

MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 17 March 2016

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COUNCILLORS PRESENT: Councillors Price (Leader), Turner (Deputy Leader), Brown, Hollingsworth, Kennedy, Lygo, Rowley, Simm, Sinclair and Tanner.

OTHER MEMBERS PRESENT: Councillors Fooks and Simmons.

OFFICERS PRESENT: Peter Sloman (Chief Executive), Tim Sadler (Executive Director Community Services), Stephen Clarke (Head of Housing and Property), Nigel Kennedy (Head of Financial Services), Lindsay Cane (Legal Services Manager), Richard J Adams (Community Safety & Resilience Manager), Dave Scholes (Housing Strategy & Needs Manager), Frances Evans (Housing Strategy & Performance Manager), Ossi Mosley (Rough Sleeping & Single Homelessness Officer), Paul Wilding (Programme Manager Revenue & Benefits), Alan Wylde (Housing Development & Enabling Manager) and Catherine Phythian (Committee Services Officer)

187. APOLOGIES FOR ABSENCE

There were no apologies for absence.

188. DECLARATIONS OF INTEREST

There were no declarations of interest.

189. PUBLIC QUESTIONS

The City Executive Board noted the following public questions and the written responses (as published) on:

Agenda item 7: Waterways Public Space Protection Order: pre-consultation

- Cassi Perry
- Jane Charlesworth
- Nick Brown
- Dr. Stephen Preston
- Jon Ody
- Dr. Adrian L. Smith
- Kirstin Bilham
- Holly Morse

- Sam Dent
- Penny Schenk
- Sean O'Reilly
- Joe Jennings
- Max Mason
- Sharyn Hyde
- Fiona Bradshaw

The Chair welcomed members of the public to the meeting and explained that although the Board had issued a general response to the questions on the Waterways PSPO in advance of the meeting, detailed replies to each of the questions would be published on the website by the end of March.

190. COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA

Councillor Fooks addressed the Board on agenda items 9 and 15. Her comments are included in the minutes for those items (195 and 201).

191. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

There were no Councillor addresses on neighbourhood issues.

192. SCRUTINY COMMITTEE REPORTS

The following Scrutiny Committee reports and recommendations were considered as part of the substantive discussion of those items:

- Waterways Public Space Protection Order: pre-consultation
- Universal Credit Delivery Partnership Agreement
- Allocation of Homelessness Prevention Funds
- A Housing Company for Oxford

193. WATERWAYS PUBLIC SPACE PROTECTION ORDER: PRE-CONSULTATION

The Executive Director, Community Services submitted a report which detailed proposals for consultation on a Public Spaces Protection Order for the principle waterways of Oxford.

The Executive Board Member, Crime, Community Safety and Licensing presented the report. She stressed that the focus of the draft Public Spaces Protection Order was on public spaces and not private property and that it was about enforcement at the lowest level to tackle unreasonable and anti-social

behaviour. She thanked the public and the Scrutiny Committee for their comments.

The Chair of the Scrutiny Committee presented the scrutiny report and recommendation on this issue. He explained that, following a lengthy debate, the majority of the Scrutiny Committee members had concluded that there was a reputational risk to the Council in proceeding with consultation as there had been insufficient involvement of key organisations at an early stage and the draft PSPO and supporting documentation needed revision.

The Chair of the City Executive Board thanked the Scrutiny Committee for its helpful contribution. He said that in response to the Scrutiny Committee's recommendation it was proposed that the Council's Public Engagement Board should consider all the points raised by Scrutiny and provide professional advice on the details of the proposed consultation process, and specifically, that it will ensure effective engagement with all interested parties, including but not limited to UMBEG (Unlawfully Moored Boat Enforcement Group) and NBTA (National Bargee Travellers Association) prior to commencement of the public consultation process.

- a) the Head of Law and Governance, and other relevant officers, should review the current drafting of the Order before it is published for consultation and agree an amended form with the Executive Board Member, Corporate Strategy and Economic Development before it is used in that process.

The Board noted that the Head of Law and Governance had reviewed the current drafting of the Order and proposed the following amendments to the draft Order:

1. That the draft prohibition at (d) be amended to read 'No person shall create smoke, noise or fumes in such a manner as to give reasonable grounds for annoyance to any person.'
2. That the draft prohibition at (e) be amended to read 'No person shall damage waterways habitats, signage, lifebelts, fencing or other waterways infrastructure.'

The City Executive Board resolved to:

1. **Approve** consultation on the Public Spaces Protection Order for the principle waterways of Oxford, , as amended by the Head of Law and Governance and subject to the following condition:
 - a) that the Council's Public Engagement Board should consider all the points raised by Scrutiny and provide professional advice on the details of the proposed consultation process, and specifically, that it will ensure effective engagement with all interested parties, including but not limited to UMBEG (Unlawfully Moored Boat Enforcement Group) and NBTA (National Bargee Travellers Association) prior to commencement of the public consultation process.

Councillor Brown joined the meeting during the discussion of this item and prior to the recommendation being agreed.

194. ASSET MANAGEMENT PLAN 2016-2020

The Regeneration and Major Projects Service Manager submitted a report detailing the Asset Management Plan 2016-20 which would provide the basis for the management of the Council's property assets going forward.

The Executive Board Member, Finance, Corporate Asset Management and Public Health presented the report and recommended its adoption by Council. The Board noted the growing importance of property assets for long term income generation and agreed that this was an area that should be closely monitored by Scrutiny and the Board.

The City Executive Board resolved to:

1. **Approve** the Asset Management Plan 2016-2020 attached at Appendix 1 for adoption by the Council.

195. INTEGRATED PERFORMANCE REPORT Q3 2015/16

The Head of Financial Services and Head of Business Improvement submitted a report on the status of Finance, Risk and Performance as at the end of Quarter 3, 31 December 2015 and which sought approval for an additional capital budget of £0.150 million for electrical works at Cowley Marsh Depot.

The Executive Board Member, Finance, Corporate Asset Management and Public Health presented the report. He highlighted the favourable variance on car park income and commented on two main areas of concern: the continuing pressures of providing support to the homeless and the shortfall on the number of apprenticeships.

The Board acknowledged that the of the government changes to benefits had significant implications for the General Fund and HRA and that it should be recorded as such in the risk register. The Board also noted with concern the forecast underspend on the Educational Attainment budget, which was exacerbated by the lack of staff resources available at the County Council to work with the City Council to develop expenditure plans.

The City Executive Board resolved to:

1. **Note** the projected outturn position and the performance and associated risk information contained in the report; and
2. **Recommend Council to** approve an additional capital budget of £0.150 million for electrical works at Cowley Marsh Depot to be funded from the service's projected underspend.

Cllr Fooks left the meeting at the end of this item.

196. UNIVERSAL CREDIT DELIVERY PARTNERSHIP AGREEMENT

The Revenues & Benefits Programme Manager presented the report which detailed the proposed Delivery Partnership Agreement with the Department of Work and Pensions for the provision of services required for 2016 and in subsequent years as a consequence of the roll out of Universal Credit.

The Board noted that the main risk to the Council was reputational and linked to the need to adequately resource the support service as demand increased in future years.

The Board Member for Customer and Corporate Services thanked the Scrutiny Committee for its thorough discussion of the report and confirmed that she had accepted the three recommendations. In conclusion she said that this was a good example of how the City and District Councils could work together to provide a co-ordinated support service.

The City Executive Board resolved to:

1. **Authorise** the Executive Director for Organisational Development and Corporate Services to enter into arrangements with the Department of Work and Pensions for the provision of services for the delivery of Universal Credit in 2016 and in subsequent years, provided that (s)he is satisfied that the full terms of the agreement are acceptable and properly reflect the principles set out in the report.

Cllr Simmons left the meeting at the end of this item.

197. WORKING WITH THOSE ALREADY NEET (NOT IN EMPLOYMENT, EDUCATION OR TRAINING) - APPLICATION TO EUROPEAN STRUCTURAL & INVESTMENT FUND

The Revenues & Benefits Programme Manager introduced the report which sought approval to deliver a project supporting young people into employment, education or training subject to securing funding from the European Structural & Investment Fund. He explained that this was a key project as the unemployment level for under 25s in the county remained relatively high at 4% compared to the overall unemployment level of 1%.

The Board Member for Customer and Corporate Services said that this was a good example of how the City was working with the District Councils to deliver a co-ordinated support service.

The City Executive Board resolved to:

1. **Grant project approval** to allow the Oxford City Council to deliver support for young people into employment, education or training, subject to securing the necessary funding from the European Structural and Investment Fund, as outlined in the report.

198. AWARD OF THE LIFT MAINTENANCE AND WATER MONITORING CONTRACTS

The Head of Property & Housing submitted a report which sought delegation to award two contracts to deliver Water Monitoring Services and Lift Service and Maintenance Services to the Council.

The Executive Board Member, Housing presented the report and commended it to the Board.

The City Executive Board resolved to:

1. Delegate authority to the Executive Director Regeneration & Housing, after consultation with the Monitoring Officer and s151 Officer, following completion of the EU-compliant tender process described in this report, to award:
 - a) Water Monitoring Services Contract
 - b) Lift Service and Maintenance Contract

199. ALLOCATION OF HOMELESSNESS PREVENTION FUNDS

The Head of Housing and Property submitted a report which sought approval of the allocation of the homelessness prevention funds, with the purpose of meeting the objectives of the Homelessness Strategy.

The Executive Board Member, Housing presented the report and confirmed the Council's commitment to ending rough sleeping within the City by supporting homeless people and those threatened with homelessness into sustainable accommodation, as evidenced by the £1.2M budget provision.

In discussion the Board considered the following points:

- the particular problems facing people living in a "tent city" and the ways in which the Council could support them, for example, by relocating them to established campsites as an interim measure
- that the Council's rough sleeping team do use existing links to ensure that rough sleepers and people in a "tent city" have access to medical services
- that there was a further group of people who needed support, the "hidden homeless" who although not sleeping on the street were living in vehicles etc

The City Executive Board resolved to:

1. **Approve** the allocation of the Preventing Homelessness funds to commission homelessness services as outlined in paragraph 14 of the report;
2. **Delegate to** the Head of Housing and Property Services, in consultation with the Portfolio Holder for Housing, the discretion to administer any necessary changes to these allocations and allocate the balance of the Preventing Homelessness funds.

200. REVIEW OF OLDER PERSONS ACCOMMODATION /REVIEW OF SHELTERED HOUSING

The Head of Housing and Property submitted a report which presented the Review of Older Persons Accommodation in Oxford.

The Executive Board Member, Housing presented the report and thanked the Strategy and Service Development Manager for her excellent work and contribution to this issue.

The Board noted the following points:

- the need for the City Council to proactively work in partnership with Registered Providers, the County Council and Clinical Commissioning Group to identify the need for extra care, specialist and general needs accommodation that is suitable for older people in the future
- the refocussing of accommodation provision towards older people, 75 years of age and older, or those persons who are younger but with significant health needs
- the importance of learning from the previous de-designation exercises to ensure careful and planned consultation with residents

The City Executive Board resolved to:

1. **Note** the contents of the Review of Older Persons Accommodation in Oxford, attached as Appendix 1 to this report; and
2. **Approve** the recommendations as set out in section 13 of the review document (Appendix 1).

Cllr Price left the meeting during discussion of this item. Cllr Turner took the Chair for the remainder of the meeting.

201. A HOUSING COMPANY FOR OXFORD

The Head of Housing and Property submitted a report which presented the business case for the establishment of a Council owned housing company, and sought approval for the Council to enter into such agreements as are necessary to enable the company to acquire the affordable housing at Barton Park in place of the Council.

The Executive Board Member, Housing presented the report. With regard to the recommendations from the Scrutiny Committee he confirmed that he was happy to accept the first recommendation. He explained that he could not accept the second recommendation as it was necessary to strike a balance between urgency and accountability.

The Board noted that although the tenure options for housing at Barton Park was determined by the existing s106 agreement, there would be considerable scope to include a wide range of tenures in future housing projects undertaken by the housing company.

The Board thanked the Housing Development & Enabling Manager for the report and his hard work in developing the proposals for the establishment of a Council owned housing company.

The City Executive Board resolved to:

1. **Agree** the principle of setting up a Local Authority wholly owned housing company structure ('the company') with the overarching aim of increasing housing supply, noting that there are a range of work-streams which the company structure can pursue, including:-
 - The purchase and management and management of the affordable rented homes at Barton Park;
 - The development of new affordable housing with a range of tenures;
 - The purchase and management and management of high value void properties from the Council to re-provide affordable housing; and
 - The undertaking of Estate regeneration schemes
2. **Delegate authority** to the Executive Director, Housing and Regeneration in consultation with the Council's statutory officers, Deputy Leader and portfolio holder for Housing, to do anything necessary to set up an appropriate company structure, including:
 - a. Selection of the name of the company
 - b. Approval of the type of company, the articles of the company and the size and composition of its board
 - c. Appointment of Directors and Company Secretary of the company
 - d. Approval of a shareholders agreement to be entered into between the company and the Council
 - e. Ensuring that the company will hold appropriate insurances and/or benefit from insurances that the Council holds
3. **Authorise** the entry into discussions with Barton Oxford LLP and Hill Residential Ltd to enable the novation/assignment (and variation to the extent necessary) of the Overarching Agreement and the Conditional Development Agreement and all or any associated agreement warranties etc so that the company may acquire the affordable housing at Barton Park in place of the Council and the delegation to the Executive Director, Housing and Regeneration in consultation with the Council's statutory officers of all necessary steps to achieve this, including:

- a. approval of the final terms of any proposed agreements with Barton Oxford LLP and Hill Residential Ltd to give effect to the above
 - b. the decision whether or not to offer a Council guarantee to Barton Oxford LLP and/or Hill Residential Limited in order to enable the company to acquire the housing at Barton Park and approval of the terms of any such guarantee
 - c. approval of the terms of any contracts to be entered into between the company and the Council in relation to the management and maintenance of the Barton Park affordable homes
 - d. approval of the terms of any nomination/allocation agreement to be entered into between the Council and the company
 - e. approval (in exercise of the housing and regeneration function but not so as to affect the planning function of the Council) of any proposed variation to the Barton Park s.106 agreement.
4. **Recommend Council** to amend the Treasury Management Strategy to enable the making of loans to the wholly owned Housing Company on State Aid compliant terms of up to £12,250,000 to fund its purchase of the Phase 1 affordable housing at Barton Park and to delegate to the Chief Finance Officer approval of the terms of the loan and the terms of the facility agreement(s) and any associated documentation.
 5. **Recommend Council** to agree the inclusion of an amount of £12,250,000 in its General Fund Capital Programme in 2017/18 funded by Prudential Borrowing.
 6. **Recommend Council** to agree the provision of a loan facility to the Company of up to £250,000 to fund the set up costs and provide initial working capital and delegate to the Chief Finance Officer approval of terms of the loan and the terms of the facility agreement.
 7. **Recommend Council** to agree the adoption of the Local Authorities (Indemnities for Members and Officers) Order 2004 in respect of officers of the Council appointed to the Housing Board in accordance with paragraph 40.
 8. **Recommend Council** to agree a General Fund revenue budget of £40,000 in 2016/17 for the setting up of the Company funded from reserves.

202. ITEMS RAISED BY BOARD MEMBERS

No items were raised by Board Members.

203. MINUTES

The Board resolved to APPROVE the minutes of the meeting held on 11 February 2016 as a true and accurate record.

The meeting started at 5.00 pm and ended at 6.30 pm