

County Council

5 November 2024

Agenda



**OXFORDSHIRE
COUNTY COUNCIL**

To: **Members of the County COUNCIL**

Notice of a Meeting of the County Council

Tuesday, 5 November 2024 at 10.30 am

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

If you wish to view proceedings, please click on this [Live Stream Link](#). Please note, that will not allow you to participate in the meeting.

A handwritten signature in grey ink that reads "Reeves".

Martin Reeves
Chief Executive

October 2024

Committee Officer:

Colm Ó Caomhánaigh

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AGENDA

1. Minutes (Pages 1 - 10)

To approve the minutes of the meeting held on 10 September 2024 (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 scrutiny and other committees on the nomination of political groups and to note any changes to the Cabinet made by the Leader of the Council.

6. Petitions and Public Address

Members of the public who wish to speak on an item on the agenda at this meeting, or present a petition, can attend the meeting in person or 'virtually' through an online connection. Requests must be submitted no later than 9am one working day before the meeting i.e., 9am on Monday 4 November 2024. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9am on the day of the meeting. Written submissions should be no longer than 1 A4 sheet.

7. Questions with Notice from Members of the Public

8. Questions with Notice from Members of the Council

9. Report of the Cabinet (Pages 11 - 16)

Report from Leader of the Council.

The report summarises the decisions from the Cabinet meetings on 17 September and 15 October 2024.

10. Oxfordshire's Annual Youth Justice Plan 2024-2025 (Pages 17 - 62)

Report by Director of Children's Services

Youth offending is a statutory and regulated service, and the local authority is required to produce an annual Youth Justice Plan. The local authority leads the provision and delivery of its youth justice service alongside key stakeholder partner organisations in supporting young people who are at risk of entering the youth justice system as well as those who are already in it.

The Council is RECOMMENDED to adopt Oxfordshire's Annual Youth Justice Plan 2024-2025.

11. Calendar of Meetings 2025-26 (Pages 63 - 72)

Report by Director of Law & Governance

The calendar of meetings for each civic year is presented to Council for approval.

COUNCIL IS RECOMMENDED to approve the calendar of meetings for the 2025-26 Council year attached to the report as Annex 1.

12. Appointment of Independent Persons (Pages 73 - 76)

Report of the Director of Law & Governance and Monitoring Officer

The Council must seek the views of an Independent Person, and take them into account, before making its decision on any allegation investigated under the Member Code of Conduct and other disciplinary processes as outlined in the report.

Council is RECOMMENDED

- a) **To appoint Mr Nicholas Holt-Kentwell and Mr Andrew Mills-Hicks as Independent Persons for Oxfordshire County Council from 1 December 2024 to 30 November 2026. The appointments may be renewed once for a period of two years.**
- b) **To thank Mr Martyn Hocking for his service to the Council as an Independent Person from 14 July 2020 until 30 November 2024.**

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 FRIDAY BEFORE THE MEETING

13. Motion by Councillor Stefan Gawrysiak

In December Oxfordshire County Council removed seven beds from the Chiltern care home without any consultation with the GP's, Henley Town Council or the community of South Oxfordshire. This lack of consultation by the Council is unacceptable and must not be repeated.

These beds were originally provided as 'NHS beds'.

Following FOI requests to the Integrated Care Board Buckinghamshire Oxfordshire Berkshire West (ICB BOB) and the Council, it has been established that these beds are NHS beds funded by the ICB, this Council and the Oxford Health NHS Foundation Trust. They should not therefore have been closed without full and proper public consultation.

Dr Broughton interim Chief Executive of the ICB BOB states 28th February 2024 "The beds have not 'lost NHS funding', "The beds continued to be overseen by the Oxford University Hospital Hub team."

These beds are therefore NHS beds which cannot be removed without consultation.

This Council:

1. Deplores the beds' removal without said consultation.
2. Believes that a full and objective account as to why these beds, which serve a population of 140,000 of South Oxfordshire, were removed and what replacement measures have since been taken.

This Council requests that Cabinet:

3. Asks partners to seek to account for the reasons why the seven Chiltern Court Beds serving South Oxfordshire cannot be reinstated, bearing in mind the new measures that have since been in place and, in the absence of such an account, take steps to reinstate them.
4. Conduct all necessary public consultations.

Note: The motion, if passed, would constitute the exercise of an executive function in which case it will be referred to the Cabinet together with any advice the Council may wish to give, in accordance with Rule 13.5.1 (i) of the Council Procedure Rules in the Constitution.

14. Motion by Councillor Eddie Reeves

This Council notes the government's decision to means-test Winter Fuel Payments (WFPs). Age UK estimates that such changes could hit 2 million people across the country, some of whom badly need the money to stay warm this winter.

This Council resolves to:

1. Request that the Cabinet requests a report from officers with proposals for promoting a District awareness campaign working with our local NHS partners, Parish Councils and charitable, civic and religious groups, to encourage elderly residents who are eligible for means-tested benefits such as Pension Credit to register and claim them to ensure that they continue to receive WFPs this Winter and that those in need are sign-posted to the continuing Household Support Fund;
2. Request that the Leader of the Council writes to the Chancellor of the Exchequer, urging an impact assessment of the government's decision to means test WFPs and asking HM Treasury to examine transitional measures to ensure that vulnerable pensioners, particularly those who are eligible for, but who do not – or cannot – claim, other benefits under current thresholds, are protected from fuel poverty.
3. Request that the Cabinet reprioritises monies within the Council's budget for 2024/5 held within the Budget Priority Reserve and/or within other relevant contingency funds or reserves, with a view to establishing an Oxfordshire Winter Fuel Payment Protection Fund, akin to the Oxfordshire Resident Support Scheme, to ensure that pensioners who are in genuine hardship, but who are not eligible for other government support, are helped through the Winter.

Note: The motion, if passed, would constitute the exercise of an executive function in which case it will be referred to the Cabinet together with any advice the Council may wish to give, in accordance with Rule 13.5.1 (i) of the Council Procedure Rules in the Constitution.

15. Motion by Councillor Mark Cherry

Council requests Cabinet to consider approving the Councils for Fair Tax declaration.

This commits Councils to

- Lead by example and demonstrate good practice in our tax conduct, right across our activities.
- Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
- Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
- Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
- Demand clarity on the ultimate beneficial ownership of suppliers, UK and overseas, and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
- Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
- Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses that are proud to promote responsible tax conduct and pay their fair share of corporation tax.

Council also requests the Leader of the Council to write to the Chancellor of the Exchequer supporting calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

Note: The motion, if passed, would constitute the exercise of an executive function in which case it will be referred to the Cabinet together with any advice the Council may wish to give, in accordance with Rule 13.5.1 (i) of the Council Procedure Rules in the Constitution.

16. Motion by Councillor Jane Hanna

This Council notes that Oxfordshire's High Needs Block deficit is estimated to be £21.3 million for 2023/24, while across England the deficit totals £3.16 billion. The statutory override currently in place allows local authorities to temporarily hold this debt off their balance sheets but this measure only delays addressing a growing financial crisis.

The reasons behind the High Needs Block deficit are complex and reflect deep, systemic issues within the Special Educational Needs and Disabilities (SEND) system. It is unrealistic to expect local authorities to manage such significant deficits in a short time frame without reform of the SEND system and baseline funding increases.

Current SEND funding is based on outdated need due to an inadequate funding formula. Education Health Care Plans have risen from 3000 in 2014 to more than 7000 in 2024. Without reform, if the statutory override were to be removed, a quarter of local authorities would be insolvent within one year and another quarter within three years.

This Council requests that the Leader of the Council writes to the Secretary of State for Education to seek urgent clarity on the government's long-term plan for addressing the High Needs Block deficit. Council recommends that the letter should call for reform of the SEND system to ensure it is fit for purpose and provide appropriate baseline funding to ensure local authorities can sustainably manage their financial responsibilities without resorting to temporary fixes.

17. Motion by Councillor Ian Middleton

In 2018 this Council passed a motion stating that it was opposed to the licensing of a badger cull in Oxfordshire.

When DEFRA announced that badger culling would be phased out by 2025, many people believed that the cull had ended. Sadly, culling in Oxfordshire intensified, seemingly with the intent of shooting as many badgers as possible before the deadline. Over 50% of the county is in the killing zones.

Numerous scientific reports show that epi-culling is ineffective as a control measure. However, DEFRA, Animal and Public Health Agenda, the TB Hub/NFU and British Cattle Veterinary Association, continue to advocate its use.

While it's welcomed that the new government has abandoned plans to allow up to 100% of badgers to be killed in some areas, there was a hope that they would cancel

the cull completely and focus on cattle based measures, including support for farmers over improved biosecurity, and a move towards testing and vaccination. However it seems likely that the cull will continue for at least the next 5 years meaning even more badgers in Oxfordshire will be senselessly slaughtered.

This Council therefore :

1. Re-affirms our opposition to badger culling which has been shown to be an ineffective control measure for Bovine tuberculosis.
2. Asks the Cabinet to consider a specific policy that badger culling will not be permitted on Council-owned land.
3. Requests that the Leader writes to DEFRA making clear our continued opposition to the cull and any extension of it in size and scope.

Note: The motion, if passed, would constitute the exercise of an executive function in which case it will be referred to the Cabinet together with any advice the Council may wish to give, in accordance with Rule 13.5.1 (i) of the Council Procedure Rules in the Constitution.

18. Motion by Councillor Eddie Reeves

This Council considered setting up a Congestion Commission as part of its last budget debate. This measure was not taken up at the time. However, this Council now considers that it is time for such a commission to be established.

This Council notes that its ambitious suite of traffic management measures is due to be rolled out, in large measure, before the next set of elections to Oxfordshire County Council in May 2025. These include Oxford's traffic filters and workplace parking tax, which are now largely enshrined in the Council's budget and will take place unless there is a change of administration next year.

If all such measures go ahead, Oxfordshire motorists could be hit by £57million in fines and charges over a five-year period broken down as follows:

- Expanded Zero Emissions Zone £25m;
- Traffic Filters (Four-sector Plan) £11m;
- Workplace Parking Tax £21m.

For clarity, the purpose of a Congestion Commission is not to water down or frustrate the administration's policies, for which there is budgetary provision. Rather, its object would be to assess the likely effectiveness of such measures and advise as to whether other measures might be given effect after next year's local elections as supplements or substitutes for such policies.

Council requests Cabinet to establish a Congestion Commission to comprise elected members, local businesspeople, public sector leaders from the Council's health, education and blue light partners, civil society and faith group leaders, and academics with relevant expertise in the field.

Note: The motion, if passed, would constitute the exercise of an executive function in which case it will be referred to the Cabinet together with any advice the Council may wish to give, in accordance with Rule 13.5.1 (i) of the Council Procedure Rules in the Constitution.

19. Motion by Councillor Liam Walker

This Council regrets that it has not historically managed the expenditure of section 106 and associated development agreements well.

Too often, monies destined for local facilities have been left dormant, with members and parish council colleagues being forced to make circuitous enquiries of Council officers and/or developers to ascertain the correct position in respect of funds, which have been allocated to local communities and yet have not been spent.

Following work undertaken by the Place Overview & Scrutiny Committee and elsewhere at the Council's 'Localities' meetings, it has been suggested that as much as £278 million of public money has been unspent on improving local facilities.

This Council requests Cabinet to ensure that there is regular reporting of unspent development monies at all Localities meetings (such frequency to be determined by the relevant Chair) and requests that the Leader and relevant Cabinet Member produce a report for the Council's next appropriate Place Overview & Scrutiny Committee meetings as to how such funds are to be more effectively spent.

Note: The motion, if passed, would constitute the exercise of an executive function in which case it will be referred to the Cabinet together with any advice the Council may wish to give, in accordance with Rule 13.5.1 (i) of the Council Procedure Rules in the Constitution.

20. Motion by Councillor Michael O'Connor

This Council notes:

- That Integrated Care Systems (ICSs) are designed to integrate health and care across geographical footprints;
- That ICSs rely on close collaboration between NHS bodies and local authorities with responsibility for social care and public health;
- That the Berkshire, Oxfordshire and Buckinghamshire (BOB) Integrated Care Board (ICB) is a critical partner within the ICS and is currently undergoing a restructuring process that has been met with extensive criticism from local authorities;
- That this restructuring has exposed differences between the status of health and social care bodies within the ICS;
- That the BOB Integrated Care Board (ICB) currently has only one representation from local authorities;
- That the BOB ICB constitution provides for only one local authority representative;
- That nearby ICBs have greater local authority representation, such as the Bedfordshire, Luton and Milton Keynes ICS, which has four local authority

officers on its ICB.

This Council believes:

- That it is not possible for health and care bodies to be equal partners without fair representation;
- That the BOB ICB should have additional representatives from local authorities to ensure that health and care are treated equally within the broader framework of improving public health and wellbeing;

This Council resolves:

- To ask the Leader to write to the ICB requesting additional representatives for local authorities on the BOB ICB.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships
- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.

- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.