

Agenda

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Council

Date: **Monday 16 July 2012**

Time: **5.00 pm**

Place: **Council Chamber, Town Hall**

For any further information please contact:

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The meeting will also be available via a webcast. This means that people may choose to watch all or part of the meeting over the internet rather than attend in person. The webcast will be available to view on the City Council's website after the meeting.

Council

Membership

Lord Mayor

Councillor Alan Armitage

Deputy Lord Mayor

Councillor Mohammed Abbasi

Sheriff

Councillor Dee Sinclair

Councillor Elise Benjamin

Councillor Jean Fooks

Councillor Mohammed Altaf-Khan

Councillor Antonia Bance

Councillor Laurence Baxter

Councillor Tony Brett

Councillor Jim Campbell

Councillor Anne-Marie Canning

Councillor Bev Clack

Councillor Mary Clarkson

Councillor Colin Cook

Councillor Van Coulter

Councillor Steve Curran

Councillor Roy Darke

Councillor James Fry

Councillor John Goddard

Councillor Michael Gotch

Councillor Mick Haines

Councillor Sam Hollick

Councillor Rae Humberstone

Councillor Graham Jones

Councillor Pat Kennedy

Councillor Shah Khan

Councillor Ben Lloyd-Shogbesan

Councillor Mark Lygo

Councillor Sajjad Malik

Councillor Stuart McCready

Councillor Joe McManners

Councillor Mark Mills

Councillor Helen O'Hara

Councillor Susanna Pressel

Councillor Bob Price

Councillor Mike Rowley

Councillor Gwynneth Royce

Councillor David Rundle

Councillor Gill Sanders

Councillor Scott Seamons

Councillor Craig Simmons

Councillor Val Smith

Councillor John Tanner

Councillor Ed Turner

Councillor Oscar Van Nooijen

Councillor Ruth Wilkinson

Councillor David Williams

Councillor Dick Wolff

HOW TO OBTAIN AGENDA

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SUMMONS

A meeting of the City Council will be held in the Council Chamber, Town Hall, on Monday 16 July 2012 at 5.00 pm to transact the business set out below.

Peter Sloman

Proper Officer

AGENDA

	Pages
1 MINUTES	1 - 26
Minutes of the ordinary meeting of Council held on 23 rd April 2012.	
Minutes of the Annual Council Meeting held on 23 rd May 2012.	
2 DECLARATIONS OF INTEREST	
3 APOLOGIES FOR ABSENCE	
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5 LORD MAYOR'S ANNOUNCEMENTS	
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7 ANNOUNCEMENTS BY THE LEADER	
8 ANNOUNCEMENTS BY THE CHIEF EXECUTIVE, THE CHIEF FINANCE OFFICER AND THE MONITORING OFFICER	
9 ADDRESSES BY THE PUBLIC	
To hear addresses from members of the public in accordance with Council	

Procedure Rule 11.8 for which the required notice (1.00pm on Thursday 12th July) and the full wording of the address has been given to the Head of Law and Governance.

10 QUESTIONS BY THE PUBLIC

To hear questions from the public in accordance with Council Procedure Rule 11.9 to the Leader or other Members of the City Executive Board for which the required notice (1.00pm on Thursday 12th July 2012) and the full wording of the question has been given to the Head of Law and Governance, and to hear responses from those Members.

CITY EXECUTIVE BOARD RECOMMENDATIONS - ITEMS 11 AND 12

11 TREASURY MANAGEMENT ANNUAL REPORT 2011/12

27 - 48

The Head of Finance has submitted a report which sets out the Council's treasury management activity and performance for 2011/12 and also sets out a proposed revision to the Treasury Management Strategy for 2012/13 – 2015/2016.

This report was submitted to the City Executive Board on 4th July 2012 and an extract from the minutes of this meeting is also attached.

Council is asked to approve the changes to the Treasury Investment Strategy as detailed in section 49-51 of the report.

12 INTRODUCTION OF ALTERNATIVELY FUELLED VEHICLES TO THE COUNCIL FLEET

49 - 58

The Head of Direct Services has submitted a report which seeks approval to add more electric vehicles to the Council's existing fleet.

The report was submitted to the City Executive Board on 4th July 2012 and an extract from the minutes is attached.

Council is asked to approve the inclusion of the additional budget in the Council's capital programme, highlighted in paragraph 9 of the report, funded from the savings in running expenses over the life of the asset as part of the spend to save initiative.

13 CITY EXECUTIVE BOARD DECISIONS (MINUTES) AND SINGLE EXECUTIVE MEMBER DECISIONS (MINUTES)

59 - 72

City Executive Board decisions (Minutes)

- (1) Minutes of the meeting held on 23rd April 2012.
- (2) Minutes of the meeting held on 4th July 2012.

Single Executive Member decisions (Minutes)

- (1) Minutes of the Single Executive Member Decision meeting (Board Member – Corporate Governance and Strategic Partnerships) held on 29th May 2012.
- (2) Minutes of the Single Executive Member Decision meeting (Board Member – Housing) held on 22nd June 2012.

14 RECOMMENDATIONS AND REPORTS FROM SCRUTINY AND OTHER COMMITTEES

Appointments Committee – 2 July 2012

The Committee RECOMMENDS Council to alter the designation of Chief Finance (Section 151) Officer from the Executive Director, Organisational Development and Corporate Services (Jacqueline Yates) to the Head of Finance (Nigel Kennedy)

15 QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL

Questions on notice under Council Procedure Rule 11.10(b) may be asked of the Lord Mayor, a Member of the City Executive Board or the Chair of a Committee.

Questions on notice must, by the Constitution, be notified to the Head of Law and Governance by no later than 9.30am on Friday 13th July 2012.

Full details of any questions for which the required notice has been given will be circulated to Members of Council before the meeting.

16 STATEMENTS ON NOTICE FROM MEMBERS OF COUNCIL

Statements on Notice under Council Procedure Rule 11.10(b) may be made. Statements do not need to be directed to a specific Councillor.

Statements on notice must, by the Constitution, be notified to the Head of Law and Governance by no later than 9.30am on Friday 13th July 2012.

Full details of any statements for which the required notice has been given will be circulated to Members of Council before the meeting.

17 PETITIONS

None to be debated.

18 MOTIONS ON NOTICE

73 - 78

Council Procedure Rule 11.14 refers. The Motions (listed in the order received) that have been notified to the Head of Law and Governance by the deadline of 1.00pm on Wednesday 4th July 2012 are attached to this agenda.

19 REPORTS AND QUESTIONS ABOUT ORGANISATIONS THE COUNCIL IS REPRESENTED ON

20 APPOINTMENT OF INDEPENDENT MEMBERS FOR STANDARDS PURPOSES UNDER THE LOCALISM ACT

The Monitoring Officer will report orally on the outcome of the recruitment exercise for an Independent Person for standards/ Member Code of Conduct purposes as required by the Localism Act 2011.

21 ATTENDANCE MANAGEMENT POLICY AND PROCEDURE

79 - 110

The Head of Human Resources and Facilities has submitted a report which presents for approval and adoption a revised Attendance Management Policy and Procedure.

Council is asked:-

- (1) To approve with immediate effect the Attendance Management Policy and Procedure agreed with the trade unions as detailed at appendix A to the report;
- (2) To authorise the Head of Human Resources and Facilities to implement the policy and procedure within an appropriate time frame, make changes as required to put right any clerical mistakes or to reflect changes in the law and agree any changes to absence score intervention levels in consultation with trade unions.

22 COMMUNITY GOVERNANCE REVIEW - BLACKBIRD LEYS PARISH COUNCIL - REDUCTION IN MEMBERS

111 - 112

The Head of Law and Governance has submitted a report which asks Council to approve the final recommendation for the community governance review into the number of councillors on Blackbird Leys Parish Council.

Council is recommended to agree that the number of Councillors on Blackbird Leys Parish Council be reduced from 16 to 14 (7 in Blackbird Leys Parish Ward and 7 in Northfield Brook Parish Ward).

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 (ie 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; licences 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.

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". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

¹Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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COUNCIL

Monday 23 April 2012

COUNCILLORS PRESENT: Councillors Benjamin (Lord Mayor), Armitage (Deputy Lord Mayor), Fooks (Sheriff), Abbasi, Altaf-Khan, Bance, Baxter, Brett, Brown, Brundin, Campbell, Clarkson, Cook, Coulter, Darke, Goddard, Gotch, Hazell, Jones, Keen, Khan, Lloyd-Shogbesan, Lygo, Malik, McCready, McManners, Mills, Morton, Pressel, Price, Rowley, Rundle, Sanders, Seamons, Sinclair, Smith, Tanner, Timbs, Turner, Van Nooijen, Wilkinson, Williams, Wolff and Young.

109. MINUTES

Council resolved to approve the minutes of the ordinary meeting held on 20th February 2012.

110. DECLARATIONS OF INTEREST

Councillors declared interests as follows:

- (a) Councillor Beverley Hazell declared a personal interest in agenda item 13 (Allocation of preventing homeless grant and Oxford City grant for Homeless Services) as she was an Oxford City Council appointed representative on Oxford Homeless Pathways. (Minute 121 refers).
- (b) Councillor Gill Sanders declared a personal interest in agenda item 13 (Allocation of preventing homeless grant and Oxford City grant for Homeless Services) as she was a City Council appointed Member on the Management Committee of the Gatehouse. (Minute 121 refers).
- (c) Councillor Val Smith declared a personal interest in agenda item 13 (Allocation of preventing homeless grant and Oxford City grant for Homeless Services) as she was an Oxford City Council appointed observer for O'Hanlon House and 'Steppin Stones'. (Minute 121 refers).
- (d) Councillor Nuala Young declared a personal interest in agenda item 15 (Corporate Plan 2012-2016 – Targets) as she derived a small income from the Tourist trade via the Tourist Information Centre. (Minute 123 refers).

111. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Rae Humberstone and Gwynneth Royce.

112. APPOINTMENTS TO COMMITTEES

None.

113. LORD MAYOR'S ANNOUNCEMENTS

The Lord Mayor made the following announcements:

- (a) The Lord Mayor informed Council of the recent death of Peter Nixon who was the former City Secretary and Solicitor to the Council from 1974 until his retirement in 1983.

Council stood for a minutes silence as a mark of respect.

- (b) The Lord Mayor informed Council that Fred Ingram, a former Lord Mayor of the Oxford had recently celebrated his 100th birthday and on behalf of Council would pass on the Council's congratulations and best wishes.
- (c) The Lord Mayor informed Council that the Standards regime that had existed in Local Government since 2000 would come to an end shortly, and wished on behalf of Council to thank all of the Parish and independent Standards Committee Members for their hours of selfless and enthusiastic service to standards and conduct matters on the Council.
- (d) The Lord Mayor invited all of the Councillors who were not seeking re-election in the forthcoming May local elections to stand and for Council to thank them for their services and general good humour over the years at this and other meetings of the Council.

Beverley Hazell
Clark Brundin
Bryan Keen
Bob Timbs
Stuart Craft
Nuala Young
Matt Morton
Nathan Pyle
Stephen Brown

114. SHERIFF'S ANNOUNCEMENTS

The Sheriff wished to thank Council Officers who had contacted Network Rail which had started to clear land next to Port Meadow, but had cleared more than they should have and had not informed the right people that they intended to carryout this work. Network Rail subsequently halted their work.

115. ANNOUNCEMENTS BY THE LEADER

The Leader of the Council (Councillor Bob Price) made the following announcements:

- (a) The Employers Association for Local Government had refused to make an offer as part of a National Pay Claim. He said that he had written to the Unions expressing his dislike of this action.

- (b) The City Council had always supported the Sustainable Communities Act, but the Government was delaying the second phase. He had written to the Secretary of State requesting that the regulations were placed in Statute as soon as possible.

116. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE, THE CHIEF FINANCE OFFICER AND THE MONITORING OFFICER

None made.

117. ADDRESSES BY THE PUBLIC

Council received and took six addresses to Council (text of the addresses are appended to these minutes, along with an Officer response the address from Nigel Gibson concerning "Disability and Leisure in Oxford").

- (1) William Clark – Democracy in Oxford.
- (2) Edward Chipperfield – Sale of St. Clement's Car Park.
- (3) Nigel Gibson (1) – Disability and Leisure in Oxford.
- (4) Nigel Gibson (2) – Swimming Pools in Oxfordshire.
- (5) Georgina Gibbs – Loss of green spaces, overdevelopment, flooding and increased traffic in Northway.
- (6) Louise Kulbicki – Ecocide.

118. QUESTIONS BY THE PUBLIC

Two questions were submitted by members of the public as follows:

- (1) **Question to the Board Member, City Development (Councillor Colin Cook) from Sietska Boeles**

Student numbers living in private properties

There is a widespread view that student numbers living in private properties have been misrepresented by the two universities, and there are concerns that the city council don't adequately monitor local plan policies related to student housing. Following requests by residents groups in East Oxford and Headington the Council agreed to investigate these matters last September. In March local Councillors and residents were informed by the Council that their report would be published in early April. I understand that the report is finished but that the Council won't release it until the end of April at the earliest. Is it right that the City Council should suppress this report until after the local elections? Why cannot it be released immediately?

Response: We have consulted both universities on a first draft report although we have had feedback from Oxford Brookes University. We are awaiting comments on a second draft. Oxford University has been given until Tuesday 24th April to respond. The report will be published as soon as possible after that.

(2) Question to the Board Member, City Development (Councillor Colin Cook) from Georgina Gibbs

12 Saxon Way

I understand that one of the councillors from the Headington Hill and North Way Ward has, in his capacity as chair of Northway Residents Association, signed a legal agreement which transfers ownership of the Northway Community Centre to private developers. Can you give me the full written details and the date of this agreement.

Can you clarify the following please:

- (1) Is the City Council is assisting the councillor with legal advice on this matter;
- (2) If so can you give me the full written details of the advice and let me know if this advice was given by the in house legal team and/or was legal advice sought from outside;
- (3) Will further legal advice be sought?

Response: The Council has not given legal advice to the trustees of the community centre. We are not in a position to advise them – not least because one of the documents is a tripartite agreement between them, the Council and Greenspace.

We understand that the Community Association has had independent advice from a Solicitor engaged directly. In addition, they have had the benefit of independent advice from Community Matters, the national body that offers support to community association nationwide, and general support from the Communities and Neighbourhoods Team at the City Council.

I pay tribute to Councillor Roy Darke's sterling efforts to improve the facilities available to the people on the Northway estate.

Councillor Roy Darke also spoke and said that he had been elected as Chair of the Community Association in March 2011. The Association had taken independent legal advice and following this a 25 year lease was put in place with a peppercorn rent. With regard to him not being the Chair, he said that an impromptu Annual General Meeting had also been held, which had not been advertised in accordance with the Community Associations Constitution and this matter was not being adjudicated on by the Charity Commission. He added that he would be happy to step down as Chair at the next AGM of the Community Association, but had only stood initially as there were not enough people interested to be Trustees.

119. EMPLOYMENT POLICIES

Council had before it a report of the Head of People and Equalities and an extract from the minutes of the City Executive Board held on 8th February 2012. (previously circulated, now appended).

Councillor Bob Price (Leader of the Council) moved and spoke to the City Executive Board's recommendations.

Council resolved:

- (a) To approve the following policies, agreed with Trade Unions, with immediate effect:

Maternity Policy
Adoption Policy
Paternity Policy
Parental Leave Procedures
Flexible Working Policy

- (b) To remove the Fixed Term Contract Policy and Procedure and Job Share Policy due to their contents now being included in other policies;
- (c) To authorise the Head of People and Equalities to implement the approved policies and procedures and make changes to the policies and procedures if required to correct any clerical mistakes or to reflect changes in the law.

120. HOUSING STRATEGY AND ACTION PLAN 2012-15

Council had before it a report of the Head of Housing and Communities and an extract from the minutes of the City Executive Board held on 4th April 2012. (previously circulated, now appended).

Councillor Joe McManners (Board Member, Housing Needs) moved and spoke to the City Executive Board's recommendation.

Council resolved:

- (a) To adopt into the Council's Policy Framework the Housing Strategy for 2012-2015;
- (b) To approve the Housing Strategy Action Plan for 2012-2015.

121. ALLOCATION OF PREVENTING HOMELESS GRANT AND OXFORD CITY GRANT FOR HOMELESS SERVICES

Council had before it a report of the Head of Housing and Communities and an extract from the minutes of the City Executive Board held on 4th April 2012.

Councillor Beverley Hazell declared a personal interest as she was an Oxford City Council appointed representative on Oxford Homeless Pathways.

Councillor Gill Sanders declared a personal interest as she was a City Council appointed Member on the Management Committee of the Gatehouse.

Councillor Val Smith declared a personal interest as she was an Oxford City Council appointed observer for O'Hanlon House and Stepping Stones.

Councillor Joe McManners (Board Member, Housing Needs) moved and spoke to the City Executive Board's recommendations.

Council resolved:

- (1) To approve the allocation of the homeless prevention grant for 2012/13 as follows:
 - (a) Street Services and Reconnection Team (Broadway Homelessness and Support) - £235,000
 - (b) Reconnection and Referral Co-ordinator (Under 25s) (in the process of assigning it to a provider) - £37,245
 - (c) Reconnection Rent (O'Hanlon House) - £512
 - (d) Six subsidised Beds for Under 25s (Simon House) - £4,243
 - (e) Six subsidised Beds for Under 25s (Lucy Faithful House) - £4,179
 - (f) Mental Health Practitioner at Luther Street – £25,000
 - (g) Two Education, Training and Employment Workers (Aspire) - £60,519
 - (h) One specialist Alcohol Worker (O'Hanlon House) - £8,555
 - (i) One Multiple Needs Hostel worker (Elmore Community Services) - £40,757
 - (j) Service Broker – Big Issue Foundation - £25,000
 - (k) Homelessness Liaison Police Officer (for two years with an operating budget of £5,000 for each year) - £90,000
 - (l) Elmore Team ASB Services - £8,690
 - (m) Additional Home Choice Gold Top-up - £20,000
 - (n) Continuation of Enhanced Options - £50,000
 - (o) Fraud Investigation - £80,000
 - (p) Supplementing Discretionary Housing Payments - £100,000

- (2) To approve the allocation of Oxford City Council's Homelessness Grant budget for 2011-12 as follows:
- (a) O'Hanlon House Day Centre – homeless hostel for 25+, jointly commissioned with Supporting People - £133,432
 - (b) One Foot Forward – homeless hostel for 16-25 year olds, jointly commissioned with Supporting People - £42,992
 - (c) Elmore Community Services – Complex Needs Floating Support Service for clients in Oxford City Council temporary and permanent stock - £40,757
 - (d) Elmore Community Services, Anti Social Behaviour Service – £11,310
 - (e) The Gatehouse – café for the homeless - £9,502
 - (f) 'Steppin' Stone – day centre providing emergency provision and meaningful activity - £55,000
 - (g) Simon House Hostel – provision of respite beds at an abstinence based hostel - £11,596
 - (h) Emmaus Oxford Furniture Store – recycling store attached to the Emmaus Community £25,000
 - (i) Aspire Oxfordshire – social enterprise providing work opportunities for homeless and ex-homeless people - £112,690
- (3) To delegate authority to the Head of Housing and Communities to allocate the £252,300 unallocated balance of the Communities and Local Government grant money and to make changes if necessary to the allocations of the City Council's homelessness grants budget.

122. ANNUAL LETTINGS PLAN - ALLOCATIONS PERCENTAGES 2012-13

Council had before it a report of the Head of Housing and Communities and an extract from the minutes of the City Executive Board held on 4th April 2012.

Councillor Joe McManners (Board Member, Housing Needs) moved and spoke to the City Executive Board's recommendations.

Council resolved:

- (a) To approve the Housing Lettings Plan for 2012/13;
- (b) To note performance against the Housing Lettings Plan for 2011/12;
- (c) To approve that the Strategic Director, City Regeneration and the Head of Housing and Communities, brief Oxford's Members of Parliament on the effect of the Government Housing Policies on housing need in Oxford and to advise those local organisations offering housing advice.

123. CORPORATE PLAN 2012-2016 - TARGETS

Council had before it a report of the Head of Business Improvement, an extract from the minutes of the City Executive Board held on 4th April 2012 and a report from the Finance and Performance Scrutiny Panel. (Previously circulated, now appended).

Councillor Nuala Young declared a personal interest as she derived a small income from the Tourist trade via the Tourist Information Centre.

Councillor Bob Price (Leader of the Council) moved and spoke to the City Executive Board's recommendations.

Councillor Stephen Brown as Chair of the Value and Performance Scrutiny Committee, spoke introduced and spoke to the report of the Finance and Performance Panel.

Council resolved to approve the proposed Corporate Plan Targets for 2012-2016.

124. CITY EXECUTIVE BOARD DECISIONS (MINUTES) AND SINGLE EXECUTIVE DECISIONS (MINUTES)

Council had before it minutes of the City Executive Board and Single Executive Member meetings held since the last meeting of Full Council.

City Executive Board decisions – 4th April 2012 (minutes)

- (a) Minute 94 – Scrutiny Report Recommendations. Councillor Jones welcomed that all of the recommendations from the Scrutiny Select Committee on Public Health had been endorsed by the City Executive Board and appreciated the involvement of Councillors Van Coulter and Val Smith in the preparation of these recommendations.
- (b) Minute 103 – The Green Deal – Delivery. Councillor Jean Fooks welcomed this and hoped that the City Council would develop coherent advice to give to people and endorsed the approach that the City Council was taking on this issue.

Single Executive Member Decisions (Minutes)

- (1) Minutes of the Single Executive Member Decision meeting (Board Member – Housing Needs) held on 15th February 2012.
- (2) Minutes of the Single Executive Member Decision meeting (Board Member – Cleaner Greener Oxford) held on 16th February 2012.
- (3) Minutes of the Single Executive Member Decision meeting (Board Member – Finance and Efficiency) held on 20th February 2012.

- (4) Minutes of the Single Executive Member Decision meeting (Board Member – Housing Needs) held on 27th February 2012.
- (5) Minutes of the Single Executive Member Decision meeting (Board Member – Finance and Efficiency) held on 2nd March 2012.
- (6) Minutes of the Single Executive Member Decision meeting (Board Member – Finance and Efficiency) held on 29th March 2012.

125. RECOMMENDATIONS AND REPORTS FROM SCRUTINY COMMITTEES

No reports submitted.

126. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL

(a) Questions notified in time for replies to be provided

1. Question to the Board Member, Cleaner Green Oxford (Councillor John Tanner) from Councillor David Williams

Commercialisation of Services

Now that the Council has introduced charges for Pest Control and Garden Waste collection would the Portfolio Holder give an indication what other Council services he intends to 'commercialise'.

Could he confirm that in other Councils where this payment route to service delivery has been followed it has led to the Council withdrawing from provision of the service or its privatisation.

Would he acknowledge publicly that charging for these services has effectively depressed demand for actions that are generally for the common good.

Would he agree with me that if Mrs. Margaret Thatcher were the Rubbish Tsar in Oxford she would no doubt follow his policy directive. Could he explain how his free market actions seem rather counter to his socialist rhetoric.

Answer: The Garden Waste Collection Service has been a huge success with over 13,000 customers. The Council has continued to provide the service to those on Housing Benefit and Council Tax Benefit free of charge. It is a type of household waste for which a charge can be made. In Direct Services we already provide services from Building Maintenance, Engineering, commercial waste/recycling and provide MOT services. These areas we hope to expand in the coming years and it is not the Council's intention to outsource these services.

It has been demonstrated that the quality of services are high and that demand has increased. This is an encouraging start to a strategy which will help maintain jobs and raise the Council's profile of providing quality services.

Our strategy is to keep our Council Tax low to benefit all those who live and work in the City and to ensure that there are no compulsory redundancies, which so me are sound socialist policies that are delivering these objectives.

On response to a supplementary question from Councillor Williams, Councillor Tanner said that there was no evidence that the charge was suppressing demand, but he agreed with Councillor Williams that it was not a service that should be charged for and encouraged him to join him in getting rid of the Coalition Government.

2. Question to the Board Member, Cleaner Greener Oxford (Councillor John Tanner) and the Board Member for Housing Needs (Councillor Joe McManners) from Councillor Jean Fooks

Water butts

As Oxford is now subject to a hosepipe ban, would the City Council consider providing water butts on request for Council properties, to help tenants water their gardens? Should water butts not be recommended too for all new housing, to reduce tapwater usage generally?"

Answer: We do stipulate some water conservation measures in new build, and I agree that for our own new build it should be part of the plans as far as possible.

For tenants who request water butts, we will look if there is room in the HRA to fund them (which would also require fitting)

In response to a supplementary question from Councillor Fooks concerning additional publicity, Councillor McManners agreed to ask officers to investigate the costs involved.

3. Question to the Board Member, Finance and Efficiency (Councillor Ed Turner) from Councillor Dick Wolff

Single Person Tax Discount

Could the Portfolio Holder clarify if Oxford City Council will abolish the Single Persons Council Tax discount?

Answer: The Local Government Finance Act 1992 (section 11) states that a discount of 25% is applicable when there is only one resident of the dwelling. This provision has not been affected by the technical changes to Council Tax contained within the Local Government Finance Bill that was published on 19/12/11. Thus we

have no discretion to abolish the Single Persons Discount, and would not intend to anyway.

4. Question to the Board Member, Finance and Efficiency (Councillor Ed Turner) from Councillor David Williams

Redundancy Pot of Money

Could the portfolio holder explain why there is over £750,000 placed in the Labour Party's Budget for redundancy payments when the stated aim of the Administration is that in future the reductions in spending will be achieved by 'natural wastage' (i.e. people resigning, moving on to other jobs or retirement to an occupational pension) rather than voluntary or compulsory redundancies.

Would he agree with me that this seems an unnecessary pot of money unless a very large number of redundancies for lower paid workers is envisaged or there are to be large scale payouts to very senior staff in their 50s who are willing to take voluntary redundancy cheques?

Could he confirm that no senior officers will be offered redundancy cheques and that large numbers of low paid workers will not be made redundant shortly after the May elections.

Answer: The Council remains committed to minimising the requirement for any redundancies, and in particular compulsory redundancies. As confirmed in the Medium Term Financial Strategy and the Budget (including proposals from all political groups) there is an on-going programme of post reductions (110 FTE over 4 years in the agreed version) made in full consultation with the trade unions; it is expected that many of these post reductions will be achieved by "natural wastage", as staff naturally leave the organisation, but there will be some redundancies. Indeed, the larger the contingency, the easier it is for the council to offer voluntary, rather than compulsory redundancies. It is obviously prudent to retain a contingency fund for severance costs as they arise. No new programme of redundancies is proposed or envisaged. Each redundancy is only authorised on the basis that business case gives rise to savings, factoring in the cost of the severance.

Councillor Williams in a supplementary question asked if there were no compulsory redundancies, why was there the need to have the money. In response Councillor Turner said that the Council had to make cost savings on a planned basis due to the Government cuts in funding. He explained that in the agreed Mid-Term Financial Statement, 100 plus posts had been identified over 4 years and this again was also in the budget papers which Council had. He said that there had been a large number of redundancies put forward in budget amendments which had not been agreed. He further added that there was an existing programme of efficiency savings and there were no new plans to add to this. He

concluded by urging Members to read the e-mail from Unison concerning the introduction of the Universal Credit and how this could mean the loss of staff.

5. Question to the Leader of the Council (Councillor Bob Price) from Councillor David Williams

Travesty of Democracy

Does the Leader of the Council agree with Councillor Tanner's public denunciation of single member decision making committees as a 'Travesty of Democracy'?

Answer: Single-member executive decisions are allowed for in the regulations governing local authority constitutions. Since they are governed by all the other regulations relating to executive decisions such as publication in advance and public attendance at the decision making meeting, it would be straining logic to define as any less democratic than executive decisions taken at a cabinet or executive board meeting. Councillor Tanner's point was more directed at the way in which the formulation of the recommendation to the single member concerned had been arrived at than the format of the meeting.

6. Question to the Leader of the Council (Councillor Bob Price) from Councillor Dick Wolf

Break up of the Occupy the City of London Campaign

Does the Portfolio Holder regret, as I do, the removal; of the Occupy protest camp outside St. Paul's Cathedral, which was so effectively drawing attention to the disastrous impact of what Prime Minister Gordon Brown once praised as a "new golden age for the City of London"?

Would he agree with me that since the early 1980's successive Conservative and Labour governments have, through 'light touch' regulation, transferred too many levers of power into the control of an unaccountable global finance industry, and that for all its talk the present Coalition Government is showing no real intention of constraining that industry's excesses and chicanery?

Answer: The origins of the banking and finance crisis can be traced back to the so-called Big Bang driven by the Thatcher government and associated measures taken in the US at the same time. These changes led to the development of increasingly complex financial tools and processes in the last decade of the 20th century and the first decade of this century. As one of the world's major financial centres, the City of London was at the heart of these developments, and the growth of employment, turnover and profitability in the City in that period was a key feature of the development of the UK economy from which significant wider public benefit was derived. It is a sobering reflection on the weakness of international financial regulation that no national or

international body had the analytical or constitutional capacity to intervene in a system built on a derivatives structure underpinned by unsustainable property valuations and reckless lending policies. The St Pauls protesters, as well as many other campaign groups around the world, and Socialist politicians such as the French presidential candidates, Francois Hollande and Jean-Luc Melanchon, are doing a great service to the global community by maintaining a clear spotlight on the need for a globally integrated system of controls on international financial capitalism.

7. Question to the Leader of the Council (Councillor Bob Price) from Councillor Jean Fooks

The Military Covenant and housing

Oxford City Council has signed the Military Covenant along with Oxfordshire County Council and the other districts. I think we all recognise the particular difficulties facing ex-military personnel on leaving the service, after many years being accommodated by the MOD. Although the covenant does not, and was not intended to, give ex-military personnel priority in social housing, it does imply that their particular needs should be given sympathetic consideration. I am very concerned that City Council staff should be trained to recognise that ex-military personnel may need more guidance than others in finding accommodation in Oxford's very difficult housing situation. Can we be assured that the City Council will recognise their particular situation and treat them with the same sympathetic understanding that they display to other potentially vulnerable applicants?"

Answer: Oxford City Council has signed and supports the Military Covenant, and ensures that members of the armed forces are assisted in their housing priority-for example we do not apply local connection rules which could disadvantage service personnel who move and do not spend long in the local area.

Oxford has exceptionally high housing demand, and is the least affordable location in the UK, outside parts of London. We have over 6,000 households on our Housing Register. This year we expect to have 550 council or housing association homes available to let. With 475 households assessed as having exceptional or urgent need (Band 1 or 2), we already have over 100 households in emergency homeless temporary accommodation. This number is rising with the cuts to housing and welfare benefits. In addition, we have a further 1,475 households assessed with a significant housing need (Band 3), which includes severely overcrowded families and homeless persons who need to leave the city's frontline hostels. The Government's new Right to Buy scheme and the removal of the previous limit on discounts will increase the sale of Council homes and reduce the amount of rented homes available in the city. The Council keeps its Allocations Policy under review, and further Government guidance is expected later this year.

It is not practical to put service personnel automatically at the front of the queue but housing officers will treat veterans with respect and sympathy and help as much as they can within the limited resources. Officers recently met with other Oxfordshire Districts, the County Council, and a representative of the armed services on this issue. As a result of this meeting, it was agreed that the City and Districts would:

Develop an information pack for members of the armed forces, work more closely with the military information service to ensure that they are aware of policies and processes and place information relevant to armed forces personnel seeking housing on the relevant web sites.

8. Question to the Board Member, Customer Services and Regeneration (Councillor Val Smith) from Councillor Jean Fooks

Lost forms

I am becoming aware of several cases of forms being lost by the Housing benefits and allocation services. What action is being taken to ensure that forms, once delivered, are not lost but reach the right person and are dealt with as they should be? What checking is in place to ensure that the citizen concerned is informed if an expected form does not reach the intended member of staff?

Response: There are no reported incidents of lost Housing Benefits forms either in the back office or the Customer Service Centres, or lost allocation forms that may come into the Customer Service Centres.

In terms of the Housing Benefit Service, any documentation that is sent in by post, will be delivered to the Council's Post Room in the first instance, and this is then given to the Customer Services Scanning Team. The standard is to scan documentation received and return any original documentation within 24 hours.

In terms of any evidence brought in person, this is either copied on the spot and the originals handed back to the customer. Alternatively, if the customer does not want to wait, the customer can place their documentation in a sealed envelope. These items are then passed into the relevant back office service (i.e. either the Benefits or Allocations Team) deliveries being made twice daily.

In terms of Housing Benefit, if we are expecting evidence to be supplied, a diary note will be made of this on our software, and if not received by the due date the customer will be contacted for it.

The Housing Benefit Service is moving towards risk based verification in the next couple of months. It is anticipated that the introduction of this way of working will mean that circa 55% of what will be classed low risk claims will only need to provide proof of

identity, production of a National Insurance Number and if they are a student formal confirmation of status. In addition, we are also going to introduce the opportunity for customers to make a housing benefit claim on-line. Both of these initiatives will significantly reduce the amount of paper that we are currently processing. If the Member has any further cases, then she should inform me.

9. Question to the Leader of the Council (Councillor Bob Price) from Councillor David Williams

Improvement in the reduction of staff absences

Although there is a long way to go would the Leader of the Council join with me in praising the relevant officers of the Council in the recent improvements in attendance levels (days off work), keeping the number of registered homelessness figures down in the face of major changes to the Housing Benefit System and the increasing use of the Council Web page references?

Response: This reduction is a good example of management action across the Council and achieved an attendance improvement of 40% over the past 3 years. This will be maintained through the work being undertaken through the Wellbeing Programme, but we still have a long way to go on the use of the Council's website.

Councillor Williams in a supplementary question said that when something happens that is good we should congratulate the Officers, for example in holding down the number of homeless in the City which is something that we should be proud of. In response Councillor Price said that we neglect at our peril not to show staff that Members had confidence in them and to congratulate them on improvements etc.

127. STATEMENTS ON NOTICE FROM MEMBERS OF COUNCIL

Councillor Jean Fooks made the following statement to Council.

Adoption of road in Cutteslowe

Many years ago the then Chiltern Hundreds Housing Association bought the site of the demolished Cutteslowe Court old people's home in Cutteslowe and acquired four bungalows and some disused Council garages accessed along Wyatt Road to enlarge the land available for development. After some time planning approval was given for 33 units of social housing, all for rent, namely three and four-bedroom houses and good-sized two bedroom flats. These were built and occupied in 2008, with very many young children in both the houses and the flats. Almost immediately the residents expressed concerns about the speed of traffic coming along Wyatt Road round a blind corner onto the estate – where the children played on the paved road due to lack of an allocated play space. Vehicles parked on this narrow access road and this created a further hazard due to poor visibility. As local councillors Councillor McCready and I

asked for traffic calming measures and some yellow lines to prevent obstructive and dangerous parking.

It eventually transpired that the section of road between Jackson Road and the houses on the estate still belonged to the city council. The County Council are willing to adopt this road, so that traffic calming and yellow lines can be considered, but require the road to be brought up to adoptable standard first. This is estimated to cost about £15,000, to redo the pavement and resurface the road. Paradigm Housing Association, the current owners of the estate, have brought their roads up to adoptable standard but the County Council cannot adopt them until the link road to Jackson Road is adopted too. The City Council is not willing to fund the necessary work, despite this being necessary to finish the job of providing social housing for our citizens.

We understand that this may be an unusual situation but the City Council's failure to accept any responsibility for this short piece of road, despite being the owners, is putting tenants, and especially their children, at risk. I ask that this work be considered a priority just as soon as funds are available in the new financial year.

Following the Statement by Councillor Fooks, Councillor Turner said that this was a suggestion that the Council should spend money and should be considered during the next round, but added if the possibility arose sooner then it should not have to wait.

128. PETITIONS

None were submitted for debate.

129. MOTIONS ON NOTICE

Council had before it nine Motions on Notice and reached decisions as follows.

(1) Democratic Structures for Oxford City Council – (Proposer – Councillor Nuala Young, seconded by Councillor David Williams)

Oxford City Council recognises that the recent changes to decision making have been undemocratic and would seek (as made possible under the Localism Act) to return to a more open and fair system of local government that encourages participation and engagement by the Community.

The Council will.

- (1) No longer invest powers in a single 'Strong Leader'. Such powers will be devolved amongst service committees focused on specific Council functions.
- (2) Return to decision making focused on all party representative committees reflecting the political balance on the Council with committees reflecting service delivery with a central policy committee to set strategic objectives.

- (3) Restore the Area Committees with their officer support, devolved budget and planning powers along with other additional devolved powers.
- (4) The Council will return to a six week cycle with 8 meetings a year one of which will be a distinct budget setting Council.
- (5) Restore the duty on planning officers to inform those residents adjacent to and near to a proposed planning allocation.

A report on the Constitutional Changes required to implement these changes, to be brought to the present City Executive Board for implementation in the autumn period.

Councillor Stephen Brown move an amendment as follows:

To delete paragraph 3 and replace with the following words:

Will devolve power to democratically accountable Community Assemblies, and give them control over local spending such that residents and community groups in every part of Oxford can achieve real improvements in their own area. Using provisions in the Localism Act, local control will be established over key planning decisions, grants to community bodies, street cleaning, community centre management, highway maintenance and management of parks. These Community Assemblies will be responsive to local needs and priorities, and will encourage areas to develop their own Neighbourhood Plans.

The mover of the substantive Motion, Councillor Nuala Young, accepted the amendment by Councillor Stephen Brown. Following a debate, Council voted:

- (a) To not adopt the amendment by Councillor Stephen Brown;
- (b) To not adopt the substantive Motion by Councillor Nuala Young.

(2) Temple Cowley Pools – (Proposer – Councillor David Williams, seconded by Councillor Nuala Young)

Given the escalating cost of the project to build a new swimming Pool at Blackbird Leys, the growing public opposition to the proposal and the pending legal actions against the scheme, this Council will abandon the proposed development and will commence the refurbishment of Temple Cowley Pools and the existing Blackbird Leys pool.

The estimated cost of refurbishment and contract withdrawal being taken from the capital allocation set aside for the building of the proposed new pool at Blackbird Leys.

Following a debate, Council voted and the Motion was not to adopted.

(3) Ecocide – (Proposer – Councillor Matt Morton, seconded by Councillor Nuala Young)

The International Criminal Court was formed in 2002 to prosecute individuals for breaches of 4 Crimes against Peace. They are: Genocide, Crimes against Humanity, War Crimes and Crimes of Aggression. Ecocide has been proposed as the missing 5th crime against peace.

There is a proposed amendment, which if accepted will add Ecocide as a crime against peace. This will change the way the earth is exploited and allow big business to avoid harmful practice and still fulfill their legal obligations to shareholders. In order to pass a 2/3rd majority is needed, and the UK could play a major role in tipping the balance.

This council believes that this amendment is an important step in ensuring the future sustainability of Oxford city and the global environment. We ask the executive to contact the 2 MP's for Oxford to ask them to support the UK diplomatic service in supporting this amendment in the UN.

Following a debate, Council voted and the Motion was adopted.

(4) Boating Community – (Proposer – Councillor Matt Morton, seconded by Councillor David Williams)

The boating community and residential boaters are an integral part of the character of the City of Oxford yet, in a time of growing housing need, their welfare is often overlooked in City provision.

In light of this situation, Council resolves:

- (1) to re-direct the £44,000 allocated in the recent budget for an extra riverbank enforcement officer to a new welfare and support worker post dedicated to supporting residential boat dwellers.
- (2) that the welfare and support worker post will include an understanding of the needs and challenges residential boat dwellers face and what support is available to them.

Following a debate, Council voted and the Motion was not adopted.

(5) Times Safer Cycling Campaign – (Proposer – Councillor Val Smith)

This Motion was taken with Motion 8 – Oxford Cycle City Project.

This Council supports the Times newspaper safer cycling campaign.

Following a debate, Council voted and the Motion was adopted.

(6) NHS PFI Loan Programme – (Proposer – Councillor David Williams, seconded by Councillor Nuala Young)

The NHS in Oxfordshire faces years of financial pressure which will inevitably affect the quality of health care for the people of Oxfordshire.

One of the larger elements of pressure comes from the need for Oxford University Hospitals NHS Trust to pay at least £53 million per years to the owners of its PFI facilities. PFI paymentst are inflated by the profits taken by the owners and the very higher interest rates required from private

companies compared to public entities such as local councils.

Northumberland County Council, have recently provided a loan to Northumbria Healthcare Trust to secure savings from its PFI contracts and to help buy out part of the contractual obligations. The Government, although accepting that PFI deals are a crippling burden on local Health Carer Trusts, would appear to be making no provision to buy out PFI contracts or ease the burden on NHS Trusts. In view of this fact Oxford City Council would seek to investigate in conjunction with the County Council and other District Council if it could use its investment portfolio to formulate a loan scheme that would reflect the Northumbrian NHS investment programme.

This City Council therefore requests that the CEB appoint a working Party of appropriate members and officers to investigate with colleagues from the County Council and Oxford University Hospitals Trust, the potential for savings to be made through provision of a loan support investment package funded by the Oxfordshire local authorities to ease PFI burdens but still return a reasonable dividend to local council coffers.

Councillor Ed Turner moved an amendment as follows:

To delete the final paragraph and inset a new paragraph with:

Council therefore requests that officers investigate the feasibility of a loan support investment package, including appropriate dialogue with the Hospitals Trust and other local authorities, and report back to the leaders of political groups upon the outcome of this exercise, so that work can be progressed if feasible and appropriate.

The mover of the substantive Motion, Councillor David Williams accepted the amendment by Councillor Ed Turner. Following a debate, Council voted and the amended Motion was adopted as follows:

“The NHS in Oxfordshire faces years of financial pressure which will inevitably affect the quality of health care for the people of Oxfordshire.

One of the larger elements of pressure comes from the need for Oxford University Hospitals NHS Trust to pay at least £53 million per years to the owners of its PFI facilities. PFI paymentst are inflated by the profits taken by the owners and the very higher interest rates required from private companies compared to public entities such as local councils.

Northumberland County Council, have recently provided a loan to Northumbria Healthcare Trust to secure savings from its PFI contracts and to help buy out part of the contractual obligations. The Government, although accepting that PFI deals are a crippling burden on local Health Carer Trusts, would appear to be making no provision to buy out PFI contracts or ease the burden on NHS Trusts. In view of this fact Oxford City Council would seek to investigate in conjunction with the County Council and other District Council if it could use its investment portfolio to formulate a loan scheme that would reflect the Northumbrian NHS investment programme.

Council therefore requests that officers investigate the feasibility of a loan support investment package, including appropriate dialogue with the Hospitals Trust and other local authorities, and report back to the leaders of political groups upon the outcome of this exercise, so that work can be progressed if feasible and appropriate”.

(7) Scrutiny – (Proposer – Councillor David Williams, seconded by Councillor Dick Wolff)

Oxford City Council, recognising that all of its members have been elected to play an active part in the formation and implementation of Council policies, believes that Scrutiny is an important part of the democratic process. This is especially true now that one-person committees have been introduced, extra powers given to the Council Leader and that decision-making has been concentrated in the hands of a small group of majority party councillors, thereby distancing 'backbench' and opposition councillors from discussion and decision-making. Now that Area Committees have been abolished and many powers such as planning centralised in fewer committees dominated by the majority party, it is especially important to ensure that a robust and effective system is in place for assessing Council performance across the whole city (not just those parts represented by the majority party), and for monitoring the impact of existing and proposed Council policies.

With this clear democratic need made more obvious by the continued centralisation it is most important to resist moves to reduce the number, briefs and powers of the already reduced in number Scrutiny Committees and to make a commitment that this Council will maintain at least two existing major scrutiny panels with the present criteria for review undiminished along with the 'call in' principle for ward spend allocations, planning decisions and single members 'committees'.

Councillor Stephen Brown moved an amendment as follows:

To delete the final paragraph and replace with the following paragraph:

'While noting the above, this Council defers any decision on Scrutiny Structure until a review of the current Decision Making Structure is carried out and the re-introduction of Committee Decision Making, in some form, is considered.'

Councillor Bob Price moved an amendment as follows:

To delete all of the words after the first sentence in the first paragraph of the Motion.

Councillor David Williams Motion on Notice was not considered nor was Councillor Stephen Brown's and Bob Price's amendments as the time allowed by the Constitution for Motions on Notice had lapsed.

(8) Oxford Cycle City Project – (Proposer – Councillor Graham Jones, seconder Councillor Jean Fooks)

This Motion was taken with Motion 5 – Times Safer Cycling Campaign.

This council applauds the work already done by officers and stakeholders on the Oxford Cycle City project;

asks officers to refine further the prioritised list of schemes through consultation with local communities and ward councillors as well as the excellent involvement of organisations such as Cyclox and Sustrans – not least on local infrastructure;

welcomes the many positive ideas set out in a letter to local authorities by the Cycling Minister, Norman Baker, and the moneys for encouraging and improving cycling earmarked by the Coalition government;

urges the inclusion of a city-centre cycle hub and more cycle stands further up the list of priorities;

notes the recent unanimous vote of the county council to work closely with districts on these issues;

and calls on the County Council, in consultation with Cyclox and the City Council, to take measures to implement in Oxford *The Times* eight-point plan for making “Cities fit for Cycling”, and to respond to cyclists’ concerns in relation to shared space proposals such as those for Frideswide Square.

Following a debate, Council voted, and the Motion was adopted.

(9) Council Estate Management – (Proposer – Councillor Stuart McCready, seconder Councillor Jean Fooks)

Up until the start of the 2011/12 financial year, twelve estate managers provided a landlord presence that reached all Council housing in Oxford. The estate manager visited frequently and kept a constant pro-active eye out for problems and knew which department had the solutions. Tenants knew who their estate manager was and could depend on getting a reply when they asked their estate manager to visit, see what a given problem was, and provide advice, help and advocacy in identifying and dealing with the City departments that had the solutions.

For the past year we have had only five estate managers for the whole City, and the emphasis has been on tenants identifying and contacting for themselves the specialist team most likely to help with a given problem - and then they cannot be sure of dealing with the same person twice in a row. This has meant that tenants are faced with a more fragmented, and consequently less effective, landlord service. There is a sense on some estates that cases that were progressing when an estate manager was on the case have stalled and even very simple matters sometimes seem a bewildering challenge to get seen to.

The Council therefore requests officers to investigate restructuring the landlord function to ensure that every tenant has a single familiar officer to whom they can reliably turn for a home visit and advice when they need help or service from the Housing Department.

Councillor Stuart McCready's Motion on Notice was not considered nor as the time allowed by the Constitution for Motions on Notice had lapsed.

130. REPORTS AND QUESTIONS ABOUT ORGANISATIONS THE COUNCIL IS REPRESENTED ON

None raised.

131. SENIOR MANAGEMENT RESTRUCTURES - DELEGATION

The Head of Law and Governance had submitted a report (previously circulated, now appended) which proposed an amendment to the Council's Constitution that would have the effect of granting the Chief Executive authority to implement organisational changes at senior levels of the Council.

Council resolved to adopt with immediate effect the proposed amendment to the Council's Constitution and to authorise the Monitoring Officer to amend the Constitution accordingly.

132. REGULATION OF INVESTIGATORY POWERS ACT 2000 - 1ST APRIL 2011 TO 31ST MARCH 2012

The Head of Law and Governance has submitted a report which reports the Council's application of its powers under the Regulation of Investigatory Powers Act 2000.

Council is asked to note the use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) during the period 1st April 2011 to 31st March 2012.

The meeting started at 5.00 pm and ended at 9.15 pm

COUNCIL

Wednesday 23 May 2012

COUNCILLORS PRESENT: Councillors Armitage (Lord Mayor), Abbasi (Deputy Lord Mayor), Sinclair (Sheriff), Benjamin, Fooks, Altaf-Khan, Bance, Baxter, Brett, Campbell, Canning, Clack, Clarkson, Cook, Coulter, Curran, Darke, Fry, Goddard, Gotch, Haines, Hollick, Humberstone, Jones, Kennedy, Khan, Lloyd-Shogbesan, Lygo, Malik, McCready, McManners, Mills, O'Hara, Pressel, Price, Rowley, Royce, Rundle, Sanders, Seamons, Simmons, Smith, Tanner, Turner, Van Nooijen and Williams.

1. ELECTION OF LORD MAYOR FOR THE COUNCIL YEAR 2012/13

Councillor John Goddard proposed and Councillor Ben Lloyd-Shogbesan seconded, that there being no other nominations, Council resolved that Councillor Alan Armitage be elected as Lord Mayor of Oxford for the Council Year 2012/12.

Councillor Armitage took the Chair from Councillor Benjamin and then made and subscribed the Declaration of Acceptance of Office.

2. ELECTION OF DEPUTY LORD MAYOR FOR THE COUNCIL YEAR 2012/13

Councillor Bob Price proposed and Councillor David Williams seconded, and there being no other nominations, Council resolved that Councillor Mohammed Niaz Abbasi be elected Deputy Lord Mayor of Oxford for the Council Year 2012/13.

Councillor Abbasi then made and subscribed the Declaration of Acceptance of Office.

3. APPOINTMENT OF SHERIFF FOR THE COUNCIL YEAR 2012/13

Councillor Laurence Baxter proposed and Councillor Craig Simmons seconded, and there being no other nominations, Council resolved to appoint Councillor Dee Sinclair Sheriff of Oxford and Conservator of Port Meadow and City Fisheries for the Council Year 2012/13.

4. VOTE OF THANKS TO THE OUTGOING LORD MAYOR

Councillor David Williams proposed and Councillor Jim Campbell seconded a vote of thanks to the outgoing Lord Mayor, Councillor Elise Benjamin, for her services as Lord Mayor of Oxford for the Council Year 2011/12.

5. VOTE OF THANKS TO THE OUTGOING SHERIFF

Councillor Craig Simmons proposed and Councillor Oscar Van Nooijen seconded a vote of thanks to the outgoing Sheriff, Councillor Jean Fooks, for her services as Sheriff of Oxford for the Council Year 2011/12.

6. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ruth Wilkinson and Dick Wolff.

7. ANNOUNCEMENTS BY THE LORD MAYOR

The Lord Mayor congratulated the newly elected Members of Council and welcomed back those Members who had retained their seats in the recent local elections.

He announced that his chosen charities his Mayoral Year would be Arts at the Old Fire Station and Asylum Welfare.

8. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive formally presented the results (previously circulated, now appended) of the local elections held on 3rd May 2012.

9. ELECTION OF LEADER OF THE COUNCIL

Councillor Ed Turner proposed and Councillor Sajjid Malik seconded, and there being no other nominations, Council resolved that Councillor Price be elected Leader of the Council for the Council Years 2012-2016.

10. APPOINTMENT OF COMMITTEES FOR THE COUNCIL YEAR 2012/13 AND OTHER MATTERS

The Head of Law and Governance submitted a report (previously circulated, now appended) which invited Council to appoint Committees for the Council Year 2012/13 and members to serve upon those Committees.

Council resolved:

- (a) To appoint a Licensing Committee to discharge the responsibilities contained in the Licensing Act 2003 and the Gambling Act 2005, with powers and duties as set out in paragraphs 5.4 and 5.5 of the Constitution, and with a membership as set out in the appendix to these minutes;
- (b) To appoint an East Area Planning Committee, a West Area Planning Committee, a Planning Review Committee, an Audit and Governance Committee, a General Purposes Licensing Committee, an Appointments Committee and a Disciplinary Committee for the Chief Executive, Directors and Heads of Service, with powers and duties as set out in Sections 5 and 7 of the Constitution and memberships as set in the appendix to these minutes;

- (c) To appoint a politically balanced Standards Committee with powers and duties as set out in the report, to come into being when the law is changed with regard to the Standards regime, and with a membership as set out in the appendix to these minutes;
- (d) that until the law is changed (expected to be on 1st July 2012) to appoint a Standards Committee with the composition and membership as set out in Appendix 2 to the report and with powers and duties as set out in Section 7 of the Councils Constitution;
- (e) To appoint a Communities and Partnership Scrutiny Committee and a Value and Performance Scrutiny Committee with powers and duties as set out in Section 8 of the Constitution, and with memberships as set out in the appendix to these minutes;
- (f) That all members of Council should constitute the pool of members from which an observer representative would be invited to observe at Appeals Panels into disciplinary sanctions or grievance decisions;
- (g) To appoint Councillor Susanna Pressel to the Oxfordshire Joint Health Overview and Scrutiny Committee;
- (h) That responsibility for recommending all licensing bodies policies to full Council, becomes that of the City Executive Board;
- (i) To authorise the Head of Law and Governance making any changes to the Constitution in consequence of Council's decisions on committee appointments and powers and duties.

11. REPORT OF THE LEADER OF THE COUNCIL

Councillor Bob Price, Leader of the Council informed Council of the Board Members for 2012/13 along with their portfolios:

Councillor Bob Price (Leader)

Councillor Ed Tuner (Deputy Leader)

Councillor Colin Cook – City Development

Councillor Van Coulter – Leisure Services

Councillor Stephen Curran – Young People, Education and Community Development

Councillor Mark Lygo – Parks and Sports

Councillor Scott Seamons – Housing

Councillor Dee Sinclair – Crime and Community Safety

Councillor Val Smith – Customer Services and Regeneration

12. COUNCIL SCHEME OF DELEGATION

Council resolved:

- (a) To re-affirm for the Council Year 2012/13 the Council's Scheme of Delegation as set out in Section 5 of the Constitution;
- (b) To note the Executive's Scheme of Delegations as set out in Section 4 of the Constitution as presented by the Leader to Council.

13. STANDARDS - CODE OF CONDUCT, COMPLAINT HANDLING, ARRANGEMENTS AND STANDARDS COMMITTEE

The Head of Law and Governance/Monitoring Officer submitted a report (previously circulated, now appended) which presented the recommendations of the Standards Committee in relation to the adoption of a new Code of Conduct and standards arrangements in consequence of the Localism Act 2011.

Council resolved:

- (a) To adopt the draft Code of Conduct and complaint handling arrangements to take effect immediately on the statutory repeal of the present Code and arrangements;
- (b) To establish a non-statutory Standards Committee with terms and references as set out in the report (resolution (c) of minute 10 refers);
- (c) That the Head of Law and Governance be authorised to make any consequential amendments to the Constitution;
- (d) To record its thanks to all of the Independent and Parish Council Members who had served on the statutory Standards Committee for their significant contribution to its work over the period 2001-2012.

To: Value and Performance Scrutiny Committee
City Executive Board

Date: 25th June 2012
4th July 2012

Report of: Executive Director, Organisational Development and
Corporate Services

Title of Report: TREASURY MANAGEMENT ANNUAL REPORT
2011/2012 AND REVISED TREASURY MANAGEMENT
STRATEGY 2012/2013

Summary and Recommendations

Purpose of report: The report sets out the Council's treasury management activity and performance for 2011/2012. It also sets out a proposed revision to the Treasury Investment Strategy for 2012/2013 -2015/2016 which will be recommended to Council in July.

Key decision No

Executive lead member: Councillor Ed Turner

Policy Framework: Treasury Management Strategy

Recommendation: The Committee are recommended to:

- note the Treasury Management Annual Report for 2011/2012, as set out in sections 1 – 48 below and;
- comment on the proposed changes to the Investment Strategy originally approved by Council in February 2012, as set out in sections 49 - 54 below and make any recommendations to CEB as appropriate.

Executive Summary

1. The average rate of return on the Council's investments has increased significantly during the financial year 2011/2012 from 0.7% in April 2011 to 1.03% at the 31st March 2012. This is above the Council's Performance Indicator target of 1.0% and despite low market rates due to the Bank of England's Base Rate remaining at an all time low and restricted lending options due to continuing counterparty risk.
2. The Council has £1.3m outstanding with the failed Icelandic Banks, a total of £1.8m was received in the year, and it is expected that the remaining funds will be received during 2012/13.
3. The Council's outstanding debt was £203.3 million as at 31st March 2012. Approximately £202.2 million is held with the Public Works Loan Board (PWLB) at fixed interest rates and £1.1 million is held with South Oxfordshire District Council (SODC) at a variable rate of interest. The PWLB loans include £198.5 million borrowed in March 2012 relating to the self financing of the Housing Revenue Account (HRA). The debt relates purely to Housing and the maturity profile ranges from 9 - 45 years. Interest paid on this debt during 2011/2012 was £487,000.
4. The Council held investments totalling approximately £32.0 million as at 31st March 2012, including approximately £1.3 million of outstanding Icelandic bank investments. The remaining investment balance is held in accordance with the Council's Investment Strategy. Interest earned during the year was approximately £347,000.
5. The primary principle governing the Council's investment criteria is the **Security** of its investment, with **Liquidity** and **Yield** being secondary considerations.
6. In relation to the Council's debt strategy the factors taken into account are prevailing interest rates, the debt profile of the Council's portfolio, the type of asset being financed, and the need to borrow.
7. The Council fully complied with its Treasury Management Strategy in relation to both debt and investment management in 2011/2012. A revision to the Treasury Management Strategy was approved by Council in February 2012 to allow the additional borrowing required to buy the Council out of the Housing Revenue Account Subsidy System. The Council has continued to fund all other debt from internal balances due to the high cost of carry (the difference between borrowing rates and investment returns) and borrowing from external sources will be deferred until interest rates become more cost effective, or internal sources are depleted.
8. The Council has a statutory duty to set, monitor and report on its prudential indicators in accordance with the Prudential Code, which aims

to ensure that the capital investment plans of authorities are affordable, prudent and sustainable.

9. The prudential indicators detailed in the body of this report look back at the results for 2011/2012, and are designed to compare the Council's outturn position against the target set.

Economic Backdrop to 2011/2012

10. The financial year 2011/12 continued the challenging investment environment of recent years, namely low investment returns and continuing heightened levels of counterparty risk. The original expectation for 2011/12 was that Bank Rate would start gently rising from quarter 4 2011. However, economic growth in the UK was disappointing during the year due to the UK austerity programme, weak consumer confidence and spending, a lack of rebalancing of the UK economy to exporting and weak growth in our biggest export market - the European Union (EU). The tight fiscal policy stance was maintained against a background of warnings from two credit rating agencies that the UK could lose its AAA credit rating. Key to retaining this rating will be a return to strong economic growth in order to reduce the national debt burden to a sustainable level, within the austerity plan timeframe. The USA and France lost their AAA credit ratings from one rating agency during the year. Weak UK growth resulted in the Monetary Policy Committee increasing quantitative easing by £75bn in October and another £50bn in February. The Bank Base Rate therefore ended the year unchanged at 0.5% while CPI inflation peaked in September at 5.2%, finishing at 3.5% in March, with further falls expected to below 2% over the next two years. The EU sovereign debt crisis grew in intensity during the year until February when a second bailout package was eventually agreed for Greece.
11. Gilt yields fell for much of the year, until February, as concerns continued building over the EU debt crisis. This resulted in safe haven flows into UK gilts which, together with the two UK packages of quantitative easing during the year, combined to depress PWLB rates to historically low levels.
12. Risk premiums were also a constant factor in raising money market deposit rates for periods longer than 1 month. Widespread and multiple downgrades of the ratings of many banks and sovereigns, continued Eurozone concerns, and the significant funding issues still faced by many financial institutions, meant that investors remained cautious of longer-term commitment.

Financing of the Capital Programme 2011/12

13. Table 1 below shows actual capital expenditure and financing compared to the original plan or budget.

Table 1

Capital Expenditure	2010/11 Actual £'000	2011/12 Budget £'000	2011/12 Actual £'000	Variation £'000
Non-HRA Capital Expenditure	9,952	23,779	12,435	11,344
HRA Capital Expenditure	14,930	11,201	8,577	(2,624)
Total Capital Expenditure	24,882	34,980	21,011	(13,969)
Resourced by:				
Capital Receipts	1,497	9,450	6,394	(3,056)
Capital Grants and contributions	12,292	6,234	3,943	(2,291)
Prudential Borrowing	8,394	11,273	650	(10,623)
Revenue	2,455	8,023	10,024	2,001
Total Capital Resources	24,882	34,980	21,011	(13,969)

14 The key variations relate to the following:

- slippage on the construction of the Competition Swimming Pool at Blackbird Leys of £7.8 million due to a Judicial Review on the Council's decision to progress the project
- £3 million of variations on HRA related schemes including
 - £1 million underspend on construction of Cardinal House and Lambourne House
 - £0.7 million slippage on tower block refurbishment works
 - £0.55 million slippage on window replacement programme
 - £0.2 million slippage on shop refurbishment
 - £0.55 slippage on other housing related works.
- £0.8 million underspend in respect of 'city development' infrastructure schemes including development fees for land at Barton £0.5 million which were subsequently charged to revenue.
- £0.5 million slippage on repairs and refurbishment of corporate buildings including Rosehill Community Centre of £0.2 million
- £0.8 million underspend on Play Barton and £0.2 million of other play area slippage
- £0.3 million of slippage on ICT related projects

15 The variation in the underlying need to borrow i.e prudential borrowing relates largely to slippage of the Competition Swimming Pool of approximately £7.8 million and underspend within the HRA, The interaction with the Councils underlying need to borrow i.e its Capital Financing Requirement (CFR) is discussed in more detail below

The Council's Overall Borrowing Need

16 The underlying need to borrow or Capital Financing Requirement (CFR) is a gauge of the Council's level of indebtedness. It represents all prior years' net capital expenditure which has not been financed by other means (revenue, capital receipts, grants etc.).

17 The CFR can be reduced by:

- I. The application of additional capital resources, such as unapplied capital receipts; or
- II. By holding a voluntary revenue provision (VRP) or depreciation against it.

18 Table 2 below shows the Council's CFR position as at the 31st March, this is a key prudential indicator

Table 2.

CFR	31 st March 2011 Actual £'000	31 st March 2012 Estimate £'000	31 st March 2012 Actual £'000	Variation £000's
Opening Balance	14,219	22,613	26,044	3,431
Plus prudential borrowing	9,991	11,273	650	(10,623)
HRA reform borrowing	0	0	198,528	198,528
Minimum Revenue Provision	(294)	(244)	(295)	(51)
Finance Lease	2,128	0	0	0
CFR Closing Balance	26,044	33,642	224,927	191,285

19 The CFR position above has been increased by a) the capital expenditure financed by prudential borrowing in 2011/12 of £650k and the HRA self financing debt of £198.5 million. This has in turn been reduced by the Minimum Revenue Provision leaving the closing CFR of £224.9 million.

Treasury Position at 31st March 2012

20 Whilst the Council's gauge of its underlying need to borrow is the CFR, the treasury function manages the Council's actual borrowing position by either:

- III. Borrowing to the CFR;
- IV. Choosing to utilise some temporary cash flow funds, which will reduce our investment balance, instead of borrowing (this is known as "under borrowing");
- V. Borrowing for future increases in the CFR (borrowing in advance of need)

21 It should be noted that accounting practice requires financial instruments (debt, investments, etc.) to be measured in a method compliant with International Financial Reporting Standards. The figures in this report are based on the actual amounts borrowed and invested and therefore may differ slightly to those in the Statement of Accounts for 2011/12.

- 22 During 2011/2012 approximately £198.5 million of new debt was taken out to finance the transition to self financing of the Housing Revenue Account (HRA). At the end of 2011/2012 the Council's total debt was £203.3 million. This amount of debt is still below the CFR shown in Table 2 above and indicates that the Council continues to 'internally borrow' of the order of £22 million.
- 23 The Council's treasury position as at the 31st March 2012 for both debt and investments, compared with the previous year is set out in Table 3 below:

Table 3

Treasury Position	31 st March 2011		31 st March 2012	
	Principal £'000	Average Rate %	Principal £'000	Average Rate %
<u>Borrowing</u>				
Fixed Interest Rate Debt	4,376	11.31	202,166	11.33
Other Long-term Liabilities	1,657	0.72	1,158	0.82
Variable Interest Rate Debt	0	0.00	0	0.00
Total Debt	6,033	8.40	203,324	8.79
<u>Investments</u>				
Fixed Interest Investments	13,997	0.57	30,315	1.09
Variable Interest Investments	13,000	0.00	1,685	0.69
Total Investments	26,997	0.57	32,000	1.03
Net Position	(20,964)		171,324	

N.B. Variable Interest Rate Investments are the Council's investments in Money Market Funds.

Prudential Indicators and Compliance Issues

- 24 Some of the prudential indicators provide an overview (paras 25 and 28) others a specific limit on treasury activity (paras 26 and 27). These are detailed below:
- 25 Net Borrowing and the CFR – In order to ensure that borrowing levels are prudent, over the medium-term the Council's external borrowing, net of investments, must only be for a capital purpose. Net borrowing should not therefore, except in the short-term exceed the CFR. Table 4 below highlights the Council's net borrowing position against the CFR, and shows that it is significantly below the limit.

Table 4.

Net Borrowing & CFR	31st March 2011 Actual £'000	31st March 2012 Actual £'000
Total Debt	6,033	203,324
Total Investments	(26,997)	(32,000)
Net Borrowing Position	(20,964)	171,324
CFR	26,044	224,927
Under borrowing	47,008	53,603

26 The Authorised Limit – The authorised limit is the ‘affordable borrowing limit’ required by S3 of the Local Government Act 2003. The Council does not have the power to borrow above this level unless it explicitly agrees to do so. Table 5 below demonstrates that during 2011/2012 the Council has maintained gross borrowing within its authorised limit. The authorised limit allows the Council to borrow to the future CFR if required, and this has been reflected in the limit itself, with a little headroom built in.

Table 5

Authorised Borrowing	31st March 2011		31st March 2012	
	Estimate £'000	Actual £'000	Estimate £'000	Actual £'000
Borrowing	25,000	4,376	245,000	202,166
Other Long-Term Liabilities	1,700	1,657	1,500	1,158
Total Borrowed	26,700	6,033	246,500	203,324
Amount Under Limit	20,667		43,176	

27 The operational Boundary – the operational boundary limit is the expected borrowing position of the Council during the year. It is possible to exceed the operational boundary limit, for a short period of time, providing that the authorised borrowing limit is not breached.

Table 6

Operational Boundaries	31st March 2011 Estimate £'000	31st March 2012 Estimate £'000
Borrowing	23,000	236,000
Other Long-Term Liabilities	1,700	1,500
Totals	24,700	237,500

28 Actual financing costs as a proportion of net revenue stream – this indicator identifies the trend in the cost of capital (borrowing and other long term costs net of investment income) against the net revenue stream. This table is another key indicator of affordability and shows the borrowing to

have been uplifted to reflect the 'self financing' debt take on of £198.5 million which has increased both the authorised and operational boundaries. In addition the financing costs as a proportion of net revenue streams shows the general fund changing to a negative figure as investment income starts to exceed interest paid following the repayment of fixed term PWLB loans and the HRA ratio staying relatively constant. Going forward, following self financing the HRA ratio is likely to increase substantially as interest payments will increase by around £8 million per annum.

Table 7

Actual Finance Costs	2010/11 £'000	2011/12 £'000
<u>Indicators</u>		
Original Indicator – Authorised Limit	26,700	246,500
Original Indicator – Operational Boundary	24,700	237,500
<u>Actuals</u>		
Minimum Gross Borrowing Position	6,033	5,051
Maximum Gross Borrowing Position	6,713	203,324
Average Gross Borrowing Position	0	5,420
Financing Costs As A Proportion Of Net Revenue Stream – General Fund	1.9%	-1.3%
Financing Costs As A Proportion Of Net Revenue Stream – HRA	2.2%	1.9%

Icelandic Banks

29 During the Financial Year 2008/09 the Council invested £4.5 million with two of the now failed Icelandic banks, of which £3.0 million was deposited with Heritable Bank and £1.5 million with Glitnir Bank. These investments, together with accrued interest, are partly overdue their initial repayment.

30 As at the 31st March 2012, we had received approximately £2.0 million of our original Heritable Bank investment plus interest, this equates to approximately 68% of the original investment. Current guidance indicates that the repayment of the Heritable deposits will continue with an eventual total repayment of approx 90% of the original deposits by the end of 2012.

32 On 15th March, the Council received four of the five foreign currency repayments due from Glitnir Bank totalling £1.2 million . Exchange rate losses of approximately 2.8%, (£45k) were incurred on these repayments. The repayment date of the fifth currency (in Icelandic Krona (ISK)) is still to be confirmed and requires the resolution of changes to Icelandic law to allow ISK to be transferred out of Iceland. Once this has been resolved, it is expected that we will receive close to 100% of our initial deposit.

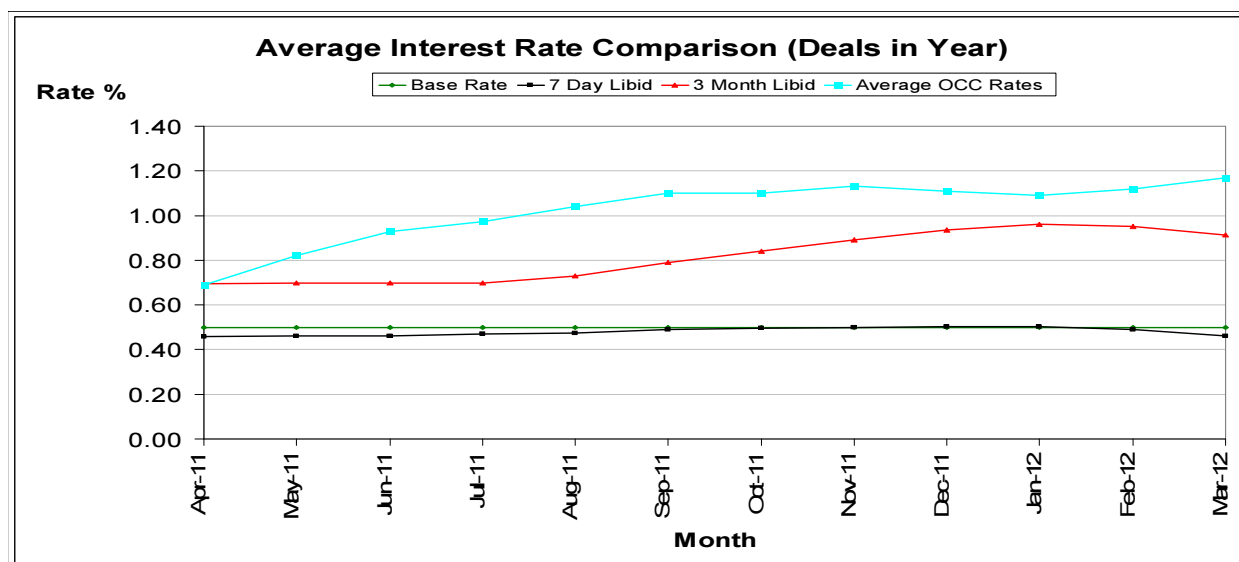
33 Table 8 below shows the original loan terms and the repayments received and outstanding as at 31st March 2012:

Table 8

Counterparty	Original Principal	Interest Rate	Maturity Date	Interest Received	Principal Repaid	Exchange Rate Loss	Total Repaid	Total Outstanding as at 31.03.12
Glitnir	£1.5m	5.51%	28/01 2009	£81,172.63	£1,213,800	(£45,238.57)	£1,249,734.06	£305,339.56
Heritable	£1.0m	6.04%	05/01 2009	£14,714.79	£679,218		£693,932.79	£311,178.44
Heritable	£1.0m	6.18%	30/04 2009	£8,984.95	£679,218		£688,202.95	£332,316.50
Heritable	£1.0m	5.83%	09/12 2008	£3,665.34	£679,218		£682,883.34	£329,645.98
Total				£108,537.71	£3,251,454	(£45,238.57)	£3,314,753.14	£1,278,480.48

Investment Income

34 The following graph shows the Council's monthly average interest rate in comparison to the base rate and also in comparison to its benchmarks: 3-month Libid and 7-day Libid.



35 As can be seen the Council's average monthly rate of return was above benchmark.

36 Table 9 below shows comparator rates and how they fluctuated during the year

Table 9

	INVESTMENT RATES 2011/12					
	Overnight	7 day LIBID	1 Month	3 Month	6 Month	1 Year
01/04/11	0.44%	0.46%	0.50%	0.70%	1.00%	1.48%
31/03/12	0.43%	0.46%	0.57%	0.90%	1.22%	1.74%
High	0.55%	0.51%	0.65%	0.96%	1.27%	1.77%
Low	0.43%	0.46%	0.50%	0.69%	0.98%	1.45%
Average	0.45%	0.48%	0.56%	0.82%	1.11%	1.60%
Spread	0.12%	0.05%	0.15%	0.27%	0.29%	0.32%
High date	30/06/11	30/12/11	11/01/12	12/01/12	25/01/12	25/01/12
Low date	14/03/12	01/04/11	01/04/11	12/04/11	10/06/11	22/06/11

- 37 The Council manages its investments in-house and invests with the institutions listed in the Council's approved counterparty list. The Council invests for a range of periods from overnight to 364 days, dependant on cash flow needs, its interest rate view, the interest rates on offer and durational limits set out in the approved investment strategy.
- 38 During 2011/2012 the Council maintained an average investment balance of £38.1 million and received an average return of 1.03%. This is above the Council's Performance Indicator target of 1.0% (0.5% above the average Bank of England's Base Rate for the year). In comparison, the average rate of return at the beginning of the year was 0.69% (April 2011). It also compares favourably with the Council's benchmark interest rate target, the average 7-day LIBID, which was 0.48%.
- 39 Actual investment income receivable for 2011/2012 was approximately £393,000. Due to the write off the Icelandic interest accrued in 2010/11 that will not be paid to the Council and the Glitnir exchange rate losses outlined in paragraph 32, the interest reported in the Statement of Accounts will be written down to approximately £347,000. This is significantly higher than the 2011/12 income target of £293,000 and was achieved through the initiation of a rolling programme of lending up to 364 days with highly credit rated, Government backed financial institutions and negotiating higher than expected returns on shorter term investments.

Fluctuations in the Council's balances have been managed through the use of a mix of instant access and notice accounts, money market funds and short term deposits (up to 3 months). This strategy is in line with the Investment Strategy approved by Council for 2011/2012.

- 40 Due to the economic downturn and the problems facing the Eurozone, midway through the year, lending was temporarily restricted to a maximum of three months for all institutions, with the exception of other local authorities or semi-nationalised banks. This temporary limit is still in place. No changes are required to the overall Treasury Management Strategy as this change is at an operational level. The situation will continue to be reviewed by the treasury team, the Head of Finance and the Executive Director of Organisational Development and Corporate Services.
- 41 To counteract the effect of losing several counterparties from the lending list, two new money market fund accounts were opened during the year, one with Ignis and the other with Prime Rate. This has helped to diversify the investment spread as each fund spreads its investment over many counterparties and therefore our exposure to each counterparty is minimal. Money market funds have to meet very strict lending criteria in order to retain their coveted AAA credit ratings.

Counterparty Changes During The Year

- 42 During the year the following counterparties were temporarily removed from the Council's approved Treasury Management Lending List due to a

combination of credit rating downgrades and a deterioration in their credit default swap rates:

- i. Clydesdale Bank plc
- ii. Santander UK plc
- iii. Cater Allen

43 The building societies listed below were also temporarily suspended in light of market turbulence and credit rating downgrades (these suspensions are still in place):

- i. Yorkshire Building Society
- ii. Leeds Building Society
- iii. Coventry Building Society
- iv. Skipton Building Society

Housing Revenue Account (HRA) Reform

44 Legislation contained within the Localism Act enabled the introduction of the HRA Self Financing system from 1st April 2012. Self-financing effectively ended the previous subsidy funding system and for a one-off payment covering its allocated share of the national housing debt figure enables the Council to retain all of its HRA dwelling rents going forward.

45 To finance the debt payment the Council borrowed and paid over £198.5 million to the Department for Communities and Local Government (CLG) on 28 March 2012. This additional borrowing required a revision to the Treasury Management Strategy for 2011/2012, which was approved by Council in February 2012.

46 The loans which are with the Public Work Loans Board (PWLB) and set out in Table 10 below incur an average annual interest rate for the first nine years of 3.26%. The loans will be repaid in line with the cashflow expectations of the thirty year HRA business plan.

£m	Period	Maturity Date	Interest Rate	Annual Interest	Total Interest
20	9 years	27/03/2021	2.21%	442,000.00	3,978,000.00
20	14 years	27/03/2024	2.92%	584,000.00	8,176,000.00
40	20 years	27/03/2032	3.30%	1,320,000.00	26,400,000.00
40	25 years	27/03/2037	3.44%	1,376,000.00	34,400,000.00
40	30 years	27/03/2042	3.50%	1,400,000.00	42,000,000.00
0	35 years	27/03/2047	3.52%	-	-
0	40 years	27/03/2052	3.52%	-	-
38.528	45 years	28/09/2057	3.50%	1,348,480.00	60,681,600.00
198.528	Weighted Average Interest Rate		3.26%	6,470,480.00	175,635,600.00

47 Compensation was paid by CLG for the interest incurred by the authority for the four days from taking the loans leading to the go live date, of 1st April 2012.

- 48 To give us greater flexibility in future years, the Authority will use the one pool approach and pool this debt together with the Council's existing debt in one pot.

Treasury Investment Strategy Revision for 2012/2013 – 2015/2016 Increase In Money Market Fund Limits

- 49 The current Investment Strategy for 2012/2013 – 2015/2016 limits money market fund (MMF) deposits to a maximum of £15 million across the Council's five MMF accounts. Due to the reduction in the number of counterparties on the Council's treasury management lending list, and the need to ensure security and liquidity of our investments, an increase to the overall limit in Money Market Funds is being recommended by officers. This will allow us to manage our cashflow more effectively.
- 50 The proposal is to increase the overall limit to £20 million across the five MMF accounts, this will provide the Council with ability to place funds in an AAA rated institution that is highly liquid, whilst ensuring our investments are spread equally over our counterparties.

Additional Counterparties

- 51 The current Investment Strategy allows investment with local authorities for up to £10 million for 364 days. Recently Police Authorities have become more active in the investment markets and in order to give the Council the ability to diversify its investment holdings as wide as possible whilst still maintaining security it is recommended that the counterparty list is extended to include such organisations and other public bodies. These organisations are similar to local authorities in the terms of their security of investment and therefore officers do not believe that extending the counterparty list to include such bodies will open the authority up to undue risk.

Financial Implications

- 52 These are set out within the body of the report

Legal Implications

- 53 These are covered adequately within the report

Risk Implications

- 54 A risk analysis has been carried out and there are no risks in connection with the recommendations within the report, risk assessment is a key part of Treasury Management activity especially in the selection of counterparties when investing is being considered. The Council uses external advisors and counterparty credit ratings issued by the rating agencies to assist in this process.

Contact Officer:

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Background papers:

Treasury Management Strategy 2011/12 – Executive Board February 2011
Treasury Management Strategy 2012/13 – Executive Board February 2012
Treasury Management Mid Year Review Report – Executive Board December 2011

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Key

RED RISK
CLOSED RISK

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed
	Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P	
TMS-001	Loss of capital investment	T	Loss of capital investment – if counterparty invested in collapses and is unable to repay the original investment	Collapse of counterparty, counterparty unable to repay investments	The Council will lose money which could potentially have an adverse effect on operational funding	20-Jun-12	6	3	2	3	1	3	1	Anna Winship	20-Jun-12
TMS-002	Interest Rates	O/T	Interest Rates – Although interest rates are currently at an all time low, the period of time that they remain at this level is to be considered. A prolonged period will affect the long term returns for the organisation.	No change to base rate and associated market investment rates, or rates that only move upwards slowly over a prolonged period of time	The Council will not be able to realise the returns on investment as previously projected in the budget	20-Jun-12	6	2	2	2	1	2	1	Anna Winship	20-Jun-12
TMS-003	Fraudulent activity	T	Potential fraud by staff	Fraudulent activity	Loss of money	20-Jun-12	6	2	2	2	1	2	1	Anna Winship	20-Jun-12
TMS-004	Money Laundering	T	Money laundering by external parties	Pay cash for transactions into council, claims refund	Fine/imprisonment	20-Jun-12	6	4	2	4	1	4	1	Nigel Kennedy	20-Jun-12
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Risk ID Categories

CRR-000	Corporate Risk Register
SRR-000	Service Risk Register
CEB-000	CEB reports
PRR-000	Project/Programme Risk Register
PCRR-000	Planning Corporate Risk Register
PSRR-000	Planning Service Risk Register

Service Area Codes

PCC	Policy, Culture & Communication	CS	Customer Services
CD	City Development	FI	Finance
CHCD	Community Housing & Community Development	BT	Business Transformation
CA	Corporate Assets	PS	Procurement & Shared Services
OCH	Oxford City Homes	CP	Corporate Performance
CW	City Works	LG	Law and Governance
ED	Environmental Development	CRP	Corporate Secretariat
CL	City Leisure	PE	People & Equalities

Corporate Objective Key

- 1: More Housing Better Housing for all
- 2: Stronger & more inclusive communities
- 3: Improve the local environment, economy & quality of life
- 4: Reduce anti-social behaviour
- 5: Tackle climate change & promote environmental resource management
- 6: Transform OCC by improving value for money and Service performance

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Extract from the minutes of the City Executive Board held on 4th July 2012

9. TREASURY MANAGEMENT ANNUAL REPORT 2011/12

The Executive Director, Organisational Development and Corporate Services submitted a report (previously circulated, now appended). The Chair of the Value and Performance Scrutiny Committee submitted a report (previously circulated, now appended) containing scrutiny comments on the Treasury Management report.

Resolved:-

- (1) Note the Treasury Management Annual Report for 2011/12 as set out in sections 1 - 48 of the report;
- (2) RECOMMEND Council to agree the changes to the Treasury Investment Strategy as referred to in sections 49-51 of the report;
- (3) To keep under review the effects of right to buy on the Housing Revenue Account Business Plan and to ask the Executive Director, Organisational Development and Corporate Services to report in the Autumn in the context of the Medium Term Financial Strategy review on the effects on the HRA Business Plan of right to buy take-up.

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To: City Executive Board

Date: 4 July 2012

Report of: Head of Direct Services

Title of Report: **EXTENSION OF ALTERNATIVELY FUELLED VEHICLES TO THE COUNCIL FLEET**

Summary and Recommendations

Purpose of report: To seek approval to add more electric vehicles to the Council's existing fleet

Key decision? No

Executive lead member: Councillor John Tanner

Policy Framework: Cleaner Greener Oxford

Recommendation(s): The City Executive Board is recommended to:-

1. Approve the use of more electrically driven vehicles in the council's vehicle fleet, where viable and cost effective
2. Approve the use of more electrically driven vehicles in the council's vehicle fleet, where viable and cost effective.
3. Recommend to Council for inclusion of the additional budget in the Council's capital programme highlighted in paragraph 9, funded from the savings in running expenses over the life of the asset (as shown in Table 3, Paragraph 22) as part of the spend to save initiative.

Background

1. Oxford City Council has an accomplished history of operating alternative fuelled vehicles for the purpose of reducing both the local and global environmental impact of its vehicle fleet.
2. In 2001, following a successful trial, the use of Liquid Petroleum Gas (LPG) was introduced into the fleet in order to reduce harmful pollutants emitted from the Council's vehicle fleet. Since this introduction, over 180 LPG hybrid cars and light commercial vehicles have been added to the fleet.
3. In 2006/7, the focus of environmental concerns shifted from particulate matter (PM10) to CO₂. LPG vehicles produce reduced amounts of PM10, but similar levels of CO₂ to that of diesel engines. In addition, the control mechanisms for PM10 had considerably improved. Biodiesel was introduced to the Council's fleet as a way of offsetting the production of CO₂ from diesel vehicles. The introduction of a 20% blend of Biodiesel by Oxford City Council was soon superseded by the use of a 30% Biodiesel blend.
4. In addition to these alternative biofuels, Oxford City Council has considerable experience in the operation of electrically powered vehicles. In 1999, 8 electric Peugeot 106 cars and 8 electric Peugeot Partner vans were successfully introduced and operated on the fleet. Although generally reliable, the main downfalls of this technology were
 - Limited range
 - Cost and maintenance of batteries
5. The motor industry seemed to shy away from the production of electric vehicle technology during the early part of the 2000's, but recent major investments in the development of electric vehicles has resulted in the production of many viable options.
6. In 2009/10 we participated in the trialling of 5 electric Minis through BMW's Mini-E trial.
7. The purchase of 2 electric cars as part of the Capital Vehicle Replacement Programme was approved in 2010/11, and there are currently 2 Citroen C-Zero electric cars on order to be introduced into the vehicle fleet.
8. It is the purpose of this report to obtain approval to buy similar vehicles over the next 3-4 years, at an increased initial capital cost but much lower running costs.

Proposal and Implementation

9. The following table shows the number of vehicles highlighted as potential candidates for replacement by electric vehicles over the next four years, based on current mileage and utilisation:

Financial Year	Cars	Small Vans	Estimated Proposed Extra Capital Spend (£)
2012/13	4	5	81,000
2013/14	1	4	45,000
2014/15	2	2	36,000
2015/16	4	2	54,000

Table 1: Potential vehicles for replacement by electric

10. After investigating and trialling a number of electric car models, the following makes have been identified as possible additions to the council fleet:
- Citroen C-Zero
 - Peugeot iOn
 - Mitsubishi i-MiEV
 - Nissan Leaf
11. The Nissan Leaf is marketed as an executive vehicle and as such would not be economically viable as a fleet vehicle. The C-Zero, iOn and i-MiEV are very similar vehicles and all possess the following features:
- 3-4 passenger seats
 - Luggage space
 - Approx 100 mile radius on a full battery charge
 - Regenerative braking
- Vehicle specifications are appended in *Appendix 4*.
12. After evaluating the purchase cost and warranty options, it is clear that currently the best value is offered by Citroen. The actual purchase price is less than the other two, and the vehicle is offered with 4 years full servicing, 8 years battery and motor warranty – both with a delivery/collection service and courtesy vehicle provision.
13. We are currently assessing the viability and cost of electric vans from a number of manufacturers including Citroen, Renault and Ford. A similar assessment will be carried out and the most suitable vehicle for the needs of the fleet will be purchased.
14. All user departments will be fully consulted before replacement to ensure that the needs of the service can be met by an electric vehicle.

15. Our previous experience with electric vehicles has ensured that there are already charging points, including medium/fast speed installed at Council locations around the city.

13 Amp trickle charge points are available at:

- Cowley Marsh Depot x 11
- Horspath Road x 2
- Cutteslowe Park x 2
- Westgate Car Park x 1

Quick charge points are accessible at the Westgate Car Park, and at 10 other public locations around the city. Further charging points can be installed as necessary and when economically viable.

Environmental Impact

16. The introduction of electric vehicles to replace current diesel models will potentially result in a significant positive impact on the local environment. Fully electrified vehicles boast zero local emissions, with no harmful CO₂, Nitrogen Oxides (NO_x) or particulate matter (PM10) emitted from the tailpipe of the vehicle.

17. While it is possible to calculate the current emissions of the Council's car fleet to a relatively high degree of accuracy, figures for the emissions of vans and light commercial vehicles are yet to be published, making an emissions calculation difficult.

18. For the purpose of this report, the example below shows the potential annual reduction in tailpipe emissions if 6 current diesel cars (identified as potential candidates for replacement) are replaced with electric vehicles.

This table shows an average production of 1.3 tonnes of CO₂ per car each year. Generally the CO₂ emissions of a van/light commercial vehicle will be greater than that of a car, so the potential reduction in emissions is far greater.

	Annual distance travelled (km)	CO ₂ emissions factor (g/km)	CO ₂ emissions (tonnes)	NO _x emissions (kg)	PM10 emissions (kg)
Diesel Car 1	2712	150	0.41	0.74	0.004
Diesel Car 2	22363	140	3.13	6.12	0.37
Diesel Car 3	2993	150	0.46	0.82	0.05
Diesel Car 4	10882	150	1.63	2.98	0.18
Diesel Car 5	11893	150	1.78	3.25	0.20
Diesel Car 6	2929	143	0.42	0.80	0.05
Total			7.82	14.71	0.85

Table 2: Potential reductions in annual tailpipe emissions

Equalities Impact

19. There are no adverse impacts on equalities.

Risk Implications

20. A risk assessment has been undertaken and the risk register is available as a background paper. There is potential financial risk that vehicle manufacturers may not honour warranties or support their products after year four.

Financial Implications

21. To assess the financial implications of switching to an electric vehicle, a comparison with a current conventional model has been undertaken., The example below compares a Citroen C-Zero electric vehicle with a Citroen Berlingo Multispace (already on fleet: the Multispace is one of our most common cars, and the most likely candidate for replacement).

N.B. All figures in Table 3 are based on current averages across the fleet.

	Yr 0	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Whole Life Cost
Multispace										
Capital Cost	10,000							11,500		
DRF Charge		1,667	1,667	1,667	1,667	1,667	1,667	1,917	1,917	13,833
Maintenance Costs		550	550	550	550	550	550	550	550	4,400
Fuel Costs		625	625	625	625	625	625	625	625	5,002
Vehicle License		130	130	130	130	130	130	130	130	1,040
Total		2,972	2,972	2,972	2,972	2,972	2,972	3,222	3,222	24,275
C-Zero										
Capital Cost	19,000									
DRF Charge		2,375	2,375	2,375	2,375	2,375	2,375	2,375	2,375	19,000
Maintenance Costs		0	0	0	0	300	300	300	300	1,200
Fuel Costs		76	76	76	76	76	76	76	76	611
Vehicle License		0	0	0	0	0	0	0	0	0
Total		2,451	2,451	2,451	2,451	2,751	2,751	2,751	2,751	20,811
Saving pa incl Capital Cost		521	521	521	521	221	221	471	471	3,464
Saving pa excl Capital Cost		1,229	1,229	1,229	1,229	929	929	929	929	8,631

Table 3: Whole Life Costs

Notes

- In Year 5, the maintenance cost of the C-Zero is added, as the 4 year servicing warranty will expire
- In Year 7, it is assumed that the Multispace will be replaced, and a 15% increase in the purchase price is included
- Financial factors such as non fair wear and tear, insurance premiums and overheads including fleet management charges are excluded from these calculations as they are deemed to be fixed regardless of the vehicle make/type

Capital Cost

- 22.** The current purchase price of a diesel Berlingo Multispace is circa £10,000 (delivered and registered). The equivalent price of a electric C-Zero is about £24,000. However, the Office for Low Emissions Vehicles (OLEV) currently offers a grant of £5,000 off the price of a new electric vehicle, making the actual C-Zero purchase price about £19,000.
- 23.** Although the initial purchase price is higher, various warranty and service deals on the C-Zero mean that the vehicle will be purchased with a view to run it over an 8 year life. The Multispace is currently run over a 6 year life. Therefore, the capital cost per year on a C-Zero is £2,375, compared to £1,667 for the Multispace.
- 24.** The increased capital cost of the vehicle would be funded through Direct Revenue Funding (DRF) and therefore the revenue savings identified below would be vired into the DRF Budget to ensure the capital programme continues to be funded at the correct level.

Maintenance Cost

- 25.** The current estimated cost for maintaining a Multispace is £550 per annum. This covers servicing, annual testing and general fair wear and tear. Non fair wear and tear is excluded from this cost and is recharged to the user department on a “pay as you go” basis.
- 26.** Current quotes on a C-Zero include a 4 year servicing and maintenance warranty. This includes all servicing and fair wear and tear maintenance. Therefore the “maintenance only” cost for years 1 – 4 is £0. All subsequent years are covered by a manufacturer’s warranty restricted to all motor and battery components, so the estimated maintenance cost of years 4-8 is £300 per annum. Again, this excludes non fair wear and tear.
- 27.** Based on an average annual mileage of 4773 miles per annum, and today’s diesel price of £1.161 per litre (excluding VAT), a diesel Multispace costs £0.131 per mile to run. This equates to an average annual cost of £625.
- 28.** Citroen estimate that the cost of the electricity used to charge the C-Zero to full capacity will cost £0.016 per mile¹. Based on the same mileage calculations as the Multispace, this would cost £76 per annum to run.

¹ Based on average standard tariff electricity prices. Some providers offer “green” electricity charged at a premium

Vehicle Excise Duty (VED) Cost

29. VED (car tax) is currently set by HMRC and is calculated based on Fuel Type and CO₂ emissions. A diesel Multispace falls into Tax Band F and costs £130 per annum. As the C-Zero emits 0 CO₂ emissions; the cost per year is £0.

Legal Implications

30. The purchase of electric vehicles will be carried out through the Government Procurement Service (GPS). The use of framework agreements for the purchase of cars light commercial vehicles (RM859/L1 & /L2) will ensure that our procurement methods stay within the boundaries of the Council's Constitution (Part 19) and EU procurement rules.

Name and contact details of author:-

Name	Lee Wood
Job title	Maintenance Officer
Service Area / Department	Direct Services/Waste and Transport
Tel: 01865 252970 e-mail:	lwood@oxford.gov.uk

List of background papers:

- Initial Equality Impact Assessment
- Risk Register
- Government Procurement Service framework agreement for vehicle purchase

Available upon request from the author

Version number: 9

Extract from the minutes of the City Executive Board held on 4th July 2012

11. INTRODUCTION OF ALTERNATIVELY FUELLED VEHICLES TO THE COUNCIL FLEET

The Head of Direct Services submitted a report (previously circulated, now appended).

Resolved to:-

- (1) Approve the use of more electrically driven vehicles in the council's vehicle fleet, where viable and cost effective;
- (2) RECOMMEND Council to include the additional budget highlighted in paragraph 9 in the Council's capital programme, funded from the savings in running expenses over the life of the asset (as shown in Table 3 of the report) as part of the spend to save initiative.

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CITY EXECUTIVE BOARD

Monday 23 April 2012

COUNCILLORS PRESENT: Councillors Price (Leader), Turner (Deputy Leader), Cook, Coulter, Lygo, Smith and Tanner.

112. APOLOGIES FOR ABSENCE

None received.

113. DECLARATIONS OF INTEREST

No declarations of interest were received

114. PUBLIC QUESTIONS

There were no public questions.

115. SCRUTINY COMMITTEE REPORTS

There were no Scrutiny Committee reports

116. RISK MANAGEMENT STRATEGY

The Head of Finance submitted a report (previously circulated, now appended) concerning the updated Risk Management Strategy.

Resolved to approve the Risk Management Strategy as presented, with the following amendments:-

- (1) There would be a fully worked out embedded training programme;
- (2) The training programme would be reported to Audit and Governance Committee annually.

117. COUNCIL-WIDE PROPERTY IMPROVEMENTS - PROCESS FOR IN-YEAR AMENDMENTS

The Head of Corporate Assets submitted a report (previously circulated, now appended).

It was resolved to:-

1. Note and welcome the report and the proposals for capital spending on General Fund and Housing property improvements for 2012/13;

2. Grant project approval to the capital programme spend on corporate priorities as outlined in the report for General Fund and Housing properties, subject to the Head of Finance confirming that funding is available for these proposals;
3. Approve the methodology proposed for in-year amendments to the agreed programme as outlined in the report, whereby the Head of Corporate Assets, following consultation with other Heads of Service as appropriate to the property concerned, will then consult with the Head of Finance and the Executive Member for Finance, Corporate Assets and Strategic Planning or the Executive Member for Housing Needs (as appropriate to the properties concerned and as necessary and appropriate to meet the requirements of the Council's Constitution and Financial Regulations) in order to seek approval to the amendments prior to implementation. Amendments will then be incorporated into the revised capital programme reported to City Executive Board as part of the regular quarterly financial monitoring report;
4. Note the paragraphs relating to the replacement of the comfort cooling system at Ramsay House (paragraphs 10 and 11) and support the principle of this work being funded partly from the budget now no longer required for 1, Floyds Row (vired to this project under delegated authority by the Head of Finance) and partly from the capital programme as shown in Appendix 3;

118. FLOYDS ROW - LEASE RENEWAL

The Head of Corporate Assets submitted a report (previously circulated, now appended).

Members of City Executive Board thanked officers for their hard work and diligence in this matter.

Resolved to approve the lease renewal as detailed in the report and appendix, (and otherwise on terms and conditions to be approved by the Head of Corporate Assets).

119. MATTERS EXEMPT FROM PUBLICATION

Resolved to exclude the press and public from the meeting during consideration of the items in the exempt from publication part of the agenda in accordance with the provisions in Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972 and that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Summary of business transacted by the Board after passing the resolution contained in minute 119

The Board received and noted the contents of not for publication appendix to the reports at item 7 (minute 118 refers).

120. FLOYD'S ROW - LEASE RENEWAL

City Executive Board approved the terms of the lease of the Government Buildings, Floyds Row, St Aldate's as described in Appendix 3 to the report.

The meeting started at 4.30 pm and ended at 4.45 pm

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CITY EXECUTIVE BOARD

Wednesday 4 July 2012

COUNCILLORS PRESENT: Councillors Price (Leader), Turner (Deputy Leader), Cook, Coulter, Curran, Lygo, Seamons, Sinclair, Smith and Tanner.

1. APOLOGIES FOR ABSENCE

None

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. PUBLIC QUESTIONS

One question with answer, as follows, was distributed at the start of the meeting:-

Question from Mr Mark Pitt:-

“The cycle plan before the CEB for approval (Item 12) is a very welcome initiative to make better use of cycle routes in the city.

I am however very concerned that there is no recognition, or allowance for, preservation or improvement of the last remaining green lanes in the city, particularly in the Conservation Areas of Headington Hill (Cuckoo Lane) and Old Headington (Stoke Place, Cuckoo Lane) and their associated greenery.

What assurances can the CEB give that everything possible will be done to preserve and enhance their green characters, preserve the last green lanes in the NE Area (Cuckoo Lane, Stoke Place) by, where necessary, sensitive surfacing, and avoidance of brash urban and visually insensitive signage?

Can you give an assurance that Conservation Groups, Officers and residents will be extensively consulted before any changes are made?”

Answer from the Board Member, City Development:-

“The Oxford Cycle City Plan provides a list of cycle schemes and initiatives that the City Council wishes to take forward, together with a framework for prioritising schemes within financial constraints. It is not a detailed implementation plan. Schemes taken forward will be subject to such a level of public consultation as resources allow, and appropriate to the works involved, in accordance with the City Council’s commitment to public engagement.

As the Cycle Plan is not a detailed implementation plan, it does not explicitly consider the environmental constraints and opportunities that may arise for some schemes. However the Council will be mindful of such matters, taking into account the views of local people, in determining (or recommending) scheme

details and materials.

There are currently no proposals for changes to be made to Cuckoo Lane or Stoke Place as part of the Oxford Cycle City Plan. Changes are proposed to Stoke Place as part of implementing the Barton Area Action Plan, hence will be considered separately, within the context of the Old Headington Conservation Area Appraisal."

4. SCRUTINY COMMITTEE REPORTS

Two Scrutiny reports were circulated, on minute items 6 and 9. They are referred to in those minutes.

5. COMMUNITY INFRASTRUCTURE LEVY

The Head of City Development submitted a report (previously circulated, now appended).

Resolved:-

- (1) To approve the Community Infrastructure Levy Preliminary Draft Charging Schedule for consultation and to record that that consultation should be as full as possible including at least the means set out in the first paragraph 24 of the report;
- (2) To authorise the Head of City Development to make any necessary editorial corrections to the document before consultation commenced.

6. PERIODIC REPORTING - FINANCE - YEAR END 2011/12

The Head of Finance submitted a report (previously circulated, now appended). The Chair of the Value and Performance Scrutiny Committee submitted a report (previously circulated, now appended) containing scrutiny comments on the periodic report.

Resolved to:-

- (1) Note the financial outturn for 2011-12 of £25.3 million which was £0.5 million favourable compared to the approved budget for 2011/12;
- (2) Approve the transfer of the £0.5m surplus to Earmarked Reserve for funding Capital subject to further discussion in the Autumn in the context of the review of the Medium Term Financial Strategy;
- (3) Approve transfers to the General Fund and HRA Working Balances of £0.8 million and £0.6 million respectively;
- (4) Approve the carry forward requests as detailed in Appendix B to the report;

(5) Note partnership payments to staff as detailed in paragraphs 37-40 of the report;

(6) To note advice given by the Executive Director, Organisational Development and Corporate Services on recruitment (paragraph 7 of the Scrutiny report refers) and to ask Executive Directors to consider the effects of delays in recruitment on services and plans in terms of planning work programme delivery.

7. PERIODIC REPORTING - PERFORMANCE 2011/12

The Head of Business Improvement and Technology submitted a report (previously circulated, now appended). Councillor Fooks addressed the meeting.

Resolved:-

(1) To note progress made against the Corporate Plan targets for 2011/12 and performance improvements made as a result of the Council's commitment to deliver efficient and effective services;

(2) To ask that on CD002 (Council as business friendly) officers should explore seeking responses not only from the top 20 employees but from small and medium size employers also;

(3) On HCOO2 (Holiday activity programme) to ask the Executive Director, City Services to let all members have details of Summer activities for young people in their Wards;

(4) To express the Board's appreciation for the achievements under:-

(a) households in temporary accommodation – paragraph 4.2 (Housing and Communities) refers;

(b) office footprint reduction paragraph 4.2 ((Corporate Assets) refers;

(c) sickness absence reduction – paragraph 4.2 (People and Equalities) refers.

8. PERIODIC REPORTING - RISK 2011/12

The Head of Finance submitted a report (previously circulated, now appended).

Resolved to note the contents of the report.

9. TREASURY MANAGEMENT ANNUAL REPORT 2011/12

The Executive Director, Organisational Development and Corporate Services submitted a report (previously circulated, now appended). The Chair of the Value and Performance Scrutiny Committee submitted a report (previously

circulated, now appended) containing scrutiny comments on the Treasury Management report.

Resolved:-

- (1) Note the Treasury Management Annual Report for 2011/12 as set out in sections 1 - 48 of the report;
- (2) RECOMMEND Council to agree the changes to the Treasury Investment Strategy as referred to in sections 49-51 of the report;
- (3) To keep under review the effects of right to buy on the Housing Revenue Account Business Plan and to ask the Executive Director, Organisational Development and Corporate Services to report in the Autumn in the context of the Medium Term Financial Strategy review on the effects on the HRA Business Plan of right to buy take-up.

10. ELECTRICAL MATERIALS - AWARD OF CONTRACT

The Head of Business Improvement and Technology submitted a report (previously circulated, now appended).

Resolved to appoint a supplier for the provision of electrical materials and to award a contract for the supply of such materials for the period 1 August 2012 – 31 December 2015 to Eyre and Elliston Ltd.

11. INTRODUCTION OF ALTERNATIVELY FUELLED VEHICLES TO THE COUNCIL FLEET

The Head of Direct Services submitted a report (previously circulated, now appended).

Resolved to:-

- (1) Approve the use of more electrically driven vehicles in the council's vehicle fleet, where viable and cost effective;
- (2) RECOMMEND Council to include the additional budget highlighted in paragraph 9 in the Council's capital programme, funded from the savings in running expenses over the life of the asset (as shown in Table 3 of the report) as part of the spend to save initiative.

12. OXFORD CYCLE CITY PLAN

The Head of City Development submitted a report (previously circulated, now appended). Councillor Jones addressed the meeting.

Resolved:-

- (1) To authorise the Head of City Development in consultation with the Board Member, City Development:-

- (a) To allocate capital and revenue funding for Oxford Cycle City to schemes and initiatives that align with the Oxford Cycle City Plan;
 - (b) To make changes to the Oxford Cycle City Plan as and when appropriate, in response to ongoing dialogue with stakeholders;
- (2) To thank Matthew Bates (City Development) for his work on the Plan.

13. HARCOURT HOUSE, MARSTON ROAD - DISPOSAL

This report was withdrawn by the Leader for further work to be done on it and for submission then to single member decision later in the month.

14. FUTURE ITEMS

Nothing was raised under this item.

15. MINUTES

The minutes of the meetings held on 4th and 23rd April 2012 were approved as a correct record and signed by the Chair.

16. MATTERS EXEMPT FROM PUBLICATION

Resolved to exclude the press and public from the meeting during consideration of the items in the exempt from publication part of the agenda in accordance with the provisions in Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972 and that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Summary of business transacted by the Board after passing the resolution contained in minute 16

The Board noted that the not for publication appendix to the report at minute had been withdrawn.

17. HARCOURT HOUSE, MARSTON ROAD - DISPOSAL

This not for publication appendix to the report at minute 13 was withdrawn by the Leader for further work to be done on it and for submission then to single member decision later in the month.

The meeting started at 5.00 pm and ended at 5.53 pm

DELEGATED DECISIONS OF THE BOARD MEMBER, CORPORATE GOVERNANCE AND STRATEGIC PARTNERSHIPS

Tuesday 29 May 2012

COUNCILLORS PRESENT: Councillors Price.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer)

1. DECLARATIONS OF INTEREST

None

2. MATTERS EXEMPT FROM PUBLICATION

None

3. PUBLIC ADDRESSES

None

4. COUNCILLOR ADDRESSES

None

5. POLICE AND CRIME PANEL APPOINTMENT OF CITY REPRESENTATIVE

The Head of Policy, Communications and Culture submitted a report which gave a brief outline of the joint arrangements for the Thames Valley Police and Crime Panel, and nominated the City Executive Board member for Crime and Community Safety to represent Oxford City Council on the Panel.

Councillor Bob Price considered the report and RESOLVED to appoint Councillor Dee Sinclair, Board Member for Crime and Community Safety to the Thames Valley Police and Crime Panel.

The meeting started at 5.00 pm and ended at 5.05 pm

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DELEGATED DECISIONS OF THE BOARD MEMBER, HOUSING

Friday 22 June 2012

COUNCILLORS PRESENT: Councillor Seamons.

OFFICERS PRESENT: Graham Stratford (Head of Housing), William Reed (Law and Governance).

1. DECLARATIONS OF INTEREST

None

2. PUBLIC ADDRESSES

None

3. COUNCILLOR ADDRESSES

None

4. RIGHT TO BUY - RETENTION OF RECEIPTS

The Executive Director, City Regeneration submitted a report (previously circulated, now appended).

Resolved that delegated authority be given to the Head of Finance to enter into an agreement with the Secretary of State for Communities and Local Government under Section 11(6) of the Local Government Act 2003 to enable the Council to retain a proportion of receipts from Right to Buy sales of council properties for re-investment in new affordable housing.

The meeting started at 9.00 am and ended at 9.10 am

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MOTIONS ON NOTICE FOR THE COUNCIL MEETING ON MONDAY 16TH JULY 2012

(1) **Council Estate Management – (Proposer – Councillor Stuart McCready, seconder Councillor Jean Fooks)**

Up until the start of the 2011/12 financial year, twelve estate managers provided a landlord presence that reached all Council housing in Oxford. The estate manager visited frequently and kept a constant pro-active eye out for problems and knew which department had the solutions. Tenants knew who their estate manager was and could depend on getting a reply when they asked their estate manager to visit, see what a given problem was, and provide advice, help and advocacy in identifying and dealing with the City departments that had the solutions.

For the past year we have had only five estate managers for the whole City, and the emphasis has been on tenants identifying and contacting for themselves the specialist team most likely to help with a given problem - and then they cannot be sure of dealing with the same person twice in a row. This has meant that tenants are faced with a more fragmented, and consequently less effective, landlord service. There is a sense on some estates that cases that were progressing when an estate manager was on the case have stalled and even very simple matters sometimes seem a bewildering challenge to get seen to.

The Council therefore asks the Executive to investigate restructuring the landlord function to ensure that every tenant has a single familiar officer to whom they can reliably turn for a home visit and advice when they need help or service from the Housing Department.

(2) **Failure of the Green New Deal – (Proposer – Councillor David Williams, seconder Councillor Craig Simmons)**

This Council is concerned that the Government flagship policy, the so called 'Green Deal' to be launched in Oxford and other Cities in the Autumn, is already set to herald (by the Government's own figures) a massive decline in roof insulation and cavity wall insulations year on year.

By listening to the energy companies demands to remove some of their obligations, plus narrowing considerably the social criteria for subsidized insulation and most important setting the public loans at a commercial rate, as illustrated by the Secretary of State in his statement on the 11th of June, the impact of the Green New Deal will be totally counter productive. His own revised figures indicate a drop of roof insulation from 900,000 per year (2012) to 150,000 (2013) (-83%) plus a fall in the number of cavity wall insulations from 700,000 (2012) to 400,000 (-67%). This will mean that the UK will without doubt miss its future climate change targets.

Council asks the Chief Executive to make representations as follows:-

- (1) To bring to the attention of the Secretary of State that a primary objective of his office should be to reduce carbon emissions and to reduce energy usage and that to achieve that a loft insulation programme and cavity wall schemes are the most cost effective ways to reduce heating bills and reduce costs to consumers;
- (2) To advise the Secretary of State that a Government prediction of a dramatic decline in roof insulation and cavity wall schemes to 150,000 and 400,000 respectively is a fraction of the target set in 2009 of 2.1 million homes with roof insulation each year and 1.4million cavity wall schemes and unless these targets are met the UK will without doubt miss its own targets for carbon emissions;
- (3) To call on the Government not to restrict loan subsidies to only the very poorest pockets in a limited number of communities and not to rely on market forces via commercial loans to deliver the necessary increases in loft insulation and cavity wall insulation that are needed but to expand the social criteria so that large areas of Oxford City may benefit;
- (4) To inform the Secretary of State that with an expanded social criteria to include low income families, all pensioners, those with a disability or on income support and other vulnerable groups the primary objective of maintaining the insulation programme can be achieved.

(3) **Local Authority Co-operative Network – (Proposer – Councillor Elise Benjamin, seconder Councillor David Williams)**

This Council resolves to investigate becoming a member of the Local authority Co-operative Network and to that end asks the Chief Executive to prepare a report to the City Executive Board in the Autumn illustrating the advantages that may accrue from membership in terms of a range of policies especially in the area of economic development, the creation of local co-operatives and housing trusts.

Council believes that this would assist the Council in developing the Co-operative ideal with possible trader's co-operative such as the Covered Market, co-operative housing trusts, small co-operative productive enterprises and many more.

(4) **Passenger right to privacy – (Proposer – Councillor David Williams, seconder Councillor Craig Simmons)**

Given the intrusion into privacy and the abuse of civil liberties this Council will oppose the introduction of recording (secret or explicit)

of passenger conversations in public transport vehicles including buses, taxi cabs and licensed private hire vehicles. To that end Council resolves as follows:-

- (1) The concept of a passenger right to privacy in the passenger space will be incorporated into Oxford licensing conditions for taxi and private hire vehicles.
- (2) Oxfordshire County Council will be approached to seek a joint policy endorsing the same passenger rights to privacy in the passenger space concept to be a condition of all operators using bus routes in Oxfordshire.
- (3) The views of the Council are brought to the attention of the Stagecoach Company and a request made that they limit their present pilot project of recording passenger conversations on the Oxford to London Oxford Tube service to driver/passenger conversations whilst driving and that there is no recording in the passenger seating space.

(5) Support for gay marriage and civic rights partnerships – (Proposer – Councillor Criag Simmons, seconder Councillor Sam Hollick)

This Council places on record its support not only for the right of gay, lesbian and bi-sexual individuals to have the right to marry but also for heterosexuals to have a civil partnership if that is their preferred option. The Council believes that it is the right of all Oxford residents and those beyond the City to marry or enter civil partnerships in the manner they desire, whatever their sexuality.

The Chief Executive to submit this stance by the Council to the relevant Secretary of State as a part of the Governments recent consultation leading up to the promised primary legislation on the issue.

(6) Taxi Licenses City Quotas – (Proposer – Councillor Criag Simmons, seconder Councillor Dick Wolff)

This Council is conscious of the present review of taxi licensing laws being carried out by the Law Commission and would place on record its desire for local authorities to retain the power to establish a restricted quota of taxi licenses in Oxford City. The Council takes this stance in the belief that limiting the number of licenses will assist the City in enforcing regulations on the taxi and private hire operators that may be laid down from time to time.

The Chief Executive is instructed to forward a clear statement to that effect to the Secretary of the Law Commission illustrating the advantages that accrue to local authorities from not adopting a free market unrestricted unregulated system.

(7) **Localising Democracy – (Proposer – Councillor David Williams, seconder Councillor Craig Simmons)**

The present Area Forum structure is not seen as a meaningful devolution of power and responsibility in tune with the present Localism Act.

Abolition of Area Committees diminished local participation in planning decisions and engagement of local voluntary organisations and citizens in real local grass roots democracy.

The replacement Area Forum structure introduced in 2011 is not seen as a meaningful devolution of power in tune with the present Localism Act, having no defined responsibilities or budget.

Consequently there is a need to reconsider devolved decision making in Oxford with a new approach that focuses on localising democracy to reflect the diversity of the City and its many communities.

In Blackbird Leys, Littlemore, Old Marston, and Risinghurst and Sandhills, the Parish Councils have statutory powers regarding planning and services, and in some other areas local communities and neighbourhoods are seeking a greater say in local planning through neighbourhood and community forums.

To ensure consistency and to advance fairness and democracy across the city, the Chief Executive is tasked to conduct a Community Governance Review, in accordance with the Local Government and Public Involvement in Health Act (2007) and the more recent Localism Act (2011) with a view to establishing new local elected councils (which may be called: Parish Councils, Community Councils, Neighbourhood Councils or Village Councils), to cover all areas of the City of Oxford.

In addition to these local councils' powers of precept, the City will provide additional funding to support real devolved decision making in a defined range of services. The new local councils would thus be publicly elected bodies with clearly identified powers, responsibilities and budgets.

The Chief Executive to produce a report to Council in the late autumn after a period of consultation illustrating the defined communities the local councils would serve, the services that could be devolved to the new local councils, and the funding mechanism that could be deployed to ensure their effectiveness.

(8) **Institutional investment in Private Rented Housing – (Proposer – Councillor Ed Turner)**

Council notes the review commissioned by Government into institutional investment into Private Rented Housing, chaired by Sir Adrian Montague, of 3i.

Council further notes, with concern, proposals from the British Property Federation to this review, and associated media reports suggesting that the review will endorse these, which would allow developers freely to substitute institutionally-financed private rented housing for affordable housing provided through the planning process.

Council believes that there is a major shortage of genuinely affordable housing in Oxford. Council endorses the existing approach of requiring social rented housing through the planning system, and expresses strong concern that the "affordable rent" model promoted by the Tory-Lib Dem government is not affordable in Oxford.

Council in particular resolves to resist any attempt to substitute private rented housing, at full rent, for affordable housing, as a result of the Montague Review.

(9) Building Regulations – (Proposer – Councillor Mike Gotch, seconder Councillor Graham Jones)

Council notes that Building Regulations are due to be radically tightened in 2013 and 2016 – when new dwellings must be constructed and run to have a carbon neutral footprint .

Council further notes the ambition to lead the country in reducing carbon emissions, and therefore asks the Executive:-

- to adopt a strategy of requesting private and public sector planning and building regulations' applicants to begin to adopt those standards now, rather than delay that which will soon become compulsory, and,
- as an exemplar , to ensure that all of new Barton West is in full conformity with the 2016 standards ,including a combined Heat and Power unit to serve all new dwellings , but also existing Barton dwellings following a feasibility study to establish viability.

(10) Potential impact of proposed developments - (Proposer Councillor Dick Wolff)

Notwithstanding the general development permissions relating to particular sites in planning policies, this Council is concerned to consider in greater detail the potential impact of proposed developments which are subject to planning approval on the :-

- (a) sustainability,
- (b) vitality,
- (c) diversity and
- (d) ongoing development of local economies (both city-wide and at neighbourhood level).

Specific considerations include:-

- (i) the financial viability of local businesses, particularly independents;
- (ii) the number of people in paid employment in a neighbourhood;
- (iii) the importance of maintaining economic diversity in neighbourhoods as a whole, in addition to concern about individual businesses.

Although the great majority of planning applications will not have significant implications for local economic sustainability the Council deems it appropriate that where it is clear that a proposed development is worthy of concern with regard to the considerations described above that an appropriate Local Economic Impact Assessment is made by Council officers and presented as an integral part of the officers' report when a planning application is considered, together with recommended conditions and mitigation measures where potential negative impacts are identified.

A Local Economic Impact Assessment will only be conducted when there is a clear potential impact on an area as a whole.

To: Council

Date: 16 July 2012

Item No:

Report of: Head of HR & Facilities

Title of Report: Attendance Management Policy & Procedure

Summary and Recommendations

Purpose of report: To present for approval and adoption a revised Attendance Management policy & procedure

Key decision? No

Executive lead member: Cllr Bob Price

Report approved by:

Finance: Nigel Kennedy

Legal: Jeremy Thomas

Policy Framework: Efficient & effective Council

Recommendation(s):

1) That the Attendance Management policy & procedure agreed with the Trade Unions (appendix A) be approved with immediate effect.

2) That the Head of HR & Facilities be authorised to implement the policy and procedures within an appropriate time frame, make changes as required to put right clerical mistakes or to reflect changes in the law and agree any changes to 'absence score intervention levels' (see paragraph 4 below) in consultation with trade unions.

Introduction

1. The Council is continuing to progress its people management initiatives including a periodic review of existing employment policies (in consultation with trade unions) and the introduction of anything new, as required.
2. Changes in the Attendance Management Policy are being introduced with an aim to make further improvements to employee attendance

3. Trade union colleagues have been consulted and the attached documents reflect any changes agreed with them. There were no unresolved areas of dispute and both Unison and Unite agree with the introduction of the revised policies.

Summary

4. The **Attendance Management Policy & Procedure** is summarised as follows:

Replaces the previously agreed version. Introduces a new scoring mechanism which identifies employees who may have attendance problems, based on the number of instances of absences in a 12 month period and the total number of days off in the same period. Application of the formula gives larger absence 'scores' to employees who are frequently sick for short periods. As a result the Council should see further improvement in attendance.

Continues to support employees on with longer term sickness problems, Gives more prescription to the process managers need to go through when they are addressing absence problems. Introduces Disability Leave procedure – either planned or unplanned – which will provide further support to employees with disabilities.

Assessment of Risk

5. A risk management framework is attached at Appendix B.

Climate change / environmental impact

6. There are no climate change or environmental impacts.

Equalities impact

7. An Equalities Impact Assessment form is attached at appendix C.

Financial implications

8. The Attendance Management Policy should help to reduce sickness absence further which will have a positive impact on productivity and staff costs.

Legal Implications

9. The new policy will form part of the terms and conditions of employment for Council staff.

Name and contact details of author:

Simon Howick, Head of HR & Facilities,

List of background papers:

None

Version number: 1.0

APPENDIX B – RISK ASSESSMENT

Risk Register

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/ Contracts Only)
Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
SRR-007-PE	Employment Policy and Procedures	T	Failure to provide a suite of policies that fit for purposes of improving performance and managing risk	Managers not equipped with a revised policy and procedure	Effective employment policies not implemented, consistently and fairly applied	1.1.2010	6	3	3	2	2	2	2	Simon Howick	29.05.12	

Management of the risk

Please see attached policy. Adoption, dissemination, training and support of managers and employees for this policy.

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestones	Milestone Delivery Date	%Action Complete	Date Reviewed
SRR-007-PE	Employment Policy and Procedures	Simon Howick	R	Develop and agree policy through internal consultation process to produce final policy documents for approval by Council. To provide appropriate guidance and training to managers and employees on new policies and procedures.	Approval of Attendance Management Policy	16.7.12	95%	29.5.12

APPENDIX C – Attendance Management Equalities Impact Assessment

Initial screening EqIA template

Prior to making the decision, the Council's decision makers considered the following guide to decision making under the Equality Act 2010:

*In making any decisions and proposals, the Council - specifically members and officers - are required to have **due regard** to the 9 protected characteristics defined under the Act. These protected characteristics are: **age, disability, race, gender reassignment, marriage or civil partnership, pregnancy and maternity, religion or belief, sex and/or sexual orientation.***

The decision maker(s) must specifically consider those protected by the above characteristics:
(a) to seek to ensure equality of treatment towards service users and employees;
(b) to identify the potential impact of the proposal or decision upon them.

1. Which group (s) of people has been identified as being disadvantaged by your proposals? What are the equality impacts?

This is an assessment of the revised Attendance Management Policy, which will replace the existing policy that was introduced in November 2009. There are no anticipated adverse effects for groups with protected characteristics. Please refer to the sections below for details of proposed changes in the policy that will assist employees with a disability or who are absent for maternity or pregnancy related reasons.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

The policy contains provisions for employees with a disability to ensure they are not adversely affected. It introduces Disability Leave for employees who are considered disabled under the Equality Act 2010. There is also provision for adjustments to be made in respect of unplanned sickness absence that is disability related. Absences for maternity or pregnancy related reasons are excluded when monitoring levels of sickness absence.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

The Councils' Corporate Management team, Law & Governance team, Unite and Unison leads, members of the Human Resources Team including the Equalities & Diversity Business Partner were invited to comment on the proposed policy and reach agreement on the changes. The Policy will go before Council on 16th July 2012 for approval.

Disabled people have been involved by inviting Lynne Hooper, the Council's access officer, to promote good practice on their behalf, and involving the trade unions in the proposals by consulting them.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

There are no adverse impacts envisaged upon those with protected characteristics.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

Policies will be subject to regular reviews of any changes made to legislation/directives by central government. Any challenges to the policy that result in gaps or irregularities being found will be amended following further review, agreement between the employer and the local trade unions, and subsequent sign off from Council (if required).

All managers will receive training on this policy in bespoke sessions and through regular meetings with respective service area Business Partners.

Absence levels for the Council as a whole and at Service Area and team level are closely monitored and reviewed. Appropriate action plans are put in place to improve attendance levels.

Lead officer responsible for signing off the EqIA:

Simon Howick, Head of HR & Facilities, 01/06/2012

Oxford City Council
Attendance Management Policy

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1 POLICY STATEMENT

Oxford City Council believes that a healthy and productive workforce best serves it and the City's residents. High attendance rates have a positive impact on the quality of the services we provide the public, on our work colleagues and represent value for money for the Council.

The Council's aim is to promote a culture of exemplary attendance through fair, consistent and effective management of sickness absence. All employee absences will be recorded for the purposes of managing attendance. Disability related absences may be discounted as 'Disability Leave' as a reasonable adjustment under Appendix 2 on the basis of medical evidence.

Managers and employees have key responsibilities in managing absence and promoting attendance.

The Council will manage absence through this policy and promote and facilitate high attendance through its Health & Well-Being Policy.

- 1.1 This Attendance Management Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.4 This policy does form part of any employee's contract of employment. We may vary the procedures set out in this policy (subject to consultation with trade unions) including any time limits, as appropriate in any case.

2 WHO IS COVERED BY THE POLICY?

- 2.1 This policy covers all employees of the Council.
- 2.2 This procedure has been agreed in consultation with the Council's recognised Trade Unions, Unison and Unite, and applies to all employees regardless of status or length of service.

3 DISABILITIES

- 3.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure ([see paragraph 17](#) of this policy), particular consideration will be given to whether there are **possible reasonable adjustments** ([paragraph 13](#)) that could be made to the requirements of a job or working arrangements that will provide support at work and/or assist a return to work.
- 3.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you must inform your line manager or in if exceptional circumstances, the Council's Human Resources

Department (“HR”). Managers should then immediately refer to guide Appendix 2 – Managing Employees with a disability – to consider any action. We encourage employees to disclose their medical conditions including any disabilities although there is no legal obligation to do so.

- 3.3 Disability Leave is intended to provide disabled employees with reasonable paid time off work for reasons related to their impairment. It can usually be planned in advance and is for a fixed period of time ([see appendix 2](#)).
- 3.4 Disability related sickness absence arises where the employee’s sickness absence is related to their disability ([appendix 2](#)). In these circumstances reasonable adjustments may be made in relation to any action taken when managing an employee’s attendance, depending on available medical information and the individual circumstances.

4 SICKNESS ABSENCE REPORTING PROCEDURE

4.1 If you cannot attend work because you are ill or injured you should telephone your line manager **in person** (or failing that, another manager in your team / service) as early as possible, and no later than 30 minutes after the time when you are normally expected to start work. A text message or email is not on its own acceptable or sufficient notification. If you are prevented from telephoning your line manager because you are too ill or injured, you must make reasonable efforts to ensure that someone contacts the Council on your behalf as soon as possible. The following details should be provided and recorded:

- The **nature of your illness** or injury (if accident at work, complete an Incident Report and [see paragraph 15](#))
- The expected **length** of your absence from work. Further contacts are to be agreed with your manager in the event of absences lasting in excess of 3 calendar days or if an expected return date alters
- Your contact details.
- Any **outstanding or urgent work** that requires attention.

4.2 If you are taken ill or injured while at work you should report or be taken to your line manager or your service area’s first aid officer and be given permission to leave work. Managers should make arrangements for anyone who is unwell to leave work safely and/or to receive medical treatment and contact the Corporate Safety Adviser (HR) where necessary.

4.3 Your manager (or failing that another manager in your team / service) will conduct a return to work interview on your **first** day of return during which time you will be expected to confirm you are fit to attend work, any other support required will be discussed and you will be updated on activities which have occurred during your absence.

5 RETURN-TO-WORK INTERVIEWS

5.1 If you have been absent on sick leave for any period of time you will have a return-to-work interview with your line manager (or failing that another manager in your team / service) on your **first** day of return. An outline of how to conduct the meeting is set out at appendix 1.

- 5.2 You and your manager **must** complete the Return to Work e-form (available in Itrent – your manager will access the system). Your line manager or a covering manager is normally responsible for carrying out such an interview.
- 5.3 A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention. Managers are expected to check medical certificates, dates covered, whether work related, any special requirements to note such as disability or pregnancy, and record relevant data on I-Trent.
- 5.4 Where your doctor has provided a certificate stating that you "may be fit for work" (see evidence of incapacity [paragraph 6](#)) we will discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.
- 5.5 If, at any time, your line manager has a reasonable suspicion for considering that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

6 EVIDENCE OF INCAPACITY

- 6.1 For sickness absence of up to **seven** calendar days, the manager must complete a Return to Work e-form with the employee (available on iTrent).
- 6.2 For absence of **more than a week** you must notify your manager by telephone and obtain a certificate from your doctor (a "**Statement of Fitness for Work**") stating that you are not fit for work and the reason(s) why. This should be forwarded to your line manager as soon as possible and no later than 2 working days. If your absence continues, further medical certificates must be provided to cover the whole period of absence with no gaps in dates.
- 6.3 If your doctor provides a certificate stating that you "**may be fit for work**" you should inform your line manager immediately. They will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return to work interview ([see paragraph 5](#)). If appropriate measures cannot be taken, you will remain on sick leave and the manager will set a date to review the situation.
- 6.4 Where we are concerned about the reason for absence, or frequent short-term absence, we may require a 'Statement of Fitness for Work' medical certificate for each absence regardless of duration. Employees needing to cover the costs of obtaining this document will be reimbursed the cost on production of proof of purchase.
- 6.5 If you fall sick during the course of annual leave (excluding bank holidays) you will be regarded as being on sick leave from the date of a doctor's statement of fitness to work.

7 UNAUTHORISED ABSENCE

- 7.1 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence and dealt with under our Disciplinary Procedure. This will place the employee's continued employment with the Council at serious risk of termination if the employee continues to have no contact with their employer without reasonable explanation.
- 7.2 If you do not report for work and have not telephoned your line manager (or in their absence, another manager in your team / service) to explain the reason for your absence, your line manager **OR** failing that HR will try to contact you,

by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

8 KEEPING IN CONTACT DURING SICKNESS ABSENCE

- 8.1 If you are absent on sick leave you should expect to be contacted from time to time by your line manager or failing that, if there are very exceptional circumstances, HR in order to discuss your wellbeing, expected length of absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be limited to what is reasonable. You should keep in touch with your manager at least once a week after the first 7 calendar days since your absence began, unless there is an agreement with your manager to alter this timeframe. If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager and/or HR at any time.

9 HOME VISITS OR MEETING REQUESTS

- 9.1 The Council will seek to support you fully in assisting with your return to work as soon as possible. You should assist by agreeing to attend meetings and OH appointments or to any other reasonable management request.
- 9.2 On rare occasions the appropriate method of contact may be to visit you the employee at home, or arrange a meeting at another location, such as the workplace or another location agreed by all parties.
- 9.3 Meetings should be arranged with you at a mutually agreeable time, but you need to be reasonable in accommodating a request. You have the right to have a companion of their choice present under [paragraph 20](#).
- 9.4 If a home visit is arranged, two officers, with at least one being known to you, should normally undertake this home visit.

10 MEDICAL EXAMINATIONS

- 10.1 We may, at any time in operating this policy, ask you to consent to a medical examination by the Council's retained OH Department Nurse or Doctor (at our expense) and/or a doctor nominated by us.
- 10.2 You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.
- 10.3 Employees who refuse to attend Occupational Health appointments put both their health, their employment and the Council at risk; therefore the Council could consider disciplinary action (e.g. failure to follow a reasonable management instruction) and may make decisions in the absence of medical information. If it becomes the case that a series of absences through ill-health are, in fact, caused by an underlying disability, the Council cannot take any appropriate steps to help you with the disability until it knows about it.

11 CASES WHERE COUNSELLING OR PHYSIOTHERAPY MAY BE HELPFUL

- 11.1 The Council makes use of a Counselling Service. If considered appropriate the Line Manager or HR may refer you to the service. Alternatively your line manager may request access to the service directly via HR. This service may be used at any stage if considered beneficial.

- 11.2 If an employee or doctor (on a medical certificate) reports that the absence is for reasons where counselling may be helpful (e.g. stress, depression, or anxiety) your line manager must advise HR **straight away** to discuss arrangements to access the counselling services. In normal circumstances, 6 sessions are funded by the Council.
- 11.3 The Council is also able to arrange physiotherapy where it will enable you to return to work more quickly or where Occupational Health would value the assessment.

12 RETURNING TO WORK FROM LONG-TERM SICKNESS ABSENCE & PERMANENT ILL HEALTH

- 12.1 When it becomes apparent that sickness absence is likely to be long-term (28 calendar days or more) the line manager must, before the employee returns to work, contact:
- HR to discuss the case and;
 - OH to discuss any need for a referral or other interventions. This doesn't necessarily mean a referral will be necessary.
- 12.2 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see [paragraph 17 and 21-23](#)), we will, where appropriate and possible, support returns to work by:
- Obtaining medical advice;
 - Making reasonable adjustments to the workplace, working practices and working hours;
 - Considering redeployment; and/or
 - Agreeing a return to work programme with everyone affected.
- 12.3 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract of employment.
- 12.4 Occupational Health may advise that an employee is permanently unfit to undertake the duties of their existing job and that their medical condition is such that they have a reduced likelihood of obtaining gainful employment in the future.
- 12.5 This situation will usually arise only after other options to enable the individual to continue working have been considered and exhausted.
- 12.6 If the employee is in the Local Government Pension Scheme (LGPS) they may have access to their pension benefits, subject to certification by an independent occupational health physician (in compliance with the LGPS Regulations). The level of ill health pension benefits that are payable varies.
- 12.7 When confirmation of permanent ill health is received from Occupational Health or the independent occupational health physician the employee will be invited to a formal meeting to discuss their retirement/the termination of their employment due to permanent ill health (see [paragraph 23](#) – Stage 3 – Final sickness absence meeting)

13 POSSIBLE ADJUSTMENTS

13.1 The following (non-exhaustive list of) examples of adjustments may be considered in managing attendance issues, depending on suitability and availability in each case. In all cases the Equality Act 2010 implications (with particular regard to disability) should be considered by managers in consultation with HR.

Adjustments to role (temp or perm)	On OH advice, seek mutually agreeable and workable solution. Use a trial period.
Flexible working	Consider using the Council's Flexible Working Policy.
Home working	Some or all hours, temporary or permanent. Refer to the Home Working Policy.
Modified / reduced duties	On OH advice. May involve a temporary transfer to another team or service and/or in a different location.
Phased return	Temporary reduction in hours to assist in rehabilitation. Immediately upon return, employee is no longer recorded as sick. Maximum 4 week period unless exceptional circumstances (e.g. absent for more than 6 months or employee with a disability). See section 14 for pay arrangements.
Redeployment (temp or perm)	May be feasible depending on circumstances. Managers should seek advice from Human Resources.
Start / finish times	Manager allows employee to vary working day start / finish times for an agreed period without necessarily reducing total hours worked.

14 SICK PAY

14.1 You should refer to your contract and the Payroll section if you have any queries about sick pay, which includes the following:

- Statutory Sick Pay (SSP) - provided the relevant requirements are satisfied. Qualifying days for SSP purposes are Monday to Sunday.
- Council occupational sick pay in accordance with the Council's sickness pay policy provided that you comply with both the sickness absence reporting procedure and any other requests made under this policy. If you do not, we reserve the right to withhold payment of Council occupational sick pay.

14.2 Your length of service determines the amount of sickness pay benefits that you may receive from the Council in any twelve month period. Sickness pay is paid for the following periods, depending on your continuous service in Local Government:-

Service	Full Pay*	Half Pay*
Less than 4 months	22 working days	None

After 4 months but less than 1 year	22 working days	43 working days
After 1 year but less than 2 years	43 working days	43 working days
After 2 years but less than 3 years	87 working days	87 working days
After 3 years but less than 5 years	108 working days	108 working days
After 5 years	130 working days	130 working days

* based on normal salary.

Note - all references to 'working days' in the table above refer to entitlements based on 37 hours, 5 day working week. They are pro-rata for any variation to this, including part time or compressed hours (such as waste & recycling).

Full pay shall be inclusive of any SSP due in accordance with applicable legislation in force at the time of absence.

Pay when on a phased return

- 14.3 Unless there are exceptional circumstances a phased return is for a maximum period of 4 weeks. Where an employee is on an agreed phased return to work, they will receive their normal pay for 2 weeks regardless of their history of sickness or pay entitlement. For the remaining two weeks (or more in exceptional circumstances) in the phased return any shortfall in hours will be made up by making deductions against leave, or it will be unpaid absence. This period is not counted as sickness and as such SSP is not payable.

Sickness absence where damages may be recoverable

- 14.4 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages may be recoverable, you must immediately notify an HR Business Partner of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

15 WORK RELATED INJURY

- 15.1 If you or your line manager believes that an injury occurred at work, you should complete the Council's Incident Report Form and provide it to your line manager as soon as practicable (no later than three days after the incident). If you are unable to complete the form it should be completed on your behalf by your line manager. A copy of the form is retained by the Service Area and serves as an entry in the 'Accident Book'. For further details on reporting and investigating accidents and incidents see leaflet (HS9) available from your manager or the intranet.
- 15.2 If you have not completed an incident report and subsequently believe that your injury occurred at work, you should report this in writing to your line manager, setting out the reasons why you believe that work has contributed or caused your injury.

- 15.3 Where an incident report has been completed, or where an employee subsequently claims that their injury is caused by work, the situation should be thoroughly investigated by the employee's line manager and Trade Union Representative. This should be in consultation with safety representatives if the employee has consented to this.
- 15.4 The line manager must also ensure that Payroll is informed when sickness absences occur as a result of an accident at work as it may affect sick pay.
- 15.5 Where it is agreed by the Council that the absence has arisen through industrial disease, injury, accident or assault during the course of employment with the Council, it will be recorded and reported separately in I-Trent from other types of sickness absence, but otherwise should be managed in the same way as other ill-health absence.
- 15.6 All work-related injury cases resulting in absence from work should be referred to Occupational Health.

16 MANAGING LOW ATTENDANCE – MANAGERS, EMPLOYEES & TRADE UNION RESPONSIBILITIES

16.1 Managers are expected to:

- a) Ensure that any sickness absence that is notified to them is recorded on I-Trent.
- b) Pro-actively use the monitoring information (see [paragraph 19](#) and appendix 4) to address absence with employees.
- c) Ensure arrangements are made, to cover work during absence and inform colleagues and clients (while maintaining confidentiality).
- d) Consider Occupational Health (OH) referrals and specifically where stress, depression, anxiety or musculo-skeletal illness is diagnosed. Contact HR to consider appropriate support such as counselling ([paragraph 11](#)).
- e) Follow a fair and proper process, taking action according to this policy and its triggers ([paragraph 17](#) and [appendix 4](#)).
- f) Deal with situations sensitively and reassure the employee that we aim to support those genuinely sick or ill within the practical limits and demands of the service.
- g) Investigate the employee's absence record by considering each period of sickness individually as other circumstances may need to be taken into account. This may include treating close periods of identical absence as linked where the employee returned to work only to have a reoccurrence of the absence.
- h) Establish whether any absences are work related and where it is agreed by the Council that they have arisen through industrial disease, injury, accident or assault during the course of employment with the Council (unless the incident is due to the employee's negligence), these should be recorded and reported separately in I-Trent from other types of sickness absence and as such discounted from the absence monitoring score.
- i) Consider if a medical condition amounts to a disability, with HR's advice. If so, what reasonable adjustments should be considered so the employee can carry out their job. You may need to categorise some or all absence as disability related – planned or unplanned (see appendix 2).

- j) Discount any periods of absence related to a pregnancy-related illness.
- k) Review any OH information (if applicable) and establish if there is or maybe an underlying medical cause.
- l) Be mindful of the distinctions between short term and long term absence, i.e. long term absence is any period of continuous absence of 28 calendar days or more.
- m) Consider the impact of more physical or stressful jobs – employees in these roles may well have higher absence.
- n) Help the employee to understand the attendance procedure, its purpose, and the impact on the service and colleagues.
- o) Agree an action plan with the employee to improve attendance, putting into place anything the Council needs to do. Set a realistic time period (e.g. 3 months) and a further review meeting using the attendance review form).
- p) Advise the employee of the need for improvement and the consequences of low attendance (subject to disability leave) - which may lead to dismissal.
- q) After any meeting held with an employee to discuss their absence from work under this policy, including after every attendance review meeting at Stages 1 and 2, the line manager must complete either the return to work *eform* on iTrent or the form at Appendix 3 (Attendance Review Meeting Monitoring form) and in the latter case provide a copy to the employee and HR as soon as possible after the meeting.
- r) Use this policy in conjunction with the Council's Health & Well-being policy.

16.2 Employees are expected to:

- a) Understand their responsibilities and comply with the Attendance Management Policy.
- b) Take responsibility for their own health and help prevent illness and accidents at work.
- c) Report accidents at work and complete Incident Reports as soon as practicable and no later than three days after the incident (managers can complete on employee's behalf if necessary).
- d) Attend to personal affairs, including non-urgent appointments (e.g. hospital, doctor, dentists, opticians) outside of working hours or by taking leave where possible (e.g. annual, flex). If time off is necessary in working hours, obtain line manager approval. Where employees are not enrolled in the flex scheme, the Council will arrange for working times to be adjusted on appointment days, subject to operational needs, to accommodate these appointments.
- e) Notify their line manager if they cannot attend work in accordance with the notification procedures in this Policy.
- f) Ensure medical advice and treatment, where appropriate, is received and acted upon as soon as possible to enable a prompt and effective return to normal duties.
- g) Inform their line manager of any changes to health or any disability, which may affect their ability to carry out their duties or attendance at work, giving maximum advance notice. (see appendix 2).

- h) Comply with requests to attend OH appointments as soon as possible.
- i) Comply with reasonable management requests to attend review meetings and work pro-actively to assist a return to work.

16.3 Trade Union Representatives are expected to:

- a) Support employees who require assistance in managing attendance.
- b) Work proactively with managers in facilitating contacts, discussions, review meetings, etc for those employees under review.
- c) Assist in ensuring a return to work as soon as is reasonably practicable.

17 SICKNESS ABSENCE STAGE MEETINGS PROCEDURE

17.1 Managers, employees and trade union representatives MUST undertake their responsibilities as detailed in [paragraph 16](#) above in applying the below.

17.2 We may apply this procedure where we consider it necessary, but the standard trigger points are:

- a) Where the factors set out in [appendix 4](#) apply;
- b) If you have discussed matters at a return to work interview that require investigation; and/or;
- c) If you have been absent for more than 28 calendar days.

17.3 Unless it is impractical to do so, we will give you seven calendar days' written notice of the date, time and place of a sickness absence meeting. By agreement with you, this timescale can be shortened. We will advise you why the meeting is being called and put any concerns about your sickness absence and the basis for those concerns in writing. A reasonable opportunity for you to consider this information before a meeting will be provided.

17.4 The meeting will normally be conducted by your line manager or another manager in your team / service and may be attended by a member of HR. You may bring a companion with you to the meeting (who may be a Trade Union representative - see [paragraph 20](#)). In the event of a Stage 3 meeting, the meeting will be conducted by a Head of Service (or nominated senior manager) or above.

17.5 You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform your line manager who will seek to agree one alternative time. Decisions may be taken in your absence.

17.6 A meeting may be adjourned if your line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

17.7 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will normally be given to you in writing within seven calendar days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

18 MONITORING LOW ATTENDANCE

18.1 Managers are expected to:

- a) Monitor attendance levels at least weekly for all staff to identify any concerns. A report is available on I-Trent.
- b) Check the employee's absence score in reference to the table at appendix 4 - and consider taking the designated action.

19 IDENTIFYING EMPLOYEES

19.1 The Council's HR information system iTrent produces a report of all employees' sickness absences. The reports are compiled to enable managers to look at their employees only. The system looks over the previous 12 month period at the number of absences and the total days absent. Please refer to Appendix 4 for details of the calculation and a table giving examples.

19.2 The score is simply a trigger point to potentially bring the employee into the sickness absence meeting procedure (Stages 1-3). The manager needs to consider the position in the context of paragraph 16.1 in advance of calling a meeting. Thereafter the important thing for managers to consider is the criteria at paragraphs 21-23 to devise the improvement plans.

19.3 The score is pro-rated for part time employees or where working patterns differ from 5 standard 7.4 hour days.

20 RIGHT TO BE ACCOMPANIED AT MEETINGS

20.1 You may bring a companion to any meeting or appeal meeting under this procedure.

20.2 Your companion may be either a trade union representative or a fellow employee. Their identity must be confirmed to the manager or HR conducting the meeting, in good time before it takes place.

20.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

20.4 Some companions may **not** be allowed: for example, **anyone who may have a conflict of interest**, or whose presence may prejudice a meeting. Companions should not normally work at another site, unless no-one reasonably suitable is available at the site at which you work.

20.5 We may at our discretion, permit a companion who is not an employee or a member of staff or union representative (for example, a family member) where this will help overcome particular difficulties e.g. caused by a disability, or difficulty understanding English.

20.6 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

21 STAGE 1: FIRST SICKNESS ABSENCE MEETING

21.1 This will follow the procedure set out in [paragraph 17](#) as regard the arrangements for and right to be accompanied at sickness absence meetings.

21.2 The purposes of a first sickness absence meeting will include:

- a) Discussing the reasons for absence.
- b) Where you are on long-term sickness absence, determining how long the absence is likely to last. The meeting will be called as soon as possible after 28 calendar days absence
- c) Where you have been absent on a number of occasions, determining the likelihood of further absences.
- d) Considering whether medical advice is required.
- e) Considering what, if any, reasonable measures might improve your health and/or attendance.
- f) Agreeing a way forward, action that will be taken, a time-scale for review and a further meeting under the sickness absence procedure. This will include the manager setting an improvement target in attendance. Depending on circumstances, generally this will be a requirement that absence is brought back within normal tolerances (i.e. the absence scores as set out in the table at appendix 4) over a reasonable timeframe.

22 STAGE 2: FURTHER SICKNESS ABSENCE MEETING(S)

22.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in [paragraph 17](#) as regards the arrangements for and right to be accompanied at sickness absence meetings.

22.2 The purposes of further meeting(s) will include:

- a) Discussing the reasons for and impact of your ongoing absence(s).
- b) Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- c) Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- e) Considering your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
- f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- g) Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return to work programme.

- h) If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
- i) Agreeing a way forward, action that will be taken, a time-scale for review and a further meeting under the sickness absence procedure. This will include the manager setting an improvement target in attendance. Depending on circumstances, generally this will be a requirement that absence is brought back within normal tolerances (i.e. the absence scores as set out in the table at appendix 4) over a reasonable timeframe.
- j) The meeting may, depending on steps we have already taken, include warning you that you are at risk of dismissal. No decision to dismiss you will be taken at a Stage 2 meeting.

23 STAGE 3: FINAL SICKNESS ABSENCE MEETING

23.1 Where you have been warned that you are at risk of dismissal (at the previous meeting and as noted in the Attendance Review Meeting Monitoring Form – Appendix 3), or where Occupational Health may advise that you are permanently unfit to undertake the duties of your existing job and that your medical condition is such that you have a reduced likelihood of obtaining gainful employment in the future:

23.2 We will invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in [paragraph 17](#) on the arrangements for and right to be accompanied at sickness absence meetings.

23.3 The purposes of the meeting will be:

- a) To review the meetings that have taken place and matters discussed with you.
- b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
- c) To consider any further matters that you wish to raise.
- d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- e) To consider the possible termination of your employment. When considering dismissal due to absence through ill health, the application of criteria outlined at appendix 5 will be considered as will any permanent ill health notification from Occupational Health. Any termination will normally be with full notice or payment in lieu of notice.

24 APPEALS

24.1 You may appeal against the outcome of Stage 3 of this procedure only (and at that stage you should set out any concerns about earlier stages of the procedure you may have) and you may bring a companion to an appeal meeting ([see paragraph 20](#)).

- 24.2 An appeal should be made in writing, stating the full grounds of appeal, to the Head of HR & Facilities within seven calendar days of the date on which the decision was sent to you.
- 24.3 Unless it is not practicable, you will be given written notice of an appeal meeting within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
- 24.4 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 24.5 An appeal meeting will be conducted by another Head of Service or above (not involved in the original Stage 3 meeting and equivalent to or more senior than the officer making the original decision) in the presence of an Elected Member, and supported by an HR Business Partner.
- 24.6 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 24.7 Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within seven calendar days of the appeal meeting. There will be no further right of appeal.
- 24.8 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of service or pay.

25 RELATIONSHIP WITH OTHER POLICIES

25.1 Alcohol and Drug Misuse Related Illnesses

If a manager suspects or is made aware that an employee is experiencing problems associated with alcohol or drugs, they should encourage the employee to discuss this problem and seek help. The problem should be addressed with sensitivity. Managers should refer to the Council's Policy on Alcohol and Drug Abuse Problems in Employment, available on the intranet alongside this Procedure.

25.2 Disciplinary Policy & Procedure

These issues (a non exhaustive list) will be dealt with under the Disciplinary Policy:

- Failure to attend work when medically fit to do so and not on any other authorised leave;
- Failure to follow the sickness absence notification procedure without good reason;
- Failure to provide medical certificates when required;
- Undertaking paid or unpaid employment while absent on sick leave;
- Deliberate falsification of self or medical certificates;
- Incapability at work and being under the influence of alcohol or non-prescribed drugs;
- Failure to attend OH referrals or informal/formal meetings without good reason.

25.3 Performance Improvement Policy and Procedure (PIPP)

Employees who are subject to PIPP may be considered under this Policy if there are medical grounds for doing so.

26 MONITORING & REVIEW

The Head of Paid Service (Chief Executive) has overall responsibility for employees and receives regular monitoring information including on diversity/attendance, formal action and appeals. We monitor spreading good practice to ensure this policy achieves its objectives. The Head of HR and Facilities will review this policy periodically and in the first instance 6 months after its approval at Council. Recommendations are reported to Value & Performance Scrutiny Committee.

APPENDIX 1 - RETURN TO WORK INTERVIEW

Upon return to work following sickness absence you must meet with the employee on the first day back. These meetings are normal and should be conducted in the context of an efficient supervision meeting, but with an awareness and sensitivity in dealing with individual sickness. The purpose is:

- To welcome the employee back to work
- To discuss the reasons for the absence
- To establish if the absence was work-related
- To ask if they consider the absence to be related to disability
- To check that the employee is fit to return to work
- To update them on events at work and if necessary facilitate their return to work.

It is the manager's responsibility to ensure a record of the meeting MUST be entered on iTrent.

If during this meeting you identify that the absence may be related to a disability (see appendix 2), record the employee as having a disability on iTrent, then refer to HR and OH for advice.

If the employee is returning from long term absence (28 calendar days or more), then you must discuss the matter with OH. This does not always mean a referral.

APPENDIX 2 – MANAGING EMPLOYEES WITH A DISABILITY

- 1) Oxford City Council's aim is to promote equality of opportunity for all employees and remove or make adjustments to policies which disadvantage disabled employees.

WHAT IS DISABILITY LEAVE?

- 2) Disability Leave is intended to provide disabled employees with reasonable paid time off work for reasons related to their impairment. It can usually be planned in advance and is for a fixed period of time. It is recognised that some disabled employees may need time off for a reason relating to their disability to attend appointments or undergo treatment or rehabilitation. Previously this type of absence may have been classed as sick leave or the employee has had to use their annual leave to accommodate such absences. The intention where workable is to avoid people being put in this situation and potentially ending up with a poor attendance record or no annual leave.

The Equality Act 2010 requires employers to make reasonable adjustments to try and remove any disadvantage that disabled staff may face. Disability Leave is a "reasonable adjustment" under this legislation.

3) EXAMPLES OF DISABILITY LEAVE

- Hospital, doctors or complementary medicine practitioners appointments
- Hospital appointments as an outpatient
- Hearing aid tests
- Training with a guide or hearing dog
- Counselling/therapeutic treatment
- Recovery time after a blood transfusion or dialysis treatment
- Physiotherapy.

This list is not exhaustive.

EXAMPLES OF LONGER BLOCKS OF DISABILITY LEAVE

- A period of time off work where, based on medical advice it is not appropriate to remain at work or be redeployed while reasonable adjustments are made by the authority (such time off will not be taken into account when considering possible dismissal on the grounds of medical incapability)
- An extension to the 4 week phased return period if medical advice recommends an extension to the standard 4 weeks phased return
- Disability Leave is a reasonable adjustment and should be agreed for a specified reason. This should not be used to extend sick pay and should not be used for Disability Related Sickness absence (below).

WHO CAN REQUEST DISABILITY LEAVE?

- 4) Any employee who considers himself or herself disabled under the definition contained in the Equality Act 2010 can apply to their manager for Disability Leave when they need it. HR or Occupational Health are able to advise as required.
- 5) **Definition of Disability:** *A physical or mental impairment and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.*

For the purposes of the Equality Act 2010:

“**substantial**” – means neither minor nor trivial

“**long-term**” – means that the effect of the impairment has lasted or is likely to last for at least 12 months. However cancer, HIV and multiple sclerosis are included from the point of diagnosis. Employees who have had a disability in the past but no longer have one **still qualify as disabled** and may be entitled to disability related leave for absences relating to the past incidence.

“**normal day-to-day activities**” – include everyday things like eating, washing, walking and going shopping.

- 6) A disability can arise from a wide range of impairments which can be:
- Sensory impairments such as those affecting sight or hearing
 - Impairments with fluctuating or recurring effects such as rheumatoid arthritis, ME, chronic fatigue syndrome, fibromyalgia, severe clinical depression and epilepsy
 - Progressive, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus
 - Organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases including thrombosis, stroke and heart disease
 - Learning difficulties
 - Mental health conditions and mental illnesses, such as severe depression, schizophrenia, eating disorders, bipolar affective disorders, obsessive compulsive disorders, as well as personality disorders and self-harming behaviour
 - Produced by injury to the body or brain.

HOW MUCH DISABILITY LEAVE CAN AN EMPLOYEE REQUEST?

- 7) Line Managers may grant a **reasonable amount** of paid time off for disabled employees (as defined by the Equality Act 2010, above) who need to be away from work for reasons connected with his or her disability.
- 8) This may be granted for reasons connected with rehabilitation, assessment, treatment or servicing of necessary equipment or disability aids; or other practical or environmental factors that render attendance at work impossible.
- 9) Disability Leave may be taken in a “block” or as individual day(s).

WHAT IS REASONABLE?

- 10) It is impossible to give hard and fast guidelines for the amount of Disability Leave an employee may need because individuals' disabilities, personal management strategies and circumstances are so different.
- 11) People may have the same disability but different coping mechanisms. These individual personal coping and management factors need to be considered in assisting the individual. It may not be clear if the person's absence is related to their disability or not. This can especially be the case with people with mental health issues. Useful, practical advice is readily available from Occupational Health and HR. What is vital is a positive, pragmatic approach.
- 12) The individual's needs are a practical management issue to be resolved without the disabled individual feeling vulnerable or being disadvantaged. Employees with disabilities need to feel confident and supported when they approach managers with such issues. Employees should be fully consulted about any decision made or advice received.
- 13) Managers are urged to adopt a flexible approach and refer to HR for further advice.

RECORDING DISABILITY LEAVE

- 14) Disability Leave should be recorded by line managers using the same method they use to record other types of leave i.e. the electronic absence recording system on I-Trent using specific data entry fields to record Disability Leave.
- 15) If an employee's request for disability leave is agreed there is a need to ensure the employee's personnel record is up to date. The line manager should advise the employee that their personnel record will be amended to reflect their disability status and then inform HR of the change required to the employee's record.


UNPLANNED DISABILITY RELATED SICK ABSENCE

- 16) Disability related sickness absence arises where the employee's sickness absence is related to their disability. Disability related sickness should be recorded by line managers using the same method they use to record other types of sickness i.e. the electronic absence recording system available on I-Trent
- 17) Reasonable adjustments for disability related sickness absence may be made as part of the attendance management procedure but all absence should be recorded.
- 18) Medical information about employees will be kept confidential so far as is practicable unless they agree to disclosure or it becomes necessary as an adjustment (e.g. epilepsy).

OTHER SUPPORT

- 19) Under the Equality Act 2010 where a disabled employee is placed at a substantial disadvantage the Council is required to avoid treating an employee unfavourably because of something arising in consequence of disability (without objective justification) and to make reasonable adjustments to the work place and work practices. In some situations, limited external assistance with implementing adjustments may be available from disability charities or the Access to Work scheme. These options should be fully explored with assistance from HR.
- 20) Employees may find the following sources of information and generic guidance helpful:-
 - *Lynne Hooper, the Council's Access Officer – tel (25)2531 or email lhooper@oxford.gov.uk*
 - *Mark Preston, the Council's Safety Advisor – tel (25)2486 or email mpreston@oxford.gov.uk*
 - Direct Gov website – www.direct.gov.uk/en/DisabledPeople/index.htm
 - The Citizens Advice Bureau - www.citizensadvice.org.uk
 - Disability Employment Advisor; Oxford Jobcentre Plus (for Access to Work programme); 7 Worcester Street, Gloucester Green, Oxford, OX1 2BX. Tel: 01865 445106; Fax: 01865 445089

APPENDIX 3 – ATTENDANCE REVIEW MEETING MONITORING FORM

<p>ATTENDANCE MANAGEMENT - RECORD OF ATTENDANCE REVIEW</p> <p>This form must be completed by Line Manager (with employee comments) and copied to the employee and HR as soon as possible after the meeting.</p> <p>Manager – ensure you have read section 16.1, 17, 20 and then either 21 or 22 before conducting this meeting</p>		<p>www.oxford.gov.uk</p>  <p>OXFORD CITY COUNCIL</p>			
Name of employee:		Job title:			
Line manager:		HR Advisor:			
Date of meeting:					
Those present:					
List of absences considered at meeting:					
	Start Date	End Date		Start Date	End Date
Absence 1			Absence 4		
Absence 2			Absence 5		
Absence 3			Absence 6		
Outcome of meeting: List full details below including actions to be taken. Continue on a separate sheet if required:					
Issues taken into account (see RTW forms and paras 16.1/2/3)					
Any adjustments made and why					
Actions agreed to and measure of improvement required					
Employee comments					

APPENDIX 4 – IDENTIFYING EMPLOYEES WITH LOW ATTENDANCE

The Council's HR information system iTrent produces a report of all employees' sickness absence. The system looks over the previous 12 month period at the number of absences and the total days absent, and undertakes the following calculation:

S x S x D

S is the number of spells of any sickness absence in a 12 month period. It is multiplied by itself in the calculation to take account of repeated instances of sickness.

D is the number of days sickness absence in the same 12 month period.

The list alerts managers to employees who appear to have low attendance. Managers should:

- Check the employee's score against the table below – the score in itself is not decisive – it is simply an indicator that action may be required
- Take the appropriate steps as indicated in the table. If an absence review meeting is required refer to paragraph 21-23 (and complete form Appendix 3).

Situation	Who takes action	Action	Appeal
Absence score of 150* (to be annually reviewed and any changes negotiated with trade unions)	Line manager	Stage 1 Attendance review meeting**, action plan and follow up review	No
Any concerns over pattern of absence or where the employee is off for more than 28 calendar days	Line Manager	Stage 1 Attendance review meeting, action plan and follow up review	No
Absence score of 400* (to be annually reviewed and any changes negotiated with trade unions) OR Improvement in absence as per Stage 1 Attendance Review action plan not achieved	Line manager	Stage 2 Attendance review meeting**, action plan and follow up review. Whilst this normally follows a Stage 1 meeting, circumstances may mean progressing to a Stage 2.	No
Improvement in absence as per Stage 2 Attendance Review action plan not achieved	Head of Service (or nominated senior manager)	Stage 3 Attendance review meeting**, action plan and follow up review. Possible dismissal on capability grounds	Yes, if dismissed
Any continuous long term absence of 6 months or more	Head of Service (or nominated senior manager)	Stage 3 Attendance review meeting**, action plan and follow up review. Possible dismissal on capability grounds	Yes, if dismissed

*** these scores are reduced for employees working less than a standard 5 day, 37 hour working week**

**** including with those who may be currently absent on long term sick leave**

Examples of the calculation are given overleaf. The table below shows how a running total across a year changes with variations in absence in the subsequent months.

CALCULATING ABSENCE SCORES

Example 1

An employee who has 9 separate absences in any 12 month period, totaling 10 actual days absent, will score **810**, on the monitoring report, i.e.

9 instances of sickness (multiplied by itself to 'weight' the number of absences, gives 81) and then that total multiplied by the total number of days off sick - 10 in this case.

Example 2

An employee who takes 1 period of 10 continuous days off in any 12 month period will score **10** on the monitoring report, i.e.

1 x 1 x 10 = 10

Example 3

In a 12 month period, an employee is off sick as follows:

Cold – 1 day off, Cold – 2 days off, Stomach – 1 day off, Headache – 1 day off

So 4 separate absences totaling 5 days off:

4 x 4 x 5 = 80

Example 4

In a 12 month period, an employee is off sick as follows:

Cold – 1 day off, Stress – 10 days off

So 2 separate absences totaling 11 days off, **2 x 2 x 11 = 44**

The same employee, within the same 12 month period, goes off again with another cold for 2 days. Monitoring looks at ALL absences in any 12 month period

Cold – 1 day off

Stress – 10 days off

Cold – 2 days off

3 separate absences totaling 13 days off:

3 x 3 x 13 = 117

Absence score running total (new starter or no sickness in last 12 months)

Month	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Absence instances	1	0	2	0	0	0	0	1	0	1	0	0	0	0
Absence duration	1	0	2	0	0	0	0	1	0	1	0	0	0	0
Running Total	1	1	27	27	27	27	27	64	64	125	125	125	64	64

APPENDIX 5 – DECISION TO DISMISS CRITERIA

Stage 3 Attendance Review Meeting

Criteria to be Applied When Deciding if Dismissal is Appropriate

1. The question the relevant manager must ask is this: “Is the employee capable of doing his or her job now or in the immediate future?”
2. In answering the question the manager must consider the following: -
 - a. The employee’s history of absences caused by ill-health during their employment with the Council;
 - b. All the information and advice obtained from Occupational Health during the employee’s employment with the Council;
 - c. All the information provided by the employee about their health and the reasons for their absences from work;
 - d. What measures, steps or reasonable adjustments, if any, have been taken in the past to assist an employee at work and their effectiveness;
 - e. Whether or not, at the time the meeting is held and in the light of all the available information and advice provided by OH and/or the employee, the employee has a disability within the meaning of the Equality Act 2010 (“the Act”);
 - f. If the employee does have a disability within the meaning of the Act, has the Council complied with any relevant Council policy when dealing with the employee;
 - g. If the manager decides that an employee has or may have a disability within the meaning of the Act, what reasonable adjustments should he make to his assessment of the employee’s history of absences (for example, by giving the employee appropriate credit for past absences that were not attributed to the employee’s disability because it was not known that the employee was disabled);
 - h. Whether or not the manager decides that the employee does have a disability within the meaning of the Act, if he decides that the employee is not capable of doing their job because of their poor health or disability, what reasonable adjustments could be made to enable them to do the same job? This might include considering a phased return to work, permanently altered working hours, working from home, a change in the employee’s role or the way they carry out their current role.
 - i. Whether or not it is possible to re-deploy the employee to another role within the Council that they would be capable of carrying-out notwithstanding their poor health or disability;
 - j. If it is suggested that an employee will be capable of doing their job in the future, in the light of all the information available to the manager and, in particular, the employee’s history of absences and the reasons for those past absences, how likely and when will that be the case;

- k. The effect the employee's absence has had on the work of the Council, including, in particular, its effect on the employee's immediate colleagues. If the manager concludes that the employee's health may improve in the future so that he or she will be able to return to work, what will be the effect of their delayed return on the work of the Council in general and their colleagues in particular;
 - l. Anything the employee would like to say and/or any additional information the employee would like to provide that will enable the manager to address the issues set out above.
3. The manager will not consider the employee's disciplinary record unless asked to do so by the employee. However, an employee's disciplinary record is unlikely to be relevant to the issues set out above.
 4. In his/her reasons, the manager must refer to each of the factors listed above so the employee knows each has been considered and understand the reasons for any decision taken.



Report of: Head of Law and Governance

To: Full Council

Date: 16th July 2012 **Item No:**

Title of Report: **COMMUNITY GOVERNANCE REVIEW – BLACKBIRD LEYS PARISH COUNCIL – REDUCTION IN MEMBERS**

Summary and Recommendations

Purpose of report: To ask Council to approve the final recommendation for the community governance review into the number of councillors on Blackbird Leys Parish Council.

Key decision: No

Approved by:

Legal: Lindsay Cane
 Finance: Jackie Yates
 Lead Member: Councillor Bob Price

Policy Framework: Not applicable

Recommendation(s): Council is RECOMMENDED to agree that the number of councillors on Blackbird Leys Parish Council be reduced from 16 to 14 (7 in Blackbird Leys Parish Ward and 7 in Northfield Brook Parish Ward).

Background

1. Blackbird Leys Parish Council has requested that the City Council consider reducing the number of councillors on the Parish Council from 16 (8 in each parish ward) to 14 (7 in each ward). Its rationale is that for many years it has not been possible to fill all the available seats on the Council. The Parish Council would like to reach a position where there is competition for seats and elections to raise the awareness and interest amongst the parishioners and feels that a reduced number of councillors will help in this. It is also concerned, in terms of effective governance, that it has difficulty in reaching a quorum at meetings at times of holiday etc.

The Way Forward

2. Under the Local Government and Public Involvement in Health Act 2007 a principal council can hold a community governance review either of its own volition, from a request from a parish council or via a petition. At its meeting on the 20th February Council agreed to hold such a consultation and the timetable is set out below.

Stage	What happened	Timescales	Dates
Commencement	Term of Reference were published		20 th February (by Full Council)
Stage One	Initial submissions were invited	Six weeks	21 st February – 3 rd April
Stage Two	Consideration of submissions received, draft	Four weeks	4 th April – 1st May

	recommendations were prepared		
Stage Three	Draft Recommendations were published – consultations on them	Two weeks	2nd May – 15th May
Stage Four	Consideration of submissions received – final recommendations were drawn up	Two weeks	16 th May – 30 th May
Stage Five	Consideration by Full Council		16 th July
	If recommendations agreed, Full Council makes an Order		Takes effect - 1 st August

- 5 During the consultation periods one submission was received, from the Parish Council restating its earlier reasons for supporting a reduction of parish councillors from 16 to 14. No other comments were received.
- 6 The Council is therefore recommended to make an Order which would reduce the number of parish councillors on Blackbird Leys Parish Council from 16 to 14 (7 councillors in each of the two parish wards). If agreed the change would take effect on 1st August 2012.
- 7 There are no financial implications.

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List of background papers: None