

To: Members of the Cabinet

Notice of a Meeting of the Cabinet

Tuesday, 22 June 2010 at 12.30 pm

County Hall, Oxford, OX11ND



Joanna Simons
Chief Executive

June 2010

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<i>Councillors</i>	Membership
Keith R. Mitchell CBE	- <i>Leader</i>
David Robertson	- <i>Deputy Leader</i>
Arash Fatemian	- <i>Cabinet Member for Adult Services</i>
Ian Hudspeth	- <i>Cabinet Member for Growth & Infrastructure</i>
Jim Couchman	- <i>Cabinet Member for Finance & Property</i>
Kieron Mallon	- <i>Cabinet Member for Police & Policy Co-Ordination</i>
Louise Chapman	- <i>Cabinet Member for Children, Young People & Families</i>
Michael Waive	- <i>Cabinet Member for Schools Improvement</i>
Rodney Rose	- <i>Cabinet Member for Transport</i>
Mrs J. Heathcoat	- <i>Cabinet Member for Safer & Stronger Communities</i>

The Agenda is attached. Decisions taken at the meeting will become effective at the end of the working day on 30 June 2010 unless called in by that date for review by the appropriate Scrutiny Committee. Copies of this Notice, Agenda and supporting papers are circulated to all Members of the County Council.

Date of next meeting: 20 July 2010

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, i.e. where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

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.

AGENDA

1. Apologies for Absence

2. Declarations of Interest

- guidance note opposite

3. Minutes (Pages 1 - 8)

To confirm the minutes of the meeting held on 18 May 2010 (**CA3**) and to receive for information any matters arising therefrom.

4. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am on the working day before the meeting, ask a question on any matter in respect of the Cabinet's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

5. Petitions and Public Address

6. Provisional 2009/10 Revenue and Capital Outturn (Pages 9 - 106)

Cabinet Member: Leader

Forward Plan Ref: 2010/014

Contact: Lorna Baxter, Assistant Head of Finance (Corporate Finance) Tel: (01865) 323971

Report by Assistant Chief Executive & Chief Finance Officer (**CA6**).

This report presents the provisional revenue and capital outturn for 2009/10, identifies and explains how actual expenditure and income for the year compares to the

budgeted position, and includes proposals for the allocation of revenue carry forwards in 2010/11. Figures shown in the report reflect those included in the Council's Statement of Accounts for 2009/10 which will be submitted to Audit Committee on 30 June 2010, prior to audit. However, for reporting and presentational purposes some figures may vary.

The Cabinet is RECOMMENDED to:

- (a) ***note the provisional revenue and capital outturn set out in the report;***
- (b) ***approve the carry-forwards and virements as set out in Annex 2;***
- (c) ***recommend Council to approve the virements greater than £0.5m for Children, Young People & Families and Social & Community Services Directorates as set out in Annex 2b;***
- (d) ***approve the changes to balances as set out in the table at paragraph 122;***
- (e) ***agree that the surplus in the On-Street Parking Account at the end of the 2009/10 financial year, so far as not applied to particular eligible purposes in accordance with Section 55(4) of the Road Traffic Regulation Act 1984, be carried forward in the account to the 2010/11 financial year (paragraph 137); and***
- (f) ***approve the creation of new reserves as set out in Annex 4 and paragraphs 125, 135, 136, 140 and 144.***

7. Financial Monitoring - June 2010 (Pages 107 - 138)

Cabinet Member: Leader
Forward Plan Ref: 2010/2011
Contact: Kathy Wilcox, Principal Financial Manager Tel: (01865) 323981

Report By: Assistant Chief Executive & Chief Finance Officer (CA7)

This is the first financial monitoring report for the 2010/11 financial year and covers the period up to the end of April 2010 for both revenue and capital budgets. Since it is difficult to forecast the year-end outturn based on a single month of expenditure and income the report focuses on key risk areas and areas of emerging pressures identified by Directorates, along with plans to manage these.

The Cabinet is RECOMMENDED to:

- (a) ***note the report;***
- (b) ***approve the virement requests as set out in Annex 1a;***
- (c) ***approve the transfer of £0.087m from the Carry Forward Reserve to the Efficiency Savings Reserve and the release of £0.020m to Social & Community Services as set out in paragraphs 57 and 58;***

- (d) **approve the transfer of £1.4m Council funding not required for Personal Care at Home to the Efficiencies Reserve as set out in paragraph 15.**

8. Performance Management: 4th Quarter Progress Report Against Priorities and Targets (Pages 139 - 182)

Cabinet Member: Leader & Deputy Leader
Forward Plan Ref: 2010/013
Contact: Alexandra Bailey, Corporate Performance and Review Manager
Tel: (01865) 816384

Report By: County Council Management Team (**CA8**)

The report shows the council's performance in the four key areas of: customer, projects, finance, and people. Progress against targets is shown by directorate, including a summary of what is going well, what needs to develop, and what requires attention. This is the performance report for Q4 2009/2010.

The Cabinet is RECOMMENDED to note this report.

9. Director of Public Health Annual Report (Pages 183 - 240)

Cabinet Member: Leader
Forward Plan Ref: 2010/004
Contact: Jonathan McWilliam, Director of Public Health Tel: (01865) 336707

Report by Director of Public Health (**CA9**).

This is the fourth Annual Report by a Director of Public Health for Oxfordshire (jointly appointed by the NHS and the County Council). The recommendations are made for all organisations in Oxfordshire and for the public.

The aims are simple:

- 1.To report on progress made in the last year and set out challenges for the next year;
- 2.To galvanise action on five main threats to the future health, wellbeing and prosperity of Oxfordshire; and
- 3.To add an emphasis on two strongly emerging threats, namely those posed by dementia and alcohol abuse.

The five main long-term threats are:

- Breaking the cycle of deprivation
- An ageing population – the “demographic time bomb”
- Mental health and wellbeing: avoiding a Cinderella service
- The rising tide of obesity
- Fighting killer infections

The threat posed by dementia is described in the chapter on an ageing population.

The threat posed by alcohol abuse takes its place as the sixth long-term threat to health.

Progress will be monitored in future reports. Long-term success will depend on achieving wide consensus across many organisations.

The Cabinet is RECOMMENDED to recommend the Council to approve and adopt the recommendations in the report.

10. Home to School Transport Policy (Pages 241 - 296)

Cabinet Member: Schools Improvement

Forward Plan Ref: 2010/072

Contact: Neil Darlington, Service Manager – Admissions & Transport Tel: (01865) 815844

Report by Director for Children, Young People & Families (**CA10**).

The current Home to School Transport Policy goes beyond statutory requirements, primarily in the provision made for faith transport and some non Oxfordshire residents. and is inequitable. The proposed Home to School Transport Policy for 2011/12 removes these inequalities, meets all current statutory requirements and would result in significant cost savings. However, in addressing these issues the proposed new policy will have an adverse impact on some families, for example those non-Oxfordshire residents who live in Caversham and those Catholic families in the Bicester area who receive subsidised travel to the Blessed George Napier School, Banbury. An Equality Impact Assessment has been completed for the proposed new policy.

Given that there would be a phased introduction of the proposed policy changes to transport provided on faith grounds the maximum savings related to secondary schools would be realised from September 2015 and for primary schools from September 2017. At current prices the proposals on faith transport would save a maximum of approximately £639,000 per annum from the academic year 2017/18.

Implementing the proposal on transport to Chiltern Edge School would, at current prices, save approximately £58,000 per annum from 2015/16.

Therefore at current prices the total possible savings per year amount to approximately £697,000 from 2017/18.

It is RECOMMENDED that the Cabinet approves the proposed new Home to School Transport Policy set out in Annex A to the attached report.

11. Homes & Communities Agency Single Conversation: Local Investment Agreement (Pages 297 - 360)

Cabinet Member: Growth & Infrastructure

Forward Plan Ref: 2010/086

Contact: Ian Walker, Spatial Planning Manager Tel: (01865) 815588

Report by Head of Sustainable Development (**CA 11**).

In March this year the Cabinet considered a report on the work with the Homes and Communities Agency to develop a Local Investment Plan (LIP) and Local Investment

Agreement (LIA) for Oxfordshire. The LIP was signed off by the Oxfordshire local authorities at the end of March and submitted to the Homes & Communities Agency.

The LIA has been prepared to commit the parties (the HCA and local authorities) to implementing the LIP. The aim is for the LIA to be signed off by the Spatial Planning and Infrastructure Partnership (SPIP) at the end of June, following consideration by meetings of the Cabinet/Executive of the six Oxfordshire local authorities.

The Cabinet is RECOMMENDED to:

- (a) ***agree that the County Council enters into the proposed Oxfordshire Local Investment Agreement (LIA); and***
- (b) ***delegate authority to finalise the wording of the LIA to the Head of Sustainable Development, to be exercised after consultation with the Cabinet Member for Growth and Infrastructure.***

EXEMPT ITEMS

In the event that any Member or Officer wishes to discuss the information set out in Annexes 1 and 2 to the report (CA12), the Cabinet will be invited to resolve to exclude the public for the consideration of those Annexes by passing a resolution in relation to that item in the following terms:

"that the public be excluded during the consideration of Annexes 1 and 2 since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

NOTE: The report does not contain exempt information and is thus available to the public. The exempt information is contained only in the confidential Annexes 1 & 2.

ANNEXES 1 & 2 TO THE REPORT HAVE NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.

THIS IS FOR REASONS OF COMMERCIAL SENSITIVITY AND THE FINANCIAL RISK TO THE COUNCIL IF THE CONTENTS ARE DISCLOSED.

THIS ALSO MEANS THAT THE CONTENTS SHOULD NOT BE DISCUSSED WITH OTHERS AND NO COPIES SHOULD BE MADE.

12. New Contract for Specialist Health Services for People with Learning Disabilities (Pages 361 - 376)

Cabinet Member: Adult Services

Forward Plan Ref: 2010/076

Contact: Lara Fromings, Service Manager, Commissioning & Contracting (Learning Disabilities), Tel: (01865) 323629; Adam Marshall, Unit Manager, Commissioning &

Contracting (Learning Disabilities) Tel: (01865) 323635

Report by Director for Social & Community Services (**CA12**).

(The information contained in Annexes 1 & 2 is 'exempt information' in that it falls within the following prescribed category:

(3) information relating to the financial or business affairs of any particular person (including the authority holding that information)

It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that disclosure would distort the proper process of the transaction and the Council's standing generally in relation to such transactions in future, to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority.

The Council is the lead commissioner for health and social care services for adults with Learning Disabilities in Oxfordshire. As part of this responsibility, the Council contracts with Ridgeway Partnership NHS Trust for the provision of community health and inpatient services to meet the specialist health needs of adults with learning disabilities in the County. This contract expires at the end of December 2010.

In order to meet its responsibilities for the provision of specialist health services for people with learning disabilities in Oxfordshire, the Social & Community Services Directorate (Learning Disability Commissioning & Contracting Team), Legal Services, and County Procurement Team have worked with NHS Oxfordshire to specify and tender this element of service in accordance with the Council's Procurement Rules.

The Cabinet is RECOMMENDED to approve the signing of a contract with Ridgeway Partnership to provide specialist health services for people with Learning Disabilities

13. Request for Exemption from Tendering under Contract Procedure Rules - LSC contracts (Pages 377 - 382)

Cabinet Member: Deputy Leader

Forward Plan Ref: 2010/085

Contact: Sarah Cullimore, 16-19 Education Service Manager, Tel: (01865) 328089; Sandra Higgs, Strategic Leader, 14-19 Oxfordshire, Tel: (01865) 328546

Report by Children, Young People & Families (**CA13**).

The report seeks approval for exemption from tendering requirements for contracts for the 2010/11 academic year, for seven 16-19 education contracts passed to the Council from the former Learning and Skills Council (LSC) as part of the Council's new statutory responsibilities for 14-19 education from April 1st 2010, as specified within the Apprenticeships, Skills, Children and Learning Act, 2009.

Summary of the contracts:

-Three contracts are with colleges (total annual value £36.15m);

- One contract is with a higher education Institution (annual value £498,000); and
- Three contracts are with independent training providers (total annual value £593,000).

The Young Peoples Learning Agency (YPLA) has been set up to support and enable local authorities to carry out their new responsibilities and the YPLA is responsible for providing the Council with the funding for these contracts.

The LSC determined the allocations under its own procurement rules prior to the transfer of responsibilities and the YPLA has named the providers which the Council must contract with for the academic year 2010/11. The Council will be bound by grant conditions issued by the YPLA that will specify these individual allocations.

The exemption is requested under rule 5.4.2: No genuine competitive market can be obtained.

The Cabinet is RECOMMENDED to approve exemption from the Council's Contract Procedure Rules (under rule 5.4.2) for the 2010/11 academic year.

14. Appointments to Outside Bodies (Pages 383 - 398)

Cabinet Member: Leader

Forward Plan Ref: 2010/057

Contact: Tony Cloke, Assistant Head of Legal & Democratic Services Tel: (01865) 815314, Sue Whitehead, Committee Services Manager Tel: (01865) 810262

Report by Assistant Head of Legal & Democratic Services (**CA14**).

This report asks the Cabinet to consider member appointments to a variety of bodies which in different ways support the discharge of the Council's executive functions and to create two new 'Member Champion' positions

The Cabinet is RECOMMENDED to:

- appoint Councillor Lorraine Lindsay-Gale to the position of 'Heritage Champion' (in place of Councillor Don Seale);***
- create the new position of 'Motorcycle Champion' and appoint Councillor Lorraine Lindsay-Gale to that position;***
- create the new position of 'Efficiencies Champion' and appoint Councillor CH Shouler to that position; and***
- agree the remaining appointments as set out in the Annex to this report and, where necessary, make further or substitute appointments.***

15. Forward Plan and Future Business (Pages 399 - 402)

Cabinet Member: All

Contact Officer: Sue Whitehead, Committee Services Manager (01865 810262)

The Cabinet Procedure Rules provide that the business of each meeting at the Cabinet is to include "updating of the Forward Plan and proposals for business to be conducted

at the following meeting”. Items from the Forward Plan for the immediately forthcoming meetings of the Cabinet appear in the Schedule at **CA15**. This includes any updated information relating to the business for those meetings that has already been identified for inclusion in the next Forward Plan update.

The Schedule is for noting, but Cabinet Members may also wish to take this opportunity to identify any further changes they would wish to be incorporated in the next Forward Plan update.

The Cabinet is RECOMMENDED to note the items currently identified for forthcoming meetings.
