

**Scrutiny reports
and
minutes of previous CEB meeting
for
City Executive Board - Wednesday 13 March 2019**

7. **Scrutiny Committee Reports** (Pages 3 - 14)

18. **Minutes** (Pages 15 - 18)

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To: City Executive Board
Date: 13 March 2019
Report of: Scrutiny Committee
Title of Report: Scrutiny Committee Recommendations Concerning Street Art and Graffiti

Summary and recommendations	
Purpose of report:	To present Scrutiny Committee recommendations concerning Street Art and Graffiti
Key decision:	No
Scrutiny Lead Member:	Councillor Andrew Gant, Chair of the Scrutiny Committee
Executive Board Member:	Councillor Tom Hayes, Board Member for Safer, Greener, Environment
Corporate Priority:	A Clean and Green Oxford; Strong and Active Communities
Policy Framework:	Corporate Plan 2016 - 2020
Recommendation: That the City Executive Board states whether it agrees or disagrees with the recommendations in the body of this report.	

Introduction and overview

1. The Scrutiny Committee requested an agenda item focused on graffiti prevention and removal as part of its annual work plan for 2018-19. At its meeting on 5 February 2019, the Scrutiny Committee considered a report concerning the use of Street Art in the City, and a proposal to change the Council's approach to removing graffiti from private property. The Committee would like to thank Councillor Hayes, Board Member for Safer, Greener Oxford, and Councillor Chapman, Board Member for Customer Focussed Services, for attending the meeting. Thanks also go to Allison Cassidy, Anti-Social Behaviour Case Manager, and Bruce Thompson, City Centre and Streetscene Services Manager, for their support at the meeting.

Summary and recommendations

2. The Committee was pleased to note that despite significant increases in the number of instances of graffiti recorded between 2015 and 2017, the Council had equally

increased its rates of removal to match this challenge. This should be seen as a success for the Council, and councillors commented specifically on the good work and responsiveness of Oxford Direct Services (ODS) and the Anti-social Behaviour Investigation Team (ASBIT). The Committee also shared the Board Member for Safer, Greener Oxford's commendation of the work of Allison Cassidy, who had developed strong links with local artists to the benefit of the City.

3. The Committee heard from the Board Member for Customer Focused Services that ODS, a wholly owned company of the Council, would now be seeking to remove graffiti from private property in public spaces within 48 hours for free (with the exception of larger commercial ventures, which ODS would continue to ask to pay), where it was safe to do so and consent was gained. It was also positive to see that high response standards would be set for the removal of offensive graffiti.
4. In light of previous instances of issuing Community Protection Notices and fines to private property owners who did not remove graffiti, this was seen as an unfavourable option as it served to penalise people who had already been the victim of a crime. It was positive and understandable that the issuing of CPNs had therefore been limited to being used only once under the previous policy.
5. On that basis, broad support was given for the new approach, particularly in light of the evidence base which suggests quick removal deters further instances of graffiti. The Committee also welcomed the approach of seeking blanket waivers from utility companies to permit the Council to remove graffiti from their property, given that utility companies had not always been particularly reactive to single instances of graffiti.
6. The Committee highlighted and discussed the possible correlation between the declining number of youth services in the City and the rising instances of graffiti. It was explicitly noted however that graffiti is perpetrated by people of all ages, and is not isolated only to younger generations. This is part of a wider challenge that the City faces in ensuring there are appropriate community activities and support services available, which have declined in recent years due to County Council and Central Government funding cuts.
7. It was noted that the extent of the new approach may mean that more time and resources will be used to tackle graffiti, but time would equally be saved by avoiding the previous burdensome process of convincing private property owners to pay for the work themselves. The demand this new approach places on the resources of the Council and ODS should therefore be monitored. The Committee noted that the Council will continue to charge larger commercial ventures for the removal of graffiti however, but the way in which larger ventures would be defined could be clearer.

Recommendation 1: That the Council considers how best to define 'larger commercial ventures' when requiring such private land owners to pay for the removal of graffiti, to ensure the policy is applied consistently.

8. The Committee recognised that there is a distinction between street art and graffiti. The former can represent an expression of the values and views of a community and have a very positive effect when developed in consultation with residents. The latter can be an unacceptable blight on the public realm.

9. The appreciative enquiry organised by the ASBIT team in 2015, which involved over 60 people, resulted in free wall space being provided for local artists to use in South Park. The Committee was pleased to note that since then, instances of graffiti had reduced significantly. Equally, at the Murco Site in 2017, a well sized consultation identified broad public support for free wall space in the area. The Committee agreed that street art was most valuable where it involved consultation with a wide range of stakeholders, and was well placed (for example, not on historic structures).

Recommendation 2: That the Council engages more widely with residents and other stakeholders (for example through an appreciative enquiry) concerning the use of Street Art in deterring graffiti in and around Meadow Lane.

10. Councillors highlighted that commercial security shutters were often targeted overnight for graffiti, and this was unsightly once the shops were closed. The Committee wished for the Council to look at more creative ways of deterring graffiti on these shutters, possibly through the use of street art. This could be particularly effective where the properties are owned by the Council, and consent is gained from the lessee.

Recommendation 3: That the City Executive Board considers how the Council can be creative in deterring graffiti on the commercial security shutters of retail units owned by the Council, to improve the public realm. This could be achieved through the use of street art projects, for example.

11. The Committee notes that Oxford Direct Services delivers a significant amount of services on the Council’s behalf. Going forward, there could be more clarity in the decision making process about which matters are reserved to decision making within the Council, and which matters remain operational, and reserved to ODS. The Committee expects that all matters reserved to the Council will continue to be open to pre-decision scrutiny in the normal way.

Recommendation 4: That the Council ensures that decision making processes relating to the delivery of services through Council-owned companies remain open to pre-decision scrutiny, where those matters are reserved for decision making within the Council.

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Appendix 1 – Draft City Executive Board response to recommendations of the Scrutiny Committee made on 5 March 2019 concerning street art and graffiti

Draft response provided by the Board Member for Safer, Greener Oxford

<i>Recommendation</i>	<i>Agree?</i>	<i>Comment</i>
<p>Recommendation 1: That the Council considers how best to define 'larger commercial ventures' when requiring such private land owners to pay for the removal of graffiti, to ensure the policy is applied consistently.</p>	<p>YES</p>	<p>Larger Commercial Ventures are any business that has more than one premises. For smaller businesses Oxford City Council would seek to remove graffiti of up to 4m².</p> <p>Any racist, obscene, homophobic or hate related graffiti in the public domain will be removed or obscured on all businesses (but only the graffiti that fall into one of the aforementioned categories). All remaining graffiti will be charged as above.</p>
<p>Recommendation 2: That the Council engages more widely with residents and other stakeholders (for example through an appreciative enquiry) concerning the use of Street Art in deterring graffiti in and around Meadow Lane.</p>	<p>YES</p>	<p>We currently satisfy this recommendation—the Council engages as widely as possible. We have officers who have strong relationships with community figures and manage street art projects inclusively, and this is an asset to the Council and one we should recognise.</p> <p>As with previous street art projects (for example, at the Murco site) Council officers will continue to engage widely and intensively with residents and all those with a direct interest in the proposal to have street art. So far City officers from the Community Response Team have met with Local Councillors for the Meadow Lane project along with the Chair of Iffley Fields Residents Association (IFRA). The Board Member has been in contact with Local Councillors and interested residents. Officers and Ward Councillors have scrutinised the proposed art project for the Meadow Lane site and an officer has met twice with the Sisters at the convent (they own the wall and have sought street art for it). An officer has met with the artist in residence at local primary school, St Mary and St John to discuss the community project; designed a consultation document approved by the Public Involvement Project Briefing; and is arranging to carry out the consultation. An officer is attending the IFRA AGM to speak to local residents and introduce the consultation document before carrying out consultation.</p>

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<p>Recommendation 3: That the City Executive Board considers how the Council can be creative in deterring graffiti on the commercial security shutters of retail units owned by the Council, to improve the public realm. This could be achieved through the use of street art projects, for example.</p>	<p>YES</p>	<p>As we were referring to Council-owned properties within the meeting, I would welcome local Councillors identifying the premises that would benefit from street art. We would then seek funding for street artwork and link up with local street artists to arrange projects.</p> <p>Any significant intensification of the street art programme would require financial support and further support by all City Councillors. It would be welcome to the CRT to have this funding and support.</p>
<p>Recommendation 4: That the Council ensures that decision making processes relating to the delivery of services through Council-owned companies remain open to pre-decision scrutiny, where those matters are reserved for decision making within the Council.</p>	<p>YES</p>	<p>The City Executive Board supports the principle that any substantive change to Council policy, whether delivered directly through the Council or commissioned through its wholly-owned companies, remains open to pre-decision scrutiny.</p>

To: City Executive Board
Date: 13 March 2019
Report of: Scrutiny Committee
Title of Report: Scrutiny Committee recommendations concerning the Council's approach to a City Centre Public Space Protection Order (PSPO).

Summary and recommendations	
Purpose of report:	To present Scrutiny Committee recommendations for City Executive Board consideration
Key decision:	Yes
Scrutiny Lead Member:	Councillor Andrew Gant, Chair of the Scrutiny Committee
Executive Board Member:	Councillor Tom Hayes, Board Member for Safer, Greener, Environment
Corporate Priority:	Strong and Active Communities
Policy Framework:	Corporate Enforcement Policy, Anti-social Behaviour Policy
Recommendation: That the City Executive Board states whether it agrees or disagrees with the recommendations in the body of this report.	

Introduction and overview

1. On 5 March 2019, the Scrutiny Committee reviewed a reporting concerning the Council's approach to the City Centre Public Space Protection Order (PSPO), which is due for consideration by the City Executive Board on 13 March 2019. This report sets out four recommendations for the Board to consider. The Committee would like to thank Councillor Hayes, Board Member for Safer, Greener Oxford, and Richard Adams, Community Safety Service Manager, for attending meeting.
2. The Committee would also like to thank Councillor Aziz for attending to address the Committee. She said that there had been local instances of violence and abuse against rough sleepers in the City, and advocated for the development of a rough sleeper protection order. Further, that rough sleepers should in no way be criminalised by any Public Space Protection Order. The Committee noted the Board Members statement that the Council does not, and would never, criminalise homelessness and rough sleeping.

Summary and recommendations

3. The City Executive Board report proposed to undertake a consultation with local residents and businesses about what they see as acceptable behaviours, and the appropriateness of a City Centre Public Spaces Protection Order (PSPO) for tackling certain inappropriate behaviours. This consultation would run prior to any further consultation, required by statute, if the Council decided to take forward the PSPO option. There was general, but not unanimous support for undertaking a consultation on acceptable behaviours, but there were a number of reservations expressed about the use and appropriateness of PSPOs.
4. From the outset, the Committee were of the view that residents and visitors had the right to feel safe in the city centre. The Committee noted that under the previous PSPO, which expired in January 2019, 18 second aggressive begging warnings had been served. 16 of these notices were served on people experiencing substance misuse issues. Some councillors were of the view that this demonstrated that the PSPO disproportionately affected vulnerable people. There were also wider comments around the subjective nature of behaviours such as aggressive begging.
5. The Committee discussed whether the Council was conflicted in its work with vulnerable people. On the one hand, the Council commissions a wide range of services to support rough sleepers and other vulnerable and hard to engage with groups, whilst at the same time a PSPO may penalise people and make people wary of engaging with services. It was noted that the operation of PSPOs was principally a deterrent, and the data showed that of the nearly 1,000 incidents, enforcement action was only used on six occasions.
6. The Committee discussed how the consultation should ensure that a wide range of views are gathered, and that a spread of responses are received. For example, councillors said that businesses and other local organisations were experienced in providing consultation responses and engaging with the Council. Rough sleepers and people experiencing mental health issues may feel less able to contribute.
7. Accordingly, the Committee was of the view that a targeted approach was needed to ensure that a broad range of responses were received to the consultation, and that vulnerable people are supported to overcome any barriers to providing a full response. The consultation should include organisations that support rough sleepers and people experiencing mental health issues also. The Committee noted from the Board Member that the intention was to consult widely, and specifically with people who may be vulnerable, as set out in the report.
8. Councillors were also of the view that the Police were essential stakeholders in this issue, and they should be invited to contribute. In particular, they should be asked of the value of PSPOs, what their capacity is to carry out such enforcement action, and what alternative powers they might use to deal with inappropriate behaviours.
9. In addition to rough sleepers, vulnerable people and the Police, the Committee noted that recent Local Government Association guidance on the use of PSPOs encouraged local authorities to “actively seek out stakeholders who might oppose

the proposals during their consultation.”¹ Accordingly, the Committee endorses this approach.

Recommendation 1: That the Council ensures that the consultation on acceptable behaviours in the City Centre actively seeks out the views of:

a) People who sleep rough and related third sector support organisations, as well as other vulnerable groups and their associated bodies.

b) Thames Valley Police.

c) People who are likely to oppose the introduction of PSPOs.

10. The Committee was conscious that presenting people with a list of behaviours, and asking which they considered to be inappropriate, would be a leading approach. Indeed, the City Executive Board report did not propose such an approach. However, the Committee were clear that in line with recommendations made by the Local Government Association, the consultation should be carried out in an open way, as not to influence respondents.

Recommendation 2: That the consultation on acceptable behaviours presents information objectively, and that questions are phrased in an open way.

11. The Local Government Association recommends that, in scrutinising proposals for introducing PSPOs, thoughts should be given to what alternative approaches can be taken to achieve the same outcome. This Committee believes the decision making process could benefit from having more information on what the alternative approaches are available, even if only to rule out those approaches. It would therefore be helpful if any further reports to the City Executive Board concerning public behaviours set out various alternative approaches to managing unacceptable behaviours. This is important to ensure that all options are considered, but also in demonstrating that the Council has given due consideration to the alternatives.
12. In order to provide assurance that the consultation has reached a wide range of contributors, and for the purposes of openness and transparency, a published list which identifies the organisations that have been asked by the Council to contribute to the consultation would be welcome.

Recommendation 3: That any subsequent City Executive Board report concerning PSPOs discusses alternative approaches to managing unacceptable behaviours, and the benefits and limitations of such approaches. This report should also set out a list of consultees the Council has approached as part of the acceptable behaviours consultation.

13. The Committee is aware that violence is both a cause and unfortunate consequence of rough sleeping, and that people who sleep rough are much more likely to experience violence than the wider population.² Recently, there have been some instances national and locally of heinous abuse towards rough sleepers. Therefore,

¹ Local Government Association, 2018. Public Space Protection Orders: Guidance for Councils. Available at: <https://www.local.gov.uk/public-spaces-protection-orders-guidance-councils>

² Crisis, 2012. Homelessness Kills: An analysis of the mortality of homeless people in early twenty-first century England.

the Committee believes that wider consideration should be given to what action the Council can take to protect rough sleepers, and whether protection orders may be appropriate route to address this.

Recommendation 4: That consideration is given to how the Council could better protect people sleeping rough from violence and abuse.

Further consideration

14. The Scrutiny Committee has indicated its wish to review the outcome of the consultation, when it is brought forward for City Executive Board consideration. The conclusion of this process will determine whether the Committee wishes to revisit the Council's Anti-social Behaviour Policy as part of its work plan.

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Appendix 1 – Draft City Executive Board response to recommendations of the Scrutiny Committee made on 5 March 2019 concerning the Council’s approach to a City Centre Public Space Protection Order (PSPO).

Draft response provided by the Board Member for Safer, Greener Oxford

Recommendation	Agree?	Comment
<p>Recommendation 1: That the Council ensures that the consultation on acceptable behaviours in the City Centre actively seeks out the views of:</p> <p>a) People who sleep rough and related third sector support organisations, as well as other vulnerable groups and their associated bodies.</p> <p>b) Thames Valley Police.</p> <p>c) People who are likely to oppose the introduction of PSPOs.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The consultation will be delivered by an independent organisation who will be tasked with speaking to vulnerable people and rough sleepers.</p> <p>In line with Home Office guidance, the consultation will hear views of all people, some of whom will oppose the introduction of a PSPO. There are some organisation actively campaigning for the abolition of PSPOs – they will be contacted and again if there is a subsequent PSPO consultation.</p>
<p>Recommendation 2: That the consultation on acceptable behaviours presents information objectively, and that questions are phrased in an open way.</p>	<p>Yes</p>	<p>No Comment</p>
<p>Recommendation 3: That any subsequent City Executive Board report concerning PSPOs discusses alternative approaches to managing unacceptable behaviours, and the benefits and limitations of such approaches. This report should also set out a list of consultees the Council has approached as part of the acceptable behaviours consultation.</p>	<p>Yes</p> <p>Yes</p>	<p>No Comment</p>
<p>Recommendation 4: That consideration is given to how the Council could better protect people sleeping rough from violence and abuse.</p>	<p>Yes</p>	<p>Rough sleepers have the right to the same protections as anyone else. Wherever crimes or abuse against rough sleepers is reported, the full weight of the law must be used to bring the perpetrators to justice.</p>

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Minutes of a meeting of the CITY EXECUTIVE BOARD on Thursday 7 March 2019



Committee members:

Councillor Brown (Chair)

Councillor Turner

Councillor Clarkson

Councillor Hollingsworth

Councillor Upton

Councillor Linda Smith (Deputy Leader)

Councillor Chapman

Councillor Hayes

Councillor Rowley

Officers:

Tim Sadler, Executive Director Sustainable City

Anita Bradley, Monitoring Officer

Ian Brooke, Head of Community Services

Nigel Kennedy, Head of Financial Services

John Mitchell, Committee and Member Services Officer

Apologies:

No apologies were received

149. Declarations of Interest

For the avoidance of doubt, Councillor Turner said he would leave the meeting at the point decisions were made in relation to item 8 of the agenda given his secondment to a Government Department.

150. Addresses and Questions by Members of the Public

None.

151. Councillor Addresses on any item for decision on the Board's agenda

Councillor Tanner addressed the Board in relation to item 8 on the agenda (Approval of new twin cities). He expressed delight that this matter was before the Board and placed on record his thanks for the many people who support twinning and its associated activities and for the preparatory work by officers in relation to the current proposals. The move to appoint a full time twinning officer was most welcome. He commended continuation of the practice of adopting street names to acknowledge the City's twinning arrangements and said that thought should be given to ensuring signage for the new arrangements given that the existing signs had little spare space to accommodate new names.

The Board Member for Culture and City Centre, Councillor Clarkson, was pleased to confirm that a full time twinning officer was to be appointed and that appropriate

signage would be provided. Officers were, necessarily, waiting for the approval of this meeting before proceeding with either. The costs of signage were being sought, in part, via the recommendations but were likely to be contributed to, also, by ward member budgets. She was pleased to confirm that opportunities would be sought to acknowledge the new arrangements by adoption of street names. In the case of Wroclaw however, the pronunciation of which would be challenging for many, something other than a street name would be preferable. Preliminary thought was being given to the central square in the covered market, a suggestion which chimed well with the fact that Wroclaw too has a covered market.

152. Councillor Addresses on Neighbourhood Issues

None.

153. Items raised by Board Members

None.

154. Approval of new twin cities, the budget allocation for twinning projects and criteria for selecting future twin cities

The Head of Community Services had submitted a report to approve the signing of full Twin City agreements with Wroclaw, Ramallah and Padova and agree the criteria for the formation of additional international links.

The Board Member for Culture and City Centre, Councillor Clarkson, introduced the report, which had been the culmination of a great deal of work over the previous year and the slow and steady building of relationships with Wroclaw, Ramallah and Padova over time.

The benefits of twinning arrangements should be for the whole city, not just for cultural links between small groups. The example was given of an opportunity which had been given for a group of young people to travel to Bonn to take part in a football event, many of whom would not otherwise have had the opportunity to travel abroad; the trip had had a profoundly positive effect on them.

As the arrangements for twinning expand so it would be desirable for the Council to focus on providing a strategic lead and for community links to make many of the detailed arrangements. Thought might also be given to hosting events involving more than one linked City at a time.

Councillor Turner left the room at 5.50 when the Board moved to consider the recommendations.

The City Executive Board resolved to:

1. **Approve** the Oxford-Wroclaw Twin City agreement signed in Wroclaw in October 2018;
2. **Endorse** the Oxford Polish Association as the formal volunteer community Link for the Wroclaw twinning relationship;
3. **Approve** the signing of full Twin City agreements with Ramallah and Padova;

4. **Delegate authority** to approve the final wording of the full Twin city agreements to the Head of Community services in consultation with the portfolio holder for Culture and City Centre and the Head of Law and Governance;
5. **Approve** how we use the £23,000 budget allocation for twinning projects; and
6. **Approve** the criteria and process for selecting future international links as set out in paragraph 26 of this report.

155. Minutes

Councillor Turner re-joined the meeting.

The Board resolved to APPROVE the minutes of the meeting held on 12 February 2019 as a true and accurate record.

156. Dates of Future Meetings

Meetings are scheduled for the following dates:

- 13 March
- 10 April
- 22 May
- 12 June
- 10 July
- 07 August

All meetings start at 6pm.

157. Matters Exempt from Publication

No matters were considered in confidential session.

The meeting started at 5.30 pm and ended at 5.50 pm

Chair

Date: Wednesday 13 March 2019

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