

OXFORDSHIRE COUNTY COUNCIL

MINUTES of the meeting held on Tuesday, 21 March 2017 commencing at 10.00 am and finishing at 3.50 pm.

Present:

Councillor Michael Waine – in the Chair

Councillors:

Lynda Atkins	Janet Godden	David Nimmo Smith
Jamila Azad	Mark Gray	Neil Owen
David Bartholomew	Patrick Greene	Zoé Patrick
Mike Beal	Tim Hallchurch MBE	Glynis Phillips
Maurice Billington	Pete Handley	Susanna Pressel
Liz Brighthouse OBE	Jenny Hannaby	Laura Price
Kevin Bulmer	Nick Hards	Anne Purse
Nick Carter	Neville F. Harris	G.A. Reynolds
Mark Cherry	Steve Harrod	Alison Rooke
John Christie	Mrs Judith Heathcoat	Gillian Sanders
Sam Coates	John Howson	John Sanders
Yvonne Constance OBE	Ian Hudspeth	Les Sibley
Steve Curran	Bob Johnston	Roz Smith
Surinder Dhesi	Stewart Lilly	Lawrie Stratford
Arash Fatemian	Lorraine Lindsay-Gale	John Tanner
Neil Fawcett	Sandy Lovatt	Melinda Tilley
Jean Fooks	Mark Lygo	Richard Webber
Mrs C. Fulljames	Kieron Mallon	David Williams
Anthony Gearing	Charles Mathew	David Wilmshurst

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.

106/17 MINUTES

(Agenda Item 1)

The Minutes of the Meeting held on 16 February 2017 were approved and signed.

107/17 APOLOGIES FOR ABSENCE

(Agenda Item 2)

Apologies for absence were received from Councillors Hibbert-Biles and Rose.

108/17 OFFICIAL COMMUNICATIONS

(Agenda Item 4)

The Chairman reported as follows:

Council paid tribute and agreed to write to and congratulate former employee of the County Council, Ms Sarah Burrows, who had received the Prime Minister's Points of Light Award which recognised outstanding individual volunteers and people who were making a change in their community.

Council paid tribute to Adult Social Care Staff who had worked tirelessly over the weekend to ensure 127 vulnerable adults were cared for in the wake of the collapse of the Cleeve Link Care Agency.

The Chairman reminded members that there would be a celebration at Birmingham's symphony Hall on Saturday 25 March to mark the 75th Anniversary of Oxfordshire's Award winning Music Service.

109/17 PETITIONS AND PUBLIC ADDRESS

(Agenda Item 6)

The Council received the following Petitions and Public address:

A Petition of some 20 signatures requesting that the Council make changes to the bus stops in the centre of Oxford so that the distance between them conforms to the recommendations of Inclusive Mobility 2005, i.e. a maximum of 400m but more hopefully 200m – 250m to ensure that the Council are not discriminating against people who cannot walk far.

The Chairman of the Council received the Petition and forwarded it to the Director for Environment & Economy to respond.

A Petition of some 130 signatures requesting that the County Council ensure close working between the County Council and TELL MAMA Thames Valley Advisory Board (a Muslim Anti Hate Crime organisation) working together with Thames Valley Police to reduce hate crimes to zero.

The Chairman of the Council received the Petition and forwarded it to the Director for Community Safety for response.

Mr Ken Williamson referred to the Sustainability and Transformation Plan Footprints which he believed were designed to defund the NHS by a further £30 Billion (20% of revenue) and add de-staffing and a total lack of workforce planning. He expressed concern that Transformation plans would place an additional 30% reliance on GPs, Community services and Social care, all of which were in crisis. Unpaid care by family and friends now involved 1 in 8 of the population and in Oxfordshire there were 800 vacancies for paid carers.

He urged Council to adopt the Leadership Team report and reject the damaging OTP plans, demanding that the Government restore funding to Local Authorities and the NHS in order to fully integrate Health and Social Care. Without that there would be tragedies and rising death rates for the people of Oxfordshire.

Mr Kingsmill-Stoker referred to the Centre for Workforce Intelligence's prediction that by 2055 Oxfordshire would need 2 million carers if demand continued as it was now. That coupled with the fact that Oxfordshire was one of the most expensive places to live in meant the possibility of a real shortage of carers. Private and voluntary sector people would work for maybe one or 2 years before burning out. He urged the Cabinet to bring Home Care Providers in-house in order to stop NVQ level 3 and 4 Carers leaving to work in supermarkets that paid a better hourly rate.

Mr Larry Sanders addressed the Council in support of Agenda Item 13 (Motion from Councillor Liz Brighthouse) and the amendment by Councillor Williams set out in the schedule of Business. He expressed the need for County Council to ask the Cabinet to bring Home Care Providers in-house to create a directly paid workforce with a career path which would be highly effective in an emergency, with a fair pay, encourage better turnover and create motivation in the workforce. He also encouraged the Council to consider an in-house care home.

110/17 QUESTIONS WITH NOTICE FROM MEMBERS OF THE COUNCIL

(Agenda Item 8)

28 Questions with notice were asked. Details of where questions and answers and supplementary questions and answers (where asked) are set out in Annex 1 to the Minutes.

In relation to question 9 (Question from Councillor Charles Mathew to Councillor Harrod), Councillor Harrod gave an undertaking to encourage co-operation between the school sectors.

In relation to question 22 (Question from Councillor Howson to Councillor Harrod), Councillor Harrod gave an undertaking to provide Councillor Harrod with a written answer as to whether there was any requirement for all new schools to be 'free schools'

111/17 REPORT OF THE COUNCIL

(Agenda Item 9)

The Council received the report of the Council.

112/17 INTERIM ARRANGEMENTS FOR TAKING EMERGENCY DECISIONS IMMEDIATELY FOLLOWING THE COUNTY COUNCIL ELECTIONS

(Agenda Item 10)

Under the provisions of section 7 of the Local Government Act 1972 (as amended), all the existing County Councillors would retire together on the fourth day following the elections (i.e. on 9 May 2017) and the newly elected and re-elected Councillors would take office from that day. All positions under the Council's political management arrangements except for the Chairman and Vice-Chairman of the Council and the Leader (for each of which there was a specific statutory exemption) fall vacant on that day, until they were filled at the first meeting of the County Council on 16 May 2017. In terms of formal member decision making there would therefore be a hiatus during this period and some provision would need to be made in the event that any urgent decisions are required.

Under the Constitution the Chief Executive had delegated power to take any Executive or non-Executive decision after consultation with the appropriate Director and following consultation with the Leader and Deputy Leader of the Council or (in the case of non-executive functions) the relevant Committee Chairman and Deputy Chairman. As these positions would not be confirmed until 16 May 2017 this delegation would need to be temporarily varied so that these powers could be exercised following consultation with the Chairman and Vice-Chairman of the Council and the Leader.

RESOLVED: (on a motion by Councillor Waine seconded by Councillor Patrick and carried nem con) to agree a temporary variation to Part 7.2 of the Constitution Specific Powers and Functions of Particular Officers with effect that from 9 May to 16 May 2017 paragraph 6.3 (c) is to be read as follows:-

“(c) Any function of the Cabinet or of a Council committee or sub-committee, after consultation with the appropriate Director and thereafter with the Chairman and Vice-Chairman of the Council and the Leader, as appropriate.”

113/17 CONSTITUTION REVIEW

(Agenda Item 11)

Under the Constitution, the Monitoring Officer was required to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements were given full effect. This included making recommendations to Council on any necessary amendments. The Monitoring Officer was authorised to make any changes to the Constitution which were 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 would only be made by Full Council, following a recommendation of the Monitoring Officer. The Council had before it a report

(CC11) which therefore recommended one change for Council's approval; noted that the Monitoring Officer would make any consequential changes to the Constitution arising from the Senior Management Review; and listed certain changes made by the Monitoring Officer under his delegated powers, for noting.

RESOLVED: (on a motion by Councillor Waine, seconded by Councillor Patrick and by 53 votes to 0, with 1 abstention) to:

- (a) agree the proposed change to the Council Procedure Rules outlined at paragraph 6 of this report (Financial Procedure Rules, write off provisions);
- (b) note that the Monitoring Officer will make any consequential amendments to the Constitution arising from the senior management review;
- (c) note the changes already 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 to the report).

114/17 RESPONSE TO THE NHS CONSULTATION ON THE OXFORDSHIRE TRANSFORMATION PROGRAMME

(Agenda Item 12)

On 21 February the Cabinet had considered a paper from the Council leadership team setting out the officers' assessment of the Oxfordshire Clinical Commissioning Group's (OCCG) proposals for the future of health and care services in the County. They agreed the following recommendation, 'to welcome the opportunity to comment on this consultation, acknowledge the difficulties faced by NHS services locally as presented in the OCCGs case for change, but on balance not to support the proposals based on the lack of information on the impact on council services and that of the public.'

Cabinet's views on the proposals were presented to the Oxfordshire Joint Health Overview and Scrutiny Committee (OJHOSC) on 7 March. The OJHOSC was the statutory consultee on substantial developments or variations in the provision of the health service. OJHOSC invited evidence from a wide range of organisations and would be responding to the OCCG consultation with comments and recommendations as well as meeting again to consider whether the OCCG had responded adequately to the issues it had raised.

Due to the scale, impact and interest of all members in the proposals to transform local health services Cabinet wanted to give County Council the opportunity to consider the potential impact on Council services and the public. These views will be collated and fed back to the OCCG as part of the consultation process. According the Council now had before it the report for consideration.

Councillor Heathcoat moved and Councillor Hudspeth seconded that the recommendations set out in the report and on the face on the Agenda be adopted.

There then followed a lengthy debate in which the Council indicated its strong opposition to the proposals and rejected the consultation. The following points were raised during debate:

Members discussed the Oxfordshire transformation proposals in the wider national context of significant financial challenge for the NHS and social care. They wanted to emphasise that they understood that the situation the CCG is facing is a result of national policy. The rising demand for health services and lack of funding to address this was a huge national issue which was being played out locally to the detriment of services for local people.

Members felt that the consultation did not make clear the impact on social care and there was a lack of modelling to accurately assess this. It was felt that the proposals would benefit from a workforce plan setting out how the impact on carers would be managed. It should not be assumed that county council services would be able to absorb the impact of the changes on social care. It was also noted that the care sector is financially very fragile as recent examples of agencies becoming insolvent shows.

Members expressed frustration that no options for alternative delivery options were presented in the consultation. Some members felt this implied a 'fait accompli' as no alternative future arrangements were presented for consideration. It was also unacceptable to expect proposals for substantial bed closures to be agreed without any detail about proposals for the future of services in the community. These would be vital to support changes in the acute system.

There were consistent concerns about the splitting of the proposals into two phases which it was agreed had resulted in a lack of coherent vision for the future of health and care services in Oxfordshire. Furthermore rolling so many specific issues into the consultation had meant that it lacked clarity. Members agreed that the impact of the proposals on primary care would be significant but this was not discussed in this first phase of proposals and was a significant flaw.

Oxfordshire was experiencing significant housing growth and members felt that there was insufficient planning for this in the proposals. Specifically there was concern about Banbury where significant changes to the levels of service at the Horton Hospital were proposed but also in the south of the county at Didcot which was experiencing substantial growth.

Parking and access to hospitals both in Oxford and Banbury was a particular concern to local members whose constituents already experience considerable difficulty accessing appointments.

The Oxfordshire Transformation proposals did not clearly align to the regional STP process and there were concerns about what the additional impact of these proposals would be on local health services. Members felt these proposals lacked transparency.

Following debate, the recommendations, incorporating the views above was put to the vote and was carried by 55 votes to 0, with 1 abstention)

RESOLVED: (by 55 votes to 0, with 1 abstention)

Council is RECOMMENDED to:

- (a) note the views expressed to HOSC by Cabinet on the proposals;***
- (b) identify further concerns, as set out above regarding the proposals;***
- (c) agree for Officers to summarise these further concerns to the OCCG as a response to the consultation;***
- (d) Share these concerns with HOSC to aid their further consideration of the OCCG proposals.***

115/17 MOTION FROM COUNCILLOR LIZ BRIGHOUSE

(Agenda Item 13)

With the Consent of Council, Councillor Brighouse moved and Councillor Heathcoat seconded an amendment to her Motion at the suggestion of Councillor Howson and Councillor Heathcoat as shown below in bold italics/strikethrough:

“Despite:

- paying higher per hour costs than most authorities to our Home Care Providers;
- investing a significant amount of time and resources in enhancing the status of Home Care workers; and
- having changed the contracting arrangements for Home Care;

there is still a perception that this is a low status profession with poor pay and conditions of service. There is now a severe crisis in recruitment of Home Care professionals which is a greater threat to services than the financial challenges.

Oxfordshire County Council therefore asks the Cabinet to ~~start~~ **explore** a process to:

- create a directly employed workforce with training, continuous professional development, fair pay and conditions of service at its core;
- provide training and education opportunities for young people **and adults** in this area of employment and engage with young people in considering the caring professions as a future career path **through apprenticeships and other routes.**”

Councillor Williams moved and Councillor Coates seconded the following amendment as shown below in bold italics/strikethrough:

“Despite:

- paying higher per hour costs than most authorities to our Home Care Providers;
- investing a significant amount of time and resources in enhancing the status of Home Care workers; and
- having changed the contracting arrangements for Home Care;

there is still a perception that this is a low status profession with poor pay and conditions of service. There is now a severe crisis in recruitment of Home Care professionals which is a greater threat to services than the financial challenges.

Oxfordshire County Council therefore asks the Cabinet to ~~start~~ **explore** a process to:

- create a directly employed workforce with training, continuous professional development, fair pay and conditions of service at its core;
- provide training and education opportunities for young people **and adults** in this area of employment and engage with young people in considering the caring professions as a future career path **through apprenticeships and other routes.**”
- **Consider the feasibility of operating at least one care home directly by the Council to set quality standards and be a centre for training. The Council model to also give a clear picture of the true cost of care.**

Following debate, the amendment was put to the vote and was Business lost by 49 votes to 2, with 7 abstentions.

The substantive Motion as amended was then put to the vote and was carried unanimously.

RESOLVED: (unanimously)

“Despite:

- paying higher per hour costs than most authorities to our Home Care Providers;
- investing a significant amount of time and resources in enhancing the status of Home Care workers; and
- having changed the contracting arrangements for Home Care;

there is still a perception that this is a low status profession with poor pay and conditions of service. There is now a severe crisis in recruitment of Home Care professionals which is a greater threat to services than the financial challenges.

Oxfordshire County Council therefore asks the Cabinet to *explore* a process to:

- create a directly employed workforce with training, continuous professional development, fair pay and conditions of service at its core;
- provide training and education opportunities for young people *and adults* in this area of employment and engage with young people in considering the caring professions as a future career path *through apprenticeships and other routes.*

116/17 MOTION FROM COUNCILLOR MELINDA TILLEY

(Agenda Item 14)

With the agreement of Council, Councillor Tilley moved and Councillor Brighthouse seconded her motion as amended by Councillor Brighthouse below in bold italics and strikethrough:

“This Council is concerned about the prevalence of prejudice-related bullying in schools and online, particularly the impact on vulnerable groups.

We are aware that cyber bullying is a growing issue and that some groups of children are more likely to experience and be affected by bullying. This Council, along with the Children’s Trust, and Corporate Parenting Panel, will do everything we can to raise awareness and try to halt this toxic bullying ***and asks the Education Scrutiny Committee to carry out a review in relation to the issue.***”

The Motion as amended was put to the vote and was carried nem con.

RESOLVED: (nem con)

“This Council is concerned about the prevalence of prejudice-related bullying in schools and online, particularly the impact on vulnerable groups.

We are aware that cyber bullying is a growing issue and that some groups of children are more likely to experience and be affected by bullying. This Council, along with the Children’s Trust, and Corporate Parenting Panel, will do everything we can to raise awareness and try to halt this toxic bullying and asks the Education Scrutiny Committee to carry out a review in relation to the issue.”

117/17 MOTION FROM COUNCILLOR HOWSON

(Agenda Item 15)

Councillor Howson moved and Councillor Fooks seconded the following Motion:

“Across Oxfordshire small primary schools serve an important purpose in creating an education system where the school is firmly located within its community. Children can walk or cycle to school: these schools form a vital hub for many communities.

This Council wishes to express concern to the government at Westminster that the new funding formula for schools does not destroy schools with fewer

than 250 pupils unintentionally, as a result of making them financially unviable.

Many of these schools have been part of the education scene in Oxfordshire for more than 150 years.

Around 100 primary schools in Oxfordshire lose money under the proposed new formula and schools set to receive extra funding will be capped below the amount they should receive.

This Council asks the Cabinet Member for Education to write to the Secretary of State for Education to express the concerns of this Council that the proposed new formula could lead to the wholesale closure of small schools, especially as any resulting increase in transport costs would fall on the council tax payers of Oxfordshire and additionally that some Oxfordshire schools will not receive the full funding identified as due to them under the new formula.”

Following debate the Motion was put to the vote and was carried nem con.

RESOLVED: Accordingly.

118/17 MOTION FROM COUNCILLOR MARK CHERRY

(Agenda Item 16)

Councillor Cherry moved and Councillor Mallon seconded the following Motion:

“The Bankside Road is needed urgently if the town is to avoid total gridlock on its roads. Oxfordshire is a net contributor to the National Economy and the North of the County continues to grow with the construction of 8000 houses and the construction of HS2. Therefore more businesses and more vehicles are inevitable. This issue has been talked about for over 30 years and it is now time for action.

"This Council calls on the Leader of Oxfordshire County Council to give urgent consideration of the Bankside link Road and for this to be prioritised in the Banbury area strategy in LTP4.”

Following debate the Motion was put to the vote and was carried nem con.

RESOLVED: Accordingly.

119/17 MOTIONS 17, 18 AND 19

(Agenda Item 17)

The time being after 3.52 pm, motions 17, 18 and 19 were considered dropped in accordance with Council Procedure Rule 13.5.5.

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CC1

..... in the Chair

Date of signing