

County Council

5 April 2016

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, 5 April 2016 at 10.00 am

Council Chamber - County Hall, New Road, Oxford OX1 1ND



P.G. Clark
Head of Paid Service

March 2016

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

In order to comply with the Data Protection Act 1998, notice is given that Items 3, 7 and 12 will be recorded. The purpose of recording proceedings is to provide an *aide-memoire* to assist the clerk of the meeting in the drafting of minutes.

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

A buffet luncheon will be provided

AGENDA

1. Minutes (Pages 1 - 12)

To approve the minutes of the meeting held on 16 February 2016 (**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. Questions with Notice from Members of the Council

9. Report of the Cabinet (Pages 13 - 18)

Report of the Cabinet Meetings held on 15 December 2015, 26 January 2016, 23 February 2016 and 15 March 2016 (**CC7**).

10. Audit & Governance Annual Report (Pages 19 - 34)

The Annual Report sets out the role of the Audit & Governance Committee and summarises the work that has been undertaken both as a Committee and through the support of the Audit Working Group in 2015.

Council is RECOMMENDED to receive the report.

11. Constitution Review (Pages 35 - 36)

Report by the Chief Legal Officer and Monitoring Officer (**CC11**)

Under the Constitution, the Monitoring Officer is required to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect. This includes making recommendations to Council on any necessary amendments. The Monitoring Officer is authorised to make any changes to the Constitution which are required to:

- Comply with the law

- Give effect to the decisions of Council (or Cabinet, Committees etc.)
- Correct errors and otherwise for accuracy or rectification

Other changes will only be made by Full Council, following a recommendation of the Monitoring Officer. This report seeks Council's approval to a potential amendment to a Council Procedure Rule. Full Council gave preliminary consideration to this at its meeting in December 2016 and asked that the Audit & Governance Committee give consideration to the proposal. The Committee did so at its meeting in January 2016 and expressed itself to be fully supportive of the change.

Council is RECOMMENDED to agree the proposed change to the Council Procedure Rules outlined at paragraph 5 of this report.

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

12. Motion From Councillor Ian Hudspeth

"This Council welcomes the fact that the recent Unitary proposal by the City & District councils recognises that there needs to be reorganisation of local Government within Oxfordshire. This Council agrees that more than 1 option should be considered and will work with the City, District, Town and Parish councils to provide full details in an open and transparent manner to allow a full debate on all options to take place."

13. Motion From Councillor Mark Cherry

"With regard to the persistent problems experienced by the Oxfordshire public as a result of congestion and accidents on the M40, the County Council calls on the Leader of the Council to write to the Secretary of State for Transport asking him to bring forward improvements to junctions 8 to 11 to relieve these issues for those living and passing through Oxfordshire who use the M40"

14. Motion From Councillor Stewart Lilly

"Recent years have seen an increase in the number of planning applications received by our Planning Department for rectification of earlier inaccurate submissions and misdemeanours by various commercial organisations. Also an increased number of instances occur where operators have commenced work prior to planning permissions being issued. Road Traffic Agreements are not being correctly monitored by the organisations, and in many cases are doing nothing to rectify some obvious and blatant disregard for the Conditions and routeing agreements, that have been issued by this Authority. "

We, as Councillors, regularly receive complaints from the public about such indiscretions. These then result in retrospective applications. This takes time and

resources of our staff.

Council asks Cabinet to investigate and bring forward proposals for this Council to introduce a levy of financial penalties that can be imposed, for such misdemeanours. Our Officers have had to spend extra time, resources, and on some occasions, require legal opinion, to rectify these anomalies which could be controlled if the applicants themselves.

Other Councils in the UK are researching similar deterrents. So should we. Recently Ealing Borough Council successfully prosecuted a contractor for similar misdemeanours and were awarded a six figure sum as compensation plus all their legal costs.

I trust that Councillors will support this proposal.”

15. Motion From Councillor John Tanner

“This County Council congratulates the Cabinet Member for Children, Education & Families on her criticism of the Government proposal to force all Oxfordshire schools to become academies. We wholeheartedly agree that schools should be given a free choice of whether to become Academies or to continue to be supported by Oxfordshire County Council. Council asks the Leader of the Council to write to the Secretary of state asking to withdraw this unhelpful proposal.”

16. Motion From Councillor David Williams

“If the Fire Service is to be transferred to the Police and Crime Commissioner, the LEP is to take responsibility for economic planning, there is to be closer working with the Health Commissioning bodies via a multi county agency and all schools are to become Academies, large areas of County services are now effectively being dismantled by Central Government policies.

Having accepted the reality of diminished responsibilities for the County, consultations with the District and the City of Oxford be commenced immediately to formulate at least two and perhaps three optional structures for the delivery of the remaining services focused on a single County model a District level delivery with three or four unitary elements. These models all to be within the existing County boundaries. These models to be put to the electorate in a formal public consultation to illustrate what the people of Oxfordshire see as the most suitable structure for their local government.

The conclusions of that consultation to be presented to central government for further negotiation in seeking an agreed structure that illustrates the greatest degree of subsidiarity and efficiency and resolves the issue of shared services.

A clear no compulsory redundancy and TUPE agreements for the transfer of staff to be established at the earliest opportunity.”

17. Motion From Councillor Sam Coates

“A recent Freedom of Information request by residents revealed that there were only 381 properties in the top band of Council tax payers (band H) in the City out of a total number of rates domestic properties totalling 60,000. As band H is all properties valued above £320,000 it is clear that the present valuation scales that are in use, drawn up as they were in 1991, are now totally out of line with the present value of property not only in the City but throughout the County. It is also clear that the present banding system of A-H does not cover a full even spectrum of worth focused as it is on lower valued property who carry the main burden of Council Tax payments.

Given these anomalies, that grow ever wider with every leap in house prices, this Council calls on the Government to generally review the way local government is funded, to seek a more efficient and equitable system and announce in the interim a general rate revaluation based on 2016 values and to add at least two new tax bands focused on properties values over £1m.

Councils asks the Leader of the Council to write to the current Minister for Local Government to outline the views of Council on this issue.”

18. Motion From Councillor David Williams

“Council services across the board will be influenced by the Referendum on the 23rd of June as to if the UK should stay in the European Union or should leave.

EU regulations related to pollution controls have become critical to our traffic management policies as have directives related to waste management in guiding our recycling systems. Our County economic infrastructure plans are clearly now profoundly influenced by monies channelled via the European Union structural funds and regional aid policies. Competition rules and international trade regulation plus employment directives from the EU influence our contracting, employment and procurement regulations underpinning a great deal of Council tendering.

With the Referendum now offering a clear option to voters the County Council is clear in its advocacy of a vote to remain in the European Union on the basis that membership on balance has provided a progressive legal framework and positive advantages to the services administered by the Authority and the people of Oxfordshire.

The County are also of the opinion that the general economy of Oxfordshire would be severely damaged if the UK were to leave the European Union a move that would undermine the financial security of the County.

The fact that the County after due deliberation favours remaining within the European Union to be made clear on the Council website and on any press releases on the subject up until the 27 May 2016. “

19. Motion From Councillor David Williams

“All future meetings between political Group Leaders that are staffed and supported by officers of the Council will include all political parties represented on the County Council. There shall be no threshold or barriers set by larger parties as to which participation will be seen as a right.

Council asks the Monitoring Officer to review the Constitution and report back to Council accordingly.”

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 4 April 2016 at 10.15 am** for the Chairman, Vice-Chairman, Group Leaders and Deputy Group Leaders