

Items for Decision

1. Declarations of Interest

See guidance below.

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member'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

3. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.

Requests to speak must be submitted by no later than 9am four working days before the meeting. 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 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

4. Minutes of the Previous Meeting (Pages 1 - 4)

5. Oxfordshire Fire and Rescue ; Industrial action contingency arrangements (Pages 5 - 10)

The Cabinet Member is RECOMMENDED to:

- a) Approve the financial allocation to progress with the joint-tender process which needs authorisation (due to cost) before the award process can be concluded and, the Contract signed in January 2025.**
- b) Delegate authority to finalise the terms and condition to the Chief Fire Officer and Director of Community Safety in consultation with the Head of Legal and Deputy Monitoring Officer and Head of Procurement.**

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.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then 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.

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Agenda Item 4

DELEGATED DECISIONS BY CABINET MEMBER FOR PUBLIC HEALTH, INEQUALITIES & COMMUNITY SAFETY

MINUTES of the meeting held on Tuesday, 1 October 2024 commencing at 1.00 pm and finishing at 1.25 pm

Present:

Voting Members: Councillor Dr Nathan Ley – in the Chair

Officers: Mohamed Cassimjee (Democratic Services Officer), Derys Pragnell (Public Health Consultant), Yasmine Illsley (Public Health Programme Lead), Jannette Smith (Public Health Principal Officer), David Munday (Consultant in Public Health - OCC)

The Cabinet Member considered the matters, reports and recommendations contained or referred to in the agenda for the meeting [, together with a schedule of addenda tabled at the meeting/the following additional documents:] and agreed as set out below. Copies of the agenda and reports [agenda, reports and schedule/additional documents] are attached to the signed Minutes.

11 **DECLARATIONS OF INTEREST** (Agenda No. 1)

None

12 **QUESTIONS FROM COUNTY COUNCILLORS** (Agenda No. 2)

None

13 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 3)

None

14 MINUTES OF THE PREVIOUS MEETING

(Agenda No. 4)

The minutes held on 2 July 2024 were approved by the Chair and signed as a correct record.

15 SMOKING CESSATION SERVICES COMMISSIONING

(Agenda No. 5)

The Cabinet Member considered a report regarding the Local Stop Smoking Service (LSSS). The current contract ends in June 2025 and a new contract is needed from 1st July 2025 to avoid a break in service provision. It is anticipated that the invitation to tender will be published on 1st November 2024, with an evaluation completed by early March, and a contract awarded by 1 April 2025. The new contract value will be approximately £1,017,00 per annum. The initial contract term will be 3 years and 9 months , with an option to renew by 24 months. Robust performance indicators have been built to ensure that the targets are achieved.

The Cabinet Member is RECOMMENDED to:

- a) **Approve the budget for and authorise the Director of Public Health to commence the procurement of a Local Stop Smoking Service, Public Health Service in Oxfordshire.**
- b) **Delegate authority to the Director of Public Health in consultation with the Head of Legal and Deputy Monitoring Officer and Section 151 Officer, to award and complete the contract for a Local Stop Smoking Service Public Health Service in Oxfordshire as referred to in this report following the conclusion of a procurement exercise pursuant to the Council's Contract Procedure Rules.**

16 ORAL HEALTH SERVICE PROCUREMENT

(Agenda No. 6)

The Cabinet Member considered a report regarding the current commissioned arrangements for oral health services which included oral health delivered in community settings and an oral health survey. The contract ends on 31st July 2025 and cannot be extended further. The Oral Health Service would reduce oral health inequalities through oral health promotion and through health surveys. Future oral health promotion will be commissioned through an expanded model, to include targeted interventions for priority groups.

The Cabinet Member is RECOMMENDED to:

- a) Approve the budget for and authorise the Director of Public Health and Communities to commence the procurement of an Oral Health Service in Oxfordshire.

- b) Delegate authority to the Director of Public Health and Communities in consultation with the Head of Legal and Deputy Monitoring Officer and Section 151 Officer, to award and complete the contract for an Oral Health Service in Oxfordshire as referred to in this report following the conclusion of a procurement exercise pursuant to the Council's Contract Procedure Rules.

..... in the Chair

Date of signing 03/10/2024

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Divisions Affected - ALL

DELEGATED DECISION BY CABINET MEMBER FOR PUBLIC HEALTH, INEQUALITIES & COMMUNITY SAFETY

12 NOVEMBER 2024

OXFORDSHIRE FIRE AND RESCUE SERVICE; INDUSTRIAL ACTION CONTINGENCY ARRANGEMENTS

Report by Rob MacDougall, Chief Fire Officer and Director of Community Safety

RECOMMENDATION

1. **The Cabinet Member is RECOMMENDED to:**
 - a) **Approve the financial allocation to progress with the joint-tender process which needs authorisation (due to cost) before the award process can be concluded and, the Contract signed in January 2025.**
 - b) **Delegate authority to finalise the terms and condition to the Chief Fire Officer and Director of Community Safety in consultation with the Head of Legal and Deputy Monitoring Officer and Head of Procurement.**

Executive Summary

2. The key decision requested is whether or not additional funding can be provided to Oxfordshire Fire and Rescue Service in order to enter into the collaborative tender process. This is necessary in order to meet the business continuity arrangements necessary under the Civil Contingencies Act and Fire and Rescue National Framework in the event of Industrial Action, extreme weather occurrence or, other significant event that prevents that standard deployment of existing staff for emergency incidents.
Executive Summary.

Fire and Rescue authorities must have effective business continuity arrangements in place in accordance with their duties the Civil Contingencies Act 20024. Within these arrangements, fire and rescue authorities must make

every endeavour to meet the full range of service delivery risk and national resilience duties and commitments that they face.

Business Continuity plans should not be developed on the basis of armed forces assistance being available (National Framework 2.11) and following the last (near) period of industrial action it became clear that Oxfordshire Fire and Rescue Service (OFRS) can no longer rely on the 'goodwill' of on-call fire crews to provide operational fire cover in the event of a strike. Additionally, in periods of extreme weather, high absence (e.g. pandemic) or other unforeseen major event, the service is, in need of a reliable contingency arrangement which can be provided from outside the service.

Background

3. During preparations for industrial action in 2022/23, Buckinghamshire, Berkshire and Oxfordshire Fire and Rescue services worked together to maximise the effectiveness of the limited resilience arrangements available.

While the resilience arrangements were ultimately not required to be deployed, a number of opportunities were identified to improve this collective approach in the future. These recognised that previous resilience arrangements were less reliable than had historically been the case i.e. significantly fewer staff available and not thought to be taking strike action. There were also difficulties identified with the interoperability of 3rd party resilience providers, cost and logistical challenges of support offered by the military.

Whilst the risk of industrial action remains significant but stable, there is now an opportunity to explore seeking assistance from a 3rd party resilience arrangement. As such all three services wish to benefit from lessons identified during previous preparations and see this as a strong commercial opportunity by having all three services tender for a provider.

Work on this is already underway: as part of the Thames Valley alignment approach, Oxfordshire have been offered the chance to enter into an "IA contingency arrangements project" currently being run by Royal Berkshire, with Buckinghamshire already as a partner. Joining the tender process itself has been agreed by the OCC Commercial Board, however as partner Oxfordshire now needs to agree to the funding for an agreed level of IA cover required: namely we need to find the finances to secure the services of 20 firefighters to provide a minimum fire cover level of 4 fire appliances across the county in the event of strike action or the other event triggers listed in the Project Implementation Document. In order to enter into a competitive tender process, the additional funding currently being estimated is £150,000 per year for a 4-year contract.

Corporate Policies and Priorities

4. Oxfordshire Fire and Rescue Services Community Risk Management Plan provides details, based on the National Framework, of the Response requirements the organisation must provide to the community of Oxfordshire. In the event of Industrial Action or other trigger-event for this contract, the services of an external provider are required in order to meet the requirements of this CRMP in terms of operational response.

Financial Implications

5. At present all costs are estimated as the tender process is not underway: it is also anticipated that a degree of discount will be provided if additional partners are present within the contract. As such, indicative costs are based on the current contract held by Royal Berkshire (which runs out in March 2025) and can be found in the table on the following page.

For Oxfordshire the lowest possible amount has been selected, based on the minimum number of contingency appliances required (4) – £150,000 per year is the estimated cost due to price increases since this figure was provided, however this may be reduced through a discount applied if all three services agree on the contract.

This amount – ultimately £600,000 for the lifetime of the contract – is not currently available within the Fire and Rescue service budget and is therefore being requested as an additional funding.

Comments checked by:

Drew Hodgson
Strategic Finance Business Partner
drew.hodgson@oxfordshire.gov.uk

Legal Implications

6. With RBFRS taking the lead on the procurement process it has clarified and resolved some of the differences between the services. However, the MoA/partnering agreement (for the fire authorities) itself is still to be completed due to delays in the support provided by RBFRS's legal team who have raised concerns about a conflict of interest because they have one external lawyer acting for both parties.

OCC legal services have been engaged in the background to this, as well as inputting on the procurement strategy and reviewing documents as this is

intended to be a joint procurement which all parties will be able to benefit from. The creation of the procurement documents and partnering agreement/MoA are at a formative stage and only basic templates without any specific detail have currently been seen for the contract but not a partnering agreement due to this conflict issue raised by RBFRS's lawyer.

The procurement of the service would enable the Council to obtain a provider in accordance with the Public Contracts Regulations 2015 and internal CPR's, as well as discharging the legal requirement under the Civil Contingencies Act 2004 to have a comprehensive contingency service in place.

Comments checked by:

Gareth Hale, Senior Solicitor and Team Leader Contracts and Conveyancing,
Gareth.Hale@Oxfordshire.gov.uk
 (legal)

Staff Implications

7. Currently the Area Manager for Response is involved as the sole party from OFRS in the tender process. It is anticipated that the additional support required for the actual tender will be minimal, although OCC procurement are also providing an individual to the team. As such there are no new staff needed for the process and therefore no additional cost.

Equality & Inclusion Implications

8. There are no equality implications recognised in this current process.

Sustainability Implications

9. There are no sustainability implications – contingency crewing will utilise the existing infrastructure, equipment and appliances currently in-service.

Risk Management

10. The following risks have been identified:

<i>Risk</i>	<i>Impact</i>	<i>Likelihood</i>	<i>Mitigation</i>
IA occurs before external provider is secured	Potential loss of life, property damage, reputational impact due to insufficient	Low	External contract to be agreed as soon as possible before April deadline for RBFRS

	personnel being present to attend operational incidents		
External provider is unable to provide personnel for familiarisation events before IA occurs	Potential for IA personnel to be available who are untrained in OFRS equipment	Low	OFRS training teams to engage with IA teams early in the event of an IA event being predicted
External provider is unable to provide sufficient number of personnel for Thames Valley	Potential for unfair division of personnel in the event of IA, especially with OFRS paying least into contract	Low	Terms of contract must ensure total number of IA personnel are available
Single FRS is not willing to engage in contract	Contract cost will increase, potentially making tender process untenable for other services	Moderate	Agreement secured from BFRS and RBFPS with OFRS seeking to gain OCC support as soon as possible,

Consultations

11. Consultation is not required to introduce a contingency contract.

NAME: Rob MacDougall, Chief Fire Officer and Director of Community Safety

Contact Officer: Matt Chapman
Head of Response, Resilience and Collaboration
Matt.chapman@oxfordshire.gov.uk
Tel: 07920702269

November 2024

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