

- (c) approve the request to release £0.500m one – off funding from the Efficiency Reserve to SCS1-4 for the Adult Social Care Improvement Programme;***
- (d) approve the transfer of £1.193m from the Carry Forward reserve to the Budget Reserve; and***
- (e) approve a £0.850m contribution to capital from the Early Years Dedicated Schools Grant funding to increase capacity for two year olds.***

12. Themed Debate - Fracking (Pages 49 - 78)

At its Meeting on 1 July 2014, the County Council agreed a Motion from Councillor John Sanders in the following terms:

"Oxfordshire has been identified as one of the areas where there could be a potential to frack for shale gas. Rightly many residents particularly in the north of the County are concerned about the implications for their communities. This Council believes that its members need to have the opportunity to discuss the issues and asks that a Themed Debate is organised in the near future to allow that to happen."

Accordingly, two briefing papers are attached for members' information (**CC12**).

RECOMMENDATION

The Council is invited to note the matters identified in the report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 3 November 2014 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders.

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OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 9 September 2014 commencing at 10.00 am and finishing at 3.50 pm.

Present:

Councillor Anne Purse – in the Chair

Councillors:

Val Smith	Tim Hallchurch MBE	Zoé Patrick
Lynda Atkins	Pete Handley	Glynis Phillips
Jamila Azad	Jenny Hannaby	Susanna Pressel
David Bartholomew	Nick Hards	Laura Price
Mike Beal	Neville F. Harris	G.A. Reynolds
Maurice Billington	Steve Harrod	Alison Rooke
Liz Brighthouse OBE	Mrs Judith Heathcoat	Rodney Rose
Kevin Bulmer	Hilary Hibbert-Biles	Gillian Sanders
Nick Carter	Simon Hoare	John Sanders
Mark Cherry	John Howson	Les Sibley
John Christie	Ian Hudspeth	Roz Smith
Sam Coates	Bob Johnston	Lawrie Stratford
Surinder Dhesi	Richard Langridge	John Tanner
Arash Fatemian	Stewart Lilly	Melinda Tilley
Neil Fawcett	Lorraine Lindsay-Gale	Michael Waine
Mrs C. Fulljames	Sandy Lovatt	Richard Webber
Anthony Gearing	Mark Lygo	David Williams
Janet Godden	Kieron Mallon	David Wilmshurst
Mark Gray	David Nimmo Smith	
Patrick Greene	Neil Owen	

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.

49/14 MINUTES

(Agenda Item 1)

The Minutes of the Meeting held on 1 July 2014 were approved and signed.

50/14 APOLOGIES FOR ABSENCE

(Agenda Item 2)

Apologies for absence were received from Councillors Chapman, Constance, Fooks and Mathew.

51/14 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

The Chairman reported as follows:

In 2013, the County Council had awarded the status of Freedom of the County to 4624 Squadron, Royal Auxiliary Air Force, RAF Brize Norton. This was in recognition of over thirty years of distinguished service, demonstrating sacrifice and commitment to the defence of the realm, and for dedicated support to local charities and communities and would be marked with a parade through the centre of Oxford on October 11 at 2.00 pm.

The event would begin with the squadron assembling at Keble Road. They would then march through pedestrian and non-pedestrian elements of the City centre. This would be followed by a reception at County Hall for all those involved.

At their Meeting on 1 July 2014, Council had agreed a motion to hold a themed debate on fracking. Council's agreement was sought, following agreement by the Chairman and Group Leaders to suspend Council Procedure Rule 2.2 (xi) and hold this themed debate in the afternoon of the November Council with normal Council business being held in the morning. Consequently, no motions would go to the November meeting and would go to the Meeting on 9 December instead. Council agreed to this proposal.

Arrangements were being put in place for an improved sound system and an electronic voting system in the Council Chamber in time for the next Council Meeting. Full details would be circulated in advance of the next meeting and there would be a demonstration for all members on how the system operated prior to the Meeting commencing.

52/14 APPOINTMENTS

(Agenda Item 5)

The Leader of the Council, Councillor Hudspeth had given notice that Councillor Fatemian was standing down as Cabinet Member for Finance and was to be replaced by Councillor Stratford and that Councillor Chapman was standing down as Cabinet Member for the Fire Service & Corporate Plan and that her portfolio duties would be taken over by Councillor Rose. The change having been duly notified took effect from Monday 1 September 2014.

RESOLVED: to note the changes above and to agree the following appointments:

- (i) Councillor Constance in place of Councillor Stratford on the Joint Health Overview & Scrutiny Committee;
- (ii) Councillor Hallchurch in place of Councillor Stratford on the Education Scrutiny Committee;
- (iii) Councillor Harrod in place of Councillor Stratford on the Performance Scrutiny Committee;

- (iv) Councillor Hoare in place of Councillor Stratford on the Audit & Governance Committee;
- (v) Councillor Azad in place of Councillor Dhesi on the Audit & Governance Committee.

53/14 ORDER OF BUSINESS

RESOLVED: to vary the order of business as indicated in these Minutes to allow the maximum amount of Council business to be considered.

54/14 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

(Agenda Item 8)

19 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 1 to the Minutes.

In relation to Question 3 (Question from Councillor Tanner to Councillor Rose) Councillor Rose gave a commitment to circulate the consultation document for the 2015 pension scheme to all members of the County Council.

In relation to Question 17 (Question from Councillor Howson to Councillor Rose) Councillor Rose undertook to investigate possible savings by providing more information on frequently asked questions on the Website.

55/14 TREASURY MANAGEMENT OUTTURN 2013/14

(Agenda Item 9)

The Council had before them a report by the Chief Finance Officer (CC9) which set out the Treasury Management activity undertaken in the financial year 2013/14 in compliance with the CIPFA Code of Practice. The report included Debt and Investment activity, Prudential Indicator Outturn, changes in Strategy and interest receivable and payable for the financial year.

RESOLVED: (on a motion by Councillor Stratford, seconded by Councillor Hudspeth and carried nem con) to note the Council's Treasury Management Activity in 2013/14.

56/14 PARTNERSHIPS UPDATE REPORT

(Agenda Item 10)

The Council had before them the Annual Partnerships Update Report (CC10) which set out some of the key activities over the past year of both the Oxfordshire Partnership and a number of the key formal partnerships within which the County Council played a part and were critical in progressing key countywide priorities, enabling partners to work across the themes of thriving communities and support for the most vulnerable.

Each partnership report addressed the following points: the current focus for the Partnership; the personnel (Chairman and supporting staff) of the Partnership; the Partnerships key achievements in the last year; the aims for the Partnership in the year ahead; the key challenges for the Partnership and how those would be addressed going forward.

RESOLVED: (on a motion by Councillor Hudspeth, seconded by Councillor Rose and carried nem con) to note the report.

57/14 DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT

(Agenda Item 11)

The Council had before them the 7th Annual Report by the Director of Public Health and the first since Public Health had returned to Local Government. The report looked at the Public Health Services that the County Council was now responsible for as set out in legislation and reflected on the opportunities afforded by the return of Public Health to Local Government.

RESOLVED: (on a motion by Councillor Hibbert-Biles, seconded by Councillor Hudspeth and carried nem con) to receive the report.

58/14 REPORT OF THE CABINET

(Agenda Item 12)

The Council received the report of the Cabinet.

In relation to paragraph 3 (Didcot Great Western Park – Primary School) (Questions from Councillors Hards and Howson) Councillor Carter gave an assurance to circulate details on the progress made on the Stage 2 Full Business Case in view of the fact that the planning application for the new school had been postponed.

In relation to paragraph 9 (Oxfordshire Minerals and Waste Local Plan – Review of Statement of Community involvement) (Question from Councillor Hoare) Councillor Nimmo Smith gave an assurance to circulate an update on the Statement of Community Involvement.

In relation to paragraph 10 (2014/15 Financial Monitoring & Business Strategy Delivery Report – May 2014) (Questions from Councillors R Smith and Howson) Councillor Stratford undertook to provide the members with a written response on funding for the expansion of Cheney School with developer contributions, taking into account the fact that the school was an academy and was funded for Capital projects by Central Government.

He further undertook to provide Councillor Howson with a written response on the shortfall in funding for infant free school meals, including what steps, if any had been taken to draw it to the attention of the Department, asking if perhaps any other councils had underspent.

59/14 MOTION FROM COUNCILLOR DAVID WILLIAMS

(Agenda Item 16)

With the agreement of Council, Councillor Williams moved and Councillor Coates seconded the following motion as amended by Councillor Tanner in bold italics and strikethrough:

“This Council is concerned that the new system of voter self-registration with its involved system of self-identification documentation and declaration will significantly reduce the number of individuals registered to vote and thereby undermine the democratic process. With Oxfordshire having such a highly mobile population, especially in the City of Oxford, this new complex process is likely to erode the register rapidly and further reduce the already declining participation in County Council and other local elections.

The County Council will monitor the impact of the new system on elections involving county Councillors, consulting with all the Districts authorities and the City on this issue gathering data on forthcoming elections. ~~The County~~ ***This Council requests that the Cabinet*** will also, in conjunction with the other authorities, prepare a report on what measures may be adopted to enhance participation of potential voters noting the influence of self-registration. ~~This report to be considered by the County Cabinet Members at a later date with a view to commenting to the Electoral Commission and the Government of the day.”~~

Following debate, the Motion, as amended was put to the vote and was lost by 37 votes to 18, with 1 abstention.

60/14 MOTION FROM COUNCILLOR LIZ BRIGHOUSE

(Agenda Item 13)

Councillor Brighouse moved and Councillor Christie seconded the following motion:

“This Council is deeply concerned about the effect of the cuts and other fiscal policies on Oxfordshire County Council expenditure which are due to Central Government, disproportionately placing the deficit reduction on Local Government.

As we prepare to consider our budget for 2015/16 it asks the Leader to write to the Prime Minister, Deputy Prime Minister and the Leader of the Opposition pointing out the enormous damage which has been done, not only to services provided for the whole community and particularly those services provided for the most vulnerable but also to the workforce valiantly struggling to cope with increasing demand and expectation.”

Councillor Fatemian moved and Councillor Bartholomew seconded the following amendment shown in bold italics and strikethrough:

“This Council is deeply concerned about the effect of the cuts and other fiscal policies on Oxfordshire County Council expenditure which are due to Central

Government, disproportionately placing the deficit reduction on Local Government.

As we prepare to consider our budget for 2015/16 it asks the Leader to write to the Prime Minister, Deputy Prime Minister and the Leader of the Opposition pointing out the ~~enormous~~ damage which has been done, ~~not only to services provided for the whole community and particularly those services provided for the most vulnerable~~ but also to the workforce valiantly struggling to cope with increasing demand and expectation.”

Any communication should also recognise the valiant efforts of the coalition government in taking the difficult but necessary measures to repair the considerable damage done to the nation’s finances by the previous Labour Government.”

Following debate, the amendment was put to the vote and was lost by 28 votes to 27.

The substantive motion the put to the vote and was carried by 30 votes to 0 with 24 abstentions.

RESOLVED: accordingly.

61/14 MOTION FROM COUNCILLOR JOHN HOWSON

(Agenda Item 14)

Councillor Howson moved and Councillor Patrick seconded the following motion:

“Council welcomes the introduction of free school meals for infant and reception class pupils in state-funded schools across the County from this September. This policy proposed by the Liberal Democrats as partners in the coalition government at Westminster is in support of the government’s aim to drive up education standards in schools across England. Council also welcomes the additional funding provided to over 80 small schools across Oxfordshire in addition to the general capital funding for distribution to all maintained schools plus the separate capital funding for voluntary schools and academies.

Council congratulates staff in both schools and the local authority and its partners in achieving the introduction of this policy in under a year.”

Councillor Tilley moved and Councillor Waine seconded the following amendment as shown in bold italics and strikethrough:

“Council welcomes the introduction of free school meals for infant and reception class pupils in state-funded schools across the County from this September. This policy proposed by the Liberal Democrats as partners in the coalition government at Westminster is in support of the government’s aim to drive up education standards in schools across England. Council ~~also~~

welcomes ~~notes~~ the additional funding provided ***has a shortfall of £0.873m that will mean the council will have to reduce its capital programme to cover the shortfall.*** ~~to over 80 small schools across Oxfordshire in additional to the general capital funding for distribution to all maintained schools plus the separate capital funding for voluntary schools and academies.~~

Whilst recognising this policy has cost so much time and money, thus taking teaching staff away from working on the attainment of our children, Council congratulates staff in both schools and the local authority and its partners in achieving the introduction of this policy in under a year."

Following debate, the amendment was put to the vote and was carried by 45 votes to 11.

With the consent of Council, Councillor Brighthouse withdrew her amendment set out in Annex 1 to the Schedule of Business.

Councillor Williams moved and Councillor Coates seconded the following amendment as shown in bold italics and strikethrough:

~~"Council welcomes the introduction of free school meals for infant and reception class pupils in state funded schools across the County from this September. This policy proposed by the Liberal Democrats as partners in the coalition government at Westminster is in support of the government's aim to drive up education standards in schools across England. Council also welcomes the additional funding provided to over 80 small schools across Oxfordshire in additional to the general capital funding for distribution to all maintained schools plus the separate capital funding for voluntary schools and academies.~~ ***and calls on the Government to adopt the Green Party policy that ALL children in primary schools should receive a nutritional free school meal. Given that there is ample evidence that a nutritional, healthy school meal will help avoid obesity and drive up educational achievement this Council believes that provision should be open to all primary school children.***

Council welcomes the additional funding provided to over 80 schools across Oxfordshire in addition to the general capital funding for distribution to all maintained schools plus the separate capital funding for voluntary schools and academies.

The Council congratulates staff in both schools and the local authority and its partners in achieving the introduction of this policy in under within a year."

Following debate, the amendment was put to the vote and was lost by 52 votes to 2.

The substantive motion, as amended was then put to the vote and was carried by 50 votes to 1, with 3 abstentions.

RESOLVED: (by 50 votes to 1, with 3 abstentions)

“Council welcomes the introduction of free school meals for infant and reception class pupils in state-funded schools across the County from this September. This policy proposed by the Liberal Democrats as partners in the coalition government at Westminster is in support of the government’s aim to drive up education standards in schools across England. Council notes the additional funding provided has a shortfall of £0.873m that will mean the Council will have to reduce its capital programme to cover the shortfall.

Whilst recognising this policy has cost so much time and money, thus taking teaching staff away from working on the attainment of our children, Council congratulates staff in both schools and the local authority and its partners in achieving the introduction of this policy in under a year.”

62/14 MOTION FROM COUNCILLOR GILL SANDERS

(Agenda Item 15)

Councillor Gill Sanders moved and Councillor Tilley seconded the following motion:

“This Council asks the Education Scrutiny Committee to consider asking those schools which currently do not, to provide school breakfast clubs for their pupils. In particular, it is asked to consider the impact this would have on raising attainment, improving absence rates and lateness and to investigate how sponsorship, alongside the Pupil Premium, might fund the breakfasts. This information should then be provided to all schools in the County.”

Councillor Roz Smith moved and Councillor Howson seconded the following Amendment shown in bold italic and strikethrough:

“This Council asks the Education Scrutiny Committee to consider ~~asking those schools which currently do not, to provide school breakfast clubs for their pupils. In particular, it is asked to consider~~ the impact **this the provision of school breakfast clubs** would have on raising attainment, improving absence rates, ~~and~~ lateness, and **also** to investigate how sponsorship, alongside the Pupil Premium, might fund the breakfasts. This information should then be provided to all schools in the County.”

Following debate, the amendment was put to the vote and was lost by 44 votes to 7.

The substantive motion was then put to the vote and was carried nem con.

RESOLVED: (nem con)

“This Council asks the Education Scrutiny Committee to consider asking those schools which currently do not, to provide school breakfast clubs for

their pupils. In particular, it is asked to consider the impact this would have on raising attainment, improving absence rates and lateness and to investigate how sponsorship, alongside the Pupil Premium, might fund the breakfasts. This information should then be provided to all schools in the County.”

..... in the Chair

Date of signing

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QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

Questions are listed in the order in which they were received. The time allowed for this agenda item will not exceed 30 minutes. Should any questioner not have received an answer in that time, a written answer will be provided.

Questions	Answers
<p>1. COUNCILLOR KEVIN BULMER</p> <p>In December 2011 the Council agreed to establish 21 Community and Community Plus Libraries where a proportion of the opening hours would be either staffed by volunteers, funded by the community or a mixture of both. Could the Cabinet Member provide an update on progress towards the completion of this programme which is due in April 2015?</p>	<p>COUCILLOR LORRAINE LINDSAY-GALE, CABINET MEMBER FOR CULTURAL & COMMUNITY SERVICES</p> <p>The community supported libraries programme is on track to be implemented in all 21 designated Community and Community Plus libraries by April 2015, in line with the Cabinet decision from 2011.</p> <p>As of 1 September 2014, agreement has been reached with community groups regarding individual models for all of the 21 libraries. These models have already been implemented in 13 libraries, and in the remaining 8 libraries timescales have been agreed for introducing volunteering by January 2015 at the latest. Individual Councillors have been kept informed of progress with libraries in their divisions as appropriate. Progress has also been reported regularly to the Performance Scrutiny Committee.</p> <p>The volunteering model has been introduced in eleven libraries so far: Stonesfield, Benson, Grove, Adderbury, Goring, Faringdon, Charlbury, Sonning Common, Hook Norton, Woodstock and Chinnor. This model is seeing volunteers support staff in the running of the library. Some of these models also involve funding from the community, to supplement the reduced staffing budgets from April 2015 onwards.</p> <p>Arrangements are in place for funding models at Bampton and North Leigh libraries where the local community is fundraising to pay for their libraries to remain fully staffed rather than volunteers being used. These arrangements will come in to effect from April 2015.</p>

Questions	Answers
	<p>As for the remaining 8 libraries, volunteers will start at Old Marston Library from 9 September. October will then see the introduction of volunteers at Burford, Kennington, Wheatley, Wychwood and Deddington libraries. The remaining two libraries, Woodcote and Watlington, will then come on-stream with volunteers in January, allowing time for the 3-month transition period before the deadline of April 2015. Some of these models also involve a community funding element.</p> <p>In each community, a Partnership Working Agreement has been signed, or is being finalised, to confirm the arrangements and to clarify the mutual responsibilities that the community and the Library Service have agreed to take on. These legally binding Agreements will provide a robust basis for the models that have been put in place, and guarantee the future of the library for the duration of the Agreement.</p> <p>Despite the economic driver behind the original decision, this has been seen as a genuine opportunity for partnership working. Strong relationships have been established and developed with Friends Groups and community groups around the county, some of whom have been newly established for the purpose of local engagement. Libraries have become even more of a focal point in their communities and local people have felt an even greater sense of ownership of their library. The Library Service has been overwhelmed by the enthusiasm of local people to get involved. More than 300 volunteers have started or completed their training, and both volunteers and library staff are enjoying the experience of working alongside each other.</p> <p>In summary, the decision is well on the way to being fully implemented by the deadline of April 2015. The County Council will maintain current services and opening hours across the whole network of 43 public libraries in Oxfordshire, as a direct result of the enthusiasm and support of Oxfordshire residents for their local libraries, and the hard work of staff throughout our Library Service.</p>

Questions	Answers
<p>2. COUNCILLOR JOHN TANNER</p> <p>What comfort can the Cabinet member offer to the thousands of motorists who are daily delayed by the road and bridge works in and around the Kennington roundabout in Oxford? In particular when will the work be completed, is it within budget and what benefit is it expected to bring?</p>	<p>COUCILLOR DAVID NIMMO SMITH, CABINET MEMBER FOR THE ENVIRONMENT</p> <p>The County Council is investing more than £6 million of City Deal funding in this project which has been developed to bring major improvements to Kennington Roundabout as well as traffic-flow improvement measures at Hinksey Hill Interchange, and the refurbishment of four bridges in the area. The improvements to Kennington and Hinksey Hill roundabouts form part of the Oxford and Oxfordshire City Deal (supported by County, City an District Councils) – and build on recent improvements to Heyford Hill Interchange to significantly improve traffic flows around this side of the Oxford ring road. Around 60,000 vehicles a day pass through the junctions and the scheme will bring significant improvements to the high levels of congestion experienced at the junctions during peak times e.g. a 30% improvement in capacity is expected during the evening peak.</p> <p>We recognise that the works are causing inconvenience to motorists, and where possible the works have been programmed to reduce delays e.g. by working off-peak during the first phase of the works. However a substantial proportion of the works has to be done under a contraflow arrangement to ensure the safety of motorists and our workforce. Apart from the first few days on the contraflow being implemented, and congestion due to other incidents/events, delays have settled down to the levels we would have expected. Several improvements have been made to try and ease congestion in particular areas, and specific traffic management issues have been reviewed and remedial measures put in place when they have occurred. A major communications plan has been implemented to try and ensure motorists/residents/businesses are informed and encouraged to plan their journeys – particularly as schools go back and higher levels of traffic are expected.</p> <p>All our communications (signs, internet site, bulletins, press releases etc.) explain to the public that the works will be completed at the end of November 2014.</p>

Questions	Answers
	<p>The scheme is currently within budget and works are expected to be completed by the original completion date. Like any construction project, unexpected challenges will arise. However we are managing these challenges with our contractor and we are working with them to ensure the project remains on track. Regular updates are being given to members and the general public as the scheme progresses, and everyone who is affected by the works is encouraged to sign up to the scheme email bulletin at:</p> <p>https://www.oxfordshire.gov.uk/cms/public-site/travel-choices</p>
<p>SUPPLEMENTARY QUESTION</p> <p>I wonder why, when last time we met the contract was over budget by 40% and that now that overspend seems to have disappeared, and whether the Cabinet Member intends to introduce weekend and Sunday working so that this job can be done by the end of October instead of the end of November and stop the unnecessary suffering for motorists and businesses in the Oxford area?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>The financial status of the contract is still as it was before. As regards the length of time for doing the job, the contractor and the officers have looked at various ways of doing it and rather than flooding the site and doing over extended times, (concrete does have to have time to go off so there will be times when concrete has been set during the day will have to be left over night to go off), so that will limit the amount of out of normal hour working that is being able to be done. So the work will be done as scheduled and as quickly as possible such as we can then have what will be a 30% increase in the amount of traffic able to go around Kennington roundabout and amongst other people it will make life easier for me to get in and around Oxford.</p>
<p>3. COUNCILLOR JOHN TANNER</p> <p>What has been the cost to the County Council and the taxpayer of the continuing series of strikes and disruption by the Fire Brigades Union in Oxfordshire during the last 12 months? What steps has the Cabinet member taken to get this dispute settled and to make sure that decent pension arrangements are made for our excellent and hard-working fire and rescue employees?</p>	<p>COUNCILLOR RODNEY ROSE, DEPUTY LEADER</p> <p>Firstly I would like to thank the officers and staff of our Fire and Rescue Service who have, in very difficult circumstances, maintained a resilient level of fire cover across the county on over 45 occasions that the FBU have undertaken industrial action (IA). Whilst I do not support the action taken by some employees I am grateful that this has been undertaken in a professional manner and there is a local agreement to return to work in the event of a major incident. We have also seen crews continue to work during the periods of industrial action when they have already been in attendance at an incident which has not been replicated elsewhere in the Country.</p>

Questions	Answers
	<p>This level of resilience has been achieved by significant planning and robust business continuity plans as well as the professional nature of many on-call firefighters who have taken time out from their primary employment and given up valuable time with their families to provide immediate response cover outside of their normal response areas.</p> <p>In response to the costs to the County Council and the taxpayer, once again, I must commend the leadership of OFRS who have minimised the impact on the budget from this external issue over which they have no control. We only need to look to our neighbours to see both the cultural and the financial impact of this industrial action when relationships are not as positive as they are in Oxfordshire.</p> <p>The costs for the Industrial Action are the salary and associated costs for providing an immediate response from our on-call staff during the periods of action. We have not had to bring in external staff to maintain fire cover.</p> <p>The current costs for the IA is off-set by the pro-rata reduction in salary and employer contributions for those individuals who are taking IA.</p> <p>The total cost to date for the IA is approx. £5k.</p> <p>The second part of your question asks what steps have I have taken to get this dispute settled. I must be clear that this is a dispute between DCLG and the Fire Brigades Union as the Firefighters Pension Scheme is a national scheme and is not managed locally.</p> <p>Whilst I agree with the basic premise of your question that decent pension arrangements should be in place for all our employees, we also need to ensure that any future scheme is sustainable and able to provide benefits for future generations of firefighters who undertake a challenging role to protect our communities. The National Joint Council represents Fire Authorities in England and we need to continue to encourage dialogue to allow these individuals to</p>

Questions	Answers
	<p>engage with the Department of Communities and Local Government and the Fire Brigades Union.</p> <p>We have also submitted a response to the consultation document for the 2015 pension scheme and it is pleasing to see that many of the issues that we raised are being considered by the Fire Minister, for example the impact on female firefighters who will be required to work beyond 55 in a physically demanding role.</p> <p>The Chief Fire Officer keeps me regularly informed of the current negotiations and we are able to represent the views of the County Council through the Chief Fire Officers Association via our Chief Fire Officer. The Chief Fire Officers Association is taking an active role in advising the Fire Minister and offering advice on possible ways forward around the concerns of the employees. Elected Members are also feeding their views to the LGA Fire Commission who is in regular contact with all sides in this damaging dispute.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Could I congratulate Councillor Rose on his further responsibilities and I am glad that this Council would like to see the Fire Brigades dispute settled. Could he circulate to all members of Council the consultation document to government expressing the views of the County on the need to settle this as soon as possible?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Yes.</p>
<p>4. COUNCILLOR JOHN TANNER</p> <p>Does the Cabinet member agree that the County Council should ensure equality of access, fairness and consideration to all its</p>	<p>COUNCILLOR RODNEY ROSE, DEPUTY LEADER</p> <p>The Cabinet member agrees that the County Council should ensure equality of access, fairness and consideration to all its staff and the people of Oxfordshire.</p>

Questions	Answers
<p>staff and the people of Oxfordshire? How does the Cabinet member believe this should be achieved?</p>	<p>Oxfordshire County Council is committed to making Oxfordshire a fair and equal place in which to live, work and visit. We want our services to effectively meet the needs of all local residents. We aim to ensure that our staff are equipped with the knowledge and skills to meet the diverse needs of customers, that our services are accessible, and to encourage supportive and cohesive communities through our service delivery.</p> <p>Our Equality Policy (2012 - 2017) sets out how we aim to achieve this goal and meet our obligations under the Equality Act 2010. The objectives set out in this policy are:</p> <ul style="list-style-type: none"> • Understanding the needs of individuals and communities • Providing accessible, local and personalised services, including to rural areas and areas of deprivation • Supporting thriving and cohesive communities • Promoting a culture of fairness in employment and service delivery <p>In addition to our objectives we have an action plan, updated on an annual basis which sets out how these objectives will be achieved. The action plan contains a detailed breakdown of specific actions which need to be undertaken and how these actions relate to the Equality Policy objectives.</p> <p>Additionally we monitor our progress towards the objectives to ensure that we are reflecting the work of all our service areas and the priorities of the council. This monitoring enables us to refresh actions to ensure we are working to meet our Equality Policy objectives.</p>
<p>5. COUNCILLOR SUSANNA PRESSEL</p> <p>The government promised that the introduction of free school meals for KS1</p>	<p>COUNCILLOR MELINDA TILLEY, CABINET MEMBER FOR CHILDREN, EDUCATION & FAMILIES</p> <p>Councillor Carter wrote to all Councillors on 3 September 2014 about the successful introduction, at short notice, of the provision of free school meals for</p>

Questions	Answers
<p>would be fully funded. Please can you tell us if this is the case in Oxfordshire and if not where the extra money will come from?</p>	<p>all infants. In that e-mail he drew attention to the shortfall in capital funding available in relation to those schools for which the authority is responsible for this purpose (ie Community and Voluntary Controlled schools). The budget provided by the DFE for this purpose was £1,120,000. The actual costs are in the order of £1.9 million. Consideration is being given by officers as to how this shortfall will be addressed.”</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Will it be possible to identify which projects will sadly have to be cancelled or postponed in order to fund this ridiculous short-fall?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>I don't think so at the moment, as we said in our reply, we are still working on a plan to find the shortfall. But from my point of view, I think it is one of the silliest policies I have ever heard of and had I been given over £1m to work with disadvantaged children then I could have done an awful lot more for those children to catch them up with the rest of their colleagues. Certainly along the lines of breakfast and after schools clubs. So I am devastated at the amount this is costing us and I am devastated at what we will have to not do to fund it.</p>
<p>6. COUNCILLOR SUSANNA PRESSEL</p> <p>Three-quarters of local authorities now have a Marmot Implementation Plan, setting out how they plan to reduce health inequalities. Please can you tell us why OCC does not have one and when we will be getting one?</p>	<p>COUNCILLOR HILARY HIBBERT-BILES, CABINET MEMBER FOR PUBLIC HEALTH & THE VOLUNTARY SECTOR</p> <p>The publication “Fair Society, Healthy Lives” (otherwise known as the Marmot Review, 2010) sets out the following policy objectives:</p> <ol style="list-style-type: none"> 1. Giving every child the best start in life (highest priority recommendation) 2. Enabling all children, young people and adults to maximise their capabilities and have control over their lives 3. Creating fair employment and good work for all 4. Ensuring a healthy standard of living for all 5. Creating and developing sustainable places and communities 6. Strengthening the role and impact of ill-health prevention <p>I have found one example of where a local authority has adopted this “life course” framework for their strategic plans and incorporated them into their</p>

Questions	Answers
	<p>Corporate Plan. This was in Walsall, where they referred to some actions as their “Marmot Implementation Plan.”</p> <p>Although we have not adopted this approach in Oxfordshire we can demonstrate that the policy objectives set out are being implemented here and form the basis of several of our plans, not least the Joint Health and Wellbeing Strategy. This gives the added impetus of joint work with our key partners to deliver the work to address social determinants of health in the county.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>This answer is about the framework of Marmot report, I am asking in my original question about the implementation so that we can see inequalities being reduced. Please can you give at least one example of how we are addressing social determinates of health in the county?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Giving every child the best start in life is our highest priority recommendation. The Joint Health & Wellbeing strategy programme 1-4 will tell you that. Breaking the Cycle of Deprivation programme, Thriving Families, Joint Health & Wellbeing Strategy, priorities for the health improvement board to promote immunisation in breast feeding, other public initiatives to reduce smoking in pregnancy, school health nursing etc – how many do you want? And they are all in the public health report if you read it.</p>
<p>7. COUNCILLOR SUSANNA PRESSEL</p> <p>Oxfordshire was the worst County in the whole country for delayed transfers of care last year – by no means for the first time. The government recently announced that the badly-needed money for “winter pressures”, which we have come to rely on, is being slashed from £10.2 million to about £4 million. What impact is this likely to have on delayed transfers of care?</p>	<p>COUNCILLOR JUDITH HEATHCOAT, CABINET MEMBER FOR ADULT SOCIAL CARE</p> <p>Although the department of health publishes information by council area on delayed transfers of care, it is not possible to identify which authority is worst. Many people including the audit commission and the Health Select Committee have said that data reported is not comparable across areas. The Health Select Committee said <i>‘The national data available on delayed discharges contradicts the evidence of clinicians and managers across the acute sector. The Committee believes that the data is incredible and we recommend that Ministers swiftly investigate the method of data collection in order to understand whether the available figures genuinely reflect the situation on the ground.’</i></p>

Questions	Answers
	<p>What authorities therefore need to do is to ensure that year on year they reduce their delayed transfers of care. To this end as part of the Government's Better Care Fund we have set targets to reduce the number of days people are delayed in hospital by 37% in the current year, from a 2012/13 baseline.</p> <p>The latest figures (at the end of July) show that we have reduced all delays by 21% and within this social care delays by 38% - the target level set. In fact social care delays have now been at this target level since December last year and I am confident that we can therefore deliver those targets which are the responsibility of the council. At the end of July under a quarter (23%) of delays in Oxfordshire were the responsibilities of social care.</p> <p>When the "winter pressures" money was announced last year we neither assumed nor budgeted on it being a recurrent sum of money. Last year we bid for and got £2.5m of the £10m allocated to Oxfordshire. £0.5 million was spent on equipment and subsequently we have increased the equipment budget through the budget process by £0.9million. The rest was used to set up schemes to improve the speed of response. These schemes have been maintained and continually developed in the last year and include:</p> <ol style="list-style-type: none"> 1. introduction of 7 day working for social care staff in hospitals 2. increasing use of assistive technology in supporting people to be discharged from hospital 3. Support for people funding themselves to organise care through a new contract 'My Care My Home' 4. Employing reviewing officers to review people post discharge from hospital 5. Setting up a contract to provide up to 24 hour short term care for people in their own home when they leave hospital 6. Setting up a system of incentive payments to providers to pick up care in 72 hours. <p>The main reasons we still have delays in social care are that people are awaiting</p>

Questions	Answers
	<p>home care packages. This reflects the fact that care cannot be accessed quickly enough. Following earlier trials of incentive payments we have set up new block contracts with home care providers which should be operational by October 1st which will guarantee the successful companies' minimum hours of care if they pick up cases in agreed timescales. The allocation of winter pressures has changed this year to an equal allocation for all authorities regardless of their level of delayed transfers, but as we are proposing to use this year's monies to provide continued support to the schemes above we will be making best use of what is available.</p> <p>We continue to work with our Health colleagues to ensure that individuals receive the appropriate discharge plans and where necessary longer term support.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>It is good to see that we are trying to reduce the number of people who are delayed in hospital when they are fit to go home that is very good, but all the other local authorities are similarly reducing their delayed transfers of care, so please could you tell us since there is a league table, like it or not, when will we stop being at the very bottom of it?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>So much is actually happening on the ground to do with detox figures, support of older people, reducing pressure on hospitals, Age UK Oxfordshire with the support of the Urgent Care Board has recently successfully bid for funding to help older people to stay well at home, which is a policy of this County Council. Our own performance update includes the reduction in the days lost for delayed transfers of care and are now in line with the target and this is also mentioned in my response which admittedly Councillor Pressel has acknowledged.</p> <p>Additionally I stated that when the winter pressure monies were announced last year, we neither assumed nor budgeted that it would be a recurrent sum of money again - this is mentioned in my answer. Detox is a multi-agency issue. Much work has been done and will continue to be done. The method of data collection is not uniform across the piece and we could be likening apples with pears with regard to the Detox stats. Do remember that Detox refers to people and they can't be shoved around like apples and pears, from one agency to another and I wish she would remember the compassionate side when she thinks of Detox.</p>

Questions	Answers
<p>8. COUNCILLOR SUSANNA PRESSEL</p> <p>A recent major MORI survey of people in Oxford reveals that 70% of respondents feel that road and pavement repairs is the issue most in need of improvement. This issue came top by a long way and is much higher than in previous years. I'm sure this would be similar in other parts of the County. Please can you tell us what you are doing to address this widespread and considerable dissatisfaction?</p>	<p>COUCILLOR DAVID NIMMO SMITH, CABINET MEMBER FOR THE ENVIRONMENT</p> <p>The improvement of the condition of roads and footways is an issue which is consistently high on any Local Authority survey and the results of the MORI poll in Oxford is consistent with the national picture (National Highways Benchmarking Survey shows average level of dissatisfaction of highway condition for 27 County Councils to be 69.74%) and the recent increase in dissatisfaction similarly reflects the national trend. This concern has prompted the government to make available an extra £168 million to Highway Authorities to tackle the problem of potholes. The County Council received £3.1m from this fund and in addition have invested an extra £1.8m of its own money to ensure that the Council can improve the condition of roads and footpaths.</p> <p>Furthermore, officers have worked with a cross party member group (including two representatives of Oxford) in revising the councils Highway Asset Management Plan which proposes a strategy to make the best use of funds available and this will be presented to Cabinet in September.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Could I put in a particular plea for cyclists who complain to me all the time about the potholes. They can be deadly for cyclists. Please could someone from Highways go on a bicycle up and down some of our streets and experience what it is like and then perhaps the money be spent in order to make cycling more attractive and safer so that we can get more people out of their car and on to their bikes, especially in weather like this.</p>	<p>SUPPLEMENTARY ANSWER</p> <p>I am pleased that Councillor Pressel would like extra money, but I would just remind her that she voted against an extra £1m of maintenance money in last years' budget, so she can't have it both ways.</p>

Questions	Answers
<p>9. COUNCILLOR SUSANNA PRESSEL</p> <p>The Audit Commission says that once again this government has chosen to cut far more from councils in poor areas than it has from councils in richer areas, with the councils covering the 10 most deprived areas of England losing an average of £782 per household, while the councils covering the richest areas are losing just £48 on average.</p> <p>Please can you tell us where Oxfordshire comes in this league table and how much we are losing per household?</p>	<p>COUNCILLOR LAWRIE STRATFORD, CABINET MEMBER FOR FINANCE</p> <p>The Audit Commission have not released the full tables enabling the ranking of each council by scale of savings so I am unable to say where we are in a league table. However, at the start of the period measured, Oxfordshire only received £742 per household from central government, meaning cuts at the upper end of the scale would not have been possible. The analysis includes all councils at all tiers, so direct comparisons are difficult. The authorities facing the smallest cuts are District councils, both thanks to their large share of the new homes bonus, and their smaller total budgets. In addition the analysis only measured changes in government support, underestimating the challenge faced by those authorities which raise significant amounts of spending locally, in the face of limitations on local income including council tax. It also did not measure the different cost pressures faced by different councils - for example the cost of supporting a growing elderly population.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Would Councillor Stratford agree that it is very unjust that the rich local authorities are having extra while the poor local authorities are losing more and more money?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>As the reply indicates, it is very difficult to compare all local authorities at the moment. I think we will keep a note on it. I do agree it is unfortunate that some get richer at the expense of those that get poorer, but it is not quite as simple as that, as I am sure you know.</p>
<p>10. COUNCILLOR DAVID WILLIAMS</p> <p>Given that numerous care homes in Oxfordshire are now charging well over £1,000 per week for full time and respite care. Would the Cabinet member agree with me that profit taking in the care industry has now reached unacceptable levels and it is now time to look at returning to at least some 'In</p>	<p>COUNCILLOR JUDITH HEATHCOAT, CABINET MEMBER FOR ADULT SOCIAL CARE</p> <p>The cost of adult social care and particularly the cost of care home services has been the subject of much discussion over the years.</p> <p>Cabinet considered a report on Care Home Fees in April this year and I would refer you to that document for further information.</p> <p>What the report explains is that when reviewing the price they will pay councils</p>

Questions	Answers
<p>House' provision as a more cost effective way of offering high quality care. Would she not agree that this would at least provide a benchmark of what the realistic costs of care are and what we may identify as a profit margin?</p>	<p>are expected to assess the cost of providing care in their area and to consult providers on the same. We carried out this assessment using a cost model developed by the Association of Directors of Adult Social Services that had been tested thoroughly in 2013-14 and was updated for 2014-15. We also invited local care home providers to share their operating costs with us but few did.</p> <p>The outcome is that we have reported on the cost that we feel is reasonable for Oxfordshire given the calculations we made and the information made available to us from the care home sector. There is of course a difference between our assessment of the cost of providing care and the price that some providers are charging.</p> <p>Despite our work it is not possible to say what an acceptable level of profit is and because of this it is not possible to say what is an unacceptable level of profit; it will be different for individual homes given their organisational structure, business model, ethos and financial structure.</p> <p>I do not believe we should be returning to in-house provision because of a number of reasons</p> <p>Firstly, our strategy is to support people to live in their own homes whenever possible; it is not to place people in care homes. We are working hard to ensure that opportunities are available through the provision of information, prevention and community based support services so people can make informed choices and continue to do this.</p> <p>We have always recognised and acknowledged that the services that care homes provide within Oxfordshire play an important role in helping to meet the needs of vulnerable adults. However, whilst we expect to continue to purchase some nursing care home services in the future we anticipate purchasing fewer residential care home services and instead we will look to alternatives such as extra-care housing and care at home. This is something that we have shared with the care homes sector on a number of occasions and has been set out in</p>

Questions	Answers
	<p>our Business Strategy for some time.</p> <p>A further point I would make is in relation to the opportunity cost of investing valuable resources in the care home sector. Our view is that there are sufficient care homes already in Oxfordshire with more being developed and our service and resource planning process has identified that there are significant pressures on the older people's budget. We are also aware of the future demographic pressures in Oxfordshire; we simply need to focus resources for the benefit of an increasing number of vulnerable people.</p> <p>In conclusion, moving to a position of increasing our strategic spending on care home services would not support this and it would go against our stated business strategy for the future.</p> <p>The final point I would make relates to The Care Act and Funding Reform. Councillors will be aware that we are expecting further information regarding this to be available next month. A key theme in discussions leading up this point has been the cost of 'care' and 'hotel' costs in care homes. The Funding Reforms are expected to lead to a greater level of transparency about the cost of care in care homes... and this is something I welcome.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Would the Cabinet Member agree with me that (in her response she does accept that there is a problem of transparency for accounts put forward by our various care homes and nursing homes) there is a worrying aspect of the whole process? Would she also agree, (she says that this doesn't conform the idea of having some run</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Chairman, I think I heard three or four questions of 'do I agree' and I am not going to answer any of those parts because I think the reply/response that is on the order paper is very clear. One thing that I think Councillor Williams hasn't taken on board is that, (he obviously does a lot of research, he obviously goes onto websites and he has obviously has family experience at the moment) I have been advised that there is a national figure from the Department of Health for the cost of running local authority care homes and that the cost is over £900 per week, so it would actually cost us more as an Authority if I were to take up his</p>

Questions	Answers
<p>by the local authority so that we can compare prices.) that this position of everything being contractualised is actually deeply ideological, committed to the idea of privatisation and contractualisation, and would she also agree that the gap between the payments that are paid to these homes is growing ever more distance from £850 to nearly £2,000 a week.</p>	<p>suggestion from his question because not only is the cost there per week but there is the resource that would be required so there would be extra staffing to take on. I wish to continue the work to increase the number of older people that can stay within the community in their own home in surroundings they are familiar with and with their friends close to them and I feel that the best way forward is for people to live independently.</p>
<p>11. COUNCILLOR DAVID WILLIAMS</p> <p>In 2012 the City Council passed a motion that they would seek to work with the County and other Districts in following the model of Northumberland County Council in using its investment potential to help the local NHS trust to buy out their burdensome PFI contracts thereby saving their local NHS Trust around £3.5 million per year and at the same time giving Northumberland a decent return on their investment.</p> <p>Could the Cabinet member for Finance give an update on any progress that has been made on this City resolution for clearly the PFI payments per years paid out by the Oxfordshire NHS Trusts (in excess of £20m) are crippling?</p>	<p>COUNCILLOR RODNEY ROSE, DEPUTY LEADER</p> <p>The motion in July 2012 was to request 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. The motion was put to the vote and was lost by 46 votes to 2.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Would he agree that the County Council turned this idea down – it is correct factually</p>	<p>SUPPLEMENTARY ANSWER</p> <p>I think this is a matter for the City Council's chamber of which I believe the member in question is a member of and I suggest he takes it there.</p>

Questions	Answers
but there still will be overtures from the city to join such a consortium.	
<p>12. COUNCILLOR SAM COATES</p> <p>Will the portfolio holder for transport be backing the concept of a large Oxford City centre cycle parking 'HUB', with inbuilt CCTV security, common in many European Cities? A place where large numbers of cycles can be left with confidence for the length of the working day.</p> <p>Would he agree that such facility if placed in the City centre perhaps in the basement of the redeveloped Westgate Centre would greatly encourage cycling into the City centre, a much healthier and pollution free system of transport. Would he also agree that this would ease the present pressure on the pavement cycle racks in the City Centre which are taking up ever increasing amounts of pavement space?</p>	<p>COUCILLOR DAVID NIMMO SMITH, CABINET MEMBER FOR THE ENVIRONMENT</p> <p>We fully understand that we need more space for people to park their bicycles. At least one cycle hub along the lines that Councillor Coates suggests would be extremely helpful. Indeed, it is good news that the proposals for the redevelopment of the Westgate centre include a cycle hub with space for parking 180 bicycles. This is great but is only the start. We will continue to be open to other possible locations for cycle hubs alongside trying to find more space for conventional cycle stands and better management of existing space.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Can I thank Councillor Nimmo Smith for his answer. It is good news about the bicycle spaces in the new Westgate. Can I ask whether he knows whether they will be covered by CCTV surveillance?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>That will be covered by the ultimate detailed planning permission from the City Council.</p>

Questions	Answers
<p>13. COUNCILLOR SAM COATES</p> <p>Would the Cabinet Member for Transport and Highways give an indication if the County Council would back the recent proposal for the complete reopening of the so called ‘Varsity Line’(i.e. a direct railway link directly between Oxford and Cambridge) closed under the Beeching axe in 1967 but now deemed viable by transport executives ?</p>	<p>COUNCILLOR RODNEY ROSE, DEPUTY LEADER</p> <p>It has been a long time ambition of the County Council to improve rail connections by reinstating the former ‘Varsity Line’ between Oxford and Cambridge. We have been an active member of the East West Rail Consortium since 1995 and I am the elected Chairman of the Joint Delivery Board for the Western Section of East West Rail, a project that is seeing the upgrading and reconstruction of the former railway between Oxford, Bicester, Aylesbury, Milton Keynes and Bedford by 2019.</p> <p>Now that the Western Section between Oxford, Bedford and Milton Keynes is going ahead, the local authorities and partners in the East of England have been working to develop the business case for the ‘Central Section’, a linked-project to identify a brand new stretch of railway that will deliver the greatest benefits between Bedford and Cambridge.</p> <p>The County Council welcomes publication of the recent Conditional Output Statement by the Central Section Steering Group which supports the economic case for investment in the ‘Central Section’, and the commitment by Government to provide funds for Network Rail to undertake the next phase of feasibility work to identify a preferred route. We will continue to support their efforts to ensure the residents and businesses in Oxfordshire reap the benefits of the fully completed East West Rail project.</p> <p>Note: The Central Section Steering Group is led by Cambridgeshire County Council and comprises Suffolk County Council, Ipswich Borough Council, Norfolk County Council, Bedford Borough Council, Central Bedfordshire Council, Luton Borough Council, Hertfordshire County Council, Network Rail and Department for Transport.</p>

Questions	Answers
<p>14. COUNCILLOR SAM COATES</p> <p>Last winter, a commitment was given to the councillors who had funded the project from their community allowance that the cycle marking on Cowley Road, now faded beyond recognition, would be repainted during the summer period. As it is now September and the work has not been completed could the Cabinet Member give an indication when this work will be undertaken?</p>	<p>COUCILLOR DAVID NIMMO SMITH, CABINET MEMBER FOR THE ENVIRONMENT</p> <p>The Council has been holding the money as requested for remarking Cowley Road to reinstate the cycle lanes amongst other features. It had been intended that significant areas of Cowley Road would be surface dressed this summer however more detailed investigation identified that, following the difficult winter this was now not the best solution and that the area should be resurfaced. This work could not be fitted into this year's programme but is expected to be included in the 2016/2017 programme. In the meantime some structural patching will be done to remedy some of the areas have deteriorated to the point that they will likely become hazardous in the two years prior to this resurfacing work being done.</p> <p>It would have been a waste of public money to undertake the lining prior to a decision on the resurfacing solution for the road but this work will now proceed as a matter of urgency.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>Can I ask Councillor Nimmo Smith if he thinks it is acceptable that we might not have an acceptable cycle route until 2017 on one of the main cycle routes into the City?</p>	<p>SUPPLEMENTARY ANSWER</p> <p>We have to work with the monies available, so we can't do everything for everybody all at the same time. We are providing choice all over the place it comes down to funding and availability so that is the best answer I can give at the moment.</p>
<p>15. COUNCILLOR ZOE PATRICK</p> <p>As the Council's representative on the Thames Valley Police Panel receiving a Special Responsibility Allowance, please would Cllr Mallon provide a report on the work that he has undertaken on our behalf?</p>	<p>COUNCILLOR KIERON MALLON</p> <p>As the County Council's representative on the Thames Valley Police and Crime Panel I have attended a range of strategic meetings across the three counties, primarily through my formal membership of the Thames Valley Police and Crime Panel and the Oxfordshire Safer Communities Partnership. I also regularly meet with the Police and Crime commissioner on an informal basis. Further detail is provided below.</p>

Questions	Answers
	<p>Thames Valley Police and Crime Panel</p> <p>There are 6 meetings per year and I attended all of these meetings since the Panel was formed in November 2012, except for one during the recent local elections in May 2014. These meetings move to a different Thames Valley council location each meeting.</p> <p>The Panel meetings are open meetings and therefore the public and councillors are welcome to attend. They have been held at a range of different council offices across Thames Valley including in Oxfordshire: County Hall (March 2013), West Oxfordshire District Council Chamber (May 2013), Oxford Town Hall (July 2013), Cherwell District Council Chamber (March 2014) and South Oxfordshire Council Chamber (July 2014).</p> <p>At these meetings I have raised the profile of important community safety issues, for example:</p> <ul style="list-style-type: none"> - the importance of the work undertaken by community safety partners to prevent crime and thus a need to maintain community safety funding, whilst also pressing for longer term funding; - ensuring critical issues such as Child Sexual Exploitation remain high on the agenda at a Thames Valley level through raising the profile of the work being undertaken in Oxfordshire by the Kingfisher Unit, and the activity being led by the district Community Safety Partnerships (under the auspices of the Oxfordshire Safeguarding Children's Board); - supporting the Commissioner with his focus on rural crime and his concerns about major highways (such as the M40) providing 'corridors of crime' for organised gangs; and - raising the issue of Female Genital Mutilation (FGM) so that it does not get ignored as a minority concern. <p>Working with the Chairman and other panel members we have held the</p>

Questions	Answers
	<p>Commissioner to account for his proposed Council Tax precept of 1.99% to protect front line services. I and the Panel Chairman attend bi-monthly meetings with the PCC to discuss any issues in relation to crime and community safety. At my instigation the panel is exploring the idea of themed meetings to look in depth at subjects that are part of the Commissioners priorities.</p> <p>I have attended and in some cases instigated meetings that will lead to task and finish panels to examine how the Commissioner can work more effectively with partners; the Oxfordshire Health and Wellbeing Board for example.</p> <p>In addition, I have attended the two annual conferences that have been organised by the Police and Crime Panel to engage the wider community in the work of the Panel and discuss key issues – the conferences were held in Aylesbury (July 2013) and at the Kassam in Oxford (July 2014).</p> <p>Oxfordshire Safer Communities Partnership (OSCP) Board</p> <p>I am an active member of the Oxfordshire Safer Communities Partnership raising issues on funding, CSE, rural crime, ASB and FGM in particular, as well as broader concerns such as domestic abuse, hate crime and the overall performance of the partnership. I was Chairman of the OSCP Board for two years from July 2010 to July 2012 and in this role, oversaw and pushed through a review of Oxfordshire-wide community safety partnership structures to ensure they were best placed to respond to the incoming election of the Commissioner and the Police and Crime Panel, as well as the development of the annual OSCP Business Plan.</p> <p>Thames Valley Police and Crime Commissioner</p> <p>I meet informally and regularly (face-to-face) with the Police and Crime and Commissioner (once every 3 to 4 weeks) to ensure there is alignment of policy priorities and to provide support and challenge on key issues of concern. In addition, we have ad hoc telephone conversations, as necessary. This special</p>

Questions	Answers
	<p>relationship I have with the Commissioner and the fact that I have been re-elected Vice Chairman of the panel adds value to the role especially on Oxfordshire issues.</p> <p>I was actively involved in negotiations with the Commissioner on Community Safety Funding levels for the Oxfordshire Safer Communities Partnership through leading a discussion with partners on how to achieve the best funding outcome for Oxfordshire. I also attended a meeting with Public Health colleagues and the deputy Commissioner to build stronger relationships between the Commissioner's office and the Oxfordshire Health & Wellbeing Board.</p>
<p>16. COUNCILLOR STEWART LILLY</p> <p>Would the Cabinet member please advise council as to the progress regarding the superfast broadband work for Oxfordshire? Can he also confirm that the work is progressing to programme and is on budget? Can he also update on the opportunity to enhance the installation to the more remote parts of the county as has been pledged by budgetary assistance from all the district authorities, and advise as the the anticipated coverage now expected in percentage terms.</p>	<p>COUNCILLOR NICK CARTER, CABINET MEMBER FOR BUSINESS & CUSTOMER SERVICES</p> <p>The Better Broadband programme is running slightly ahead of delivery schedule (10,000 premises passed/53 cabinets live as at 29th August), and is on budget. South Oxfordshire, Vale of White Horse and Cherwell district councils have all committed to fund additional coverage via the County programme. We estimate that, as a result, coverage will be extended from about 90% to an average 95% in the three districts participating.</p> <p>West Oxfordshire is pursuing its own plans for additional coverage. Oxford City seeks to extend broadband coverage through the Government's Superfast City initiative.</p>
<p>17. COUNCILLOR JOHN HOWSON</p> <p>What was the cost to the Council of dealing with the FOI requests in 2013-14 financial Year?</p>	<p>COUNCILLOR RODNEY ROSE, DEPUTY LEADER</p> <p>The Council does not specifically record the time spent, or cost of, handling each FOI request. As part of the Council's drive to minimise bureaucracy and increase effectiveness, the Council focuses its efforts on responding to this statutory duty proportionately and in compliance with the legal timescales. To achieve this, the Council has a small, dedicated corporate Complaints & Freedom of Information Team which routes requests to directorates and which advises on the application</p>

Questions	Answers
	<p>of the legislation. Responding to requests is devolved to directorates, and each directorate has a co-ordinator who ensures timescales are met. This light-touch but compliant approach prevents the need for every member of staff involved in responding to a request to record their time spent on it; to do this would create a further administrative task.</p> <p>However, the Council is robust in having regard to the 'appropriate limit' under the FOI Act – such that any request that would exceed this limit is refused, with advice and assistance to scope it down so that it can be made less burdensome. The statutory regulations say that legitimate tasks in responding to an FOI request should be nominally costed at £25 per hour (regardless of who is involved) to a maximum of 18 hours/£450. There are separate regulations for requests that seek environmental information and the Council will refuse a request where responding to it would be 'manifestly unreasonable'. I can say, however, that during the 2013-14 financial year, the Council responded to 1080 information requests, 25% more request compared to the previous year.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>I would like to thank Councillor Rose for his response. Can he investigate whether or not we could save money by putting more information on our website and perhaps look at what the Royal Borough of Windsor and Maidenhead do in terms of the amount of information they put, because putting it up first may save us FOI requests later.</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Yes, Chairman, I certainly will be exploring that option.</p>
<p>18. COUNCILLOR JOHN HOWSON</p> <p>How many complaints against Oxfordshire County Council has the Information Commissioner either upheld in full or in part</p>	<p>COUNCILLOR RODNEY ROSE, DEPUTY LEADER</p> <p>Between January and August 2014, five (of 7) complaints considered by the Commission were upheld either in full or in part; four of these were from multiple complainants about the same issue. In 2013-14 three (out of three) cases were</p>

Questions	Answers
<p>between January and August 2014 compared with the previous three years?</p>	<p>upheld in full or in part and all three were from multiple complainants arising from the same issue. In 2012-13, two cases were referred but none were upheld. In 2011-12 no complaints were referred to the Commissioner.</p> <p>The Commissioner does not publish comparative statistics for each authority. To put the Council's performance into context, however, the number of our responses actually referred to the Information Commissioner is very small indeed. In 2013/14, only 0.3% of the Council's 1080 responses were considered by the Commissioner, meaning that 99.7% of our responses were not the subject of a complaint. Given that the number of information requests is increasing year-on-year, and given that every response to a requester gives the Commissioner's contact details, this represents a sound situation.</p> <p>The wider governance picture is also encouraging as regards complaints about our services generally and specifically those that were considered by the Local Government Ombudsman; in that context, among county councils, Oxfordshire has the lowest number of referrals to the Ombudsman, the lowest number upheld by her; and the highest number dealt with at first instance as having no case to answer.</p>
<p>SUPPLEMENTARY QUESTION</p> <p>I am concerned about the number of references to the information commission even though it is a small percentage of the overall number it doesn't do the Council credit that the Information Commissioner upholds complaints to him about this Council. Will Councillor Rose ensure that any necessary training of officers now takes place particularly if any of these complaints originate in relation to issues to do with children and young people.</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Yes Chairman.</p>

Questions	Answers
<p>19. COUNCILLOR JOHN HOWSON</p> <p>Will the Cabinet Member for CEF provide a report on the activities of: LIPG - Leaders of Initiatives and Partnerships, ETB - Education Transformation Board, LAB - Leader's Advisory Board, In raising standards across Oxfordshire schools?</p>	<p>COUNCILLOR MELINDA TILLEY, CABINET MEMBER FOR CHILDREN, EDUCATION & FAMILIES</p> <p>An update on the role of key groups providing governance to the delivery of outcome within Education and Early Intervention Services across Oxfordshire.</p> <p>The Leaders of Initiatives and Partnerships</p> <p>This is a group that consists of the chairs of each of the 28 partnerships of schools from across Oxfordshire. The chairs of partnerships meet 3 times per year in area groups and are able to substitute a representative from their partnership if they are unable to attend the meeting.</p> <p>The group has been used as a reference group as and when there is a need to consult on the work of the following teams:</p> <ul style="list-style-type: none"> • Early Years and Foundation stage • Schools and learning • Early intervention <p>Their role is to raise any issues facing schools in relation to school improvement and early intervention across all phases and also to communicate progress on school based initiatives. They are expected to feed back to head teacher colleagues within their partnership on all information shared at the area meeting and to identify representatives/volunteers for any new initiatives that are being undertaken.</p> <p>The groups that have met this year in the North and the South of the county have had better attendance than the meeting in the central area. We will be working with all area groups to ensure that the focus of the meetings meets the needs in their localities. Chairs of partnerships have welcomed standing items on the agenda related to:</p>

Questions	Answers
	<ul style="list-style-type: none"> • Oxfordshire Ofsted outcomes • Updates on academy conversions • Feedback on Early intervention hub impact • The work of Carillion in schools <p>They have also given positive feedback in relation to updates on the school transport consultation, the new Vulnerable Learners Service consultation and the refresh of the behaviour and attendance frameworks.</p> <p>Education Transformation Board The Education Transformation Board comprises of key stakeholders from across education sectors, with representation from Oxford Governors association and our university partners within Oxford. The Board is chaired by the Deputy Director – Education and Early Intervention and is attended by leaders of initiatives that are represented in the Education Strategy to enable them to present updates and reports on milestones within the Strategy. This includes representation by the Oxfordshire Teaching School Alliance.</p> <p>The remit of the Education Transformation Board has included:</p> <ul style="list-style-type: none"> • reviewing progress and actions needed to meet ambitious county-wide targets • overview and administration of any funds made available to support the key strands of work • discussion of areas for joint commissioning across education providers • overview of quality assurance of Oxfordshire County Council services supporting school improvement • reviewing data to identify areas of provision needing further improvement • being outward looking to find the best practice elsewhere from which Oxfordshire children and young people could also benefit <p>Leader Advisory Board The Advisory Board is chaired by the leader of the Council. Its membership is</p>

Questions	Answers
	<p>comprised of local influential members of the educational community, City Council, key Academy Sponsors and the Diocese. Its remit is to act as a think-tank providing synergy through a co-ordinated approach to improving outcomes for Oxfordshire learners.</p> <p>Key areas for focus this year have included:</p> <ul style="list-style-type: none"> • A review of outcomes for children at the end of key stages in relation to specific groups • A focus on the new Ofsted requirements • The role of governors in schools • The new National Curriculum <p>Two areas of development that we are taking forward this term following the last Advisory Board discussion include:</p> <ul style="list-style-type: none"> • Preparing a briefing for schools, governors and parents on the changes to the National Curriculum. Barnaby Lenon will be leading on this • Developing a promotional video to encourage more Oxfordshire residents to consider becoming a governor in their local school.
<p>SUPPLEMENTARY QUESTION</p> <p>I would like to thank Councillor Tilley for the long and detailed report. Could I just ask a question about the third of those where she mentions academies. Could she also confirm whether free schools, university technically colleges and studio schools are included in that board thinking about the future and also, although she mentions the city by name she doesn't mention any of the other district councils. Are they included in it or are they left out on the assumption that they don't</p>	<p>SUPPLEMENTARY ANSWER</p> <p>Thank you for the question, I think you are quite right about the other councils, I think we need to include them, so the answer is yes.</p>

Questions	Answers
have anything to do with education?	

Division(s): N/A

COUNTY COUNCIL – 3 NOVEMBER 2014

REPORT OF THE CABINET

Cabinet Member: Leader

1. Governance and Constitution Review 2014 - September *(Cabinet, 16 September 2014)*

In April 2013, the Council adopted new governance arrangements which came into effect following the May 2013 elections. The Council asked its Monitoring Officer to review the effectiveness of these decision-making arrangements a year after their coming into operation, along with the underlying Constitution. His recommendations will be considered by Full Council on 9 December. Cabinet had before them a report that summarised the emerging issues from the Monitoring Officer's review and they endorsed the direction of travel of the review.

Cabinet Member: Deputy Leader

2. Staffing Report *(Cabinet, 16 September 2014)*

Cabinet considered and approved the quarterly staffing report that provided details of key people numbers and analysis of main changes since the previous report.

3. Cabinet Business Monitoring Report 2014/15 – Quarter 1 *(Cabinet, 21 October 2014)*

Cabinet considered and noted a paper that provided details of performance for quarter one (2014-15)

4. Operational Peer Assessment Audit Action Plan *(Cabinet, 21 October 2014)*

Oxfordshire County Council Fire and Rescue Service received an external Operational Assessment Peer Review in May 2014. This is a sector led process which replaced the previous inspection regime carried out by of Her Majesty's Inspectorate of Fire Service. Cabinet noted the contents of the Peer Review and approved the action plan.

Cabinet Member: Adult Social Care

5. Outcome Based Contracting for Mental Health and Older People Services

(Cabinet, 16 September 2014)

Cabinet considered a report on Outcomes Based Contracting which is an NHS priority as a way of managing spending and activity by making health care providers responsible for delivering outcomes, rather than paying them for activity. The substantial and on-going pressures on health and social care services, and large activity pressures with acute (hospital) care mean that there needs to be action to manage costs and activity over the medium term.

Cabinet supported the transition of the NHS to focus on outcomes rather than activities as the right direction for the benefit of the health of people in Oxfordshire; to recognise that the change is essential if the NHS in Oxfordshire is to be able to manage with the resources available and that the NHS managing within the resources is crucial to securing the resources of £8m from the Better Care Fund to protect Adult Social Care services and to secure resources to pay for the costs of the new Care Act.

Cabinet also delegated authority to negotiate Oxfordshire County Council's engagement with these two OBC contracts to the Director of Adult Social Services subject to conditions.

6. Deprivation of Liberty Safeguards Resource Implications following Supreme Court Judgment in March 2014

(Cabinet, 16 September 2014)

The Cheshire West judgment was handed down by the Supreme Court on 19th March 2014. This judgment has had a significant impact on the workload to meet the Deprivation of Liberty Safeguards (DoLS) due to the increased scope of the definition of 'deprivation of liberty' and consequently the number of service users that are now within the remit of Deprivation of Liberty Safeguards who are placed within care homes and hospitals.

Cabinet noted a report that provided an understanding of the Deprivation of Liberty Safeguards, the context to the judgment and the operational impact of responding to the judgment in Oxfordshire. The report considered the risks to Oxfordshire County Council and how these were being addressed and managed and the need to consider how to meet the additional responsibilities on the Department.

7. Better Care Fund

(Cabinet, 16 September 2014)

Cabinet had before them a report on the proposed use of the Better Care Fund in Oxfordshire, prior to submission to NHS England by 19 September 2014. This was an update to the plan previously agreed by Cabinet and the Health and Wellbeing Board in March 2014, to reflect updated Government guidance and requirements issued in July and August 2014. Cabinet also considered a supplementary report updating the position from the original

report and recommending that the supplementary paper be submitted to Government as an overview plan that demonstrates the shared commitment to work together but also set out the particular problems that are faced in Oxfordshire.

Cabinet agreed the overview of the Better Care Fund Plan for Oxfordshire as set out in the Supplementary Report.

Cabinet Member: Children, Education & Families

8. Ofsted Inspection of Children's Services

(Cabinet, 16 September 2014)

Cabinet considered a report seeking endorsement of the Council's response to the recent Ofsted Inspection of Children's Services. Cabinet approved the Action Plan for submission to Ofsted and requested the Performance Scrutiny Committee to undertake a 6 monthly review of progress.

9. Oxfordshire Safeguarding Children Board (OSCB) Annual Report - Relevant Issues

(Cabinet, 21 October 2014)

Cabinet, considered the first of an annual report on relevant issues for the County Council arising from the Annual Report of the Oxfordshire Safeguarding Children Board (OSCB). The report outlined the progress achieved in relation to the objectives of the 2013-15 OSCB Business Plan and looked ahead to future challenges.

Cabinet noted the annual report of the OSCB and the progress made in relation to its objectives.

Cabinet Member: Environment

10. Strategic Economic Plan And The Local Growth Deal(SEP) Update

(Cabinet, 16 September 2014)

Cabinet had before them a report that provided the Cabinet with an update on Oxfordshire's recently announced Local Growth Fund (LGF) allocation to 2021 and the process for future LGF funding rounds. Cabinet gave approval to further develop the approved schemes and to support match-funding being identified in the Council's capital programme for 2015/16.

11. Highways Asset Management Plan

(Cabinet, 16 September 2014)

Cabinet considered an updated strategy for maintenance of the public highway in the form of a Highway Asset Management Plan. The draft document was approved as Council policy.

12. A34 Major Improvements Schemes

(Cabinet, 16 September and 21 October 2014)

In September and October Cabinet considered reports setting out the current position with regard to major improvement schemes to the A34. Cabinet approved the Stage 2 – Full Business Case for the Milton Interchange scheme and the Chilton Interchange scheme and gave delegated authority to the Director for Environment and Economy in consultation with the Leader to award the contracts for construction once tender assessment is complete and provided the costs are within the budget envelope.

13. Changes to Parking Policy

(Cabinet, 21 October 2014)

West Oxfordshire District Council had contacted the County Council seeking authority to undertake vehicle removals within West Oxfordshire as allowed for in the agency agreement delegating Civil Parking Enforcement Powers to the District Council and as a result the Oxfordshire Parking Policy had been reviewed. Cabinet approved the amended Policy and in particular the use by West Oxfordshire District Council of delegated powers to remove vehicles;

14. Frideswide Square Construction Works

(Cabinet, 21 October 2014)

Cabinet approved the revised design of the Frideswide Square transport and public realm improvements in Oxford.

Cabinet Member: Finance

15. Service & Resource Planning Report 2015/16 - September 2014

(Cabinet, 16 September 2014)

Cabinet noted a report that was the first in a series on the Service & Resource Planning process for 2015/16, providing councillors with information on budget issues for the next financial year and the medium term. The report presented the assumptions, on which the existing Medium Term Financial Plan (MTFP) is based, the financial strategy that informs the budget setting process, known and potential financial issues for 2015/16 and beyond which impact on the existing MTFP, and proposed a process for Service & Resource Planning for 2015/16 including a timetable of events.

16. 2014/15 Financial Monitoring & Business Strategy Delivery Report - August 2014

(Cabinet, 21 October 2014)

Cabinet considered the latest report on the delivery of the Directorate Business Strategies that were agreed as part of the Service and Resource Planning Process for 2014/15 – 2017/18. Parts 1 and 2 included projections for revenue, reserves and balances as at the end of August 2014. Capital

Programme monitoring and an update to the Capital Programme was included in Part 3. Part 4 set out a change to un-ringfenced grant funding in 2014/15.

Cabinet noted the report and approved the virement requests; delegated the approval of virements relating to the restructuring of Commercial Services and the implementation of savings relating to the consolidation of print services; approved the write off of invoices; approved the new joint reserve for the Thames Valley Control Centre; approved the contribution to capital from the Catering Investment Fund to part fund the capital scheme for the delivery of Universal Infant Free School Meals; approved the developer contributions funding to King Alfred's Academy to secure additional school places; approved the outline business cases for the three City Deal schemes and gave delegated authority for the approval of land purchase and advanced utility diversions ahead of full business case approval by Cabinet to the Chief Finance Officer and Director for Environment & Economy; approved the budget increase on the A423 Southern bypass Kennington and Hinksey Hill roundabouts scheme; approved the forward funding of the Didcot Station Car Park Expansion; approved the inclusion of the £2m contribution to the Advanced Manufacturing Hub in Culham; approved the updated capital programme; and made recommendations to Council which are included elsewhere on the agenda.

IAN HUDSPETH

Leader of the Council

October 2014

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Division(s): N/A

COUNCIL – 4 NOVEMBER 2014

REQUESTS FOR VIREMENTS AND THE USE OF RESERVES

Report by the Chief Finance Officer

Introduction

1. Under the Council's Financial Regulations, Council approval is required for temporary virements of £0.500m or more and where they represent a change in policy. The one-off transfer of funds of £0.500m or more between revenue and capital budgets also requires Council approval.
2. The Financial Monitoring & Business Strategy Delivery Report to Cabinet on 21 October 2014 set out the following requests which require approval in accordance with the Financial Regulations and the Virement Rules for 2014/15.

Requests for Virements

Contingency

3. The Chief Finance Officer's Report on the 2014/15 budget to Council in February 2014 referred to 'some budgets where client numbers for statutory services are notoriously difficult to control and where a degree of judgement has to be applied to estimate the level of risk to the budget'. The report also noted that there was a significant increase in demand in both Children's and Adults' Social Care in 2013/14. The financial plans assumed this peak in demand would tail off but noted that there was a risk it would not. To mitigate these risks, a contingency budget of £3.476m for 2014/15 was built into the Medium Term Financial Plan.
4. Since demand for children's social care remains high Council is requested to approve that £2.751m of that contingency budget should be released to Children's Social Care (CEF2-3) on a one – off basis.

Revenue Contribution to Capital: Dedicated Schools Grant

5. To increase capacity for two year olds, a further contribution to capital of £0.850m of the Early Years Sufficiency and Access Dedicated Schools Grant funding is required. This will increase the capital programme for the provision of two year old places to £2.422m. Council is asked to agree this additional contribution which will be placed in the Capital Reserve to be spent in the next two years.

Use of Reserves

Pooled Budget Reserves

6. Based on the position to the end of August 2014, Adult Social Care is forecast to overspend by +£5.141m. The largest element of this is a forecast overspend of +£4.661m on the Learning Disabilities Pooled budget. There are also overspends of +£0.792m on the Older People and Equipment Pooled Budget and +£0.797m on the Physical Disabilities Pooled budget. Council is asked to agree that £1.000m from the Older People's Pooled Budget Reserve and £0.500m from the Physical Disabilities Pooled Budget Reserve should be used to meet in year pressures across the pools, including the Learning Disabilities Pool.

Efficiency Reserve

7. Council is recommended to approve the release of £0.500m from the Efficiency Reserve to fund the Adult Social Care Improvement Programme within Social & Community Services (SCS1-4). This was originally requested as a carry forward at the end of 2012/13 when it was agreed that £0.500m from underspends in Adult Social Care and Joint Commissioning would be earmarked in a corporate reserve to be drawn down when required to provide funding for the Futures Programme.

Carry Forward Reserve

8. As set out in the Provisional Outturn Report to Cabinet on 17 June 2014, underspends held in the carry forward reserve at the end of 2013/14 totalled £1.791m. Council is asked to agree that £1.193m is transferred to the Budget Reserve to support the Medium Term Financial Plan. The remaining £0.598m will be held in the reserve and will be released later in the year if required, or considered as part of the Service & Resource Planning process.

RECOMMENDATIONS

9. Council is recommended to:
 - (a) approve the release of £2.751m contingency to Children's Social Care (CEF2-3) within CE&F on a one – off basis;
 - (b) agree that that £1.500m one – off funding from the Older People and Physical Disability Pooled Budget reserves will be used to offset part of the in – year pressure across the pools (SCS1) including the Learning Disabilities Pool;
 - (c) approve the request to release £0.500m one – off funding from the Efficiency Reserve to SCS1-4 for the Adult Social Care Improvement Programme;
 - (d) approve the transfer of £1.193m from the Carry Forward reserve to the Budget Reserve; and

- (e) **approve a £0.850m contribution to capital from the Early Years Dedicated Schools Grant funding to increase capacity for two year olds.**

LORNA BAXTER

Chief Finance Officer

Background papers: 2014/15 Financial Monitoring & Business Strategy
Delivery Report to Cabinet on 21 October 2014

Contact Officers: Kathy Wilcox, Chief Accountant
01865 323981

Katy Jurczynszyn, Senior Financial Adviser –
Capital & Financial Planning
01865 323975

November 2014

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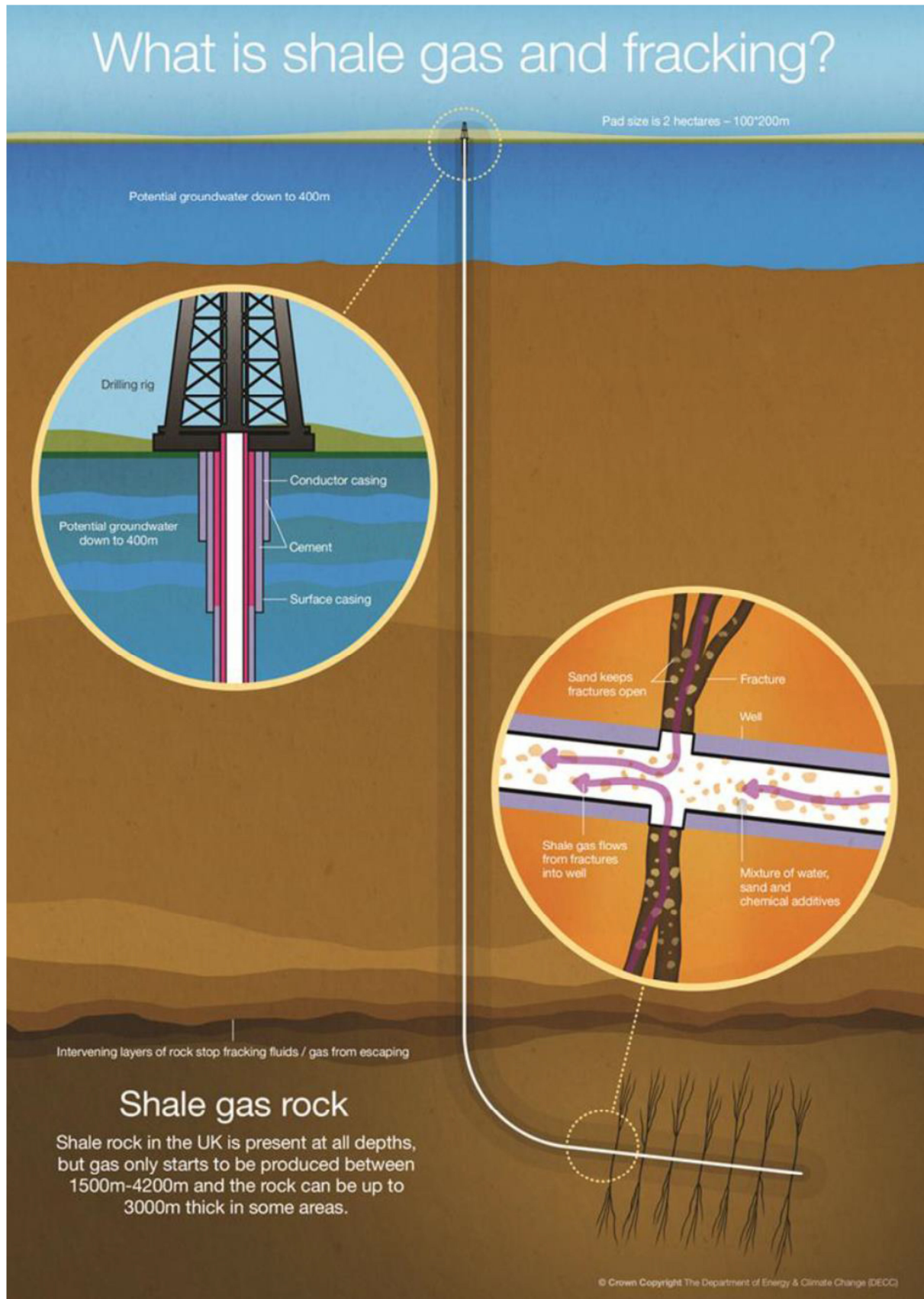
COUNTY COUNCIL – 4 NOVEMBER 2014

Shale gas extraction in Oxfordshire

1 What is fracking?

- 1.1 Shale gas is methane and is found in shales and mudrocks at considerable depth below the earth's surface. Fracking or 'Hydraulic Fracturing', is a process of opening and/or extending narrow fractures in gas or oil bearing rock which allows gas or oil to flow into wells to be captured.
- 1.2 In the fracking process, a mixture of water, sand and chemical additives is pumped under high pressure down a borehole into the rock to open up fractures in it. The sand is used to prop the fractures open to increase gas extraction. The chemical additives are required for various purposes including providing lubrication and purification. Fracking can be used at both the exploration and production phases of the development.
- 1.3 There are three phases of onshore gas extraction: exploration, testing (appraisal) and production. Planning permission is normally required for each phase of extraction.
- 1.4 The exploratory phase seeks to acquire geological information to establish whether gas is present. It may involve seismic surveys, exploratory drilling and hydraulic fracturing.
- 1.5 The testing or appraisal phase takes place following exploration when the existence of gas has been proved, but the operator needs further information about the extent of the deposit or its characteristics to determine whether it could be economically exploited. This can involve further seismic work, longer-term flow tests or the drilling of further wells.
- 1.6 The production phase normally involves the drilling of a number of wells. Associated equipment such as pipelines, processing facilities and temporary storage tanks may also be required.
- 1.7 Recent technological advancements have resulted in horizontal drilling which has made tapping into shale gas deposits more financially viable. The shale gas extraction process broadly involves the following:
 - development of a well pad and borehole to the target rock formations that contain the shale;
 - 'fracking';
 - treatment and disposal of any water or waste materials associated with the 'fracking' process; and
 - decommissioning or suspension of the borehole.
- 1.8 99.75% of the shale gas fracking fluid is made up of water and sand. Beyond that, a very limited number of chemicals are used, all of which have been approved for use by the Environment Agency, and publicised. For all future

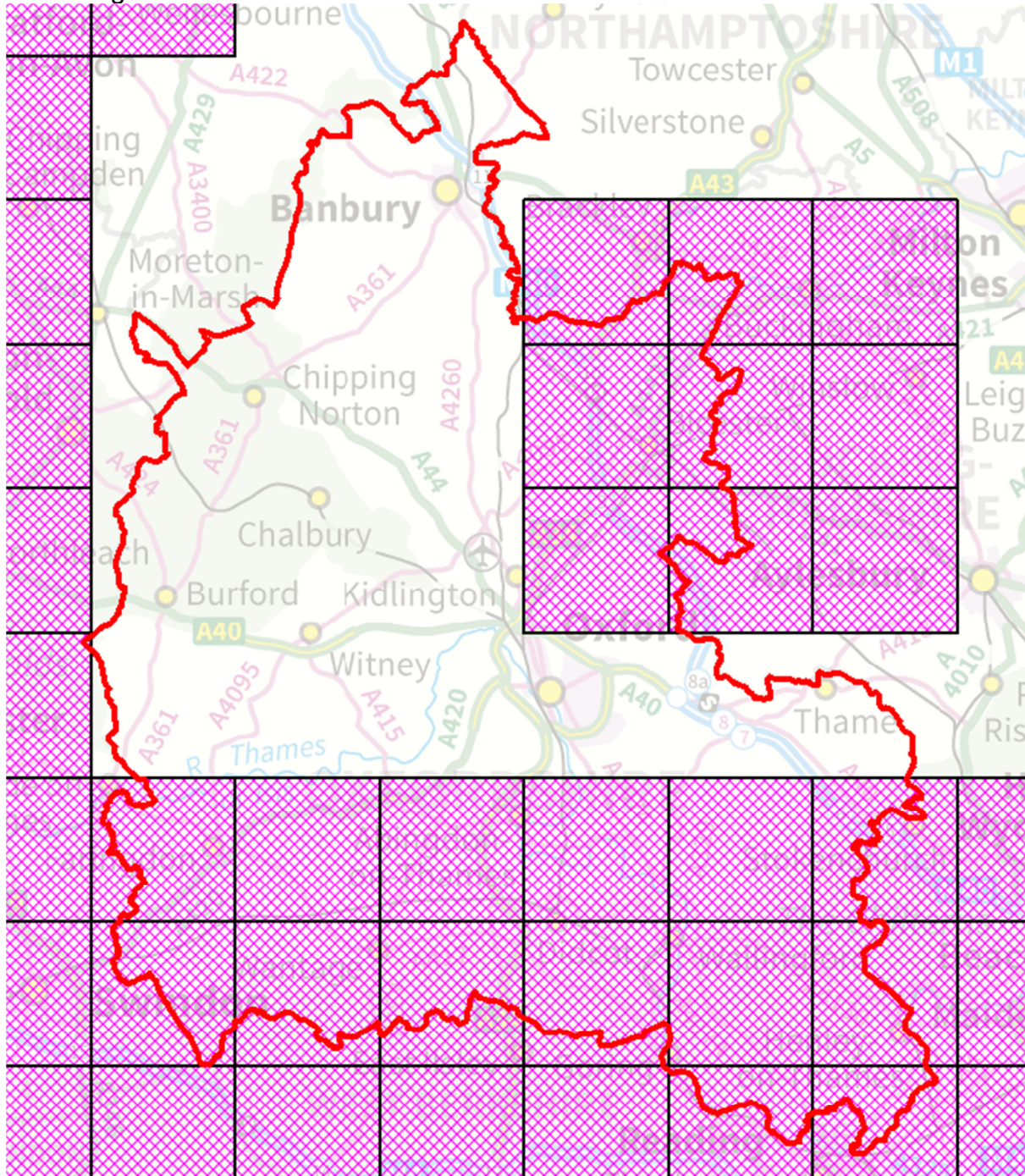
'unconventional' oil and gas activities, subject to appropriate protection for commercial sensitivity, the DECC has decided that operators should disclose the chemical constituents of fracturing fluids and additives on a well-by-well basis, along with a brief description of their purpose and any hazards they may pose to the water environment. The Environment Agency holds powers for the disclosure of chemicals used in the 'fracking' process.



2 Where in Oxfordshire might fracking occur ?

- 2.1 Some parts of Oxfordshire have been included in the Strategic Environmental Assessment (SEA) for the 14th Round of Onshore Licencing (Figure 1). The SEA covers any area that may potentially contain conventional and/or unconventional hydrocarbon bearing strata in the UK. The blocks included in the SEA were offered up by the Secretary of State for Energy and Climate Change under the 14th Round of Onshore Licensing from 28th July 2014 to 28th October 2014. <https://www.gov.uk/oil-and-gas-licensing-rounds>
- 2.2 There are two main SEA areas in Oxfordshire. The first covers the southern part of the county from a line running east from the county boundary with Gloucestershire near Kelmscott to the county boundary with Buckinghamshire just south of Chinnor. The second covers a roughly rectangular area north of Oxford and extending to the county boundary with Buckinghamshire from near Finmere southwards to near Waterperry and to the county boundary with Northamptonshire near Souldern. A very small third SEA area extends from the county boundary with Gloucestershire on land to the west of Westwell.
- 2.3 The SEA area covering the south of the county includes land within both the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONB).

Figure 1 – SEA Areas in Oxfordshire



3 What would fracking operations look like, how long would they last and what benefits would there be to the local community

- 3.1 What an oil or gas site looks like on the ground will depend on its location, its design and the type and phase of development taking place. The location of a site will be determined by the results of geological and seismic surveys which will determine where viable oil or gas deposits may be located. These will be used as a guide to determine potential locations of sites. Preparing a site involves ensuring that it can be properly accessed and that the area where

the equipment will be placed has been properly graded. Drilling pads, roads and any other associated infrastructure will be built and maintained.

- 3.2 The well pad for an exploratory or appraisal well might be approximately one hectare in size, large enough to accommodate the drilling equipment, any on-site water storage requirements, staff facilities, parking and space for vehicle deliveries and movements. The well will normally consist of a vertical well and potentially a small number of lateral extensions. The exploratory phase would last approximately two to six months. The length of time to complete the appraisal stage will depend upon the size and complexity of the oil or gas reservoir involved.
- 3.3 The appraisal phase may involve additional drilling at another site away from the exploration site or additional wells at the original exploration site. A rig will be on site for the duration of the exploratory phase. It will also be used to drill any further boreholes which may be required within the appraisal and production stages.



Aerial view of test drilling site near Balcombe, West Sussex



Surface view of test drilling site near Balcombe, West Sussex

- 3.4 Production pads may be different sizes from location to location, depending on the specific geology and surface location but would require a larger well pad, about 2 hectares in size. A single well well pad could produce gas from an area of 5 to 10 km². A multi-well well pad could support up to 10 individual wells each with several horizontal wells (laterals). A single horizontal lateral could reach up to 2,000 metres from the well pad. Associated equipment such as pipelines and gas processing facilities may be required at the production stage. Production life may be 20 years or more depending on the extent of the resource.
- 3.5 On completion of drilling operations a well may be suspended to allow for further testing. If it is concluded that there is no commercially viable oil or gas resources present or if the extraction of resources has been completed, then the well will be abandoned in accordance with the latest Oil and Gas United Kingdom Standards. Once abandoned wells will be made safe for abandonment and the site infrastructure will be removed. The site will then be restored to its former condition or to a more beneficial afteruse, according to a scheme approved by the Mineral Planning Authority.
- 3.6 During the exploratory phase, £100,000 of community benefits would be provided per well. During the production phase, 1% of the revenues will be paid split 2/3 to the local community and 1/3 to the County Council. Local councils can also keep 100% of the business rates collected from shale gas sites.

4 Planning procedures and policies

- 4.1 Most stages of the process would require planning permission from the County Council as Mineral Planning Authority which would be made through a full planning application as for any other mineral development. However, some initial work would be permitted development pursuant to Part 22 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended. Class A of part 22 allows for the

drilling of boreholes, seismic surveys or the making of excavations to be carried out for a period of up to 28 consecutive days without the need for any prior approval from the Mineral Planning Authority or over 28 days with prior approval by the Mineral Planning Authority. Development not permitted would include that it cannot be carried out in an Area of Outstanding Natural Beauty (AONB), a site of archaeological interest or a Site of Special Scientific Interest, within 50 metres of any part of an occupied residential building, hospital or school, would involve an explosive charge of more than one kilogramme or any structure of more than 12 metres in height or 3 metres in height within 3 kilometres of an aerodrome. The development would also be subject to conditions including no operations between 6.00 pm and 7.00 am, no harm to trees on the land and the removal of any structure and sealing of any borehole and restoration of the land affected as far as practicable within 28 days of the cessation of operations unless otherwise agreed in writing with the Mineral Planning Authority.

- 4.2 Class B of part 22 allows for the same developments with less restrictions, including for a longer period of time, but is subject to prior notification in writing first being given to the Mineral Planning Authority. On receipt of such notification, the Mineral Planning Authority can issue an order restricting the permitted development rights development either in total or in part (an Article 7 Direction) if it considers it is expedient to do so. The grounds for doing so include that the land is in an AONB, a site of archaeological interest or a Site of Special Scientific Interest; that the development on its own or in combination with other development would cause serious detriment to the amenity of the area or adversely affect the setting of a Grade 1 Listed Building; that it would constitute a serious nuisance to nearby inhabitants of a residential building, hospital or school; or it would endanger aircraft using a nearby aerodrome. If such a Direction were issued, then the developer would then have to apply for planning permission. The Secretary of State is required to be notified of any such Direction and can disallow it within 28 days of its being made.
- 4.3 Any planning application would be judged against relevant development plan policies and other material considerations and this would include all those matters normally considered in the determination of a minerals application including the impacts of any noise, dust and traffic on amenity and the impacts of the development on air quality, biodiversity and the water environment. The development plan for any shale gas development would include the saved policies of the Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) and any relevant District Council Local Plan/Core Strategy policies, just as for any other mineral application which falls to the determination of the County Council. Where there is more recent policy contained in the National Planning Policy Framework (NPPF), this would have precedence over development plan policies.
- 4.4 The OMWLP contains no specific policies related to shale gas extraction. The NPPF includes policy for on-shore oil and gas development, including unconventional hydrocarbons e.g. shale gas. Paragraph 144 of the NPPF states that great weight should be given to the benefits of mineral extraction,

including to the economy. Paragraph 147 of the NPPF states that Minerals planning authorities should, when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production.

- 4.5 Paragraph 148 of the NPPF states that when determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.
- 4.6 The Consultation Draft Oxfordshire Minerals and Waste Local Plan: Core Strategy (OMWCS) contains draft policy M6 which states that proposals for the exploration and appraisal of oil or gas will be permitted provided arrangements are made for timely and suitable restoration and aftercare of the site whether or not the exploration or appraisal is successful. The commercial production of oil and gas will be supported in the following circumstances:
- A full appraisal programme for the oil or gas field has been successfully completed;
 - The proposed location is the most suitable, taking into account environmental, geological and technical factors;
 - For major development in an Area of Outstanding Natural Beauty it is clearly demonstrated that the proposal is in the public interest, including in terms of national considerations.
- 4.7 The OMWCS is not adopted development plan policy but is a material consideration. The weight to be attached to it is therefore limited, but will increase the further the plan process progresses. The current Oxfordshire Minerals and Waste Development Scheme sets out the schedule for this and targets adoption of the plan in December 2015 following further consultation and an Independent Examination in public before an inspector appointed by the Secretary of State. The Mineral Planning Authority has at this time had no approaches from the mineral industry with regard to any proposals for shale gas extraction. It would therefore seem likely that even if initial approaches were to be made in late 2014 for pre-application discussions and advice, any application is unlikely to be submitted and determined before the OMWCS has progressed substantially further in the plan making process.
- 4.8 Any planning application will also fall for consideration under the Town and Country Planning (Environmental Impact Assessment Regulations) 2011. Applications will fall under Schedule 2 to the Regulations if they exceed the applicable threshold or any part of the development is to be carried out in a sensitive area e.g. an AONB or an SSSI. This means that provided the development exceed specified thresholds or criteria, the Mineral Planning Authority would have to adopt a Screening Opinion as to whether or not an Environmental Impact Assessment (EIA) would be required. An EIA is only

required if the project is likely to have significant environmental effects. Applications where more than 500,000 cubic metres of gas will be extracted per day may fall under Schedule 1 to the Regulations, in which case an EIA would be mandatory.

Other authorisations

- 4.9 The Department of Energy and Climate Change (DECC) is responsible for administering the oil and gas licensing system in Great Britain. All rights and ownerships of the hydrocarbon resources of Great Britain (and UK territorial waters) are vested in the Crown by the Petroleum Act 1998. The Secretary of State for Energy and Climate Change periodically offers licences to explore and develop these resources (Please see section 2). Petroleum Exploration and Development. Licences (PEDLs) are valid for a sequence of periods, called terms. These are designed to comprise the typical life cycle of a field: exploration, appraisal, and production as set out above. Each licence will expire automatically at the end of each term, unless the licensee has completed the working programme agreed with the DECC.
- 4.10 The initial term is usually for the exploration period. For PEDLs the initial term is set at six years and carries a work programme of exploration activity that the DECC and the licensee will have agreed as part of the application process. The second term is intended for the appraisal and development and is set at five years. The licence will expire at the end of the second term unless the Secretary of State approves a development plan. The third term is intended for production and is set at 20 years. The Secretary of State has the discretion to extend the term if production is continuing, but the DECC reserves the right to reconsider the provisions of the licence before doing so. Licensees will be required to carry out an environmental risk assessment. This is an overview assessment of environmental risks, including risks to human health, covering the full cycle of the proposed operations, including well abandonment, with the participation of stakeholders, including local communities. This should be done as early as practicable in the development of their proposals.
- 4.11 The developer will also need to submit relevant petroleum operations notices to the DECC, agreed data reporting methods with the DECC, agreed a method for monitoring induced seismicity and fracture growth height with the DECC where hydraulic fracturing is planned and received approval for an outline hydraulic fracturing programme from the DECC.
- 4.12 As well as obtaining planning permission, the developer will need to notify the Environment Agency of its intention to drill and the Environment Agency will advise on any need for any need for an Environmental Permit. The developer will also need to notify the Health and Safety Executive of all wells and significant activities at the site including that the design of each well has been examined by a competent and independent well examiner. Each well will also require further specific consent from the DECC and, if the well needs more than 96 hours of testing to evaluate its potential to produce hydrocarbons, the operator must apply to the DECC for an extended well test (once all other

consents and permissions have been granted). Permission for the extended well test will limit the quantities of gas to be produced and saved or flared. The British Geological Society must also be notified of the intent to drill. These various authorisations and approvals are applicable at each stage of the process.

- 4.13 Well operators have a legal duty to manage and control the risks to people. The Health and Safety Executive monitors well operations to check these legal duties are carried out. Its specialists will check construction matches the design by reviewing the weekly operations reports it receives from the well operator. HSE will jointly inspect drilling and fracking operations with the Environment Agency during the exploratory phase. Their inspectors can visit any site at any time if there is a matter of concern. The relevant environmental regulator will monitor the environmental impacts and inspect the operator's reports. The greater the potential risk, the greater the scrutiny by environmental regulators. Conditions attached to permits will set out the minimum level of site-based monitoring and reporting.

5 Fracking – views on the benefits and risks

- 5.1 Fracking is a controversial activity. Set out below are some of the positions taken by central government, which is generally supportive, the British Geological Society which is involved in research with regard to the potential impacts and Friends of the Earth which is opposed to it. These views are for information only and no position is taken here with regard to their merits.

Central government

- 5.2 A third of UK energy demand is met by gas. In 2012, around a quarter of the gas used in the UK was used to produce electricity, a fifth by industry, and around 40% domestically. As less coal is burned for electricity generation, gas will help fill the gap alongside renewable and nuclear electricity, helping the UK reduce carbon emissions. It is forecast that in 2030, the UK's gas consumption will be around the same level as it is today. North Sea production is declining and the UK is now a net importer. By 2025 it is expected that about 70% of the gas we consumed will be imported. The government's view is that to secure energy supply we must maximise UK production of fuels, including gas, increase generation from renewables and new nuclear facilities and use energy more wisely. Shale gas development could also support the economy. The Institute of Directors estimated that UK shale gas production would be a net benefit to public finances, could attract annual investment of £3.7 billion and support up to 74,000 jobs directly, indirectly and through broader economic stimulus.
- 5.3 The government therefore believes that shale gas has the potential to provide the UK with greater energy security, growth and jobs and in principle is supportive of it subject to the regulatory regime providing the necessary protection to the environment. In 2012, the Royal Society reviewed the scientific and engineering evidence on shale gas extraction conducted by the Royal Academy of Engineering and the Royal Society. This concluded that

the health, safety and environmental risks associated with hydraulic fracking as a means to extract shale gas can be managed effectively in the UK as long as operational best practices are implemented and enforced through regulation.

- 5.4 In September 2013 Professor David MacKay (the DECC's Chief Scientist) and Dr Timothy Stone wrote a report on potential greenhouse gas emissions from UK produced shale gas. They concluded that the overall effect of UK shale gas production on national emissions is likely, with the right safeguards, to be relatively small. Emissions from the production and transport of UK shale gas would likely be lower than from the imported Liquefied Natural Gas that it could replace.
- 5.5 Public Health England assessed the risk to human health of extracting shale gas in an October 2013 report. They evaluated available evidence on issues including air quality, radon gas, naturally occurring radioactive materials, water contamination and waste water. They concluded that the risks to public health from exposure to emissions from shale gas extraction are low if operations are properly run and regulated.
- 5.6 The risk of water contamination is low provided operations follow industry standards and obey the regulations. Extraction takes place well below the aquifers that provide drinking water. The Environment Agency works with the Health and Safety Executive to ensure that wells would be constructed to a high standard to protect aquifers and drinking water supplies. The government is confident that the regulatory system will continue to provide robust protection of surface water and groundwater.
- 5.7 Chemicals used in drilling and frack fluids are assessed case-by-case by the environmental regulators. The operator must prove any chemicals they want to use are not hazardous in that application. Fluids returning to the surface through the well are categorised as mining waste, so the operator must obtain an environmental permit for their disposal and have an agreed waste management plan in place. The environmental regulator will assess the risks posed by the operations and decide whether they can be permitted. If groundwater contamination is possible, either directly by drilling fluids, frack fluids or indirectly by a substance disturbed by the borehole or fracking, the authority may find the environmental risk unacceptable and not permit the activity. The water and shale industries have, through Water UK and the UK Onshore Operators Group, signed an agreement to work together to identify, watch and manage risks to water quality, including waste water processing.
- 5.8 Fracturing rock for shale gas and oil is likely to use large volumes of clean water, though the amount is not exceptional compared with other industrial or leisure activities. The volume will depend on the site, but operating a shale gas well for a decade would typically use a similar volume to that needed to water a golf course for a month. Water companies will assess the amount of water available before agreeing to supply an operator. If the operator applies for a licence to extract water themselves, it will be granted by the environmental regulator only where a sustainable water supply is available. Water UK and

industry have also agreed to cooperate on water demand, reuse and management.

- 5.9 The DECC paused the use of hydraulic fracturing for shale gas in the UK in 2011 after two tremors occurred in the Blackpool area. It carried out a careful assessment, drawing on recommendations from independent experts, a public consultation, and the Royal Society/Royal Academy of Engineering review. In 2012 the DECC introduced measures to control seismic risks (earth tremors). Operators have to assess the location of any relevant faults before planning fracking operations for shale gas or oil. As referenced above, they must submit to the DECC the plan of operations, starting with small test fractures before main operations and install real-time monitoring systems. Operators must stop and investigate if they detect tremors above the normal range.
- 5.10 With regard to air quality, licences require operators to minimise the release of gases. Environmental permits and planning permissions may require monitoring or impose further limits. When it can't be economically used, natural gas must be 'flared' to reduce its global warming emissions. Natural gas may only be 'vented' – released into the air – when necessary for safety.

British Geological Society

- 5.11 The British Geological Society's main role is to evaluate the amount of shale gas present and how safe it is to extract. It is taking a central role in shale gas research in the UK and also across Europe as follows:
- Undertaking a baseline groundwater survey of methane concentrations and other relevant chemical indicators in ground waters across Great Britain;
 - Evaluating the spatial relationship between different potential shale gas source rocks and the principal aquifers in England and Wales;
 - Researching the induced seismicity that may be related to fracking; studies of the organic content and the organic make-up of the shales to improve understanding of how much shale gas they might produce and how the gas is stored within the rocks;
 - Understanding the distribution and correlation of shale and how the shale layers behave in response to depositional and tectonic controls;
 - Advice and guidance for government in trying to understand the amount of gas that may be both in place and possibly recoverable within the shales in the UK.
- 5.12 Estimates of the amount of recoverable gas and the gas resources are variable. It is possible that the shale gas resources in UK are very large. However, despite the size of the resource, the proportion that can be recovered is the critical factor. A better understanding of the shale gas resource, and the amount of gas that is potentially recoverable, will come from further geological research.
- 5.13 Shale gas extraction and fracking, just like any other industrial process, carries associated risks. Some of those relevant to shale gas include 'induced

seismicity', such as the low magnitude earthquakes experienced in Lancashire in 2011. There is also the potential for groundwater and surface water contamination. This may arise from surface activities that may lead to spills associated with the storage and mixing chemicals at the drill/ fracking site or the storage/ management of fluids that return to the surface from the borehole, the so-called 'flowback and produced waters'. Other potential pathways for contamination of groundwater include poor well-design and well construction, and the migration of contaminants along natural pathways into overlying aquifers. Understanding the risks is a very important step in the design and approval process and very strict controls and regulations are in place to reduce the risks to an acceptable level.

- 5.14 The two main induced earthquakes in Lancashire in 2011 were very small. To put them into context, they were smaller than most of the earth tremors that have been associated with coal mining in the 1950s and 60s and that still occur today. A report published by the DECC which included a British Geological Society co-author concluded that these earthquakes were induced by hydraulic fracture treatments at the Preese Hall well (PH1), operated by Cuadrilla resources Ltd. The report also concluded that further small earthquakes cannot be ruled out, however the risk from these earthquakes is low, and structural damage is extremely unlikely.
- 5.15 The report also recommends a number of measures to reduce the likelihood of earthquakes associated with hydraulic fracturing in future. These include :
- Less fluid should be injected during future hydraulic fracture treatments. Since, the number of earthquakes should increase roughly proportionally to the injected volume, injecting less fluid should reduce the probability of larger earthquakes. Also, the fluid should be allowed to 'flow back' out of the formation after the hydraulic fracture forms, to minimise the probability of fluids percolating.
 - Earthquake activity should be carefully monitoring before, during and after fracture treatments. If any earthquakes above a certain magnitude threshold occur, the operations should be temporarily suspended. A magnitude of 0.5 ML is suggested as an appropriate threshold.
 - Detailed microseismic monitoring should be carried out for the next hydraulic fracture treatment in the Bowland shale. Microseismic is routinely used in the oil and gas industry to image fracture networks and estimate stimulated volumes. This should improve understanding of fracture growth and the hazards associated with this.
- 5.16 There are two potential impacts on groundwater. The first is associated with the supply and consumption of water for fracking as groundwater may be considered as a source of this water. The second is contamination of groundwater. In both cases the regulations that apply to shale gas extraction will require a detailed risk assessment before any authorisation or permit is granted. Before granting a permit the Environment Agency will need to be satisfied that the activity will not cause pollution of groundwater or lead to

unsustainable abstraction. Once approved, monitoring of the environment will be required as part of permit conditions to demonstrate that no impact is occurring. To provide an independent environmental baseline against which this compliance monitoring can be compared, the British Geological Society is undertaking a baseline survey of methane concentrations in groundwater ahead of any shale gas development as there is currently no UK baseline. The baseline study is not only restricted to methane. A wider range of chemical indicator parameters are also being measured and the results will supplement the data already published by the British Geological Society and used to set groundwater threshold values (standards) for the EU Water Framework Directive.

Friends of the Earth

- 5.17 The climate change impacts of extracting and burning unconventional gas are not adequately assessed: this risks fracking releasing climate changing emissions undermining UK Climate Change Act commitments. The risks of water contamination are not adequately identified or considered: this risks unforeseen water contamination that could potentially have major impacts. Regulators have failed to set out a clear water supply strategy for fracking in water-stressed areas: this risks problems for local water supply, especially in times of drought. Decision makers fail to adequately address potential impacts on protected species and habitats or screen out protected areas from exploration and extraction altogether: this risks some of the UK's most precious wildlife being harmed. There are problems with the application of the Environmental Impact Assessment Regulations, which fails to address all the risks arising at unconventional gas sites and is being inadequately applied: this means that potential environmental risks are not being identified and mitigated.
- 5.18 There is a lack of dedicated regulation on unconventional gas and oil, despite expert body recommendations from bodies including the Royal Society: this means there are few industry-specific checks and balances on fracking. There are major shortcomings in planning practice guidance, this risks wrong decisions being taken because local decision-makers have inadequate information about and understanding of proposed activities. There is inadequate monitoring and enforcement by planning authorities and regulators leading to a culture of self-regulation: this means that it may not be known if fracking companies are complying with basic standards. The impact of regulation risks being reduced further through 'salami-slicing' whereby companies get permission from regulators in increments, rather than being open about their overall plans from the start: this undermines scrutiny and the opportunity to object. The Government has smoothed the path for the unconventional gas and oil industry, undermining democracy and public participation in decision-making through:

Removing the responsibility for companies to notify individual landowners of their intention to frack.

Proposing changes to trespass laws that would give fracking companies the right to drill under homes and businesses without permission.

Proposing to introduce “standard” environmental permits which will normally remove the right of local people to be consulted.

Failing to consult on planning practice guidance which means planning rules override the interests of communities.

6 Conclusion

- 6.1 There is no doubt that fracking is a matter of considerable concern and there are conflicting views on its merits and uncertainties about its potential impacts. To those local communities which may be affected by it is undoubtedly a matter of great concern. It is also the case that it has the potential to release significant energy reserves when some other sources are diminishing. It is clearly not without risks and this paper has, in part, sought to set out in summary terms the regulatory regimes which would apply, including planning control which, in Oxfordshire, would be a matter for the County Council. As the County Council would be the planning authority for any such development, in this capacity, it must maintain a neutral stance so that it can determine applications at the time they are received in accordance with development plan policies and other material considerations.

RECOMMENDATION

The Council is invited to note the matters identified in the report.

Planning on the Doorstep: The Big Issues – Fracking

The exploration of shale gas and hydraulic fracturing – or “fracking” as it has become commonly known – is a huge issue for councils and communities across the country that it affects.

This advice note looks at the reality of shale gas exploration and production and how local authorities make planning decisions on these highly contentious applications.

1 Introduction

1.1 Shale gas exploration, appraisal and development is relatively new to the UK but is expected to be a major area of growth in the coming years. Mineral Planning Authorities are being encouraged to support applications for exploration and appraisal.

1.2 The Government considers that shale gas development should be part of the future energy mix subject to continued environmental assessment and controls. There is however a need to undertake more extensive exploration and appraisal activities to better assess the commercial viability of shale gas in the UK

1.3 Environmental impacts can occur during exploration/development and require:

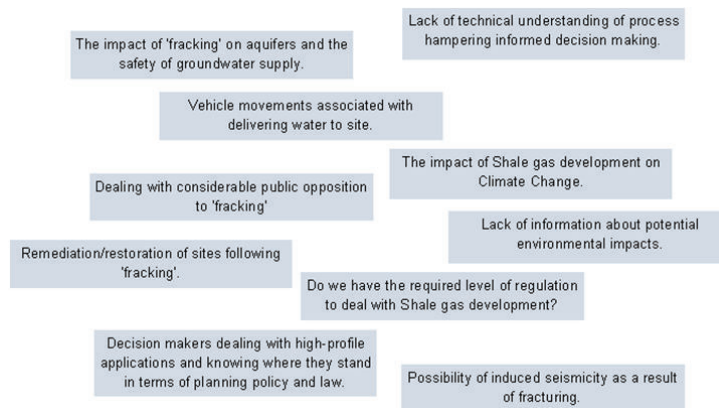
- comprehensive baseline assessments;
- assessment and understanding of risks and impacts;
- implementation of mitigation where required; and
- monitoring before, during and after hydraulic fracturing.

1.4 The Government believes that the existing regulatory systems are fit for purpose – whilst acknowledging that experience will enable more robust controls to be developed where necessary.

1.5 This guide is to help Local Authority officers and members:

- understand the basics of shale gas development or ‘fracking’; and
- understand the current guidance that is available to decision makers with regards to planning applications

1.6 Some of the key concerns about fracking in the UK include:



1.7 A reference list for further reading is included at the back of this guide that includes the key documents used to inform the main text as well as additional further reading that might be of interest.

2 What is Shale Gas?

2.1 Conventional and Unconventional Gas

2.1.1 Conventional gas is gas that is trapped in porous reservoirs (e.g. sandstone and limestone) and is relatively easy to extract. Conventional gas has been extracted on-shore in the UK for over 100 years.

2.1.2 There are currently around 2,000 on-shore conventional oil and gas wells in the UK, some of which have been hydraulically fractured. Current production for onshore oil production is estimated at 20,000 barrels of oil per day.

2.1.3 Unconventional gas is gas that is trapped in rocks with low permeability and from which gas is difficult to extract. Unconventional gas reserves include shale gas, tight gas and coal bed methane.

2.1.4 Recent developments in drilling and well development technology have made it more economically attractive to extract unconventional gas.

2.2 Shale Gas

2.2.1 Shale is formed from muddy sediments rich in organic matter deposited in seas millions of years ago. As these sediments were buried, they were heated and turned into rock and the organic matter was converted into gas which is trapped in the rock. Shale gas consists predominantly of methane although other gases may be present.

2.2.2 These rocks are often the source rocks for conventional oil and gas fields but have low permeability so it is difficult to extract the gas from them directly.

2.3 Shale Gas in the UK

2.3.1 In the UK shales containing gas are present in:

- Northern and Central England
- Southern England
- Scotland
- South Wales

2.3.2 The British Geological Survey (BGS) is in the process of producing assessments of the amount of gas in each area.

2.3.4 An assessment for Northern and Central England was produced by the BGS in 2013. The assessment for the Weald Basin (Southern

England) is due in 2014 with other area assessments to follow.

2.3.5 The assessment for Northern and Central England estimates that there is a median **resource** of 1,329 trillion cubic feet of shale gas in the area (i.e. the total estimated quantity of gas present). The **reserve** (the amount of gas which might feasibly be extracted) cannot be estimated at present without further exploration and appraisal but may be up to 10% of the total resource. If this was the case this would be equivalent of approximately 50 years gas supply in the UK (at the current rate of use). However, the recoverable reserve may be much lower than this.

2.4 Licensing for Onshore Oil and Gas Exploration

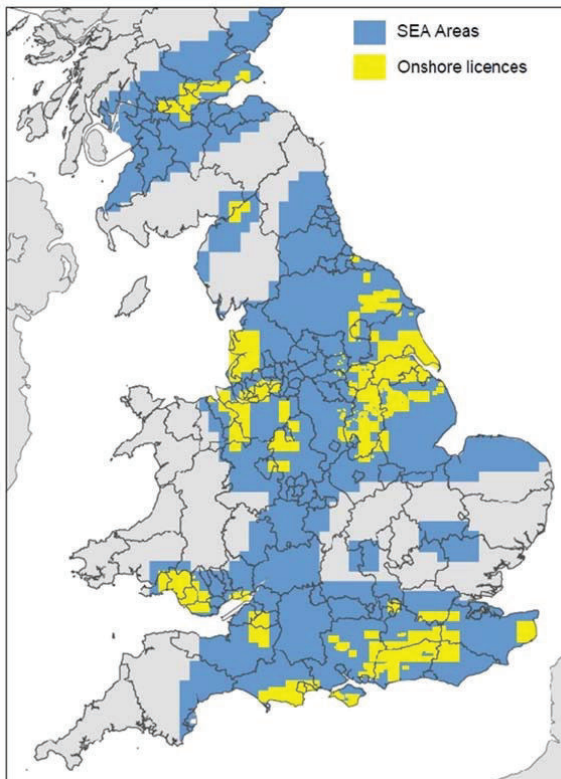
2.4.1 The Department of Energy and Climate Change (DECC) is responsible for administering the oil and gas licensing system in Great Britain. All rights and ownerships of the hydrocarbon resources of Great Britain (and UK territorial waters) are vested in the Crown by the Petroleum Act 1998. The Secretary of State for Energy and Climate Change periodically offers licences to explore and develop these resources.

2.4.2 Petroleum Exploration and Development Licences (PEDLs) are valid for a sequence of periods, called terms. These are designed to comprise the typical life cycle of a field: exploration, appraisal, and production. Each licence will expire automatically at the end of each term, unless the licensee has completed the working programme agreed with DECC.

2.4.3 The initial term is usually an exploration period. For PEDLs the initial term is set at six years and carries a work programme of exploration activity that DECC and the licensee will have agreed as part of the application process. The second term is intended for appraisal and development and is set at five years. The licence will expire at the end of the second term unless the Secretary of State approves a development plan. The third term is intended for production and is set at 20 years. The Secretary of State has the discretion to extend the term if production is continuing, but DECC reserves the right to reconsider the provisions of the licence before doing so.

2.4.4 The currently licensed blocks can be viewed on DECC's webpage:

2.4.5 The currently licensed areas are located in areas of conventional oil and gas resources. Current shale gas exploration is restricted to these areas. DECC intend to grant a new round of licences in 2014. These are likely to extend the licensed areas of the UK considerably. The area under consideration for licensing by DECC has been subject to a Strategic Environmental Assessment published in 2013.



Potential Future Licence Areas – including Shale Gas (DECC)

2.4.6 The area covered by this SEA indicates areas of the UK which may be potentially licensed for shale gas exploration and development.

2.5 Shale Gas Exploitation

2.5.1 The rocks in the UK that contain significant shale gas resources are typically 2,000 m to 3,000 m below the ground surface. Accessing the gas requires the use of established oil and gas drilling techniques.

Vertical drilling – to reach the required depth below the surface.

Horizontal drilling – to maximise the amount of shale available for hydraulic fracturing; and

Hydraulic fracturing – to maximise the amount of gas which can be extracted from the shale.

2.5.2 Whilst none of these techniques are new technological advances over the past few years have allowed for increased control and accuracy during drilling allow exploitation of shale gas reserves.

2.6 Hydraulic Fracturing

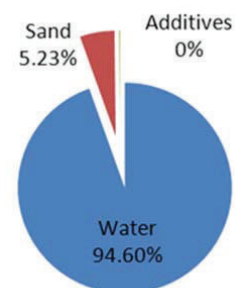
2.6.1 Hydraulic fracturing is the process of fracturing rocks by the injection of water into the shale at high pressure.

2.6.2 The wells are cased with steel tubes cemented in place. The tubes along the horizontal section of the well within the shale are perforated. Water, sand and additives are pumped at pressure into the shale.

2.6.3 This hydraulic action or fracturing (hence 'fracking') opens up fractures in the shale that allow the gas to flow from the rock into the well. Fractures are typically < 350m long.

2.6.4 The process of hydraulic fracturing a horizontal well would typically take a few days.

2.6.5 The presence of the sand in the water acts as a "proppant" that ensures that the fractures stay open to allow the gas to continue to migrate after the initial fracturing is undertaken.



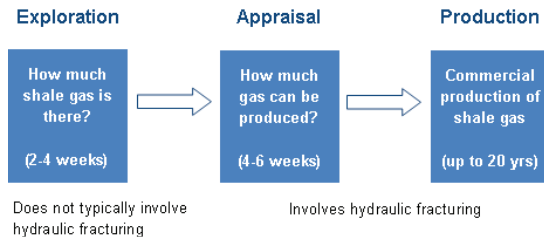
2.6.6 Additives in the water include surfactants to enable the fluid to pass easily through fractures, bactericides and acids to prevent build-up of scale in the well. All chemical additives used in hydraulic fracturing require pre-approval by the Environment Agency and are required to be non-hazardous (non-carcinogenic)

2.6.7 Following fracturing gas is allowed to migrate into the well which displaces the water forcing some of it back up the well to the surface, this is referred to as 'flow back' fluid.

2.6.8 Gas reaching the surface will either be flared (during exploration and appraisal) or piped off site to the gas transmission network (during production).

2.7 Shale Gas Development

2.7.1 There are three phases in the development of a shale gas field.



2.8 Exploration and Appraisal

2.8.1 The well is situated on a pad – the ‘wellpad’. The wellpad for an exploratory or appraisal well might be approximately 1 hectare in size, large enough to accommodate the drilling equipment, any on-site water storage requirements, staff facilities, parking and space for vehicle deliveries and movements.

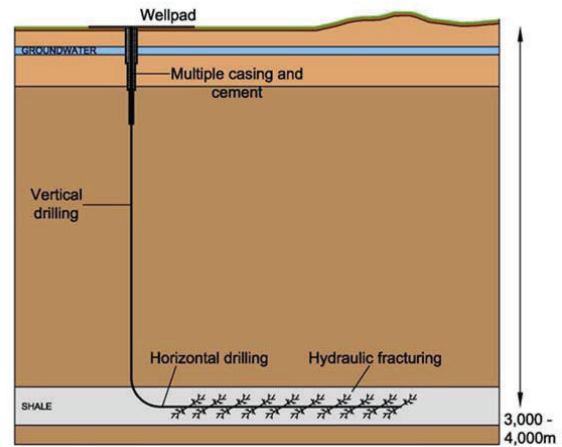
2.8.2 Within a given licence block there might be a number of exploratory wells but these would be relatively widely spaced over a licence block that could be hundreds of square kilometres in area.

2.8.3 The siting of wellpads will not only have to take into account the best locations in terms of the available knowledge regarding the shale gas potential of a given area but also the land use constraints that would relate to any development.

2.8.4 The data gathered from the exploration stage (the establishment of how much shale gas might be present in the source rock) would form the basis for the appraisal stage during which how much gas could be produced will be assessed by undertaking hydraulic fracturing.

2.8.5 For each exploratory well the exploration phase itself is relatively short – 2 to 4 months and therefore some wellpads will represent very short-term development should there be insufficient gas.

2.8.6 When appraisal follows on from exploration the process is also relatively short term – 4 to 6 months in duration.



2.9 Production

2.9.1 The production phase requires a larger wellpad, circa 2 hectares in size. A single well wellpad could produce gas from an area of 5 to 10 km². A multi well wellpad could support up to 10 individual wells each with several horizontal wells (“laterals”). A single horizontal lateral could reach up to 2,000 metres from the wellpad.

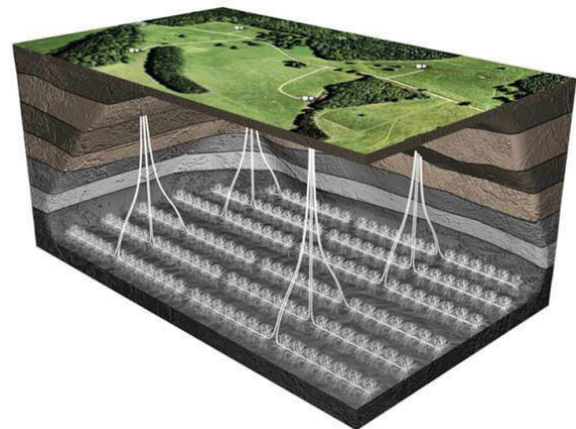


Image courtesy of Statoil.

2.9.2 After the well is hydraulically fractured the drill rig and associated infrastructure can be removed from the site with only the gas production and transmission infrastructure remaining. A single well could be expected to produce gas for up to 20 years.

2.9.3 Off-site gas compression and transmission infrastructure will be required to service a number of pads to allow gas to be transported to the national grid. Connecting pipework is likely to be underground.

2.9.4 All exploration, appraisal and production wells will ultimately be plugged and abandoned

with well heads removed and the sites restored to their original state. DECC requires operators to submit an abandonment plan and obtain consent before operations to abandon a well are commenced. Operators are responsible for wells once abandoned and have an open-ended liability to remediate any ineffective abandonment operations.

3 Environmental Impacts

- **Water Use**
- **Waste Management**
- **Groundwater Contamination**
- **Surface Contamination**
- **Aerial Emissions**
- **Seismicity**
- **Traffic**
- **Noise**
- **Landscape and Visual**
- **Ecology**

3.1 Water Use

3.1.1 The hydraulic fracturing of typical shale gas would require between 10,000 and 20,000 cubic metres of water (the equivalent of 4 to 8 swimming pools of water). Water with additives would be stored on-site in tanks.

3.1.2 During multi-stage fracturing for gas production the additives added to the water may vary throughout the process. In order to facilitate this, a development site would need to house the necessary storage and mixing equipment.

3.1.3 Sources of water for hydraulic fracturing include mains water, surface water and ground water. The use of mains water would require the agreement of the relevant utilities company whilst the abstraction of surface water or groundwater would require an abstraction licence from the Environment Agency (EA).

3.2 Waste Management

3.2.1 Each stage of shale gas development will produce waste.

3.2.2 Drilling activity of any kind produces drill cuttings (rock fragments and drilling mud). This waste can be disposed of to landfill - as is currently the case for other drilling activities undertaken in the UK.

3.2.3 Flowback water will be collected and contained on-site in closed tanks (open storage ponds are not permitted in the UK.) The water will need to be discharged to sewer or transported to a water treatment works for treatment.

3.2.4 Flowback water may contain Naturally Occurring Radioactive Materials (NORM) at low levels. This is also the case in conventional oil and gas extraction and procedures for the effective management of these materials are well-established. Flow back water containing NORM is likely to require pre-treatment prior to conventional treatment.

3.2.5 There is a significant opportunity to reduce the overall water consumption of the fracking process by recycling and re-using the flowback water, particularly during the development of multi-well pads.

3.3 Groundwater Contamination

3.3.1 Fracturing takes place at 2,000 to 3,000 m below the surface. Freshwater aquifers are at shallow depths (typically within 100 m of the ground surface). Thousands of metres of rock separate fractures from drinking water supplies (aquifers).

3.3.2 Aquifers are protected from leakages from the well by the use of multiple cemented casing and the contamination of aquifers therefore is very unlikely if best practice is followed during drilling and completion..

3.3.3 Monitoring of groundwater quality before during and after development will be essential in assessing the impact of shale gas development on groundwater quality.

3.4 Surface Contamination

3.4.1 Controls such as impermeable bunded or lined wellpads, effective flowback water containment, good working practises and continual monitoring should all be employed to limit the risk of surface contamination. Baseline monitoring prior to any development is again important in order to compare surface conditions throughout and after development.

3.5 Aerial Emissions

3.5.1 Aerial emissions associated with shale gas development will include:

- dust – as a result of well pad construction activities;
- particulates and NO_x – as a result of HGV movements and use of on-site generators during drilling and fracking; and
- fugitive gas from the well and from flaring during appraisal and production.

3.5.2 UK and EU legislation on emissions apply to shale gas development and it is the role of Local authorities under the Environmental Protection Act 1990 to inspect sites for odour and noise associated with the venting or flaring of gas as well as to monitor emissions to ensure that they do not breach local air quality standards.

3.5.3 Operators should adopt best practice on site as well as undertaking emissions monitoring. Flaring is a method for controlling gaseous emissions that can be employed during shale gas development for use when necessary. Venting and flaring of methane and other emissions are controlled through conditions of PEDLs and flares on-site will be enclosed. During production it is not in operator's interest to flare gas but to capture and maximise gas production/sale from each site.

3.6 Seismicity

3.6.1 Earthquakes felt at surface induced by hydraulic fracturing are a very rare occurrence. Of over 35,000 hydraulically fractured wells there have only been three noticeable earthquakes:

- 1979 Oklahoma
- 2011 Blackpool/Preese Hall
- 2012 British Columbia

3.6.2 In light of the seismic activity experienced at Preese Hall the Secretary of State for Energy announced the introduction of new regulatory requirements to ensure that seismic risks are effectively mitigated.

3.6.3 The controls will be enforced by DECC. Operators will first be required to review the available information on faults in the area of the proposed well to minimise the risk of activating any fault by fracking, and required to monitor background seismicity before operations commence.

3.6.4 Real time seismic monitoring will also continue during operations, with these subject to a "traffic-light" regime, so that operations can be quickly paused and data reviewed if unusual levels of seismic activity are observed.

GREEN:	Go, injection proceeds as planned
AMBER:	Injection proceeds with caution, possibly at reduced rates, Monitoring is intensified
RED:	Injection is suspended immediately

3.6.5 If a magnitude greater than M_L 0.5 is detected operations will stop and the pressure of the fluid will be reduced. A magnitude of M_L 0.5 would only be detectable by sensitive equipment and would not be felt by people at the surface.

3.7 Other impacts

3.7.1 There may potentially be other impacts to the local community and environment.

3.7.2 Development will result in an increase in HGVs on local roads associated with:

- well pad construction;
- drilling and fracking operations; and
- management of wastes – particularly flow back fluid.

3.7.3 Noise impacts may occur as a result of:

- construction of the site and well pad; and
- drilling and fracking operations.

3.7.4 Impacts on ecology may include those on protected species and habitats as a result of development sites. All of the impacts of the development should be identified, assessed against baseline data and mitigated against wherever possible.

3.7.5 There may be short-term visual and landscape impacts during drilling.

3.8 Climate Change

3.8.1 Greenhouse gas emissions from shale gas development are primarily associated with two different elements of the process:

- emissions released by the extraction process; and
- the carbon footprint of shale gas when used for electricity production.

3.8.2 The process of extracting shale gas has the potential to release methane into the atmosphere. During exploration and appraisal there is a limited

economic use for gas released and flaring is employed to minimise emissions of greenhouse gases. 'Green completion technologies' will be utilised allow operators to capture the methane from the flowback fluid for flaring.

3.8.3 DECC recommend that *'shale gas exploration and production in the UK should be accompanied by careful monitoring and inspection of GHG emissions relating to all aspects of exploration, pre-production and production, at least until any particular production technique is well understood and documented in the context of UK usage.'*

3.8.4 A recent study undertaken by DECC found that the carbon footprint for shale gas is significantly less than that for coal when used for electricity generation and that the majority of carbon emissions will come from its final use as a fuel. The production of shale gas could increase global cumulative greenhouse gas emissions if the fossil fuels displaced by shale gas are used elsewhere. This is not specific to shale gas and would apply to the exploitation of any new fossil fuel reserve.

4 Planning for Shale Gas Development

4.1 Planning Application Process

4.1.1 Planning permission is one of the regulatory approvals required before any activity may start.

4.1.2 A minerals planning authority (MPA) will decide whether the activity is acceptable in planning terms at that particular location, after local communities and other interested people have had the opportunity to set out their views on the benefits and impacts of the proposal through a public consultation process.

4.1.3 The mineral planning authority in England will be the county or unitary authority that the application is proposed in.

4.1.4 Planning permission is required for each stage of the process; exploration, appraisal and production.

4.1.5 The MPA will assess economic, social and environmental factors like noise, dust, air quality, levels of traffic and other important environmental issues using local and national planning policies to make its decision.

4.1.6 In the case of shale gas there are two key policy / guidance documents that apply:

- National Planning Policy Framework (DCLG, March 2012); and
- Planning Practice Guidance for Onshore Oil & Gas (DCLG, July 2013).

4.1.7 The NPPF – Technical Guidance (DCLG, March 2012) also applies to a certain extent but contains relatively generic guidance.

4.1.8 Important evidential material includes governmental statements, professional reports published and studies undertaken regarding shale gas development in the UK (key study references are included at the back of this note). Also relevant is the Ministerial Statement by Edward Davey (Secretary of State for Energy & Climate Change) published in December 2012.

4.1.9 If significant environmental impacts are likely, the minerals planning authority will require the operator to make an Environmental Impact Assessment (EIA).

4.2 Material Considerations

4.2.1 There is no statutory definition of "material considerations". They have been established through case law and a wide range of policy and evidential documents can also be considered as material.

4.2.2 The Government's planning guidance for onshore oil and gas developments highlights some "principal issues" for planning consideration:

- noise associated with the operation
- dust
- air quality
- lighting
- visual intrusion into the local setting and the wider landscape caused by any the placement of any building or structure within the application site area
- landscape character
- archaeological and heritage features
- traffic
- risk of contamination to land
- soil resources
- the impact on best and most versatile agricultural land
- flood risk
- land stability/subsidence
- internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks
- nationally protected geological and geomorphological sites and features
- site restoration and aftercare

4.3 Development Plans

4.3.1 Shale gas is too recent a phenomenon to be addressed in local authority plans of produced either before or after the Planning and Compulsory Purchase Act 2004. Local policies are only likely to exist for conventional (i.e. not involving hydraulic fracturing) hydrocarbon exploration, appraisal and production in areas which have seen this activity in the past.

4.3.2 Current development plan policies largely carry forward the approach originally set out in Department of the Environment Circular 2/85 'Planning Control over Oil and Gas Operations' :

- encourage exploration and production;
- maximum exploitation consistent with good practice;
- onus on the industry to demonstrate need.

4.3.3 Existing policies are also typically structured in terms of the 3 phases of development (exploration, appraisal and production) – to reflect:

- different policy considerations at each stage; and
- planning decisions should not pre-empt those to be taken later at the production stage.

4.3.4 MPAs which fall in areas that are the subject of PEDLs issued by DECC will need to consider the issues likely to be raised by shale gas development. This includes those MPAs which have up to date policies on conventional hydrocarbon exploration, appraisal and production.

4.3.5 In the interim, decisions on individual shale gas proposals are likely to give more weight to the 'material considerations' which apply.

National Planning Policy Framework (NPPF)

4.3.6 Key sections of the NPPF that should be given weight include:

[Paragraph 14](#) - 'Presumption in favour of sustainable development'

[Paragraph 142](#) - 'important that there is a sufficient supply of Energy'

[Paragraph 144](#) - 'local planning authorities should give great weight to the benefits of mineral extraction, including to the economy.....'

[Paragraph 147](#) - 'When planning forunconventional hydrocarbons, MPAs should

clearly distinguish between the three phases of development and address constraints on production and processing.....'

4.3.7 Planning Practise Guidance

[Paragraph 5](#) - '.... shale gas ...pressing need to establish – through exploratory drilling – whether or not there are sufficient recoverable quantities present to facilitate economically viable full scale production.'

[Paragraph 29](#) - 'The planning and other regulatory regimes are separate but complimentary.the focus of the planning system should be on whether the development itself is an acceptable use of land and the impacts of those uses, rather than any control processes, health and safety issues or emissions where these are subject to approval under other regimes. MPAs should assume that these non – planning regimes will operate effectively.'

4.3.8 Ministerial Statement

Key extracts from the written ministerial statement by Rt. Hon. Edward Davey MP (Secretary of State for Energy and Climate Change) published on 13th December 2012 are as follows:

"..... appropriate controls are available to mitigate the risks of undesirable seismic activity. Those new controls will be required by my Department for all future shale gas wells."

"I believe that the industry has a good record, and that there are already in place robust regulatory controls on all oil and gas activities."

"..... emphasise the importance of the integrity of the well. This issue is central to the regulation of the safety of well operations by the HSE. The Executive will scrutinise the well design and operational plan. Additionally, the regulations require a full review by an independent competent person."

"the hazard potential of all substances proposed to be injected into the ground will be assessed [by the Environment Agency] and the use of substances hazardous to groundwater will not be permitted."

"..... water used if directly abstracted by the operators, requires a licence from the Environment Agency. Licences will only be given where the Agency is satisfied that a sustainable [water] supply is obtainable."

"disposal of waste water is subject to scrutiny by the [Environment Agency] and will require a permit A case-specific radiological assessment is

required in support of any application for a permit for the disposal of radioactive waste. The Agency will critically review any such assessment, and will only issue a permit if satisfied.”

“ Subsidence is not considered a risk because of the strength and load-bearing characteristics of these rocks.” [i.e. the host shales and overlying strata]

Key issues for decision makers....”great weight”

The government is strongly supportive of shale gas exploration and appraisal but what does the Government say about shale gas production?

The NPPF says that **“great weight”** should be given to the protection of areas where development is to be restricted (e.g. SAC, SPA, Ramsar, SSSI, Green Belt, Local Green Space)

The NPPF also says that **“great weight”** should be given to the benefits [to the economy] of shale gas production.

Should the long standing principle established in Green Belt policy (NPPF paragraph 90), that mineral development is exempted from the definition of “inappropriate development” apply across the restricted areas or should shale gas production facilities be located elsewhere?

This is an issue that is going to have to be considered by decision makers where development for production is proposed in restricted areas.

4.4 Asking local people for their views

4.4.1 As part of the planning process, mineral planning authorities will make applications (and EIA where appropriate) available to local people and ask for their comments.

4.4.2 These will be considered with the planning application. Other organisations – such as the Environment Agency – will also be consulted on any application.

4.4.3 Each planning application must be publicised by a display on site and in local newspapers and information must also be available on the relevant local authority website. This must include a section on how interested people can submit representations about the application, giving a period of at least 14 days.

4.5 Public Concern

4.5.1 Shale gas development has already attracted a lot of attention from the media and the public. Public concerns include a wide range of things from groundwater protection to induced seismicity as a result of hydraulic fracturing.

4.5.2 Weight to be given to public concern has been considered by the courts and can be broadly summarised as:

- public safety is capable of being a material consideration;
- public opposition per se is not a material consideration;
- concerns may be a material consideration if they relate to a planning matter, are objectively justified and may have land-use consequences; and
- where public concern is not justified, it cannot be conclusive.

4.5.3 The Localism Act (2012) is often held to enable a MPA to refuse planning permission on the basis of the weight of public opinion. This is not the case and the points summarised above have not been changed by the new Act (see further reading at the back of this note for relevant case references).

Key issues for decision makers... a hot topic

One of the issues raised by objectors to shale gas development is its impact on climate change.

It is important that the impacts of emissions from individual well sites are assessed and mitigated against. It is also however important for MPAs to recognise that decisions on individual planning applications are not the vehicle for the expression of concerns about the Government's energy policy with regards to shale gas being part of the future energy mix and the impact of this on climate change.

Key issues for decision makers....not my problem

Policy makers need to design policies which strike the right balance between the role of the MPA and the other regulatory regimes involved in shale gas development. Planning Practice Guidance for Onshore Oil & Gas can be interpreted as oversimplifying the situation since it suggests that MPAs should not concern themselves with matters dealt with by other regulators.

Case law has established however, that impacts regulated under another regime and the existence of that regime are both material considerations for the planning decision maker. MPAs will therefore need to be satisfied that matters regulated by others have been addressed by the applicant and that the relevant regulatory body recommends that there are no reasons to refuse planning permission due to such impacts.

4.5.4 The UK Onshore Operators Group (UKOOG) has adopted a "Community Engagement Charter" which includes a commitment to provide:

- £100,000 per well site where hydraulic fracturing takes place; and
- 1% of revenues allocated approximately 2/3rd to the local community and 1/3rd at the county level.

In addition to this, the Prime Minister announced on 13th January 2014 that Councils will be able to keep 100 per cent of business rates they collect from shale gas sites. This is double the current 50 per cent figure. DECC has stated that the benefits to be provided via the UKOOG scheme could be worth £5 to £10 million for a typical producing site over its lifetime and that the business rates could be worth up to £1.7 million a year for a typical site.

Key issues for decision makers...money makes the world go round

Regulation 122 of the Community Infrastructure Levy Regulations 2010 sets out the limitations which apply to the use of planning obligations. Regulation 122(2) states that: "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly relate to the development; and
- fairly and reasonably related in scale and kind to the development."

The type of local community benefits scheme which UKOOG has adopted fails all three of the tests set out in Regulation 122(2) MPAs are therefore likely to be advised that it would be improper to take any account of such financial benefits when determining applications.

Could payments made in accordance with the industry's Community Engagement Charter fall to be a 'material consideration' given the Localism Act 2011?

Section 143 of the Localism Act 2011 requires local planning authorities to have regard to any 'local finance considerations', so far as material to the application. 'Local finance consideration' means

- a grant or other financial assistance that has been, or will or could be provided to a relevant authority by a Minister of the Crown or;
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

UKOOG Community Engagement Charter payments therefore appear to fall outside definition of a 'local finance consideration'.

5.1 Environmental Impact Assessment

5.1.1 Planning applications for 'deep drilling' at exploration, appraisal and production require an Environmental Impact Assessment where the area of works exceeds 1 hectare ('area of works' includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps, or other facilities or stores required for construction or installation) or is likely to give rise to significant environmental effects.

5.1.2 An Environmental Impact Assessment can be submitted voluntarily by developers even where the development may not fall into the scope of the EIA Regulations. As with all EIA development applications the 'scope' of the assessment should be agreed with the MPA.

5.1.3 An EIA requires baseline monitoring to be undertaken for groundwater and surface water, air and noise and seismicity before development commences. The impact assessment identifies mitigation of predicted impacts where necessary and specifies the scope for ongoing monitoring as required. Assessment of the cumulative effects of field development will be very important at the production stage of shale gas development.

5.2 Regulatory Controls

5.2.1 Shale gas development is subject to a range of regulatory controls co-ordinated by different UK regulators including the Minerals Planning Authority, Environment Agency, the Department of Energy & Climate Change, the Health & Safety Executive and the Coal Authority.

- Planning permission from the MPA
- Notification to EA of intention to drill
- Environmental Permit from EA
- Assessment of well by HSE and periodic inspections by independent person arranged by HSE
- Water abstraction licence from EA (if requiring more than 20m³ of surface water or groundwater per day)
- Coal Authority to be notified if well passes through coal seam
- Fracturing plan to be submitted to DECC including appropriate plans to monitor seismicity
- Continued monitoring of fugitive emissions as required by the planning permission and permit

5.2.2 A number of studies have been undertaken and report produced with regards to the effectiveness of the current regulatory regimes in the UK to manage shale gas development. Regulators have also produced and are continuing to develop industry specific guidance as to how development will be monitored and managed and also how the different regulatory bodies envisage working together going forwards. Key document references are included at the back of this note.

5.2.3 The Royal Society/Royal Academy of Engineering – Shale Gas Extraction in the UK: A Review of Hydraulic Fracturing 2012 report states:

"Shale gas extraction in the UK is presently at a very small scale. [...] Uncertainties can be addressed through robust monitoring systems and research [...] Co-ordination of the [regulators] must be maintained. Regulatory capacity may need to be increased."

5.2.4 Public Health England – Draft Review of Public Health Impacts 2013 states:

"The currently available evidence indicates that the potential risks to public health from exposure to the emissions associated with shale gas extraction are low if the operations are properly run and regulated."

5.2.5 In addition to the guidance provided by statutory regulatory bodies, the United Kingdom Onshore Operators Group (UKOOG) has published their UK Onshore Shale Gas Well Guidelines for the exploration and appraisal

phases of development. The document contains details of what is considered to be good industry practise and it references relevant legislation, standards and practises.

Further Reading

Key Studies:

The Unconventional Hydrocarbon resources of Britain's onshore basins – Shale Gas, 2012, Department of Energy & Climate Change

The Carboniferous Bowland Shale gas study: geology and resource estimation, 2013, British Geological Survey, Department of Energy & Climate Change

Shale gas extraction in the UK: a review of hydraulic fracturing, June 2012, The Royal Society and The Royal Academy of Engineering.

Shale gas: challenges and opportunities - A briefing note by the Geological Society of London

Potential groundwater impact from exploitation of shale gas in the UK - Groundwater Science Programme Open Report OR/12/001, British Geological Survey, 2012

Review of the Potential Public Health Impacts of Exposure to Chemical and Radioactive Pollutants as a Result of Shale Gas Extraction (Draft for Comment) – Public Health England, 2013

Industry Guidance

UK Onshore Shale Gas Well Guidelines, Exploration and appraisal phase: Issue 1 February 2013, United Kingdom Onshore Operators Group.

Regulatory Guidance

Onshore oil and gas exploration in the UK: regulation and best practice, England (different versions available for Scotland, Wales and Northern Ireland), December 2013, Department of Energy & Climate Change

Fracking UK Shale: safety from design to decommissioning, February 2014, Department of Energy & Climate Change.

Onshore oil and gas exploratory operations: technical guidance, Consultation Draft, Environment Agency, August 2013.

Guidance Note: Regulation of exploratory shale gas operations – Environment Agency 2012

The Environment Agency and the Health and Safety Executive: Working together to regulate unconventional oil and gas developments, November 2012

Climate Change:

Fracking UK Shale: Climate change, February 2014, Department of Energy & Climate Change.

Potential Greenhouse Gas Emissions Associated with Shale Gas Extraction and Use, September 2013, Professor David J C MacKay FRS, Dr Timothy J Stone CBE, Department of Energy & Climate Change.

Case Law References

Regulation of impacts under other regimes:

Gateshead MBC v SSE and another (1994) 67 P&CR 179

Weight given to public opposition on the basis of public safety:

Newport BC v SSW [1998] Env LR 174, Midlands Probation Committee v SSE [1998] JPL 388, R v Broadland District Council Ex p Dove [1998] NPC 7

Minerals development in the Green Belt:

Europa Oil and Gas Ltd v SSCGL [2013] EWHC 2643 (Admin)

This PAS publication was researched and written by URS.



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