CABINET

MINUTES of the meeting held on Tuesday, 26 April 2022 commencing at 2.00 pm and finishing at 3.00 pm

Present:

Voting Members: Councillor Liz Leffman – in the Chair

Councillor Liz Brighouse OBE (Deputy Chair)

Councillor Dr Pete Sudbury Councillor Tim Bearder Councillor Duncan Enright Councillor Jenny Hannaby Councillor Mark Lygo

Cabinet Members

Attending remotely: Councillors Neil Fawcett and Calum Miller

Other Members in

Attendance: Councillors David Bartholomew, Donna Ford, Andrew

Gant, Dan Levy

Officers:

Whole of meeting Stephen Chandler, Interim Chief Executive; Bill Cotton,

Corporate Director Environment & Place; Lorna Baxter, Director for Finance; Sukdave Ghuman, Head of Legal

Services; Colm Ó Caomhánaigh, Committee Officer

The Committee 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, and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

47/22 APOLOGIES FOR ABSENCE

(Agenda Item. 1)

Apologies were received from Councillor Glynis Phillips. Councillors Neil Fawcett and Calum Miller attended remotely.

48/22 DECLARATIONS OF INTEREST

(Agenda Item. 2)

There were no declarations of interest.

49/22 MINUTES

(Agenda Item. 3)

The minutes of the meeting held on 15 March 2022 were approved and signed.

50/22 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda Item. 4)

The questions received from County Councillors and responses are set out in an Annex to these Minutes.

51/22 PETITIONS AND PUBLIC ADDRESS

(Agenda Item. 5)

The Chair agreed to the following requests to speak:

Item 7: A40 HIF2 Smart Corridor
Graham Smith
lan Leggett
Councillor Dan Levy

52/22 TREE POLICY FOR OXFORDSHIRE

(Agenda Item. 6)

Cabinet considered a new Tree Policy putting the emphasis on 'Presumption in favour of trees' to maximise canopy cover opportunities and address the Climate Emergency across the Oxfordshire Landscape and Streetscape. Cabinet was recommended to approve the policy and related guidance.

Councillor Pete Sudbury, Cabinet Member for Climate Change Delivery & Environment introduced the policy. He described it as part of a much-needed strategic shift. The old policy viewed trees as something nice to have but saw them largely in terms of costs and risks rather than as assets and something that helps us reduce risks. Under the new policy trees were regarded as critical climate infrastructure. It sets out the need to expand the supply chain for locally grown trees.

The Climate Change Committee outlined 10 principles for successful adaptation. He emphasised four of them: a clear vision, clarity of targets, impact of unpredictable extremes and threshold effects – triggered by particular levels of climate heating. There were two pillars: people and the natural world. The latter will survive no matter what, the question was whether we can accompany it.

There was a broader strategy being worked on but the Climate Change Committee recommended acting quickly on measures such as those in this policy - recognising that tree planting had multiple benefits. He thanked officers for their work on the policy, especially Andy Lederer and Nick Mottram, and also acknowledged the work done by a former Labour councillor for Hackney, John Burke, who led that council's very innovative tree strategy. Many of his ideas informed this policy.

The Chair put the recommendations.

RESOLVED to:

- a) Approve the updated Tree Policy as at ANNEX 1;
- b) Approve the inclusion of related matters into the Street Design Guidance:
- c) Support the additional information provided as 'Application of Tree Policy Guidance' as set out at ANNEX 2.

53/22 A40 HIF2 SMART CORRIDOR - COMPULSORY PURCHASE AND SIDE ROAD ORDERS

(Agenda Item. 7)

Cabinet's approval was sought for the Statement of Reasons and Orders Plans and approval to make the Compulsory Purchase and Side Road Orders in relation to the A40 HIF2 Smart Corridor Scheme, a Housing Infrastructure Fund funded highway and transport improvement scheme.

Before considering the report, Cabinet heard three speakers:

<u>Graham Smith</u> stated that from 2017 they had objected to the design of the Eynsham Roundabout and were told at the time that any alternative designs were not possible because: "we don't own the land". This opportunity can be taken now to solve it.

Two distinct westbound exit lanes have been newly defined which are very dangerous and limiting to active travel. The consultants were using the DRMB manual which was not appropriate, being for motorways and roads such as the A34 and A40. Since January 2022 he has been awaiting receipt of Road Safety Audits which were promised.

In the designs there was no apparent consideration of the likely trajectories from the new development at Salts Cross and Eynsham. He asked that the officers address redesign of significant parts of this project and urged them not to use AECOM consultants.

<u>lan Leggett</u> stated that the A40 corridor had been conceived as a programme with two major components: building a dual carriageway and improving public transport. Active travel was seen as disposable and the only new segregated cycle path in the scheme - the B4044 path - was removed.

There was now a growing recognition that active travel provision was critically important if the scheme was to contribute to broader council policies. After two years of discussions there was the potential to create a continuous and integrated network providing safe and segregated active travel linking Witney and Eynsham, Salt Cross and parts of Long Hanborough, Farmoor, Botley, North Oxford and Summertown.

An additional crossing near the A40 Eynsham roundabout was needed. Without it the lives of cyclists and pedestrians and mobility aid users were at risk. The stakeholder group was waiting to hear whether this Cabinet was prepared to get behind the proposal for an additional crossing creating a coherent, safe and continuous active travel network.

Councillor Dan Levy, Eynsham, welcomed improvements made to the scheme which should make cycling facilities better – though there will not be one extra metre of cycle lane created. Bus times should be improved a bit. Eynsham was already well connected by bus and used as a park and ride. There will also be improvement to the traffic lights at Cassington.

However, he believed there were still a lot of flaws and that the problem with peak time congestion had not been solved. Extra traffic lights and more development will make the problems worse. The only solution was to get people out of their cars.

He believed that the new roundabout at Barnard's Gate will replicate the problems already seen at other roundabouts on dual carriageways. The road would become a barrier between old Eynsham and new Eynsham with crossing required to access schools and the medical centre. These crossings need to be safe and direct if we want to encourage active travel.

Councillor Duncan Enright, Cabinet Member for Travel & Development Strategy, thanked the speakers for keeping a watching brief on this project and said that he would follow up on the road safety audit. He agreed that the Eynsham roundabout was a real challenge. An underpass was the preferred solution. It was not part of this proposal but was being actively pursued.

He noted that the government was creating a new Active Travel England agency as part of the move to encourage active travel. While this scheme was designed without active travel particularly in mind, he believed that it would help make such improvements easier to implement across the area rather than piecemeal.

This report was another stage in the process but it was at the planning stage that they would see the real details of the design. There was also the feasibility study into rail options and Cabinet had already looked at designs for the transport interchange hub which would also be of benefit to local residents.

He urged Cabinet to accept the recommendations in order to keep the delivery of the project on track. He emphasised that the cycling infrastructure would be delivered to a very high standard.

Councillor Tim Bearder thanked the speakers and said that he agreed with the points they were making. He had been a candidate in Eynsham in 2017 and was familiar with the problems. He believed that the A40 was broken but that more roads were not the solution. Rail was the only long term solution and this administration had started the process of looking at that. The previous administration had taken out the active travel aspect of the scheme but this administration was bringing it back in its Active Travel 3 proposals. He did not believe the proposed A40 scheme would work. There were pinch points that there was not the money to widen. The Oxford North scheme and other developments would increase traffic.

Wales had decided to review its road schemes but if a county council took such a step they would run the real risk of the government taking away funding and giving it to road projects somewhere else.

Nevertheless, he had a real difficulty supporting this scheme and would have to abstain. It was over budget and would run further over budget, would not solve the traffic problems and did not contain enough active travel options.

The Chair noted that this was a legacy project and they were trying to make the best of it but did not have the option to stop and start again. The residents of the new low or zero carbon developments going in around Eynsham needed to be provided with the means to travel in that way as well.

The Chair put the recommendations and they were agreed with one abstention.

RESOLVED to:

- a) Confirm that the acquisition of the land identified on the map attached to this report (Annex B) ("the Order Map") being the map accompanying The Oxfordshire County Council (Highways Infrastructure A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) Compulsory Purchase Order 2022 ("the CPO") is necessary for highway purposes;
- b) Approve the Joint Statement of Reasons (Annex A) for the CPO and The Oxfordshire County Council (Highways Infrastructure A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) (Side Roads) Order 2022 ("the SRO"), together with approving the CPO, the Order Map, the SRO and the plans accompanying the SRO ("SRO Plans") all substantially in the form annexed to this report but to delegate to the Corporate Director Environment & Place following consultation with the Director of Law & Governance, authority to modify them as necessary;
- c) Authorise the Director of Law & Governance to make The Oxfordshire County Council (Highways Infrastructure A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) (Side Roads) Order 2022 ("the SRO") to enable the stopping-up, diversion, alteration, improvement and creation of new lengths of highway or reclassification of existing highways, and giving authority to the acquisition of necessary land pursuant to the CPO and that the Common Seal of the Council be affixed to the SRO and to

the SRO Plans. The SRO also enables the stopping up of private means of access as necessary where the scheme design necessitates and re-provision of private means of access:

- d) Authorise the Director of Law & Governance to make The Oxfordshire County Council (Highways Infrastructure A40 HIF2 Smart Corridor (Hill Farm to Dukes Cut)) Compulsory Purchase Order 2022 pursuant to Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (as amended) and Part II and III to Schedule 2, and Schedule 3 to the Acquisition of Land Act 1981 for the purpose of acquiring the land and interests shown on the Order Map and described in the Schedules to the CPO (or such lesser area of land should this in his opinion be appropriate) to facilitate the construction of new highway on such land and that the Common Seal of the Council be affixed to the CPO and to the Order Map;
- e) Authorise the Director of Law & Governance to advertise the making of the CPO and the SRO and to submit the CPO and SRO to the Secretary of State for Transport for confirmation, together with authorising the Director of Law & Governance to take all other relevant action thereon to promote the confirmation of the CPO and the SRO:
- f) In the event that any Public Inquiry is convened to consider objections to the CPO and/or SRO and/or planning application (by way of a call-in decision), to authorise the Director of Law & Governance, in consultation with the Corporate Director Environment & Place to prepare and submit such evidence as is necessary in support of the CPO and/or SRO and/or planning application, including enlisting the assistance of outside consultants, legal advisors and Counsel to assist in the preparation and presentation of such evidence;
- g) As soon as the CPO and the SRO have been confirmed and become operative, to authorise the Director of Law & Governance to comply with all associated requirements in respect of personal, site and press notices of confirmation and to make, seal and give notice of a General Vesting Declaration (or declarations where more than one is required) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to serve Notices to Treat and Notice of Entry in respect of those properties to be acquired compulsorily;
- h) Authorise the Corporate Director Environment & Place in consultation with the Director of Law & Governance to negotiate terms with interested parties for the purchase by agreement or payment of compensation in accordance with the Compensation Code in respect of any interests or rights in or over any land

included in the CPO and, where appropriate, to agree terms for relocation;

- Authorise the Director of Property in consultation with the Director of Law & Governance to complete the acquisition of such interests or rights and their transfer to the Council;
- j) In the event that compensation for the acquisition of land and/or rights cannot be agreed between the relevant parties, to authorise the Director of Law & Governance to make a reference to the Upper Tribunal (Lands Chamber) for determination of such compensation together with such other questions as may be necessary to determine, including the engagement of appropriate external legal advisors and surveyors and other experts, as required;
- k) In the event that any question of compensation in relation to the acquisition of land and/or rights is made by way of a reference to the Upper Tribunal (Lands Chamber) (whether by the claimant or the Council) to authorise the Director of Law & Governance to take all necessary steps in relation thereto, including advising on the appropriate uses and compensation payable and issuing the appropriate certificates.

54/22 HIGHWAY WORKS BOND FOR DEVELOPMENT WITH PUBLIC BODIES

(Agenda Item. 8)

Cabinet had before it a report seeking approval for delegated powers to negotiate alternative Section 278 bond solutions with recognised Public Bodies to the Corporate Director for Environment & Place.

Councillor Duncan Enright, Cabinet Member for Travel & Development Strategy, introduced the report and invited Bill Cotton, Corporate Director Environment & Place, to describe the details.

Bill Cotton stated that it was normal to seek a bond from third party partners involved in public highway works to give assurance that work will be done to a high enough standard. If it was not, then the money from the bond was there to rectify the matter. It has been the practice to seek the same from public sector partners such as Network Rail or the Department of Education but this gave rise to budget problems for them as they had to find extra funding.

It would be much more efficient for the tax payer if we do not take those bonds from trusted public sector partners. It is proposed that he, as Corporate Director Environment Place, in consultation with the Cabinet Member and the Director of Finance, could agree those exceptions and that any over £5m would be reported to Cabinet.

Councillor Enright added that this should reduce administration costs and it was important to note that public bodies were not going to go bankrupt and different remedies could be sought should there be problems.

The Chair put the recommendations which were agreed.

RESOLVED: to delegate powers to negotiate and put in place alternative solutions to a conventional Section 278 Agreement Bond with Public Bodies to the Corporate Director for Environment and Place in consultation with the Director of Finance.

55/22 DELEGATED POWERS - APRIL 2022

(Agenda Item. 9)

It was noted that there were no delegated decisions taken by the Chief Executive during the period January to March 2022.

56/22 FORWARD PLAN AND FUTURE BUSINESS

(Agenda Item. 10)

The Cabinet considered a list of items (CA10) for the immediately forthcoming meetings of the Cabinet together with changes and additions set out in the schedule of addenda.

RESOLVED:to	note the	items c	urrently	identified	for forthcoming	meetings.
				in the	Chair	
Date of signing .						

ITEM 4 – QUESTIONS FROM COUNTY COUNCILLORS

Questions

1. COUNCILLOR FREDDIE VAN MIERLO

In reply to a question at the last Cabinet meeting you told me that "There will be no East West corridor. This scheme [HIF1] will form no part of a through route for strategic travel. This is a route for local use not a through route as you so rightly say and we have the powers and the flexibility to be able to make that the case and to make that irrevocably the case."

We know that National Highways are working on a solution to reduce the traffic on the A34 and we know that one of their previous plans to do this was to build an East West corridor between the A34 and the M40 south of Abingdon. If they should propose this again, could you outline what powers we have to make sure this is irrevocably not the case?

Cabinet Member

COUNCILLOR DUNCAN ENRIGHT, CABINET MEMBER FOR TRAVEL & DEVELOPMENT STRATEGY

National Highway are currently progressing a study called 'A34 improvements north and south of Oxford.' This study is looking at options to principally address congestion and safety issues on the A34 between the M4 and M40 junctions. National Highways have not shared any information on options with OCC, but say that they may undertake a non-statutory consultation on these this summer, subject to central government sign-off. The County Council would need to consider any proposals carefully before responding to this consultation, in particular taking into account our emerging Local Transport and Connectivity Plan, but also any more specific plans we have for transport measures across Oxfordshire, for example the current Oxford proposals.

In terms of next steps following any non-statutory consultation, National Highways would then need to produce an outline and then full business case to secure funding, alongside undertaking any required formal planning submissions. This is likely to be in the form of a Development Consent Order (DCO) process, which would include an examination in public. The DCO process would be overseen

Questions	Cabinet Member
	by the Planning Inspectorate, with recommendations on whether to progress with granting of permission given to the Secretary of State for a final decision. The County Council as the Highway Authority would be a statutory consultee in this process.
	Further information on the A34 study is at the following link:
	A34 improvements north and south of Oxford - Highways England (nationalhighways.co.uk)
	Further information on the Development Consent Order planning process is at the following link:
	The process National Infrastructure Planning (planninginspectorate.gov.uk)'
2. COUNCILLOR FREDDIE VAN MIERLO	COUNCILLOR DUNCAN ENRIGHT, CABINET MEMBER FOR TRAVEL & DEVELOPMENT STRATEGY
The paper published for Cabinet March 15th 2022, Didcot Garden Town Housing Infrastructure Fund (HIF1), stated without HIF1 a lack of infrastructure may impact strategic development sites, including Chalgrove Airfield. Notwithstanding that SODC's Local Plan explicitly states that it is not reliant on the site within the first 5 years, and no building is anticipated until 2025/6 at the very earliest,	reference to HIF Dicot scheme directly in relation to Chalgrove was an error. Chalgrove site is not linked to the HIF infrastructure or the business case for the funding. However, it is acknowledged that the HIF scheme will support the wider transport networks across South and Vale.

Questions	Cabinet Member
the airfield development has never been named in HIF1 applications. Will the Cabinet member correct the record that Chalgrove Airfield is not a reason to deliver the HIF1 project? Can you also report back as to why this development was referred to in the paper?	
3. COUNCILLOR DAVID BARTHOLOMEW	COUNCILLOR GLYNIS PHILLIPS, CABINET MEMBER FOR CORPORATE SERVICES
I am advised that the council is to spend £5000 per annum on a councillor aid system called 'Caseworker'. That amounts to £15,000 between now and the end of your administration in 2025. The Conservative Group has already declared it has no use for this system, and only 12 councillors across all parties have indicated interest. Why are you unnecessarily spending so much council-taxpayer money on this indulgence wanted by less than 20% of councillors?	Caseworker.gov is a casework management tool that allows for easy monitoring and responding to residents' queries and comments with improved workflow for elected members, particularly for the management of workloads and assistance with engagement with residents. Whilst 12 councillors have expressed an interest in being involved so far this can be easily expanded if others would like to use the system, at a cost of under £200 per additional user. We are committed to providing modern and effective ICT tools and equipment to support all Members in their roles and answering residents' queries and comments is an essential element of the councillor role. Please get in touch directly with the ICT team if you would like to use the tool.
Supplementary	Response
Thank you for your response and invitation to contact IT, which I will respectfully decline as I have no use for the system nor has the majority of councillors.	The offer of a software package is in response to the increasing number of questions and queries that members are receiving from residents. The aim is to increase the

Questions	Cabinet Member
You've explained that the system is easy to expand but that doesn't answer the question: Why is the administration spending £15,000 on a councillor-aid system not wanted by over 80% of councillors?	efficiency of members by providing a tool which improves contacts with residents. Some members are content with the systems that they have put in place but modernising the way we work is vital to improve the efficiency and effectiveness of the Council. The offer is still open to all members.
4. COUNCILLOR JOHN HOWSON	COUNCILLOR LIZ BRIGHOUSE, DEPUTY LEADER and CABINET MEMBER FOR CHILDREN, EDUCATION & YOUNG PEOPLE'S SERVICES
In their recent White Paper on Education the government reiterated the statement from their previous White Paper that they would review the working of the 'in-year' admissions process. As the County is both corporate parent for children in care and also responsible for part of the in-year admissions process, can the Cabinet Member please identify: A] how many children taken into care since the May 2021 County elections, and requiring a change of school, have had to wait more than 21 days for a new school place? Of these children, how many were placed in-county and how many out-county?	In response to part A) 58 children of Reception to Year 11 age who required a change of school have been taken into care since the May 2021 County elections. Of these 4 waited more than 21 days for a new school place. Of the 4, 1 child waited 21 days or over for a change of school in Oxfordshire and 3 waited 21 days or over for an out of county school placement. Therefore 6.8% of the 58 had to wait over 21 days for a school place.
B] how many children with SEND seeking an in-year place since the May 2021 elections had to wait more than 21 days for a place, and whether any parents had to resort to	In response to part B) Unfortunately, the SEND Team do not currently store the data requested in a format that allows an easy response to this

Questions	Cabinet Member
a Tribunal to achieve a school place?	question, this is not part of the captures that take place and so we are currently unable to let the councillor know how many children with an EHCP are placed in year in more than 21 days. This is because the SEND Team have different admissions processes and timeframes. It should also be noted that the education directorate is moving across to a single Business System called Liquid Logic, which will see all teams within the directorate using the same IT system from August 2022 onwards. From that point, complex data collection and analysis should be significantly enhanced from the current situation which is reliant upon spreadsheets and manual processing.
5. COUNCILLOR ANDREW GANT	COUNCILLOR DUNCAN ENRIGHT, CABINET MEMBER FOR TRAVEL & DEVELOPMENT STRATEGY
Active Travel provision on Woodstock and Banbury Roads There has been public discussion recently about infrastructure schemes in the Growth Deal, in particular the Woodstock and Banbury Roads Corridor projects, both of absolutely fundamental importance to the safety and amenity of residents of my division and others.	The Woodstock and Banbury Road projects are currently on the list of growth deal schemes with a limited amount of funding. The Growth Deal schemes list undergoes regular review to ensure Oxfordshire is delivering the best possible outcomes in line with the Growth Deal objectives. Any changes to schemes in the capital programme will be made through the proper decision-making process.
Will the Cabinet member confirm that these projects have not been "scrapped", but will be kept under active consideration as part of any review of the Hfl list?	As pointed out, this administration is committed to improvements in active travel, and these two key corridors into the city are no exception. The council will take every

Questions

Will he confirm that this process sits with elected members, and will be conducted in a fully open and democratically accountable way, with full opportunity for members to contribute on behalf of their residents?

Whatever the outcome of this process, will he commit the Council to delivering substantive improvements to Active Travel on these key routes, in line with the publicly-stated principles of the Oxfordshire Fair Deal Alliance and the very welcome unequivocal commitment to Vision Zero, in the shortest possible time-frame?

If these schemes are considered for movement within the Growth Deal in response to external pressures and wider policy considerations, what assurances can he give on where the funding for improving these roads will come from, and on what timescales?

Notwithstanding any wider discussions, would he consider asking our excellent Active Travel and other officer teams to look at some of the more obvious anomalies in the current provision, such as bike lanes not reaching access points for schools, with a view to short-term mitigation?

Finally, as a representative of a Witney division, could the Cabinet member share his own impressions of entering

Cabinet Member

opportunity to secure funding to deliver its priorities, but I cannot guarantee when such funding may become available. We are committed to improving transport links in and out of the city, including active travel, and the ongoing work with the Central Oxfordshire Transport Strategy will help define this ambition.

Entering Oxford from the A40 in the West on a bike is an interesting experience, particularly given the Oxford North gateway works. The objective of these, and of the A40 scheme as a whole, is to open up a safe and comfortable route for active travel from Oxford to the western towns and villages of Oxfordshire. The continued journey down Woodstock Road is relatively sheltered for cycles by the bus lane, but the quality of the surface is not great and junctions (particularly Wolvercote roundabout) are a block to easy travel - by any mode, but particularly on foot or by bike. We have a lot of work to do to make Oxford as good as the best places to cycle, but that is our objective.

Questions	Cabinet Member
Oxford via these routes? Does cycling round the Wolvercote roundabout and down the Woodstock Road live up to the confident billing passed <i>en route</i> that Oxford is "A Cycling City"?	
Supplementary Will the Cabinet Member confirm that no decisions have been made about a review or changes to the list of growth deal schemes and, when he says that any decisions will be taken through the proper decision-making process, will he also confirm that Members will have a full opportunity to engage with that process and to input into it?	All of the so-called "growth board" schemes are reviewed regularly both as a programme in their own right, and as part

Questions	Cabinet Member
	-infrastructure-strategy-oxis.
	The governance structure when deciding on priorities is complex as it includes national as well as local partners. However the simple decision making map is provided as a guide below.

