

# **COUNCIL**

**Monday 18 February 2013**

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

## **96. CHANGE TO THE ORDER OF BUSINESS**

The Lord Mayor asked Council if it would agree to the order of business being changed and to adopt the procedure for dealing with the budget debate:

- To deal with agenda items 1-8, 22 and 10-13 in this order
- To take addresses and questions from the public on the budget items and item 22
- To debate the budget items

Council agreed to change the order of business and to adopt the procedure for dealing with the budget.

## **97. MINUTES**

Council agreed to approve the minutes of the ordinary meeting held on 17<sup>th</sup> December 2012 (adjourned and reconvened on 31<sup>st</sup> January 2013).

## **98. DECLARATION OF INTERESTS**

The Deputy Lord Mayor, Councillor Mohammed Niaz Abbasi declared a personal interest in agenda item 11 (Medium Term Financial Strategy 2013-14 to 2016-17 and 2013-14 Budget) as he was involved in the private hire licensed trade. (Minute 108 refers).

## **99. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mick Haines, Joe McManners, Mark Mills, Helen O'Hara and Val Smith.

## **100. APPOINTMENT TO COMMITTEES**

No appointments to Committees were made.

## **101. LORD MAYOR'S ANNOUNCEMENTS**

None made.

#### **102. SHERIFF'S ANNOUNCEMENTS**

None made.

#### **103. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE, THE CHIEF FINANCE OFFICER AND THE MONITORING OFFICER**

None made.

#### **104. ADDRESSES BY THE PUBLIC**

Council received two addresses to Council (the text of the address from Sean Feeney with an Officer response is appended to these minutes)

- (1) Sean Feeney – Sites and Housing Plan: Inspector's report
- (2) Mr Taylor and Mr Cox – Oxford City Football Club

With the agreement of Council, Mr Cox spoke and thanked Council for its funding of £65k to bring the Court Place Farm Stadium up to the standard of a community arena. He said that it was a wonderful facility used everyday and night by people from Oxford and beyond.

#### **105. QUESTIONS BY THE PUBLIC**

No questions from members of the public had been received concerning the budget items on the agenda.

#### **106. SITES AND HOUSING PLAN: INSPECTOR'S REPORT**

The Head of City Development submitted a report (previously circulated, now appended) which sought the adoption of the Sites and Housing Plan.

Councillor Cook moved the report and following a debate, Council agreed:

- (a) To note the conclusions and recommendations of the Inspector's Report on the examination into the Sites and Housing Plan;
- (b) To adopt the Sites and Housing Plan as part of Oxford's Local Plan;
- (c) To endorse the associated documents as part of the Sites and Housing Plan adoption (including the Sustainability Appraisal and Habitats Regulations Assessment Adoption Statement and Equalities Impact Assessment);

- (d) To adopt a new Policies Map for Oxford that incorporates the Policies Map changes associated with the adoption of the Sites and Housing Plan and the Barton Area Action Plan;
- (e) To authorise the Head of City Development following the adoption and during the desktop publishing to correct any minor typographical or grammatical errors arising.

#### **107. REPORT OF THE COUNCIL'S CHIEF FINANCE OFFICER ON THE ROBUSTNESS OF THE 2013/14 BUDGET**

The Head of Finance submitted a report (previously circulated, now appended) under Section 25 of the Local Government Act 2003 which required him to report to Council on:

- (a) The robustness of the estimates made for the purposes of the calculations of the budget, and
- (b) The adequacy of the proposed financial reserves.

Council agreed to note the report.

#### **108. MEDIUM TERM FINANCIAL STRATEGY 2013-14 TO 2016-17 AND 2013-14 BUDGET**

Council had before it the following (previously circulated, now appended):

- (1) Report of the Head of Finance;
- (2) Extract from the minutes of the City Executive Board held on 13<sup>th</sup> February 2013;
- (3) Liberal Democrat Group amendments;
- (4) Green Group amendments.

Councillor Ed Turner, seconded by Councillor Bob Price, moved and spoke to the Administration's budget.

Councillor Jean Fooks, seconded by Councillor Jim Campbell, moved and spoke to the Liberal Democrat Group alternative budget.

Nigel Kennedy, Head of Finance made the following comments on the Liberal Democrat Group alternative budget.

"I have reviewed the alternative budget submitted by the Liberal Democrat Group to Council on 18<sup>th</sup> February and I confirm that the budget does balance and could be implemented. The strategy makes use of a £100k reduction in contingencies to use for one-off expenditure. The Council would normally review all such contingencies at year end and whilst the reduction only represents a 1% reduction in forecast contingencies, my Section 151 report on the Adequacy of Reserves and Balances does take into account budgeted contingencies and

therefore there is a degree of risk, albeit limited, should these contingencies drop below this recommended level.”

Councillor Michael Gotch, seconded by Councillor Jean Fooks, moved an amendment to the Liberal Democrat Group alternative budget as follows to appendix 7 of the Medium Term Financial Strategy, relating to car park charges:

*Following the introduction by the County Council of a Controlled Parking Zone around Cutteslowe Park, a review within 12 months of the effectiveness or not of the CPZ may encourage the introduction in the Cutteslowe car parks of a zero parking charge for 1 hour – thus reducing on street parking even more – funded by increasing the parking charges at Alexandra Courts to the same level as most car parks around the City. Tennis Club members should continue to be able to buy season tickets.*

Nigel Kennedy, Head of Finance made the following comments on the Green Group alternative budget.

“I have reviewed the alternative budget submitted by the Green Group to Council on 18<sup>th</sup> February 2013 and I confirm that the budget does balance and could be implemented. The strategy makes use of forecast underspends on the General Fund Revenue Account as reported to Members based on the November 2012 monitoring position, in the order of £1.5 million at the end of 2012/13. There is a degree of risk in this strategy since it relies on surpluses which have yet to be achieved and won't be known for certain until May 2013 and there is an opportunity cost of alternative use of those underspends which Council may wish to consider at year end, such as establishing a contingency to protect against shortfalls in Retained Business Rate income. However, notwithstanding this it is acknowledged that the alternative budget presented by the Green Group does de-risk this position by including items of expenditure which are one-off in nature and could be reined back should these surpluses not materialise.”

Councillor Craig Simmons, seconded by Councillor David Williams, moved and spoke to the Green Group alternative budget.

Following a debate, Council voted on the Liberal Democrat Group's amendments and the Green Group's amendments, but these were not carried.

Councillor Craig Simmons, seconded by Councillor David Williams, moved and spoke on a Green Group amendment to reduce the contingency amount in Year one by £100k and to use this money in year one as follows:

ESOL - £20k

Ward spend (increased by £1k per Councillor - £48k

Cowley Road Carnival - £12k

Neighbourhood Planning - £20k

Following a debate, Council voted and the Green Group's amendment was not carried.

Councillor Jean Fooks, seconded by Councillor Craig Simmons moved and spoke on a joint Liberal Democrat/Green Group's amendment to reduce the contingency amount in year one by £100k and to use this money to repair potholes and undertake cycle safety work.

Following a debate, Council conducted a named vote as follows:

Councillors voting in favour of the amendment: Armitage, Altaf-Khan, Benjamin, Brett, Campbell, Fooks, Goddard, Gotch, Hollick, Jones, McCready, Royce, Simmons, Wilkinson, Williams and Wolff.

Councillors voting against the amendment: Abbasi, Sinclair, Bance, Baxter, Canning, Clack, Clarkson, Cook, Coulter, Curran, Darke, Fry, Humberstone, Kennedy, Shah Khan, Lloyd-Shogbesan, Lygo, Malik, Pressel, Price, Rowley, Sanders, Seamons, Tanner, Turner and Van Nooijen.

The amendment was not carried as more voted against than for.

Council voted upon the City Executive Board's recommendations and these were carried.

The full decision of Council on the Council's Budget 2013/14 is set out below to:

- (a) Approve the Council's General Fund Budget Requirement of £25,027,000 for 2013/14 and in doing so to approve an increase in the Band D Council Tax of 1.99% or £5.23 per annum representing a Band D Council Tax of £268.19 per annum;
- (b) Approve the Council's General Fund Medium Term Financial Strategy for 2013-14 to 2016-17 and indicative budgets as set out in Appendices 1-5 of the report;
- (c) Approve the Housing Revenue Account budget for 2013/14 as set out in Appendix 5 to the report and in doing so to approve an increase in average dwelling rent of 4.62% (£4.27 per week) resulting in an annual average rent of £96.83;
- (d)
  - (i) Approve the Capital Programme for 2013/14 -2016-17 as set out in Appendix 6 to the report;
  - (ii) To vire £65,000 from underspends in the current year's Capital Programme for the purpose of providing and improving floodlights, seating and dugouts at the Oxford City Football Club's stadium at Court Place Farm;
- (e) Approve the Fees and Charges schedule as set out in Appendix 7 to the report;
- (f) Approve the level of exemptions and discounts on empty homes and unoccupied properties as outlined in paragraphs 18-19 of the report.

## **109. CORPORATE PLAN 2013-2017**

Council had before it the report of the Head of Policy, Culture and Communications together with a minute extract from the City Executive Board held on 13<sup>th</sup> February 2013. (All documents previously circulated, now appended).

Councillor Price moved the report.

Following a debate, Council voted and agreed:

- (a) To approve the Corporate Plan 2013-2017;
- (b) To delegate authority to the Head of Policy, Culture and Communications to make minor textual amendments where necessary in preparation for formal publication of the Corporate Plan 2013-2017.

#### **110. TREASURY MANAGEMENT STRATEGY 2013/14**

Council had before it the report of the Head of Finance with a minute extract from the City Executive Board held on 13<sup>th</sup> February 2013. (All documents previously circulated, now appended).

Councillor Turner moved the report.

Council agreed to:

- (a) Adopt and approve the Prudential Indicators and limits for 2013/14 to 2016/17 as set out in paragraphs 62 to 86 of the report;
- (b) Approve the Minimum Revenue Provision statement at paragraphs 25-27 of the report which sets out the Council's policy on the repayment of debt;
- (c) Approve the Treasury Management Strategy 2013/14 and the treasury prudential indicators at paragraphs 17-39 of the report;
- (d) Approve the Investment Strategy for 2013/14 contained in the Treasury Management Strategy and the detailed investment criteria as set out in paragraphs 40-60 of and Appendix 1 to the report.

#### **111. HOMELESSNESS STRATEGY AND ACTION PLAN 2013 TO 2018 AND FUTURE POLICY IN RELATION TO SECURING PRIVATE SECTOR TENANCIES FOR HOMELESS HOUSEHOLDS**

Council had before it the report of the Head of Housing with a minute extract from the City Executive Board held on 13<sup>th</sup> February 2013. (All documents previously circulated, now appended).

Council agreed to defer consideration of this item to its meeting on Monday 25<sup>th</sup> February 2013.

#### **112. CITY EXECUTIVE BOARD DECISIONS (MINUTES) AND SINGLE EXECUTIVE MEMBER DECISIONS (MINUTES)**

Council had before it minutes (previously circulated, now appended) of the City Executive Board meeting held on 19<sup>th</sup> December 2012 and the Single Executive Member (Finance and Efficiency) meeting held on 25<sup>th</sup> January 2013.

Council agreed to defer consideration of this item to its meeting on Monday 25<sup>th</sup> February 2013.

**113. RECOMMENDATIONS AND REPORTS FROM SCRUTINY AND OTHER COMMITTEES**

No recommendations or reports had been submitted.

**114. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL**

No questions on notice from Members of Council were submitted.

**115. STATEMENTS ON NOTICE FROM MEMBERS OF COUNCIL**

No statements on notice from Members of Council were submitted

**116. PETITIONS**

No petitions were submitted for consideration.

**117. MOTIONS ON NOTICE**

No Motions on notice from Members of Council were submitted

**118. REPORTS AND QUESTIONS ABOUT ORGANISATIONS THE COUNCIL IS REPRESENTED ON**

No questions were asked.

**The meeting started at 5.00 pm and ended at 8.40 pm**

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## **Sean Feeney's address under agenda item 8 to Oxford City Council on 18 Feb 2013, speaking on agenda item 22**

The Worshipful Lord Mayor, officers, and members of Council, with power comes responsibility. Decision-making elected members, I have a modest proposal: reject your officer's advice to adopt the Sites and Housing Development Plan Document.

The permanent pasture of Port Meadow is *strictly protected* under the Habitats and Species Directive as part of Oxford Meadows Special Area of Conservation. Three perhaps less well known hay meadows are part of the SAC: Pixey and Yarnton Meads, perhaps the world's best hay meadow, Wolvercote Meadows, and Cassington Meadows.

The JNCC, the UK's own statutory advisor, states these vegetation communities are "perhaps unique in the world". This ecology is literally irreplaceable. I have provided your solicitors with astonishing correspondence from Natural England, confirming there has been a loss of area of around one-third of the hay meadows between 2005 and 2011.

A journal article cited on your website by Dr Alison MacDonald states the very rare plant *apium repens* which grows on Port Meadow was "killed" in 2006 and the underlying cause of the fatal hydrological change "is not known but is being investigated by the Environment Agency and Dr. David Gowing, Open University".

I believe you have breached the Strategic Environmental Assessment Directive duty to report "existing environmental problems" and consult the public.

Elected members, unless these problems have been taken into account, which they have not, I believe it is impossible for you, acting as the competent authority, to be certain beyond reasonable scientific doubt that this plan will not have adverse effects on the SAC.

Some things are beyond price. This plan allocates sites which will enrich the employers of some elected members (and/or those of your spouses), such as Oxford University.

The European Commission has opened a formal investigation into my complaint that the UK and its emanations, including this Council, have failed in duties to protect the SAC and avoid deterioration; infraction proceedings against the UK could follow in the Court of Justice of the European Union.

Do not repeat the mistake made by 8 out of 9 members of West Area Committee. Vote against harming Port Meadow. Vote to protect Oxford Meadows SAC. Vote *not* to adopt this environmentally harmful plan.

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## **Response to Mr Feeney's oral address to Council on 18<sup>th</sup> February regarding agenda item 22**

Mr Feeney raises two specific concerns about whether the City Council has taken into account all 'existing environmental problems' in carrying out its duty under the Strategic Environmental Assessment (SEA) Directive. These concerns relate firstly to the condition of the Creeping Marshwort on Port Meadow, and secondly to the alleged loss of around one-third of the hay meadows which are part of the Oxford Meadows Special Area of Conservation (SAC).

The City Council has undertaken an assessment of the Sites and Housing Plan and published a Sustainability Appraisal, which includes a SEA, and which was informed by the Habitats Regulations Assessment (HRA). The HRA for the Sites and Housing Plan includes an Appropriate Assessment. The HRA was undertaken to ensure that the policies in the Sites and Housing Plan do not harm sites designated as being of European importance for biodiversity, which included the Oxford Meadows SAC. This concluded that given the mitigation measures, there are not likely to be any adverse impacts on the integrity of Oxford Meadows SAC. These mitigation measures are included within the Sites and Housing Plan. As such, the duties under the SEA Directive and the Habitats Directive have been discharged.

The City Council worked on a constructive and ongoing basis with Natural England throughout the production of the Sites and Housing Plan. The City Council responded to their advice by making amendments to the Plan which included commissioning a visitor's survey to provide information to inform the HRA in relation to potential recreational impacts. During the Examination into the Sites and Housing Plan, the City Council and Natural England agreed a Statement of Common Ground which confirmed that Natural England were satisfied that any outstanding matters regarding the Plan, the HRA and SEA had been satisfactorily resolved.

The Oxford Meadows SAC consists of four SSSIs:

- Pixey and Yarnton Meads
- Cassington Meadows
- Wolvercote Meadows
- Port Meadow and Wolvercote Common and Green

Cassington Meadows and the main part of Pixey and Yarnton Meads lie within Cherwell district. Three of the SSSI's are designated as part of the SAC because of their importance as lowland hay meadows and the fourth (Port Meadow and Wolvercote Commons and Green) is designated as part of the SAC because it contains the rare plant species *apium repens* (Creeping Marshwort).

The latest available assessment regarding the condition of Port Meadow with Wolvercote Common & Green SSSI and Wolvercote Meadows SSSI is from July/August 2010. This is available on Natural England's website

<http://www.sssi.naturalengland.org.uk/Special/sssi/reportAction.cfm?report=sdrt13&category=S&reference=1000153>. It indicates that the vast majority of both SSSIs are in a favourable condition with a small area recovering. Different parts of Pixey and Yarnton Meads SSSI were assessed in July 2010 and December 2012, and were judged to be in favourable condition. The latest information on Cassington Meadows SSSI is from August 2011 and shows it to be in favourable condition.

### Creeping Marshwort

Mr Feeney refers to a study that identifies the Creeping Marshwort on the Oxford Meadows SAC had been “killed”. A first hand site visit undertaken by the Oxford Rare Plants Group with an officer of the City Council in 2011, confirmed that the plant remains on Port Meadow. In fact, Natural England have advised that they believe it may be spreading, rather than declining. Mr Feeney also refers to work that the Environment Agency and Dr Gowing have been undertaking to assess why the groundwater levels at Port Meadow have been high in recent years. In connection with this, it is understood that a breach of the canal has recently been fixed by the Environment Agency, and the results of this are being awaited. Natural England has also been looking at clearing the ditches around Port Meadow, and both of these projects may help with water levels on the meadow. This work is not complete and therefore cannot inform the City Council’s assessments for the Sites and Housing Plan.

### Hay Meadow

Mr Feeney appears to have misinterpreted or misunderstood the information provided to him by Natural England. They do not state that there has been a loss in the coverage of hay meadow as suggested by Mr Feeney. Rather they state that the previous higher coverage figure was the “best available estimate” at the time and that their knowledge has improved since then such that the more recent assessment “is considered to be more accurate”. This does not mean that there has been an actual reduction in hay meadow coverage. In fact, it is understood from Natural England that since 2008 the sites have been in Higher Level Stewardship land management which has resulted in them coming into much better management than before, so the sites will be improving. The December 2012 assessment concludes that the Pixey and Yarnton Meads SSSI has maintained its favourable condition. It is the City Council’s view that there has been no significant change in the evidence base which would warrant any reassessment under the HRA or SEA regulations.

### Compliance with relevant Directives and Regulations

The SEA Directive and Regulations require the preparation of an environmental report identifying the likely significant effects on the environment of implementing the plan or programme, and of reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme. The information to be given includes, any existing

environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance such as a special area of conservation (article 5(1) of the Directive, regulations 5 and 12 of the Regulations).

The environmental report is to include the information that can reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision making process and the extent to which certain matters are more appropriately assessed as different levels in that process in order to avoid duplication of the assessment (article 5(2) of the Directive, regulation 12(3) of the Regulations).

Prescribed bodies (the Countryside Agency, English Heritage, Natural England and the Environment Area) and the public are to be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before adoption or submission to legislative procedure (article 6(2) of the Directive, regulation 13 of the Regulations). The Council has fully complied with these requirements with such consultation having been executed at all relevant times dating back to mid 2011.

For the purposes of compliance with the Habitats Directive and Regulations the Plan has been subjected to appropriate assessment. In the form recommended for adoption the Independent Examination Inspector specifically concluded that the impact of the plan upon the natural environment has been soundly addressed noting that Natural England had no outstanding objection (paras 97 and 98).

The Independent Examination Inspector specifically considered the legality of the Sites and Housing Plan. She concluded that the Plan met all the legal requirements (para 140).

The Sites and Housing Plan is therefore considered to be fully compliant with the Habitats Directive and Regulations and the SEA Directive and Regulations.

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