

# **County Council**

**9 December 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](mailto: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, 9 December 2014 at 10.00 am in the Council Chamber**

**County Hall, Oxford OX1 1ND**

*Joanna Simons*

Joanna Simons  
Chief Executive

November 2014

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

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 10 and 14 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.

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***Members are asked to sign the attendance book which will be available in the corridor outside the Council Chamber. A list of members present at the meeting will be compiled from this book.***

***A buffet luncheon will be provided***

## **AGENDA**

### **1. Minutes (Pages 1 - 18)**

To approve the minutes of the meeting held on 4 November 2014 (**CC1**) and to receive information arising from them.

### **2. Apologies for Absence**

### 3. **Declarations of Interest - see guidance note**

Members are reminded that they must declare their interests orally at the meeting and specify (a) the nature of the interest and (b) which items on the agenda are the relevant items. This applies also to items where members have interests by virtue of their membership of a district council in Oxfordshire.

### 4. **Official Communications**

### 5. **Appointments**

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

### 6. **Petitions and Public Address**

### 7. **Questions with Notice from Members of the Public**

### 8. **Report of the Returning Officer**

## **BY-ELECTION HELD ON 27 NOVEMBER 2014 LEYS DIVISION**

Members are asked to receive the following report from the County Returning Officer on the outcome of the by-elections for the Leys Division held on 27 November 2014:

Voting were as follows:

Samuel Burgess	Conservative	77
Steve Curran	Labour	879
Ann Duncan	Green	57
Lesley Mallinder	Liberal Democrat	30
James Daniel Paul Morbin	Trade Unionist and Socialist Coalition	27
Dave Slater	UKIP	168

Steve Curran was accordingly elected County Councillor for the Leys Division.

## 9. **Oxfordshire Safeguarding Children Board (OSCB) Annual Report** (Pages 19 - 70)

This report follows the Annual Report of the OSCB for 2013 - 2014 which was approved by the Board on 28th July 2014. The OSCB report is the first by its new independent Chair, Maggie Blyth.

The report outlines the progress achieved in relation to the objectives of the 2013-15 OSCB Business Plan and looks ahead to future challenges.

***Council is RECOMMENDED to note the annual report of the OSCB and the progress made in relation to its objectives.***

## 10. **Questions with Notice from Members of the Council**

## 11. **Treasury Management Mid Term Review (Pages 71 - 84)**

Report by the Chief Finance Officer (**CC11**).

The report sets out the Treasury Management activity undertaken in the first half of the financial year 2014/15 in compliance with the CIPFA Code of Practice. The report includes Debt and Investment activity, Prudential Indicator monitoring, changes in Strategy, and forecast interest receivable and payable for the financial year.

The Cabinet considered the report at its meeting on 25 November 2014 and recommended Council to note the Council's Mid-Term Treasury Management Review 2014/15 and to approve the revision to the Treasury Management Strategy & Annual Investment Strategy 2014/15.

***Council is RECOMMENDED to:***

- (a) note the Mid-Term Treasury Management Review 2014/15;***
- (b) approve the increase in the limit for balances invested with external managers and pooled funds (excluding Money Market Funds) from 20% to 30% of the total portfolio; and***
- (c) continue to delegate the authority to withdraw or advance additional funds to/from external fund managers to the TMST.***

## 12. **Governance & Constitution Review (Pages 85 - 114)**

Report by the County Solicitor and Monitoring Officer (**CC12**).

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. In tandem with this, the Monitoring Officer has also

undertaken a full review of the Constitution of the Council.

This report sets out the Monitoring Officer's recommendations with regard to the Council's governance arrangements and the potential amendments to the Constitution. It outlines the process followed in arriving at these recommendations, summarises the main issues from the review and then sets out the recommendations, in blocks, for Council to determine.

**Council is RECOMMENDED to:**

- agree that no structural changes be made to the Council's current decision-making arrangements as implemented following the May 2013 elections;**
- approve the changes to the Council's Constitution outlined in Part A of Annex 1, as follows:**
  - (1) To amend the Articles of the Constitution**
  - (2) To amend the Council Procedure Rules**
  - (3) To amend the Cabinet Procedure Rules**
  - (4) To amend the Scrutiny Procedure Rules**
  - (5) To amend the Members' Planning Code of Practice**
  - (6) To delete the Petition Scheme**
- (b) confirm agreement with the Monitoring Officer's intention, under his delegated powers, to make the administrative (tidy-up) changes to the Constitution outlined in Part B of Annex 1;**
- (c) ask the Monitoring Officer to make any other administrative changes to the Constitution, under delegated powers, consequent on the Council's decisions arising from this report;**
- (d) ask the Monitoring Officer to provide an index to the Constitution once all changes arising from this report have been made.**

### **13. Report of the Independent Remuneration Panel (Pages 115 - 144)**

The report presents the recommendations of the Independent Remuneration Panel (CC13) following a recent full review of the Council's Members' Allowances Scheme.

The last full review of the allowances agreed by Members was in January 2011. The Autumn 2013 review was more narrow, the Panel having been asked to consider the impact of the Governance changes. This was agreed by Council in April 2014. The Council has now asked the Independent Remuneration Panel to carry out a full review.

- (1) The Council is RECOMMENDED to consider the following recommendations of the Independent Remuneration Panel and in so doing agree a Scheme of Allowances:**
  - (a) the Basic Allowance payable to all councillors increase from £8,376 to £10,000;**
  - (b) in addition to the Basic Allowance, a Special Responsibility Allowance (SRA) be paid as follows:-**
    - (1) Leader of the Council – increase to £29,000**
    - (2) Deputy Leader of the Council – increase to £20,000**

- (3) **Cabinet Members – increase to £16,000**
- (4) **Chairmen of Scrutiny Committees – increase to £6,000**
- (5) **Deputy Chairmen of Scrutiny Committees – no allowance**
- (6) **Chairmen of Planning & Regulation Committee – increase to £6000**
- (7) **Deputy Chairman of Planning & Regulation Committee – no allowance**
- (8) **Chairman of Audit & Governance Committee – increase to £6,000**
- (9) **Deputy Chairman of Audit & Governance Committee – no allowance**
- (10) **Chairman of Pension Fund Committee – increase to £6,000**
- (11) **Deputy Chairman of Pension Fund Committee – no allowance**
- (12) **Chairman of Remuneration Committee – no allowance**
- (13) **Deputy Chairman of Remuneration Committee – no allowance**
- (14) **Chairman of the Council – increase to £8,500**
- (15) **Vice-Chairman of the Council – increase to £2125**
- (16) **Leader of the Opposition – reduce to £8,000**
- (17) **Other Shadow Cabinet Members – restore allowance - £2,500**
- (18) **Locality Meeting Chairman – remain at £500**
- (19) **Police and Crime Panel member - remain at £1,515**
- (20) **Police and Crime Panel Chairman - remain at £3,030**
- (21) **Police and Crime Panel Vice-Chairman - £3,500**
- (c) **the Council does not establish a general co-optees allowance;**
- (d) **a co-optees' allowance continues to be payable to an independent co-opted member of the Audit & Governance Committee when the co-opted member serves as Chairman of the Audit Working Group;**
- (e) **the Council's Basic and Special Responsibility Allowances and the Co-optees' Allowance to the Chairman of the Audit Working Group be amended annually by reference to the annual Local Government Pay Award for staff and that this should take effect from the date on which the award for staff similarly takes effect;**
- (f) **that Child and Dependant's Carer's Allowances be paid on the basis that:-**  
**Members with care responsibilities in respect of dependent children under 16: or dependent adults certified by a doctor or social worker as needing attendance, will be reimbursed, on production of valid receipts, for actual payments to a carer while the member is on Council duties, up to a maximum of £6 per hour for each dependent child or £17 per hour for an adult. Money paid to a member of the claimant member's household will not be reimbursed;**
- (g) **the Council retains, for members, the travel and subsistence scheme that is applicable to officers. Overnight accommodation to be booked by officers where possible; when alternative accommodation arrangements are to be used, this should be**

- approved by the relevant officer;*
- (h) *claims made under the Council's travel and subsistence scheme be accompanied by receipts and/or any other relevant evidence of the costs incurred and that claims under the scheme be made, in writing, within two months of the relevant duty in respect of which the entitlement to the allowance arises;*
- (i) *list of Approved Duties include the capacity for leaders of a political group to claim for attending formal meetings of the Council, Cabinet and Committees for the purpose of keeping themselves informed of business;*
- (j) *the list of Approved Duties for the purpose of travel, subsistence and dependent care allowances continue and be agreed as set out in the attached Annex;*
- (k) *the amounts for Basic Allowance, Special Responsibility Allowances and Co-optees' Allowances be rounded to the nearest pound following the application of any index;*

(2) *The Scheme of Allowances to apply from 1 April 2015.*

#### **14. Report of the Cabinet (Pages 145 - 150)**

Report of the Cabinet Meeting held on 25 November 2014 (CC14).

### **MOTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL**

*WOULD MEMBERS PLEASE NOTE THAT ANY AMENDMENTS TO MOTIONS WITH NOTICE MUST BE PRESENTED TO THE PROPER OFFICER IN WRITING BY 9.00 AM ON THE MONDAY BEFORE THE MEETING*

#### **15. Motion From Councillor Richard Langridge**

"This Council calls upon the Leader of the Council to negotiate with the parties to the S106 agreement for the Madley Park site in Witney to make available the £3,587,289 (returned October 2013) that was for a transport scheme in Witney. This money could be used to deliver the much needed Shores Green 4 way junction. Currently the money is sitting with the developers/original landowner.

Council notes that there was a balance of £1.3 million that was spent on much needed transport infrastructure across the County. Council asks that the Leader and Cabinet to identify funds totalling £1.3 million once negotiations for the developer funding has been successfully completed and the £3.6m is returned to the County Council."



## **16. Motion From Councillor Bob Johnston**

“Oxfordshire County Council will join with the Vale of White Horse District Council to make and support the business case for a new high speed train service between Bristol and Bedford. Such a service would call at Swindon, Didcot, Oxford and beyond and would significantly strengthen the business case for re-opening a station at Wantage/Grove at which it could additionally call.”

## **17. Motion From Councillor John Tanner**

“Proposals under the Transatlantic Trade & Investment Partnership (TTIP) to govern trade relations between the EU and USA are currently being negotiated in secret. A new trade deal with the US could be of substantial benefit in improving the position of British exporters, and the ability to negotiate international trade deals is a benefit of membership of the EU.

However, it is essential that neither this trade agreement, nor the one with Canada currently being negotiated, threatens existing standards of environmental, social and labour market regulation. It is also imperative that public services provided in the UK by local democratically elected government and in Oxfordshire for its residents by this County Council are able to continue to be provided without challenge. It would be unwarranted for TTIP to include any extension of secretive Investor-State Dispute Settlement (ISDS) procedures.

Council therefore asks the leader of the Council to write to Oxfordshire’s MPs and MEPs, and to the Prime Minister, the Deputy Prime Minister, and the Leader of the Opposition, asking them to reject any trade deal, including TTIP, if it leads to downward pressure upon environmental, social or labour market regulation, or the enforced opening up to private providers of public services.”

## **18. Motion From Councillor Kieron Mallon**

“This Council is alarmed by the knock on affect that the proposed HS2 rail project will cause, creating huge disruption well beyond the four Cherwell parishes through which it will eventually pass.

Data published by HS2 shows that it will cause a huge increase of HGV traffic flows through junctions 9,10, 11 and 12 of the M40. This will bring traffic chaos to the road infrastructure around these junctions and to the economy of North Oxfordshire. HS2 have stated that there will be potentially thousands of lorries a day will converge on Hennef Way Banbury alone.

We call on this Council, as the Highway Authority to work in conjunction with Cherwell District Council to press for measures to mitigate the negative impact HS2 will have on the economy and infrastructure of North Oxfordshire during construction.”

## **19. Motion From Councillor David Williams**

“It is now clear what may be being proposed in that ALL local authority contracting will be open to submissions to tender by US corporations without restrictions and that contract compliance conditions set by local Councils may be open to legal challenge in an separate international tribunal divorced from the UK legal system.

Should such a system come into being the County Council's ability to decide to provide services that are delivered ‘in house’ may be subject to legal challenge and its ability to create safeguarding clauses in contracting could lead to legal action by US corporations eager to maximise profits. Direct contracts focused on Adult Social Care, Education Support Services or Highways Maintenance could be open to challenge as could commissioned contracts by the local NHS within which the County now has a scrutiny role.

The cost of such inevitable litigation to the County Council could be immense and the restrictions envisaged by TTIP will further erode the County Council ability to determine its own direction and commissioning approach.

The Council resolves to follow the lead of other councils and numerous other European countries in rejecting the EU Commission’s TTIP scheme and calls upon the Prime Minister to use his veto to reject the proposed treaty. The Chief Executive to write to all Oxfordshire MPs to illustrate the Councils stance.”

## **20. Motion From Councillor Sam Coates**

“This Council is concerned that the income from taxation and as a result the Governments Rates Support Grant to Oxfordshire County Council is being undermined by calculated tax avoidance by large corporations. As a result of this calculated tax avoidance County Council services are being starved of much needed revenue.

With a known write off by the National Audit office of £6billion it is now estimated by a Parliamentary Select Committee that the total loss to the Treasury will be no less than £20billion.

These considerable amounts of money are growing each year as corporations become more adapt at dodging through tax loop holes and the use of offshore accounts.

Even on a conservative formula of RSG being 8% of Government revenue and Oxfordshire County Council taking 1 /250<sup>th</sup> of the total distributed to English Local Authorities tax dodging still constitutes a potential loss of income of many millions to this authority.

The Council resolves to call on the Chief Executive to write to the Minister for Trade and Industry (Vince Cable MP) seeking the closure of tax loopholes, an end to the Treasury write off system and to work with EU partners to close down offshore tax havens.”

## 21. Motion From Councillor David Williams

“We are concerned at the recent report by the World Wildlife Fund Living Planet Index that 50% of wildlife has gone from the planet over the last 40 years. Clearly this includes substantial numbers of mammals, birds, reptiles, amphibians and fish disappearing from the Oxfordshire eco system since 1970 .

The Council has already shown its concern with bee colony collapse and is pledged to support the species with a programme designed to assist bee communities prosper. However the Living Index Research suggests a deeper and even more serious concern across a wide spectrum of creatures that constitute our local Oxfordshire Wildlife.

The Council resolves to calls on its Wildlife Officers to prepare a report for consideration by the Cabinet at a future date, that investigates each species in decline identified in the Living Index Report here in Oxfordshire and to identify what are the local implications and what the County Council may undertaken in remedial action to reverse this dramatic decline.”

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### Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 08 December 2014 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders