

## OXFORDSHIRE COUNTY COUNCIL

**MINUTES** of the meeting held on Tuesday, 5 April 2016 commencing at 10.00 am and finishing at 3.35 pm.

**Present:**

Councillor John Sanders – in the Chair

Councillors:

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

*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.*

**8/16 MINUTES**  
(Agenda Item 1)

The minutes of the meeting held on 16 February 2016 were approved and signed, subject to the addition of Annex 3 set in the Schedule of Business and to 'unit' being changed to 'Unite' in paragraph 10 of Minute 4/16.

### Matters Arising

The Monitoring Officer undertook to circulate to all Members of the County Council a response given to Councillor Harris regarding proceedings at the Budget Meeting held on 16 February 2016.

#### **9/16 APOLOGIES FOR ABSENCE**

(Agenda Item 2)

An Apology for absence was received from Councillor Richard Webber.

#### **10/16 OFFICIAL COMMUNICATIONS**

(Agenda Item 4)

The Chairman reported that over £2,000 had been raised at his Charity Dinner. The money raised would be going to the Oxford Maggie's Centre and the Rose Hill Donnington Advice Centre. He thanked members for their generous Donations.

#### **11/16 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL**

(Agenda Item 8)

28 questions with notice were asked. Details of the questions and answers and the supplementary questions and answers (where asked) are set out in Annex 1 to the Minutes.

In relation to question 16 from Councillor Kevin Bulmer, Councillor Nimmo Smith undertook to put the question to the next meeting of the Cabinet on 19 April 2016.

In relation to Question 25 (Question from Councillor Patrick to Councillor Nimmo Smith) Councillor Nimmo Smith gave an assurance that a cross party board of members to consider maximum benefit from use of transition funds would be set up as soon as possible and that it would be cross party.

Note: Councillor Mathew asked that it be noted that the answer to question 25 set out in Annex 1 to the Schedule of Business should read ..."the one off pump priming funding for parishes to support children **services**..." instead of "children's centres".

#### **12/16 REPORT OF THE CABINET**

(Agenda Item 9)

The Council received the report of the Cabinet.

In relation to paragraph 2 (Household Waste Recycling Centre) (Question from Councillor Constance) Councillor Rose gave an undertaking to ask the Leader of the Council to write to the Secretary of State again asking that a response is received to the issue of local authorities being able to apply a small charge for the use of Waste Recycling Centres.

In relation to paragraph 9 (New Arrangements for Oxfordshire County Council's Children's Services) (Question from Councillor Jean fooks) Councillor Tilley gave an undertaking that local members would be kept informed of any discussions/decisions with regard to Children Centre's within their areas.

### **13/16 AUDIT & GOVERNANCE ANNUAL REPORT**

(Agenda Item 10)

The Council had before them the Audit & Governance Annual Report (CC13) which set out the role of the Audit & Governance Committee and summarised the work that had been undertaken both as a Committee and through the support of the Audit Working Group in 2015.

Councillor Wilmshurst moved and Councillor Lovatt seconded that Council receive the Annual report of the Audit & Governance Committee. In moving the motion, Councillor Wilmshurst paid tribute to the Chief Internal Auditor, Ian Dyson for all his work.

Following debate, the motion was put to the vote and was carried nem con.

**RESOLVED:** (nem con) to receive the report.

### **14/16 CONSTITUTION REVIEW**

(Agenda Item 11)

Under the Constitution, the Monitoring Officer was required to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements were given full effect. The Council had before them a report which sought 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 gave consideration to the proposal. The Committee did so at its meeting in January 2016 and expressed itself to be fully supportive of the change.

Councillor John Sanders moved and Councillor Waine seconded that the recommendations set out on the face of the Agenda and in the report be adopted. The motion was put to the vote and was carried nem con.

**RESOLVED:** to agree the proposed change to the Council Procedure Rules outlined at paragraph 5 of this report.

### **15/16 MOTION FROM COUNCILLOR IAN HUDSPETH**

(Agenda Item 12)

Councillor Hudspeth moved and Councillor Brighouse seconded the following motion:

"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.”

Councillor Fawcett moved and Councillor Patrick seconded the following amendment shown in bold italics below:

“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.”

***This would mean that the cost reductions that result can be directed in the first instance towards saving services not currently fully funded due to the cap central government has imposed on local government's income raising powers over recent years.***

Following debate, the amendment was put to the vote and was lost by 33 votes to 29 votes.

The substantive motion was then put to the vote and was carried by 58 votes to 1, with 3 abstentions.

**RESOLVED:** (by 58 votes to 1, with 3 abstentions)

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.

## **16/16 MOTION FROM COUNCILLOR MARK CHERRY**

(Agenda Item 13)

With the agreement of Council, Councillor Cherry moved and Councillor Nimmo Smith seconded the motion as amended by Councillor Johnston as shown in bold italics and strikethrough below:

“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.

***The Secretary of State should also be asked to discuss the provision of additional passenger capacity on the railway services between Banbury and stations to both the north and south of the town, especially during the rush-hour when current services are heavily overloaded. This extra provision would help offer an alternative to further road development and at a much cheaper cost.”***

Following debate, the motion as amended was put to the vote and was carried Unanimously.

**RESOLVED:** (Unanimously)

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.

The Secretary of State should also be asked to discuss the provision of additional passenger capacity on the railway services between Banbury and stations to both the north and south of the town, especially during the rush-hour when current services are heavily overloaded. This extra provision would help offer an alternative to further road development and at a much cheaper cost.

#### **17/16 MOTION FROM COUNCILLOR STEWART LILLY**

(Agenda Item 14)

Councillor Lilly moved and Councillor Mathew seconded the following motion:

“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.”

Following debate, the motion was put to the vote and was carried unanimously.

**RESOLVED:** accordingly.

## **18/16 MOTION FROM COUNCILLOR JOHN TANNER**

(Agenda Item 15)

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

“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.”

In moving his motion, Councillor Tanner indicated that he was content to accept the amendment put forward by Councillor Howson as shown at Annex 1 to the schedule of business. This was not agreed by Council as required by Council Procedural Rule 14.1.

Councillor Mills moved and Councillor Lilly seconded the following amendment as shown below in bold italics and strikethrough:

“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~~.” ***give Local Authorities, dioceses and schools more time on this matter.***”

Following debate, the amendment was put to the vote and was carried by 33 votes to 26.

Councillor Howson then moved and Councillor Smith seconded the following amendment shown below in bold italics and strikethrough:

“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.~~ **give Local Authorities, dioceses and schools more time on this matter.**” **that would:**

- **transfer the land and buildings of all community schools from being owned by local residents through their local authority to central ownership by the Secretary of State;**
- **remove the requirement for schools to elect parent governors;**
- **leave local authorities with the responsibility for various aspects of the education system, including provision of sufficient school places, whilst apparently “freeing schools from local authority control”;** and
- **allow head teachers more flexibility in relation to using unqualified teachers.**

Following debate, the amendment was put to the vote and was carried by 30 votes to 29, the Chairman having exercised his casting vote.

Councillor Bob Johnston moved and Brighthouse seconded that the question be now put. The motion was put to the vote and was carried by 36 votes to 21, with 1 abstention.

The motion as amended by Councillor Mills and Councillor Howson was then put to the vote and was carried by 44 votes to 3, with 11 abstentions.

**RESOLVED:** (by 44 votes to 3, with 11 abstentions)

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. Council asks the Leader of the Council to write to the Secretary of state asking to give Local Authorities, dioceses and schools more time on this matter, that would:

- transfer the land and buildings of all community schools from being owned by local residents through their local authority to central ownership by the Secretary of State;
- remove the requirement for schools to elect parent governors;
- leave local authorities with the responsibility for various aspects of the education system, including provision of sufficient school places, whilst apparently “freeing schools from local authority control”; and
- allow head teachers more flexibility in relation to using unqualified teachers.

.....

**19/16 MOTIONS 16,17,18 AND 19**

(Agenda Item 16)

The time being after 3.45 pm, motions 16, 17, 18 and 19 were considered dropped in accordance with Council Procedure Rule 13.5.5.

..... in the Chair

Date of signing