

## OXFORDSHIRE COUNTY COUNCIL

**MINUTES** of the meeting held on Tuesday, 27 March 2018 commencing at 10.30 am and finishing at 4.00 pm.

### **Present:**

Councillor Zoé Patrick – in the Chair

### Councillors:

Lynda Atkins	Mark Gray	Glynis Phillips
Jamila Begum Azad	Carmen Griffiths	Susanna Pressel
David Bartholomew	Pete Handley	Laura Price
Dr Suzanne Bartington	Jenny Hannaby	Eddie Reeves
Maurice Billington	Neville F. Harris	G.A. Reynolds
Liz Brighthouse OBE	Steve Harrod	Judy Roberts
Paul Buckley	Mrs Judith Heathcoat	Alison Rooke
Kevin Bulmer	Hilary Hibbert-Biles	Dan Sames
Nick Carter	John Howson	Gill Sanders
Mark Cherry	Ian Hudspeth	John Sanders
Dr Simon Clarke	Tony Ilott	Les Sibley
Yvonne Constance OBE	Dr Kirsten Johnson	Emily Smith
Ian Corkin	Bob Johnston	Roz Smith
Helen Evans	Liz Leffman	Lawrie Stratford
Arash Fatemian	Lorraine Lindsay-Gale	Alan Thompson
Neil Fawcett	Mark Lygo	Emma Turnbull
Ted Fenton	D. McIlveen	Michael Waine
Nicholas Field-Johnson	Kieron Mallon	Liam Walker
Mike Fox-Davies	Jeannette Matelot	Richard Webber
Stefan Gawrysiak	Charles Mathew	

*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.*

### **189/18 MINUTES**

(Agenda Item 1)

The Minutes of the Meeting held on 13 February 2018 were approved and signed subject to changing 'took' to 'taken in Minute 186/18.

### **190/18 APOLOGIES FOR ABSENCE**

(Agenda Item 2)

Apologies for absence were received from Councillor Sobia Alfridi, Councillor Hannah Banfield and Councillor Mrs Anda Fitzgerald O'Connor.

## **191/18 DECLARATIONS OF INTEREST**

(Agenda Item 3)

Councillor Alan Thompson declared a personal interest in Agenda Item 15 by virtue of his employment with Great Western Railway.

## **192/18 OFFICIAL COMMUNICATIONS**

(Agenda Item 4)

It was with great sadness that the Chairman announced the passing of the Former Deputy Leader of the Council Rodney Rose. Members paid tribute and held a minute's silence in memory of Rodney Rose.

The Chairman reported on the Commonwealth Day where the flag had been raised at County Hall and a number of excellent performances were given from local primary schools, notably Shrivenham, Watchfield, East Oxford and the secondary school Faringdon Community College. The Chairman Thanked everyone who attended to support the event which was hosted with the Lord Lieutenant.

The Chairman also reported on the NCS (National Citizens Awards) Action Day where the local youth board made up of over 63 NCS graduates planned a free open-top bus tour of the city of Oxford for those children & their families supported by local charities. Council congratulated the local youth board on raising over £38,000 for those charities. The Chairman commended the Summer graduation event to members.

## **193/18 APPOINTMENTS**

(Agenda Item 5)

The Council had before it the following appointment to note:

Pension Fund Committee - Councillor Lawrie Stratford to replace Councillor Carman Griffiths.

**RESOLVED:** (on a Motion by Councillor Patrick, seconded by Councillor Gill Sanders and carried nem con) to note the following appointment:

Councillor Lawrie Stratford to replace Councillor Carman Griffiths on the Pension Fund Committee.

## **194/18 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 6)

Council received the following petition and public address:

Ms Eleanor Watts presented a petition of over 1,700 signatures on behalf of Rose Hill and Iffley Low Carbon requesting that Oxfordshire County Council implement its 2016 transport strategy calling for 'cycling super routes' on major roads, offering 'continuous uniform provision for ...segregated or semi-segregated cycle lanes. for a segregated continuous cycle network;

Pupils from Fir Tree School William Eaton, Maia Bridgeman-Hughes and Jessica Titchner presented a petition to the Council requesting that the Council ensure that Fir Tree School is able to continue to educate its students in a safe and appropriate environment.

The Chairman forward the Petitions to the Director for Environment & Economy for action.

### Public Address

Mr Andrew Finney spoke on behalf of Fossil Free Oxfordshire in support of Agenda Item 11 (Motion from Councillor Bob Johnson) as it raised the important question of the environmental, social and governance principles that underpinned the Council's investment decisions.

He welcomed the Pension Fund Committee decision to explicitly mention climate change as a risk but outlined his concerns in relation to the Pension fund committee's continued investment in Shell on the basis that Shell planned to sell fossil fuel products indefinitely.

He urged the County Council to ask the pension fund committee to commit to a fossil fuel free strategy as the scheme enters the new Brunel Partnership and to meet the spirit of their policy on climate risk by taking the opportunity now on asset transfer and to allocate to the low carbon options in the Brunel partnership and to protect the council from financial risk by supporting the motion.

Ms Rosalind Bolger spoke in support of Agenda Item 14 (Motion from Councillor John Sanders). She referred to the state of disrepair of many of Oxfordshire's roads. She believed the roads were now 'deadly' due to the number of potholes and other roads defects created by the severe winter period.

She asked the Council to find real resolutions to the county's declining roads for the safety of the community. Quick fixes for potholes were unsustainable and the County needed to carry out proper repairs and resurfacing to provide residents with an infrastructure that kept Oxfordshire moving forward.

She urged the Council to support Councillor Sanders Motion and to ensure the safety of Oxfordshire's residents on the road.

## **195/18 QUESTIONS WITH NOTICE FROM MEMBERS OF THE PUBLIC**

(Agenda Item 7)

**Councillor Lorraine Lindsay Gale received a question on Notice from Ms Nilofer Khan, Head Teacher of Fir Tree School, Wallingford as follows:**

Following the liquidation of Carillion and the withdrawal of its subcontractors, please could the Cabinet Member for Finance say if there is any funding available in the Capital Programme, as reported to the Cabinet on 19th December, to help to ensure that Fir Tree School is able to continue to educate its students in a safe and appropriate environment, with a good classroom for each class.

Reason: The building works at our school has come to a grinding halt due to the closure of the Carillion contract with OCC. We would like to ask the council members if they can let us know what can be done to get the work started again as our year 6 children have been in temporary portacabins for the last six months. Since February the toilet facilities have had to be closed and the space in the portacabins is just not adequate for learning. This is having a negative impact on both children and staff. With the year 6 SATs drawing near we are very concerned about the affect this is going to have.

**Councillor Lindsay-Gale answered as follows:**

Thank you, Ms Kahn, I will respond to your formal question shortly, but first I would like to talk to the children...

Thank you for coming today and speaking so bravely and clearly about your problems. It was very important that you did. I am sorry that this has happened to you and that your last year at school is being affected by this awful situation. On behalf of the Council I want to promise you that we will do everything we can to put the situation right. But there are other schools in situations like yours, so this promise has to be for all of them too. I hope you understand.

I will now talk to your Head Ms Kahn and respond to her question.

The reason I commented that it was important for your children to come here today, is not only that it is a good experience of local democracy in action, but also because it highlights the difficult situation we, the council, are in following the collapse of Carillion. Your school's project did not come to a halt because Oxfordshire County Council ended its contract with Carillion, which we did back in September 2017, it came to a halt because Carillion went into liquidation on January 15<sup>th</sup> 2018. Before that, even though we had ended our contract for construction with Carillion, we had agreed that they would finish work that was underway. This is why the work at Fir Tree Primary School only stopped when the liquidation happened this year.

Since then we have been trying to find a way to finish the project, and all the other school projects affected. This is really difficult, and we are sorry that the collapse of Carillion has had an impact on your school. We are doing everything we can to find a way to re-start the work.

Last week we sent an email to all councillors to explain the pressure on the council following the collapse of Carillion. We explained that Carillion's liquidation means that we no longer have anyone to claim damages against for defects or for unfinished work. This means we will have to fund these ourselves. We will need to prioritise all our work and this is going to be challenging. We are going to need the patience and support of schools and councillors as we go through this process. This is not just an Oxfordshire issue but a national one that we are raising at a national level.

**Mrs Nilofer asked the following supplementary question**

I do understand and appreciate that we are not the only school in this position, However, as Head of fir Tree, I have over 51 children in temporary accommodation which is not meeting basic need, is cramped, not properly ventilated and without working toilets. The children are in their final year. Please can you give me an assurance that there will be a tighter timescale and that phase 1 (lighting, carpeting and painting) will be completed as soon as possible so that I can educate the children in a comfortable and safe environment.

**Councillor Lindsay-Gale responded as follows:**

At the moment all I can assure you is that I will try my very best, /we are undertaking a complete review of all the properties and all the projects that are underway and until will have a finite view of the size of the problem it is hard to say, but we are working as hard as we can on it.

**196/18 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL**

(Agenda Item 8)

9 Questions with Notice were asked. Details of the questions and answers and supplementary questions and answers will be set out in Annex 1 to the minutes.

In relation to question 1 (Question to Councillor Hibbert-Biles from Councillor Howson) Councillor Hibbert-Biles gave an undertaking to investigate whether there are extra expenses, particularly travel expenses that could be submitted to the agency due to them not delivering the school on time.

**197/18 REPORT OF THE CABINET**

(Agenda Item 9)

Council received the report of the Cabinet.

In relation to paragraph 8 of the Cabinet Report (Question to Councillor Lindsay-Gale from Councillor Atkins) Councillor Lindsay-Gale gave an undertaking to provide Councillor Atkins with a written answer detailing whether out of all the payments made to Carillion, that at no point did the Council pay them for work which had not been carried out.

In relation to paragraph 8 of the Cabinet Report (Question to Councillor Lindsay-Gale from Councillor Howson) Councillor Lindsay-Gale gave an undertaking to provide Councillor Howson with a written answer detailing whether will the new school in South West Bicester will be built under the same process as the Aureus school and UTC in Didcot, on time and within budget.

## **198/18 CONSTITUTION REVIEW**

(Agenda Item 10)

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. The Council had before it a report (CC10) which set out one change for the Council to approve; and also, sundry amendments to note which had already been made by the Monitoring Officer under his delegated powers to give effect to previous Council decisions.

**RESOLVED:** (on a motion by Councillor Patrick, seconded by Councillor Gill Sanders and carried nem con) to:

- (a) endorse the proposed change to the Part 2, Article 6 ('The Cabinet') set out in paragraph 6 of this report; and
- (b) note the changes made to the Constitution by the Monitoring Officer under delegated powers since the last annual Constitution Review report to Council (as outlined in Annex 1).

## **199/18 MOTION FROM COUNCILLOR BOB JOHNSTON**

(Agenda Item 11)

Councillor Bob Johnston moved and Councillor Neil Fawcett seconded the following motion:

"Investment, environmental, social and governance (ESG) issues are now rising rapidly up the Agenda. This is evidenced, for example by the recent decision of the Norwegian Sovereign Wealth Fund to cease investment in oil and gas. The Oxfordshire Local Pension Fund has an obligation to review its investment strategy, when the present 3-year framework expires. Council therefore calls upon the Pension Committee to incorporate the latest and

best advice available on ESG matters when reviewing its policies and drawing up the next 3-year investment strategy."

Following debate, the Motion was put to the vote and was agreed by 59 votes to 0, with 1 abstention.

**RESOLVED:** Accordingly.

## **200/18 MOTION BY COUNCILLOR LIZ BRIGHOUSE**

(Agenda Item 12)

Councillor Brighouse moved and Councillor Evans seconded the following motion:

"There is now much greater emphasis on Equality with the Equality Act 2010 putting requirements on Local Authorities in relation to understanding Gender Equality.

The world has moved on from one where those carrying out a function were referred to by their gender and this Council is doing fantastic work in many areas, but particularly in the Fire and Rescue Service, to overcome the stereotype of male dominated jobs. This Council applauds this work and believes that to reflect our commitment to inclusion and gender equality those Chairing meetings of the Council should be able to be called by the title Chairman, Chairwoman or a gender-neutral title such as Chairperson or Chair.

The Council requests that the Monitoring Officer report to the Audit & Governance Committee with proposals to amend the Constitution to reflect these arrangements and for those changes to be ratified at a further Full Council meeting."

Following debate, the Motion was put to the vote and was lost by 31 votes to 27, with 2 abstentions.

**RESOLVED:** Accordingly.

## **201/18 MOTION FROM COUNCILLOR MIKE FOX-DAVIES**

(Agenda Item 13)

Councillor Fox-Davies moved and Councillor Fenton seconded the following motion:

"Many approvals for planning permission are granted, subject to routing agreements, (normally for HGV traffic). These form a contract with the applicant. If these agreements are not followed, there is limited power of enforcement. Once granted the permission cannot be removed, the only enforcement process is for the applicant to be pursued through the civil court.

This is currently embedded in planning law. Whilst many applicants will abide by the legal agreements, there is no easy deterrent for applicants who flout them.

As a rural Council with many villages affected by HGV movements, we feel strongly that the law in this area needs to be amended. This Council requests that the Planning & Regulation Committee strengthen the existing OCC planning protocols to include measures to enable easy redress following persistent breaches such as the retention of a financial performance bond, with the necessary mechanism for any persistent breaches of the routeing agreements.

Additionally, this Council asks that the Leader of the Council Lobby every MP in Oxfordshire to support this change and raise a back-bench motion in Parliament, to strengthen the UK planning law to allow local authorities more redress when conditions or legal agreements entered by contractors are persistently breached.”

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

**RESOLVED:** Accordingly.

## **202/18 MOTION FROM COUNCILLOR JOHN SANDERS**

(Agenda Item 14)

Councillor John Sanders moved and Councillor Cherry seconded the following Motion:

"This Council, while appreciating the government's recent grant to this Council of an extra £1m for pothole repairs now points out that resurfacing the County's roads in the council's maintenance backlog will cost in the region of £150m and asks the Cabinet Member for Environment to write to the Secretary of State for Transport and the Chancellor of the exchequer to ask them for sufficient funds to repair our roads and put a halt to their managed decline."

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

**RESOLVED:** Accordingly.

## **203/18 MOTION FROM COUNCILLOR LIZ LEFFMAN**

(Agenda Item 15)

Councillor Liz Leffman moved and Councillor Walker seconded the following Motion:

"GWR and Network Rail recently attended a public meeting convened to address issues on the Cotswold Line service. The line runs through the



County from Oxford to Hanborough, Charlbury and Kingham. At that meeting, representatives from GWR admitted that as long as parts of the line remain single track, they could not guarantee a regular service, and asked members of the public to make this point in the recent consultation.

Delays and cancellations of trains on this line are not just a problem for West Oxfordshire residents. As all the trains pass through Oxford and on to Reading, any delays and cancellations on the Cotswold Line directly impact train services to and from Oxford, and also impact trains running from the north through Banbury.

Since the opening of Oxford Parkway station, passenger numbers at Charlbury have declined by 10%. This is because people prefer to travel to Oxford Parkway which offers a more frequent and reliable service. However, this has led to an increase in road traffic through Woodstock and Kidlington.

With the increased numbers of homes planned across Oxfordshire, there is a growing need for frequent and reliable train services across the County's whole network.

This Council therefore asks the Leader to write to the Secretary of State for Transport, and to Mark Carne, Chief Executive of Network Rail, requesting that they re-evaluate the need to dual the track along the entire length of the Cotswold Line, in the light of proposed development."

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

**RESOLVED:** Accordingly.

..... in the Chair

Date of signing .....