

## OXFORDSHIRE COUNTY COUNCIL

**MINUTES** of the meeting held on Tuesday, 2 November 2010 commencing at 10.00 am and finishing at 4.30 pm.

**Present:**

Councillor Hilary Hibbert-Biles – in the Chair

Councillors:

|                          |                       |                    |
|--------------------------|-----------------------|--------------------|
| Alyas Ahmed              | Patrick Greene        | Rodney Rose        |
| M. Altaf-Khan            | Tim Hallchurch MBE    | John Sanders       |
| Alan Armitage            | Pete Handley          | Larry Sanders      |
| Lynda Atkins             | Jenny Hannaby         | Don Seale          |
| Marilyn Badcock          | David Harvey          | Bill Service       |
| Mike Badcock             | Steve Hayward         | Dave Sexon         |
| Roger Belson             | Mrs J. Heathcoat      | Chip Sherwood      |
| Maurice Billington       | Ian Hudspeth          | C.H. Shouler       |
| Norman Bolster           | Sarah Hutchinson      | Dr Peter Skolar    |
| Ann Bonner               | Ray Jelf              | Roz Smith          |
| Liz Brighouse OBE        | Peter Jones           | Val Smith          |
| Iain Brown               | Stewart Lilly         | Richard Stevens    |
| Louise Chapman           | Lorraine Lindsay-Gale | Keith Strangwood   |
| Jim Couchman             | A.M. Lovatt           | Lawrie Stratford   |
| Tony Crabbe              | Sajjad Hussain Malik  | John Tanner        |
| Roy Darke                | Kieron Mallon         | Alan Thompson      |
| Arash Fatemian           | Keith R. Mitchell CBE | Melinda Tilley     |
| Anda Fitzgerald-O'Connor | David Nimmo-Smith     | David Turner       |
| Jean Fooks               | Neil Owen             | Nicholas P. Turner |
| Mrs C. Fulljames         | Zoé Patrick           | Carol Viney        |
| Anthony Gearing          | Susanna Pressel       | Michael Waine      |
| Michael Gibbard          | Anne Purse            | David Wilmshurst   |
| John Goddard             | G.A. Reynolds         |                    |
| Janet Godden             | David Robertson       |                    |

*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.*

### 92/10 MINUTES

(Agenda Item 1)

**RESOLVED:** that the Minutes of the meeting of Council held on 14 September 2010 be approved and signed, subject to the following amendments:

- A note to be added to the Minutes to indicate that the Vice Chairman chaired the Meeting from lunchtime onwards due to the Chairman being on Council duty elsewhere;
- Minute 81/10 – delete “Mr Ben Johnson” and replace with “Mr Ben Jackson”.

**93/10 APOLOGIES FOR ABSENCE**

(Agenda Item 2)

Apologies for absence were received from Councillors Carter, Harbour and Mathew.

**RESOLVED:** to approve, for the purposes of Section 85 of the Local Government Act 1972, the absence of Councillor Harbour from any meeting of the Authority from the date of this meeting on the grounds of his serious ill health.

**94/10 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE**

(Agenda Item 3)

The following declarations of interest were made:

| Member        | Item    | Nature   |
|---------------|---------|--|
| Mrs Fulljames | Item 13 | Personal & Prejudicial – Vice-Chairman of the Planning & Regulation Committee. |
| Hayward       | Item 10 | Personal - member of West Oxfordshire Conservative Association                 |
| Hayward       | Item 13 | Personal - employment at Patersons & Driver Hire (Driving Agency)              |

**95/10 OFFICIAL COMMUNICATIONS**

(Agenda Item 4)

The Chairman reported as follows:

- (i) All Councillors were invited to a Remembrance Service to be held on 11 November 2010, County Hall, Oxford at 10.50 am.
- (ii) Council congratulated Mr Reg Hayes, Resident of Oxfordshire, Aged 95 on his retirement after 87 years as a member of the scouts.

- (iii) Councillor Tony Harbour remained seriously ill. A card and fruit basket had been sent on behalf of Council. Council agreed that the Chairman would send, on behalf of the Council, their thoughts and sympathy to his family and a letter to Oxfordshire Ambulance Service and Paramedics to thank them for their excellent response.

## **96/10 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 6)

### **Petition:**

Ms Dee Sinclair, City Council Member addressed the Council on behalf of the residents of Risinghurst requesting that, the Council install traffic lights at the junction of Collingwood Road and the A40, following a high level of road traffic accidents (1 Fatal) at the junction.

The Chairman received the petition on behalf of the Council.

### **Addresses:**

Mr Day, Alton, Hampshire addressed Council speaking in support of the Motion 14 from Councillor John Tanner against mass burying incineration at Ardley.

Mr Kightley, on behalf of Bucknell Parish Council addressed Council speaking in support of the Motion 14 from Councillor John Tanner against mass burning incineration at Ardley.

## **97/10 QUESTIONS WITH NOTICE FROM MEMBERS OF THE PUBLIC**

(Agenda Item 7)

The following question by John Kightley Chairman of Bucknell Parish Council was put to Councillor Ian Hudspeth:

“In light of proven fact that Mechanical & Biological Treatment (MBT) of waste is proven, less expensive & more environmentally acceptable than Mass burn incineration, why has this not been considered by the Oxfordshire Waste Partnership given that Viridor have offered this solution to and has been accepted by other local authorities.”

Councillor Hudspeth answered in the following terms:

“The Oxfordshire Waste Partnership (OWP) does not procure the contract for the disposal of Oxfordshire’s waste. It is made of the four District Councils, the City Council along with the County Council. The procurement process took place in the context of the Oxfordshire Joint Municipal Waste Strategy agreed by the OWP and all partner authorities in 2006. When Councillor Harvey was Chairman representing West Oxfordshire District Council, the OWP did consider over 600 plus different methods of waste disposal including MBT.

This work concluded under the Chairmanship of Councillor Mallon representing Cherwell District Council. I understand Councillor Tanner was a Member of the OWP for some of the time.

When the contract was advertised in the Official Journal of the European Union, it was done on a technology neutral basis. Eight companies pre-qualified and all with Energy from Waste solutions. The OWP has received regular updates throughout and is supportive of the procurement process undertaken by Oxfordshire County Council.

I became Chairman of the OWP in the summer of this year, for the previous two years that position was held by Councillor Tanner representing Oxford City Council and I am not aware of commissioning any such work by the OWP.”

## **98/10 REPORT OF THE CABINET**

(Agenda Item 8)

The Council had before them the report of the Cabinet Meetings on 21 September and 19 October 2010 (CC8).

In relation to the Progress Report on Children Looked After and Leaving Care referred to at paragraph 7 (Question from Councillor Val Smith) Councillor Chapman reported that a report had been written on funding for unaccompanied asylum seeker children and undertook to look at that report and new developments in looked after children in greater detail at the Corporate Parenting Panel.

**RESOLVED:** to note the report.

## **99/10 FORMAT OF COUNTY COUNCIL MEETING & REVIEW OF THE CONSTITUTION**

(Agenda Item 9)

The Council had before them a report on the Format of County Council Meeting & Review of the Constitution (CC9).

The Chairman sought agreement from the Meeting to:

- debate the recommendations set out in the report and on the face of the agenda and the amendments set out in Annex 2 of the Schedule of Addenda at the same time; and
- to allow consideration of all the amendments although certain parts of the amendments were a direct negative and therefore contrary to Rule 15.6.1 in the interest of ensuring that all options were considered.

It was agreed nem con to accept for consideration the amendments set out at Annex 2 to the schedule of business.

Councillor Mitchell moved and Councillor Robertson seconded the recommendations set out in the report and on the face of the Agenda.

Councillor Stevens moved and Councillor Hutchinson seconded the following amendment shown in bold italics and strikethrough:

- (a) ~~cease holding themed debates and that meetings of Council formally end at 3.30 p.m.;~~
- (b) ~~introduce member briefings from 3.30 — 5.00 p.m. following meetings of Council for those members who wish to be involved;~~
- (c) ***introduce evening Council meetings on an alternate basis with meetings during the day, so that three of the six full Council meetings during the year are held in the evening;***
- (d) agree to the continuation of the following amendments:
  - (1) the ordering of motions on a party group rotational basis
  - (2) widening the scope of motions to include other public bodies
  - ~~(3) — abolition of the scrutiny co-ordinating group~~
  - (4) introduction of question times at Cabinet meetings
  - (5) amended Protocol on Members' Rights and Responsibilities and in particular information that should be provided to local members
- (e) note the revocation of the statutory guidance relating to the implementation of Petition Schemes;
- (f) approve the revisions to the Council Procedure Rules referred to in paragraph 19 of this report with the exception of rule 12.5;
- (g) approve the revisions to the Contract Procedure Rules referred to in paragraph 20 of this report; and
- (h) approve the revised format of the Council's scheme of delegation as referred to in paragraph 23 of this report.

Following debate the amendment was lost by 48 votes to 22.

Councillor Armitage then moved and Councillor Patrick seconded the following amendment shown in bold italic and strikethrough:

- (a) ~~cease holding themed debates. and that meetings of Council formally end at 3.30 p.m.;~~
- ~~(b) — introduce member briefings from 3.30 — 5.00 p.m. following meetings of Council for those members who wish to be involved;~~

- (b) ***When there is a need for important member briefings, to introduce these from 4-5pm, following meetings of the Council for those members who wish to be involved;***
- (c) agree to the continuation of the following amendments:
- (1) the ordering of motions on a party group rotational basis;
  - (2) widening the scope of motions to include other public bodies;
  - ~~(3) abolition of the scrutiny co-ordinating group;~~
  - (3) introduction of question times at Cabinet meetings;
  - (4) amended Protocol on Members' Rights and Responsibilities and in particular information that should be provided to local members.

Following debate the amendment was lost by 48 votes to 22.

**RESOLVED:** (by 48 votes to 20)

- (a) cease holding themed debates and that meetings of Council formally end at 3.30 p.m.;
- (b) introduce member briefings from 3.30 – 5.00 p.m. following meetings of Council for those members who wish to be involved;
- (c) agree to the continuation of the following amendments:
- (1) the ordering of motions on a party group rotational basis;
  - (2) widening the scope of motions to include other public bodies;
  - (3) abolition of the scrutiny co-ordinating group;
  - (4) introduction of question times at Cabinet meetings;
  - (5) amended Protocol on Members' Rights and Responsibilities and in particular information that should be provided to local members;
- (d) note the revocation of the statutory guidance relating to the implementation of Petition Schemes;
- (e) approve the revisions to the Council Procedure Rules referred to in paragraph 19 of this report;
- (f) approve the revisions to the Contract Procedure Rules referred to in paragraph 20 of this report; and
- (g) approve the revised format of the Council's scheme of delegation as referred to in paragraph 23 of this report.

## **100/10 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL**

(Agenda Item 10)

21 questions with notice were asked. Details of the questions and answers and the supplementary questions and answers, where asked and given, are set out in the Annex to the Minutes.

## **101/10 MOTION FROM COUNCILLOR NICK CARTER**

(Agenda Item 11)

Councillor Tilley moved and Councillor Mitchell seconded the following motion:

“This Council warmly welcomes the publication of Lord Young of Graffham’s Report on Health & Safety entitled *Common Sense – Common Safety*. In particular, the Council applauds the recognition of local government’s clear role in reducing administrative burdens, making the system simpler and freeing it from bureaucracy without unnecessarily risking injuries or lives.

Council welcomes

- (a) the proposals for simplifying processes applying to Oxfordshire schools;
- (b) the clear statement concerning the legal position of individuals who, for example, clear snow from around their homes or business premises during adverse weather conditions; and
- (c) the proposals to simplify procedures for low-hazard workplaces which will significantly reduce bureaucratic burdens on many of Oxfordshire’s small and medium-sized businesses.

Council instructs:

- (a) The Leader of the Council to write to the Prime Minister accordingly and
- (b) Officers to review all Health and Safety measures currently in place to ensure they comply with the spirit of Lord Young’s Report and to identify what relaxations will be possible when the Report is implemented to reduce burdens on our own service areas and on businesses in Oxfordshire generally.”

**RESOLVED:** (by 58 votes to 0 ,there being 11 abstentions) accordingly.

## **102/10 MOTION BY COUNCILLOR ANNE PURSE**

(Agenda Item 12)

Councillor Purse moved and Councillor Fooks seconded the following motion as amended by Councillor Nimmo-Smith in bold italic and strikethrough:

“Council notes:

1. That at present only 0.01% of electricity in England is generated by local authority-owned renewables, despite the scope that exists to install projects on their land and buildings. In Germany the equivalent figure is 100 times higher.
2. That at present local authorities are able to put any renewable electricity they generate to local use, and to benefit from the associated feed-in tariff for projects smaller than 5MW.
3. That other Councils have taken action to develop renewable energy schemes, such as Cornwall County Council who have put solar panels on their County Hall.

Council welcomes the Government's announcement of its intention to allow local authorities to sell excess energy that they generate back to the National Grid and notes that the steps that are now being taken to extend the rights of Councils could mean up to £200m a year in income for local authorities across England and Wales.

Council requests the ~~Cabinet to ask officers~~ **Growth and Infrastructure Scrutiny Committee** to explore the potential to expand renewable energy generation, and to report back to ~~both Cabinet and Full Council~~ on the potential **business case for environmental and financial benefits to Oxfordshire County Council taking advantage** of this ~~new~~ **change to government policy within six months.**”

Following debate, the motion as amended was carried by 67 votes to 2.

**RESOLVED:** (by 67 votes to 2) as follows:

Council notes:

1. That at present only 0.01% of electricity in England is generated by local authority-owned renewables, despite the scope that exists to install projects on their land and buildings. In Germany the equivalent figure is 100 times higher.
2. That at present local authorities are able to put any renewable electricity they generate to local use, and to benefit from the associated feed-in tariff for projects smaller than 5MW.
3. That other Councils have taken action to develop renewable energy schemes, such as Cornwall County Council who have put solar panels on their County Hall.

Council welcomes the Government's announcement of its intention to allow local authorities to sell excess energy that they generate back to the National

Grid and notes that the steps that are now being taken to extend the rights of Councils could mean up to £200m a year in income for local authorities across England and Wales.

Council requests the Growth and Infrastructure Scrutiny Committee to explore the potential to expand renewable energy generation, and to report back to Cabinet on the potential business case for Oxfordshire County Council taking advantage of this change to government policy.

### **103/10 MOTION BY COUNCILLOR JOHN TANNER**

(Agenda Item 13)

Councillor Tanner moved and Councillor Purse seconded the following motion as amended by Councillor Purse in bold italic and strikethrough:

“This County Council believes the Cabinet is mistaken in signing a 25 year multi-million pound contract with Viridor for a waste incinerator at Ardley. The decision fails to recognise the 10% reduction in residual waste in the last two years. It commits £25 million a year of taxpayers’ money at a time of Government austerity. It will create a blot on the Oxfordshire countryside and make our county the recipient of other people’s rubbish for years to come. We call on the Cabinet to think again and ~~pursue a policy of waste reduction and Mechanical & Biological Treatment (MBT) instead.~~” ***reconsider Mechanical Biological Treatment or one of the other newer technologies instead.***

Following debate, the motion as amended was lost by 46 votes to 21.

### **104/10 MOTION BY COUNCILLOR JOHN SANDERS**

(Agenda Item 14)

Councillor Sanders moved and Councillor Darke seconded the following motion:

“This Council regrets its decision to raise charges for Controlled Parking Zones by 25% without adequate consultation. It recognises that, in 2006, as part of the Council’s lengthy consultations surrounding the CPZs, the Council promised that parking charges would be raised only in line with the Retail Price Index every three years (equating to approximately 7% over that period). In order to ensure that future commitments and promises made by this Council are considered to be credible it is essential that Cabinet be requested to undertake a further process of consultation in which all affected residents and local groups are written to .”

Following debate, the motion was lost by 39 votes to 21.

### **105/10 MOTION BY COUNCILLOR LIZ BRIGHOUSE**

(Agenda Item 15)

Councillor Brighouse moved and Councillor Stevens seconded the following motion as amended by Councillor Fatemian in bold italic and strikethrough:

“This Council believes, in view of ~~the level of cuts being made to services,~~ ***the comprehensive spending review***, that there should be full consultation with groups which are affected early on in the process and in particular asks the Cabinet to ensure it consults fully with Oxfordshire Unlimited when any changes are proposed which affect people with disabilities.”

***This Council also welcomes the funding provision and the support given to Oxfordshire Unlimited in recognition of the important role such an organisation should play and the voice it provides”.***

Following debate, the motion as amended was carried unanimously.

**RESOLVED:** (nem con) as follows:

This Council believes, in view of the comprehensive spending review, that there should be full consultation with groups which are affected early on in the process and in particular asks the Cabinet to ensure it consults fully with Oxfordshire Unlimited when any changes are proposed which affect people with disabilities.

This Council also welcomes the funding provision and the support given to Oxfordshire Unlimited in recognition of the important role such an organisation should play and the voice it provides.

## **106/10 MOTION BY COUNCILLOR SARAH HUTCHINSON**

(Agenda Item 16)

Councillor Hutchinson moved and Councillor Stevens seconded the following motion:

“This Council:

- (a) Deeply regrets its failure to provide the necessary level of social care to ensure that patients in local hospitals are discharged in a timely manner
- (b) Wishes to formally apologise to those who have been affected by this failure, some of whom have been in hospitals 4 months longer than they should have been
- (c) Notes that the lack of provision has meant that the Council will be fined a significant amount by the Royal Berkshire NHS Foundation Trust
- (d) Welcomes the approximately £750,000 of extra funding made available to the PCT by the government to deal with this problem
- (e) Requests the Cabinet to ensure that adequate resources are committed in the budget so that pressures in this area are more expeditiously alleviated

(f) Calls on the Cabinet Member for Adult Social Care to report back to Council on additional measures being taken to prevent such high levels of delayed discharge in the future”

Councillor Hannaby moved and Councillor Godden seconded the following amendment shown in bald italics and strikethrough:

“This Council:

(a) Deeply regrets its failure to provide the necessary level of social care to ensure that patients in local hospitals are discharged in a timely manner

(b) Wishes to formally apologise to those who have been affected by this failure, some of whom have been in hospitals 4 months longer than they should have been

(c) Notes that the lack of provision has meant that the Council will be fined a significant amount by the Royal Berkshire NHS Foundation Trust

(d) Welcomes the approximately £750,000 of extra funding made available to the PCT by the government to deal with this problem

~~(e) Requests the Cabinet to ensure that adequate resources are committed in the budget so that pressures in this area are more expeditiously alleviated~~

***(e) requests Cabinet to ensure that adequate resources are committed in the budget to reduce avoidable admissions to hospital so that pressures in this area are more expeditiously alleviated;***

(f) Calls on the Cabinet Member for Adult Social Care to report back to Council on additional measures being taken to prevent such high levels of delayed discharge in the future”

Following debate, the amendment was lost by 51 votes to 10.

The substantive motion was then put to the vote and was lost by 41 votes to 21.

## **107/10 MOTION FROM COUNCILLOR A M LOVATT**

(Agenda Item 17)

Councillor Lovatt moved and Councillor Lilly seconded the following motion as amended by Councillor Brighthouse in bold italic:

“This Council recognises that there is a need for fundamental reform of the relationship between central and local government if we are to reduce public spending, tackle entrenched social, economic and environmental problems and rebuild trust in democratic accountability. It commends the detailed proposals for place-based budgets drawn up by the Local Government

Association (LGA). These would bring together different streams of public spending in Oxfordshire into a single budget at the local level.

Council believes that these proposals would:

- (a) save public money;
- (b) cut waste and bureaucracy;
- (c) allow immediately for better decisions to be made transparently and accountably by implementing place-based budgets throughout England and Wales; and
- (d) increase local communities' control over spending in Oxfordshire.

Council recommends that the Government begins the process of reform and instructs the Leader of the Council to write to the Prime Minister accordingly. ***It also recommends that the views of Oxfordshire's lower tier authorities are fully taken into account during this process and that lower tier authorities should continue to have a key role in deciding the priorities for their communities.***"

Following debate the Motion as amended was carried unanimously.

**RESOLVED:** (nem con) as follows:

This Council recognises that there is a need for fundamental reform of the relationship between central and local government if we are to reduce public spending, tackle entrenched social, economic and environmental problems and rebuild trust in democratic accountability. It commends the detailed proposals for place-based budgets drawn up by the Local Government Association (LGA). These would bring together different streams of public spending in Oxfordshire into a single budget at the local level.

Council believes that these proposals would:

- (a) save public money;
- (b) cut waste and bureaucracy;
- (c) allow immediately for better decisions to be made transparently and accountably by implementing place-based budgets throughout England and Wales; and
- (d) increase local communities' control over spending in Oxfordshire.

Council recommends that the Government begins the process of reform and instructs the Leader of the Council to write to the Prime Minister accordingly. It also recommends that the views of Oxfordshire's lower tier authorities are fully taken into account during this process and that lower tier authorities

should continue to have a key role in deciding the priorities for their communities.

**108/10 MOTION FROM COUNCILLOR CHARLES MATHEW**

(Agenda Item 18)

There being no mover or seconder this motion was considered dropped in accordance with Council Procedure Rule 15.1.

**109/10 MOTION BY COUNCILLOR ALAN ARMITAGE**

(Agenda Item 19)

Councillor Armitage moved and Councillor Patrick seconded the following motion:

“This Council resolves that, in common with many other councils, Oxfordshire County Council should publish on its website information about Freedom of Information requests it receives. The information to include the date received, the date when a response is due, the details of the request, the source of the request and a link to the response given.

Council requests the Chief Executive to take action to implement this resolution and report progress to Cabinet within 6 months.”

Following debate, the motion was lost by 48 votes to 9.

..... in the Chair

Date of signing .....