

# MINUTES OF THE COUNCIL

Monday 18 April 2016

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**COUNCILLORS PRESENT:** Councillors Humberstone (Lord Mayor), Cook (Deputy Lord Mayor), Abbasi, Anwar, Benjamin, Brown, Clack, Clarkson, Coulter, Darke, Fooks, Gant, Goddard, Gotch, Hayes, Henwood, Hollingsworth, Kennedy, Lloyd-Shogbesan, Lygo, Munkonge, Paule, Pegg, Pressel, Price, Rowley, Royce, Sanders, Simm, Simmons, Sinclair, Smith, Tanner, Tarver, Taylor, Thomas, Turner, Upton, Van Nooijen, Wade and Wolff.

## 101. APOLOGIES FOR ABSENCE

Councillors Altaf-Khan, Brandt, Fry, Haines, Hollick, Malik, and Wilkinson submitted apologies.

## 102. MINUTES

Council resolved to approve the minutes of the ordinary meetings held on 8 February 2016 and held on 17 February 2016 as a true and correct record.

## 103. DECLARATIONS OF INTEREST

There were no declarations.

## 104. APPOINTMENT TO COMMITTEES

There were no changes to committee appointments.

## 105. ANNOUNCEMENTS

The Lord Mayor thanked Councillors Clack, Darke, Gotch, Hollick, Royce and van Nooijen, who were standing down at the forthcoming election, for their service to the Council.

The Lord Mayor announced;

- His charity dinner the previous Friday had been successful and well attended. He thanked all those involved including sponsors, town hall staff and the Trax catering team.
- He encouraged everyone to attend the concert by the Jubilee band of the Rifles, free but with a collection for charity.
- Other engagements were as set out for information in the list in the briefing note.

The Leader of the Council announced:

- The city had come 4<sup>th</sup> at the European Capital of Innovation ceremony and been awarded a plaque.
- The City Council had undertaken a procurement exercise to select a consultant to undertake work on the devolution bid for the seven district councils. PWC had been selected and would report by the end of June.
- His thanks to the council's ICT team for their hard work in successfully transferring in the order of 57 applications and 20 million files from the County Council to the council's new supplier in a remarkably short time. He thanked them for the huge effort they had put in.
- His thanks to the Lord Mayor and his team, and Trax, for the successful charity dinner.
- That Niko Grigoropolous, Development Performance Manager in Planning, was leaving the Council after many years' service. He asked members to join in thanking Niko for his service.

## **106. PUBLIC ADDRESSES AND QUESTIONS THAT RELATE TO MATTERS FOR DECISION AT THIS MEETING**

There were no addresses or questions.

## **107. DEVOLUTION UPDATE AND BUDGET ALLOCATION**

Council considered a report to the City Executive Board on 24 March 2016 which gave an update on the proposals for devolution and sought authorisation for further joint working in support of those proposals.

### **Council resolved to**

**allocate** the budget of £50k to support the initial study on viability and sustainability and governance; specialist work on collaboration around Children and Adult services; public consultation and involvement; and preparation of a revised Devolution Deal. This will be funded from reserves and balances.

## **108. A HOUSING COMPANY FOR OXFORD**

Council considered a report to the City Executive Board on 17 March 2016 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.

### **Council resolved to:**

1. 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;
2. agree the inclusion of an amount of £12,250,000 in its General Fund Capital Programme in 2017/18 funded by Prudential Borrowing;
  3. 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;
  4. 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;
  5. agree a General Fund revenue budget of £40,000 in 2016/17 for the setting up of the Company funded from reserves.

#### **109. ASSET MANAGEMENT PLAN 2016-2020**

Council considered a report to the City Executive Board on 17 March 2016 which presented the Asset Management Plan 2016-20 and recommended its adoption by Council thereby providing the basis for the management of the Council's property assets going forward.

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

#### **110. INTEGRATED PERFORMANCE REPORT QUARTER 3 2015/16 - CAPITAL BUDGET CHANGE**

Council considered a report to the City Executive Board on 17 March 2016 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 (paragraph 12 of the report).

**Council resolved 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.

#### **111. OXPENS: SALE OF OXPENS LAND AND LOAN TO OXFORD WEST END DEVELOPMENT LTD**

Council considered a report to the City Executive Board on 14 April 2016 which seeks budgetary approval for the sale of Oxpens land and a loan to Oxford West End Development Ltd and noted that the recommendations agreed by the Executive Board were as set out in the agenda.

**Council resolved to:**

1. **approve** a loan of £4.16 million to Oxford West End Development Ltd to provide funds to the company to purchase land owned by Oxford City Council on terms set out in this report;
2. **approve** a capital budget of £4.16 million in the Council's General Fund Capital Programme in 2017/18 funded from the Capital Receipt received from the sale of the land.

**112. AWARD OF FREEDOM OF THE CITY TO MS LESLEY DEWHURST**

Council considered a proposal to confer the Honorary Freedom of the City on Ms Lesley Dewhurst, in accordance with Section 249 of the Local Government Act 1972, in recognition of her work with single homeless people in Oxford over the last 20 years.

Councillor Rowley moved that the Honorary Freedom of the City be conferred on Ms Lesley Dewhurst at a formal ceremony to be held at a later date, confirmed as 14 September 2016. He drew attention to the highlights of Ms Dewhurst's work in the city and nationally.

Councillor Fooks seconded the motion and Councillor Wolff supported the motion, both speaking of Ms Dewhurst's achievements.

**Council resolved:**

**that** in accordance with Section 249 of the Local Government Act 1972, that the Honorary Freedom of the City be conferred on Ms Lesley Dewhurst at a formal ceremony to be held on 14 September 2016.

**113. PAY POLICY STATEMENT 2016**

Council considered a report setting out the Council's annual pay policy statement in accordance with legislative requirements

**Council resolved to approve** the Annual Pay Policy Statement 2016 for publication.

**114. REGULATION OF INVESTIGATORY POWERS ACT 2000**

Council considered a report setting out the Council's application of its powers under the Regulation of Investigatory Powers Act 2000

**Council noted that** the Council had not used its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) for the period 1 April 2015 to 31 March 2016.

## **115. CITY EXECUTIVE BOARD MINUTES**

Council had before it the minutes of the City Executive Board meetings 11 February 2016, 17 March 2016, and 24 March 2016 and members asked questions on these.

On Minute 174, Councillor Fooks said she hoped there would be wide publicity to encourage people to participate in the pilot and she would like more details. Councillor Tanner said there was a lot of interest but the pilot needed more volunteers and anyone interested should get in touch with him.

On Minute 180, Councillor Fooks asked when the consultation on the private sector housing policy would start. Councillor Price said this was being finalised and the consultation would start soon.

On Minute 211, Councillor Simmons asked if the contract was awarded and if the organisation could be named. Councillor Price said the contract had been awarded to the Council by the Manor Surgery.

On Minute 212, Councillor Fooks asked whether the proposed populations for unitary authorities were too small. Councillor Price said there were precedents for populations of the proposed sizes.

## **116. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL**

Members of Council submitted 37 written questions to Members of the City Executive Board. The questions, written answers, and summaries of supplementary questions and answers, are in the supplement to the minutes.

## **117. PUBLIC ADDRESSES AND QUESTIONS THAT DO NOT RELATE TO MATTERS FOR DECISION AT THIS COUNCIL MEETING**

Council heard addresses and questions to Executive Board Members from members of the public submitted in accordance with the Council's procedure rules.

Council agreed to suspend the relevant standing orders relating to the time allowed for public speaking to permit all speakers to be heard and answered.

Council heard addresses from

1. Nigel Gibson, Save Temple Cowley Pools
2. Dr. Stefan Piechnik about the economic rationale of tower block refurbishments.
3. Mr Artwell about providing community space in Barton.

Board members responded to these as summarised in the supplement<sup>1</sup>.

Councillor Coulter, permitted to speak by the Lord Mayor, responded to Mr Artwell's assertion that he received no reply to enquiries and stated he had replied but these had been undeliverable.

And questions from

4. Nigel Gibson about the demolition of Temple Cowley Pools
5. Cassi Perry about the Waterways Public Space Protection Order (wPSPO) and protection from complaints
6. Sam Dent about the wPSPO and draft Guidance to local housing authorities on the periodic review of housing needs
7. Alex Wood about the wPSPO definitions
8. Jon Ody about the wPSPO supporting evidence
9. Jo Hamilton about the wPSPO alternative options
10. Penny Schenk about the wPSPO
11. Ruth Anderson about the British Waterways Act 1995 and legislation

Board members responded to these as summarised in the supplement.

A question from Helen Marshall, Need not Greed about OxLEP's Strategic Economic Plan was noted as the speaker did not attend. The written question and response is included in the supplement.

The supplement to these minutes contains the full text of addresses and questions where these were delivered as submitted, and summaries of speeches which were significantly different. Written responses and summaries of verbal responses from the Board Members are included.

## **118. OUTSIDE ORGANISATION/COMMITTEE CHAIR REPORTS AND QUESTIONS**

Council had before it a report of the Leader of the Council providing an update on the work of the Oxfordshire Growth Board.

**Council noted the report without comment.**

## **119. SCRUTINY COMMITTEE UPDATE REPORT**

Council had before it the report of the Scrutiny Committee Chair.

Councillor Simmons moved the report. He thanked his vice-chair Councillor Hayes and the Housing Panel chair Councillor Smith, and thanked Councillor

<sup>1</sup> A note was added to the supplement on 24 May 2016 subsequent to the meeting to clarify and correct the Board Member's response to Dr Piechnik's address.

Darke for his work. He also thanked the City Executive Board for engaging productively with the scrutiny process. Councillor Hayes added his thanks.

Councillor Rowley thanked Councillors Simmons and Smith for their work, particularly the Housing Panel's work on tenant involvement.

**Council noted the report.**

## **120. MOTIONS ON NOTICE**

Council had before it eight motions on notice and amendments submitted in accordance with Council procedure rule 11.17, and reached decisions as set out below.

### **1. Oxford City Council support EU membership**

Councillor Simmons proposed his submitted motion, agreeing to amend this to also incorporate the motion submitted by Councillor Tanner (Motion 5 on the agenda). Councillor Tanner seconded this.

After debate, and on being put to the vote, the motion as amended by the proposer was declared carried.

**Council resolved to adopt the motion as set out below:**

***This Council strongly supports remaining in the European Union in the referendum and urges all Oxford's voters to use their vote to Remain.***

***Remaining in Europe will continue Oxford's free access to the world's largest single market, will allow Oxford citizens to live, work and holiday freely within the 27 other nations, and will demonstrate our solidarity with over 500 million Europeans.***

***Leaving Europe will be bad for jobs. It will threaten the BMW car plant, the universities and the science jobs at Culham. Remaining in Europe will guarantee rights at work, high environmental standards and a more democratic Europe.***

***In summary:***

- ***Oxford is an international City, with three EU twin towns, and a proud City of Sanctuary. The last census in 2011 showed that 1 in 10 of its resident population were born in EU countries other than UK.***
- ***The City Council has benefited directly from more than £1m of EU funding and, in May 2015, the City's Finance Panel took evidence from three of the South East regions MEPs identifying more than seven other potential EU funding streams that the City Council could apply for.***
- ***Oxford's economy also benefits enormously from EU tourism (9 out of the top 10 countries of origin are other EU states), from EU funding to***

*its Universities, and other institutions, and from European businesses, such as BMW, that have chosen to operate within the City and County.*

- *Workers in Oxford are better off as a result of EU employment directives on equal rights, holidays, pensions, working hours, health and safety and so on.*
- *Oxford residents have more opportunities and lower costs when travelling as a result of the EU, free movement, lower mobile phone charges, European health card, educational possibilities and so on.*
- *Oxford's environment has also benefited from EU legislation and guidance on, for example, air quality, recycling and biodiversity.*

*This Council therefore believes that the case for staying within the EU is overwhelming beneficial for the City and urges those electors eligible to vote to back an 'IN' vote at the forthcoming EU Referendum and asks the Leader to write to Oxford's MPs setting out the Council's views.*

*Of course, the EU is not perfect. But neither is Westminster. It needs to be more democratically accountable, transparent and efficient. This Council, however, believes that reform will be easier if the UK remains within the EU.*

## **2. Unitary Council proposal (proposed by Councillor Price, seconded by Councillor Tanner)**

Councillor Price proposed his submitted motion, seconded by Councillor Tanner.

After debate, and on being put to the vote, the motion was declared carried.

**Council resolved to adopt the motion as set out below:**

*The City Council notes that the response from government to the devolution proposals for Oxfordshire that were presented to the Department of Communities and Local Government and Cabinet Office in December 2015 indicated that a different and stronger form of governance was required if the proposals were to make progress.*

*Council therefore welcomes the initiative from the five District Councils in partnership with South Northants and Cotswold District Councils for a revised proposal based on four unitary authorities. This proposal would restore city government to Oxford and create an effective partnership with the neighbouring unitary authorities.*

*The Council notes that a feasibility study covering the full range of possible unitary options is being commissioned, and urges the County Council to participate in the commissioning and management of this study rather than duplicating the work with a separate study that will cover the same ground.*

### **3. Adopt an eco-village approach (proposed by Councillor Gotch, seconded by Councillor Tanner)**

Councillor Gotch proposed his submitted motion, seconded by Councillor Tanner.

After debate, and on being put to the vote, the motion was declared carried.

**Council resolved to adopt the motion as set out below:**

***Bicester eco-village is an exemplar of how energy efficient and low-carbon-footprint housing is being built now - helping to slow climate change for the sake of our children and grandchildren.***

***We call on the City to instruct its architects to design buildings of all types, on City owned sites, to adopt the eco-village approach and, by example, persuade / push / cajole private developers in Oxford to make their contribution to saving planet earth.***

#### **Motions not taken**

Motion 5. Oxford City Council support EU membership was not taken as it was withdrawn after incorporation into Motion 1.

The following motions were not taken because the time allowed in the Constitution had elapsed:

4. Climate Change and Government Policy (proposed by Councillor Simmons, seconded by Cllr Thomas)

6. Independent review of unitary options (proposed by Councillor Fooks seconded by Councillor Gant )

7. Community Involvement in Community Centres (proposed by Councillor Wolff, seconded by Councillor Benjamin)

8. Scrapping of student grants and curbing of access to higher education for disadvantaged young people (proposed by Councillor Hayes, seconded by Councillor Hollingsworth)

**The meeting started at 5.00 pm and ended at 9.30 pm**

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**To:** Council  
**Date:** 18 April 2016  
**Title of Report:** Questions on Notice from members of Council and responses from the Board Members and Leader, republished after the meeting to include supplementary questions and responses.

## Introduction

1. Questions submitted by members of Council to the Board members, Leader of the Council, by the deadline in the Constitution are listed below in the order they were taken at the meeting.
2. Responses are included.
3. Questioners can ask one supplementary question of the councillor answering the original question.
4. This report is republished as part of the minutes pack after the Council meeting and includes supplementary questions and responses.

## Questions and responses

### Board member for Climate Change and Cleaner, Greener Oxford

#### **1. From Councillor Wolff to Councillor Tanner**

The portfolio holder will no doubt have noticed the appalling state of our streets with many major and minor roads peppered with potholes large enough to put cyclists in danger.

1. What is the portfolio holder doing to improve the performance of the County Council in repairing the major roads for which it is responsible?
2. How quickly are the City Council responding to reports of potholes?
3. What is the portfolio holder doing to improve the performance of the City Council in repairing the minor roads for which it is responsible?

#### **Written response**

(1) The revenue budget allocated for pothole repairs by the County Council on major roads has been substantially reduced, therefore the County Council Highway Inspectors are rigorously adhering to the inspection policy. Repairs will only be instigated if they meet the relevant investigatory levels. These levels can be found in the highway inspection policy:-

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/highwaymanagementpolicy/highwaysafetyinspectionpolicy10feb2011.pdf>

The City Council is continually pressing the County Council to increase the money available for keeping Oxford's main roads in a good state of repair.

(2) The City Council inspects reported potholes and if they meet the appropriate investigatory levels we aim to repair them within either 2 hours, 24 hours (or next working day) or 28 days depending on the severity of the defect and level of risk.

(3) The City Council undertakes the maintenance of minor roads under the Section 42 agreement and the County Council provides the budget for this agreement. This has been significantly reduced as part of their budget reductions. The Direct Services team perform very well within the stringent financial constraints and are regularly exploring alternative repair methods to improve quality and reduce costs.

### **Supplementary question**

Are the roads built to the specification we require?

### **Response**

I share your concern over the roads: the real problem is there is so little money spent on the roads. We will continue to do what we can to press the county council to do more for the city's roads.

## **2. From Councillor Simmons to Councillor Tanner**

No one doubts the value of increased food waste recycling but did the Council do a proper evaluation of bin colours before deciding on the visually intrusive bright red bins that are appearing on our streets?

### **Written response**

The 'Food Waste Recycling for Flats' project was initially devised in 2014. The rationale underlying the distinct bin colour choice was to:-

- Provide service uniformity/consistency at sites across the city;
- Ensure that residents could easily differentiate food waste bins from those for other waste streams (blue for recycling, green for residual waste, brown for organics).

Bin colour choice is limited and whilst black or grey bins may have been an option, these are universally associated with residual waste and were therefore deemed likely to generate confusion and consequent contamination; the latter at significant financial and environmental cost to the council.

It is estimated that 5-10% of food waste bin sites are visible from the highway, with the majority concealed within bin stores.

### **Supplementary question**

Could we have a less obtrusive colour?

### **Response**

I am prepared to review but personally like red.

**3. From Councillor Wade to Councillor Sinclair**

When is it anticipated that the draft Waterways PSPO (*Public Spaces Protection Order*) will be revised and ready for consultation? When will the public consultation take place? And will the consultation period be extended if it takes place over the holiday period?

**Written response**

The draft Waterways PSPO amended by the City Executive Board on 17 March is the version that will be used in the consultation. The consultation will begin when the Council's Public Involvement Board (*officer group*) have agreed the approach to consultation. Therefore there is no end date to the consultation at present. It is likely to continue throughout the summer period.

**Supplementary question**

Will this be a consultation involving notification of boat dwellers and riparian owners and will it continue until mid-September if it covers the school holiday?

**Response**

Yes, it will be comprehensive and we welcome engagement from the boating community.

**4. From Councillor Thomas to Councillor Sinclair**

Do you agree that instead of officer time being spent drawing up a poorly worded, half-baked, and impractical Waterways PSPO their time would be better spent working on a 'living waterways' plan prioritising the provision of additional residential moorings to aid the housing crisis in Oxford?

**Written response**

The draft Order was developed to stimulate a discussion with members and the public on the best way to deal with the issues that have been arising for some time on the waterways and riverbanks.

**Supplementary question**

This has really created anxiety. When will you publish the timetable of face to face meetings?

**Response**

The report was not the consultation but to agree the start of the process:

**5. From Councillor Thomas to Councillor Sinclair**

Will you be cross referencing the Waterways PSPO proposals with existing human rights legislation to ensure there are no breaches?

**Written response**

Yes. If a PSPO is eventually presented for the consideration of the CEB, the Human Rights Act 1998 and the equalities impact will be taken fully into consideration.

**Supplementary question**

Will the draft consider the Human Rights Act??

**Response**

Yes.

**6. From Councillor Thomas to Councillor Sinclair**

Will you make the minutes of past meetings of *UMBEG (Unlawfully Moored Boats Enforcement Group)* publicly available, obviously with the exclusion of any references to named individuals?

**Written response**

Yes, subject to data protection considerations.

**Supplementary question (for 6 and 7)**

What date will these be available?

**Response**

I do not have a date but these should be made available soon.

**7. From Councillor Thomas to Councillor Sinclair**

Will you make Action Plans from UMBEG publicly available, obviously with the exclusion of any references to named individuals?

**Written response**

Yes, subject to data protection considerations.

**8. From Councillor Thomas to Councillor Sinclair**

Will the Council make publicly available all correspondence regarding the 2015 consultation on the PSPO with private land owners?

**Written response**

The discussion with private land owners in 2014-15 sought their views on whether they would support a PSPO to include a schedule of mooring locations and other provisions. This was not the draft PSPO presented to CEB on the 17 March.

**Supplementary question**

I understand that some paperwork went to riparian landowners. When will this pre-consultation paperwork be made available?

**Response**

I will consult the council's legal team and if appropriate will make this available to you and the public.

**9. From Councillor Benjamin to Councillor Sinclair**

Do you find emerging stories of Council representatives telling boaters and waterside rough sleepers 'we will get you when the PSPO comes in' worrying?

**Written response**

I am not aware of any such comments. There is a procedure for dealing with these matters through our website.

### **Supplementary question**

The point of the question was to make you aware of these concerns. How are you going to make it possible for homeless people to follow this procedure for reporting these matters given they have no computers?

### **Response**

We will make efforts to engage homeless people with the consultation. Thank you for bringing this information to our attention. We encourage individuals to make their complaints so that we can take action. We need evidence about specific inappropriate and comments so they can be followed up.

### **10. From Councillor Benjamin to Councillor Sinclair**

What are your plans for practically enforcing the Waterways PSPO on private land?

### **Written response**

The PSPO is unenforceable on private land, unless there is an implied right of access. The majority of the waterways of Oxford are publicly accessible, therefore there is an implied right of access. The public also has an implied right of access to the tow path, foot paths and some of the riverbank.

### **Supplementary question**

Will a map of who owns all the land along the towpaths be available as part of the consultation to aid the consultation?

### **Response**

I think this was part of the initial paperwork but if not we will see if we can produce one.

### **11. From Councillor Thomas to Councillor Sinclair**

In a recent Oxford Mail article entitled "Softer approach to tackle anti-social behaviour working in the Leys", which opens with "Methods used to deal with anti-social behaviour in Windrush and Evenlode Towers have been successful and should be deployed elsewhere, councillors say." Cllr Linda Smith is quoted as saying "One of the first responses of council officers was to explore the possibility of putting in a PSPO, like the one at Foresters Tower. Councillors in Blackbird Leys and Northfield Brook felt that using the criminal process to deal with young teenagers wasn't the way we wanted to go."

Does the Board Member agree that the City Executive should be following the lead of Cllr Smith and her Blackbird Leys and Northfield Brook colleagues to work pro-actively with people rather than implementing yet another unpopular PSPO which will only alienate and criminalise?

### **Written response**

As the Councillor knows, the Board has approved an extensive consultation process for the draft Waterways PSPO that will involve working closely with the groups and individuals who are most involved in the identified anti- social behaviours that are affecting the city's waterways. That consultation process will allow the officers to consider the merits of all the available approaches to controlling these behaviours.

### **Supplementary question**

Will alternatives to the PSPO be set out in the consultation for the public to judge?

## **Response**

I am sure that other positions and views and ideas will come forward from the consultees and we will look seriously at these.

## **12. From Councillor Gant to Councillor Sinclair**

Why has the dog waste bin on the canal towpath by the Frenchay Road bridge been consistently left unemptied? If Council is proposing to give officers greater powers to make boaters and others look after the waterways, would it not be a good start for council to make sure its officers keep their part of the deal by keeping the living and recreational environment of boaters and other users in an acceptable condition?

## **Written response**

The canal towpath is a popular location for dog walkers. Officers will monitor the situation and take any necessary action.

## **Supplementary question**

I note that the the bin being emptied now and thank you for this. Is the answer to the second question 'yes'?

## **Response**

Yes it is – and yes I agree with the second part.

## **13. From Councillor Gant to Councillor Sinclair**

The city centre PSPO has been in force for some months now.

Could the councillor tell us how many notices have been issued under its provisions?  
Of those:

- how many were for each of the behaviours listed in the order;
- how many were issued north of St Giles' church;
- how many were issued inside property owned and managed by the University of Oxford;
- how many were issued inside property owned and managed by Colleges of the University of Oxford?

## **Written response**

for each of the behaviours listed in the order;

- o Aggressive begging – 10 occurrences
- o Alcohol – 3 occurrences
- o Busking – 5 occurrences
- o Cycling in Queen St or Cornmarket – 132 occurrences
- o Dog control – 3 occurrences

issued north of St Giles' church - None

issued inside property owned and managed by the University of Oxford - None

issued inside property owned and managed by Colleges of the University of Oxford – None.

The city centre PSPO has been in place since February 1 2016. Officers have been addressing anti social behaviours covered by the Order by giving advice and handing out a Frequently Asked Questions leaflet.

### **Supplementary question**

Is the city centre PSPO appropriate; is the extension to University land necessary; and is the behaviour controlled by other legislation?

### **Response**

We are noticing an improvement in behaviour and the success is not in fines but in improved safety in the city centre.

### **14. From Councillor Gant to Councillor Sinclair**

The Microchipping of Dogs (England) 2015 Act comes into legal force on April 6. This requires dog owners to have their pets microchipped and gives responsibility for enforcement to local councils, but, rather unhelpfully, does not specify whether this means county or districts (see provision 2 (Interpretation) sub-section (b), part (i), at <http://www.legislation.gov.uk/ukxi/2015/108/regulation/2/made> ). Does the City Council exercise this responsibility, and if so how will it go about it and what are the implications for resources?

### **Written response**

The dog warden service within Direct Services will be taking on the responsibility for enforcing the Microchipping of Dogs (England) Regulation 2015.

To date a template legal notice has been drafted with Legal Services and a formal procedure is being written. Authorisation of relevant officers under the regulations has been requested from Community Services who manage this function following the restructure of regulatory services within the Council.

The Dog Warden service has limited resources (0.5 FTE Dog Warden) and therefore in practical terms the new regulations will be enforced only when stray dogs are collected without microchips.

Owners looking to claim their dogs will be advised it is a legal requirement to chip their dog and we will offer to do so before returning the dog. The cost of chipping is already included in the repatriation fee for the dogs. If the owner refuses this offer then a legal notice will be served requiring chipping to take place within 21 days. The dog warden will follow up on the notice and if it has not been chipped we will take the dog and chip it in default of the notice. The costs of doing so will be recovered from the owner. The owner can then be prosecuted for failing to comply with the notice.

If the stray dogs are not claimed and are rehomed then the dogs will be chipped by the rehoming centre before going to a new owner.

There are no additional resources required by enforcing the new regulations in this way and it will become an extension of the existing stray dog procedures.

It is not anticipated that there will be a high level of enforcement action required.

**15. From Councillor Fooks to Councillor Simm**

I see that the West Oxford Community Centre has been offered very generous terms for a new lease. Will you assure Council that similarly generous terms, exempting the Association from performance measurement and providing rent-free occupation, will be on offer to other Community Associations in the city?

**Written response**

We are very supportive of the excellent work undertaken by WOCA and the quality of their operational performance over many years. This is reflected in the terms of the lease and we are currently discussing with them the performance measures that will be used outside the lease itself. We will be agreeing the terms for the remaining four associations with protected leases on an individual basis and in these cases too, the measures will be kept outside the lease itself and negotiated individually to reflect the work of each specific organisation.

**Supplementary question**

What is the position for those without a protected tenancy?

**Response**

Other community associations have licenses so are not on the same terms. We do want to support for community associations and will proceed sensitively, but I give no undertakings.

**16. From Councillor Gant to Councillor Simm**

Can the Councillor give us figures for room hire, gym membership and uptake of medical services at the Rose Hill Community Centre, what percentage of capacity has been achieved, and what proportion of bookings have come from local residents?

**Written response**

Attendance is building well, the below is the record of visits.

- Jan (18-31) – 1,333
- Feb – 3,950
- March – 5,994
- Total – 11,277

This does not include tenant's numbers

**Gym**

- Currently has 368 users that have either taken out a membership or been inducted and using on a casual basis
- The vast majority of these are from Rose Hill - 313 (87%)

**Capacity**

- The capacity has built steadily and we are now at 33%
- Regarding booking split currently nearly all bookings are at the community rate as they are activities run by community residents/ groups or activities run by the community.

**17. From Councillor Fooks to Councillor Brown**

The problems with lack of email and telephone connection over the weeks surrounding the changeover of the ICT provider have been considerable for staff, councillors and the public. The total loss of some emails can only be described as extremely worrying. What confidence can the public have that the Council has adequate business continuity plans in place in the event of a systems failure in future?

**Written response**

After 12 months of planning and a very intensive three months of work by staff in ICT they have successfully moved 57 software applications and more than 20 million files across from the County Council's systems to our new ICT platform Sentinel, managed by SCC. With this level of work, it was never likely that it would be completed without some unexpected outages and problems developing. I apologise to members and to staff for the inconvenience, but would also remind Cllr Fooks that we had two occasions of periods of several days last municipal year when the county was managing the service that we had a total IT outage. The problems we have been experiencing are transitional ones as we move to new servers, and use new hardware and software.

The reason for the change was to ensure consistent and improved levels of ICT availability for all customers in the long term. For example, the two major system outages that we experienced in the last six months with the County ICT platform, should not happen with our new provider, as the new backup arrangements mean systems can be switched to maintain service availability. In addition, these new arrangements have saved the Council £150,000 per annum.

Separately, the loss of telephony that the City Council experienced on 23 March was caused by a fault on the BT line that receives data to our systems in the Town Hall where the City Council's telephony server is also housed. This meant that we:

- Lost access to the general ICT networks in the Town Hall;
- Were not able to receive calls into the Council's contact centre;
- Were not able to make or receive calls via our desk phones on the network.

However, I'm glad to say that the business continuity plan for the Contact Centre meant that we were able to deploy some staff to Horspath depot to our emergency contact centre and arrange for the incoming calls to our switchboard number to be diverted by British Telecom. We arranged messaging on our website whilst also keeping our own staff abreast of the situation using email and the intranet. The fault was corrected and we were fully operational again the same day by 4:30pm. I have asked that for the future we look at how our emergency planning can support better communications to members.

I understand that we are currently waiting for an additional two lines to be installed to both the Town Hall and St Aldates Chambers from Vodafone and Virgin Media which will provide additional resilience should this happen in future, as we will be able to switch data to an alternate line.

As part of the migration of Member email accounts to our new ICT infrastructure, ICT moved email accounts from Exchange 2003 to Exchange 2010. This was co-ordinated with also moving Members from their old Blackberry devices to their new LG phones.

This meant that some Members were offline for a period of time. This process was communicated in advance to all members, to try and reduce disruption.

Post migration to our new ICT environment, there have been particular issues with iPads and Citrix that have affected some members. All high priority group email accounts and public folders that members access are now fully operational. ICT have been contacting all members to verify the access that they have via their phones, iPads and laptops to email and mod.gov in particular and are pulling together an action plan to bring full access back to members and sort out any residual problems. I would encourage any councillor who is still experiencing problems to make sure that they are talking to ICT and continuing to report problems.

### **Supplementary question**

Are you aware that the two complete failures of IT earlier in this municipal year were caused by an IBM software fault and a number of emails were lost?

### **Response**

One of the reasons we chose to move supplier was to alleviate these problems as the arrangement with the County Council did not provide us with adequate business continuity.

### **18. From Councillor Thomas to Councillor Brown**

In the last Scrutiny Committee, it was reported that the Council will once again be handing back unspent Discretionary Housing Payment to the Government – at the same time it has spent none of the DHP top-up allocated in the last budget. The same Committee also heard that about one-third of DHP applicants are being refused support. Does the portfolio holder think that this is acceptable?

### **Written response**

Once again the Council has had to plan for a delivery of benefit changes that the government has failed to deliver to the timetable they have suggested. In spite of the fact that we have not seen the number of people affected that we thought we might, we have nearly spent all the DHP this year. This raises concerns about the level of DHP that government are offering as well as their ability to plan. There are no guarantees on the level of DHP offered in future.

In 2013 the Council changed its approach to awarding Discretionary Housing Payments in response to the significant increase in demand caused by the introduction of the Bedroom Tax and Benefit Cap. In line with government policy and advice on the purpose of DHP, and in the light of the frequent reminders that DHP is supposed to be a temporary payment, instead of making awards based solely on an assessment of affordability, awards were made to support the recipient in taking positive steps to improve their financial position.

Alongside the conditionality, the Council invested in more support to those receiving DHPs, assisting them in finding work, alternative accommodation, help with debts and help with a range of other issues including mental health, confidence and self-esteem, skills etc.

The success of the approach is illustrated by the fact that of the 239 households that have been affected by the Benefit Cap to date, only 66 are currently receiving a DHP. We estimate this is due to the support that has been put in to help people gain exemptions from the cap. The exemptions include 76 people having been helped to

find work, 35 having been helped to apply for an exempting benefit, and 19 having been helped to find more affordable accommodation.

Those supported in this way have often had several of the following characteristics: they have tended to be single women with four or more children, with few or no qualifications and no work experience. Supporting people to move off DHPs allows a smaller budget to go much further and support more people. The previous approach of granting money without conditions would have quickly exhausted the DHP budget.

People who have their DHP application turned down are still offered support by the City Council. Although not many take this up, some do. People who are initially turned down, often reapply with a more positive approach to changing their situation, and as a result are successful. The unaffordability of the private rented sector means that it is not practical to use DHPs to top-up rents without doing something to improve the customer's situation. This would just create an ongoing and increasing DHP liability for the Council.

### **Supplementary question**

Is it possible to look at the criteria again?

### **Response**

I would refer you to the written answer.

## **19. From Councillor Simmons to Councillor Brown**

In July 2015, the Council commissioned a report on the City's credit unions which resulted in a series of recommendations for both the credit unions and the City Council. When this report came to light during a recent item on credit unions introduced on the Finance Panel agenda at my request as Chair (following an approach from the Oxfordshire Credit Union), officers could find no formal response from the Council to the report's recommendations. These recommendations seem, on the face of it, to be reasonable and would help the credit unions to address the serious problem of 'loan sharks' or 'pay day loans' – which are estimated to affect around 2,000 households in the City.

Will the portfolio holder agree to fully consider the report, and any subsequent advice from Scrutiny before withdrawing support from the City's credit unions?

### **Written response**

A Credit Union is an organisation where members pool their money in order to be able to loan money to each other and provide some other financial services, as agreed by the Membership. They are intended to be a self-sustaining organisation, without reliance on external funding. The Council has provided significant financial support to both Oxfordshire Credit Union (OCU) and Blackbird Leys Credit Union (BBLCU), including providing funding to support a merger which did not then take place. From 2011/12 to 2015/16, £100,000 has been provided to OCU, and £32,000 to BBLCU.

Following the failure of the merger, a year of dialogue followed between the Council and Credit Unions to understand why the merger failed and to consider a way forward. This was largely unproductive and so it was agreed to jointly commission an independent report into the future of Credit Unions in Oxford.

The resulting report made a number of recommendations to both Credit Unions and the Council. These were discussed at a meeting including the Credit Unions, officers and me as the portfolio holder for financial inclusion. We made it clear to both credit unions

that in order for the Council to actively promote them to our staff, regular dividends needed to be paid to savers and reasonable loan rates needed to be available for borrowers and that we needed to be satisfied about their future viability.

I would welcome an opportunity to discuss the report at the Finance Panel. The Council recognise OCU have acted on all the recommendations made specifically for them. A further £12,500 grant was awarded to them last financial year although this should not be seen as a predictor of future grant.

OCU have requested that the Council promote their organisation to Council staff. However, on the basis that a dividend hasn't been provided to investors for some years, concerns over the competitiveness of the loan rates and the fact that the Council has the facility to provide financial support to staff who are experiencing difficulties with money, we have no current plans to promote OCU to staff.

## **Board member for Leisure, Sports and Events**

### **20. From Councillor Gant to Councillor Lygo**

I know members of the executive board will want to join me in congratulating Oxford United on a magnificent performance in the Johnstone's Paint Trophy, despite the disappointing result at Wembley on April 3.

Will the councillor also join me in noting the part played in Michael Appleton's strategy by local players like Callum O'Dowda (Kidlington) and Josh Ashby (Summertown)?

Will he therefore commit the council to continuing its support for local clubs, and in particular:

- Will he confirm where the £1.3 million cost of the new pavilion at Headington Quarry has fallen;
- will he acknowledge that of the £.75 million cost of the bottom pavilion at Cutteslowe, only £150 K has fallen on the council, the rest being raised through match funding due to the hard work of officers and the considerable efforts of the Summertown Stars football club in achieving the FA's top Charter status;
- Will he acknowledge that Summertown Stars have offered to talk to the council about ways of sharing costs of a new facility at Five Mile Drive;
- Will he commit the council to having these talks now with a view to installing a fit for purpose facility at Five Mile Drive as soon as possible?

### **Written response**

The budget for Quarry includes demolishing the old pavilion, professional fees and contingency and pitch improvements and enhancing the park.

Yes our hard work over the past few years with our partners the Football Foundation and Sport England enabled over £480,000 of external funding to be brought into the city. The council has also invested in the upper pavilion, two play areas and range of landscaping improvements at Cutteslowe Park and we have brought in investment for a new café and crazy golf.

We have committed to supporting the Summertown Stars to obtain external funding to purchase a small pavilion for Five Mile Drive.

## Board member for Housing

### **21. From Councillor Simmons to Councillor Rowley**

On 22 March I wrote to the Chief Executive passing on an offer from the well-known eco-architect Bill Dunster OBE to build – at no cost to the Council – 24 demonstration affordable housing units above a Council owned car park of the Council's choosing in exchange for a 25-year air lease. This is being offered to other Council's on a first come – first served basis. Can the portfolio holder tell me whether he will be taking up this offer?

#### **Written response**

The Council has responded earlier to Councillor Simmons. Two of the three car parks discussed (Seacourt and Peartree park and ride) are already subject to plans to deck the car parking and so are not available. The third car park (Redbridge) has significant adverse ground conditions, being a former landfill site. Members also expressed significant concerns at the interim nature of the housing units and that these were not suitable for households most in need.

#### **Supplementary question**

How does this response square with the more enthusiastic response from the Board Member reported recently in the local press?

#### **Response**

In the quote in the press I emphasised that 'we would consider any *plausible* proposal' but this did not mean the council would consider anything. The proposals mentioned in the question were not plausible.

## Board member for Planning, Transport and Regulatory Service

### **22. From Councillor Wolff to Councillor Hollingsworth**

Can the portfolio holder provide an update to Council on the proposed expenditure on cycle provision – what schemes and projects are planned and by when?

#### **Written response**

A total of £70k capital is available for cycle improvements in 2016/17. The projects planned are:

- New Cowley cycle signage scheme due for completion at the end of May 2016.
- Delivery of cycle parking on privately owned land to be delivered by April 2017
- Removal of abandoned bikes across the City throughout the year.
- Dependant on the outcome of a funding application made by the Canal and Rivers Trust; upgrade of Frenchay Road canal towpath in partnership with the Canal and River Trust and Oxfordshire County Council, to be delivered by April 2017.

### **23. From Councillor Gant to Councillor Hollingsworth**

In the light of his earlier promise to keep councillors fully involved and informed about the ongoing review of the local plan, could the councillor give us an update on progress and timescales?

#### **Written response**

The Local Development Scheme, adopted at CEB in January, sets out the work programme for production of the Local Plan 2036. Work on the Local Plan is progressing as anticipated. At present, work is taking place on collecting information to inform the first stage of consultation. The first stage of consultation will be designed to check our vision and that we have identified the right issues and some possible ways to approach them. The first stage of consultation will take place for 6 weeks beginning on the 13th June. All members will be informed at the beginning of the consultation, and help spreading the word will be very welcome. A cross-party meeting has been set up with group leaders on 18 April. This initial meeting will discuss the proposed local plan timetable, member governance and engagement, key stages and issues in delivering a new local plan. Each party was asked to nominate a representative for on-going engagement with the local plan process. Through feedback from this group, members will be kept aware of progress on the Local Plan.

Consultation will be wide-ranging and we will try to reach people at existing events, as well as running workshops and providing simpler ways to contribute. We will aim to publish a summary of the consultation within 2 months of the end of the consultation, although this will be dependent on the amount of responses received.

#### **Supplementary question**

In running the consultation, will the Board Member accept councillors' help?

#### **Response**

Yes, we have already started discussions with other members on consultation.

### **24. From Councillor Gant to Councillor Hollingsworth**

Will the emerging local plan contain a policy on basements in residential properties?

#### **Written response**

A Technical Advice Note, which pulls together the relevant issues and matters that will be taken into account when decisions are being made on any application that includes basement development will be published very soon. This is likely to provide all the advice needed for development of basements.

Preferred policy options for the Local Plan will be consulted on in June/July next year. This current early stage of developing the Local Plan is about identifying key issues and setting a vision. If basements are considered to be a key issue needing policy guidance then policies for that can be developed later.

### **25. From Councillor Gant to Councillor Hollingsworth**

Will the councillor repeat his assurances to trustees and users of the North Oxford Association Community centre that, if the current building is to be replaced, the Association will be provided with a suitable, fully accessible replacement facility both during any building works and afterwards, and that trustees and users will be fully involved in discussions about this?

### **Written response**

Yes. I reiterate what is laid out in the Supplementary Planning Document for Diamond Place, adopted as part of the Local Plan by this Council only last year. “New leisure and community facilities should be multi-functional, with small and large rooms capable of accommodating a large range of uses. Facilities should appeal to all groups in the community and they should be accessible to all. The existing community centre is popular and well used. New community facilities must be available for the existing community association to run. They should be at least equivalent to the size of the existing community centre. There should be a main hall able to accommodate a range of uses and which is suitable for hiring out for functions. It is vital that the existing community association is supported and maintained during construction and that alternative facilities are available in the area.”

While there are no immediate plans for any landowners in the area covered by the Diamond Place SPD to bring forward a planning application, if and when such plans are brought forward it will be a requirement on all involved – including the City Council as landowner – to ensure that the policy and spirit of the clearly stated and unambiguous objectives of the SPD with regard to both the community centre and the North Oxford Association are met. That means the full involvement of the NOA from the earliest possible stage in discussions about both temporary and permanent facilities and their management and operation.

## **Board member for Young People, Schools and Skills**

### **26. From Councillor Fooks to Councillor Kennedy**

The recent financial report to the Executive Board stated that the considerable sum of £195k from the Education attainment budget for 2015/16 had not been spent. Could you explain to Council how this situation has arisen and why you did not think of inviting schools, particularly those with a number of disadvantaged children, to suggest how the funds could be used to raise the attainment of these children?

### **Written response**

The £195K was allocated for the City Council Education Programme and was carried over from an underspend in 2014-15. The intention was to ensure that we coordinated future work on educational attainment with the County Council and to do this we commissioned an independent review of how best to take this work forward. Unfortunately this work has been delayed due to a significant number of changes taking place in the delivery of education services and changes at the County Council. The study is due to go to Scrutiny Committee in June 2016.

There is also £43K allocated to education attainment in the base budget. The City Council has worked closely with schools to identify how best they can be supported and the City Council has used this base budget to:

- Participate in the Oxfordshire Strategic Schools Partnership to coordinate school support and promote educational attainment.
- Provide support through Business in the Community to provide support to schools and to develop links between schools and local businesses.

- Provide support to the University of Oxford, Internet Institute and the Home internet Access Scheme.
- Provide support to Premium School Pupils in Secondary Schools to enable access educational and cultural visits and events.

### **Supplementary question**

Why was this not used for schools but put back into reserves?

### **Response**

As the county council had no firm plans for this funding, it was thought best to return this to reserves rather than use ineffectively for schools.

**Deputy Leader of the Council, Board Member for Finance, Corporate Asset Management and Public Health**

### **27. From Councillor Simmons to Councillor Turner**

Will recent changes to employers National Insurance (introduced as part of the pensions reforms) impact on the Council wages bill? If so, how is this being managed?

### **Written response**

The introduction of the Single Tier State Pension from April 2016 is accompanied by the ending of contracting out from defined benefit pension schemes.

As a result:

- affected employees will lose their 1.4 per cent rebate and pay NI contributions of 12 per cent from April 2016 instead of the current 10.6 per cent
- affected employers will lose their 3.4 per cent rebate and pay NI contributions of 13.8 per cent from April 2016 instead of the current 10.4 per cent

It is expected that the cost to the council will be in the region of £600k per annum which the Council has provided for within its Medium Term Financial Plan.

### **28. From Councillor Thomas to Councillor Turner**

Can the portfolio holder confirm whether the Council are planning to sell off Lucy Faithful House – until recently a homeless hostel?

### **Written response**

This property is owned by the City Council but subject to a long lease to Riverside Housing Association as a hostel, and therefore the Council is not in a position to take any decisions about the future of this building at the moment. If Riverside decide to surrender their lease then Lucy Faithful House will form part of an options assessment to be presented to councillors, which will require the evaluation of the need for different forms of hostel accommodation and different funding streams to provide this.

### **29. From Councillor Wade to Councillor Turner**

The Civic War Memorial in St Giles commemorates the fallen of the First and Second World Wars. Some of the lettering on the Memorial is so worn as to be almost illegible.

On 1 July 2016, we will be commemorating the centenary of the Somme offensive, in which our Ox and Bucks Light Infantry fought gallantly and suffered terrible losses. Can you ensure that this lettering will be recut before 1 July?

**Written response**

I thank Cllr Wade for drawing this to my attention. I have asked that the extent of the restoration works be identified and for us to do all that we practically can to carry out the works within the timescale. The Council's Direct Services carried out a major cleaning and restoration works to the war memorial steps and adjacent paths prior to the WW1 centenary Remembrance Day parade

**Supplementary question**

Would you like details of a suitable stonemason?

**Response**

Yes. I was sorry to hear that this has taken four months for you to get a response – please escalate queries quickly if you do not get a response.

**Leader of the Council, Board Member for Corporate Strategy and Economic Development**

**30. From Councillor Thomas to Councillor Price**

Is the portfolio holder aware that at least one landlord registered under the City Council's Landlord Accreditation Scheme (Chancellors) is offering a 'tenant monitoring service' that offers landlords 'up-to-date [information on a] tenant's financial situation' with the aim of putting landlords in a 'better position to decide whether [to go ahead with a] tenancy renewal' and 'pre-empt payment problems'? Does the portfolio holder think, like me, that this is unacceptable?

**Written response**

Landlords and letting agents can only run financial background checks on tenants with their permission, so provided that the information provided is reliable and accurate, this seems to be a reasonable precaution.

**Supplementary question**

Do you think it is acceptable for letting agents to use this threat over tenancies

**Response**

It is not a threat but a request and if tenants refuse then there is nothing the letting agents can do about this.

**31. From Councillor Fooks to Councillor Price**

There are an increasing number of ex-Council houses being turned into Houses in Multiple Occupation (HMOs). While of course these houses will be providing some accommodation, the big need in Council estates is for family housing to support the local community.

Are you aware that there is a covenant on any houses being sold under the Right to Buy legislation that stipulates that they should only be used for one-family occupation?

Would you agree that this was a good idea and that it should be enforced to counter the current trend of the conversion of such houses to HMO use?

**Written response**

The Council does not at present impose such a restriction/covenant on any houses sold under the Right to Buy legislation. There is a restriction/stipulation in all transfers of ex-Council houses in the following terms: 'no trade or business shall be carried on upon the property or any part of the property nor shall it be used except as a private dwellinghouse'.

Paragraph 5 of Schedule 6 to the Housing Act 1985 (which contains the Right to Buy legislation) provides that the conveyance/transfer "may include such [covenants] and conditions as are reasonable in the circumstances". Given that such a restriction as proposed could potentially depreciate the value and adversely affect the future marketability of any property sold under the Right to Buy it is probably unreasonable for the Council to impose a stipulation that the property should only be used for one-family occupation, as desirable as this may be.

If a purchaser challenged the imposition of such a covenant under powers contained in section 84(1) of the Law of Property Act 1925 it is likely that a Lands Tribunal would find that the covenant impeded the reasonable use of the land and did not entitle the local authority (as the legal person entitled to the benefit of the covenant) to any practical benefit of substantial value and would order that the covenant be discharged.

Furthermore, even if the Council decided it would seek to impose this obligation, it would only apply to future disposals and could not be imposed retrospectively; i.e. it would not apply to the thousands of ex-council houses already sold under the Right to Buy legislation.

**Supplementary question**

Would you agree it is a pity to be losing family homes to HMOs and would you look at implementing the covenant which I have seen in stronger terms than alluded to here?

**Response**

I do agree it is a tragedy we have lost 50% of these houses to HMOs.

**32. From Councillor Thomas to Councillor Price**

At a recent meeting (Feb 2016), Full Council agreed to an amended version of a Green Party motion on rent control ('Tackling Oxford's Unaffordable Private Rented Sector'). The amendment had the effect of delaying any action on the motion including wording to the effect that it would consider the ideas proposed in the motion 'in the longer term'. Can the portfolio holder set out his timetable for action?

**Written response**

Not at the moment.

**Supplementary question**

Why is there a delay in setting rent controls?

**Response**

We cannot legally impose rent controls but will address this through our housing company.

### **33. From Councillor Benjamin to Councillor Price**

The list of confirmed occupiers of the new Westgate shopping centre once it is completed, as reported in the local press, includes 6 large clothing stores currently located in other parts of the City Centre. Is the Board Member worried that the relocation of these shops to the Westgate could well blight other parts of the City Centre?

#### **Written response**

The new Westgate development can be expected to lead to a period of change in the city centre. Since every retail survey that has been undertaken since the early 1990's has shown that Oxford has been substantially under provisioned, it seems probable that new retailers and other occupiers (cafes, restaurants in particular) will move into the units that are vacated. In the 40 years that I have lived in the city, the character of all the main shopping streets (Cornmarket, Queen St, George St, High St etc) has been constantly changing and I expect them to continue to do so.

### **34. From Councillor Benjamin to Councillor Price**

Given what we currently know about the large chain clothing stores that are relocating to the Westgate once it is completed, the plans for 100 stores as described on the Westgate Oxford website, and the number of chain stores in other parts of the city centre currently limited on what stock they can sell due to lack of retail space, is the Executive Member concerned that the completion of the Westgate could lead to further empty buildings in other parts of the city centre?

#### **Written response**

No; it is in the interest of the rentier class to find new occupants.

#### **Supplementary question**

Are you aware that landlords don't reduce rents because of the risk that other tenants will demand similar reductions and investors don't want this?

#### **Response**

Yes, but as many units are owned by university colleges then they may be more interested in maintaining their income than maintaining rent levels.

### **35. From Councillor Simmons to Councillor Price**

The current devolution proposals provide a once-in-a-generation opportunity to improve the accountability and representativeness of local government. The Government has expressed a preference for an elected mayor – which this Council has, in the Green Group's view, rightly resisted. Will the Leader consider supporting or promoting any other ideas for local electoral reform such as PR as used in local elections in Scotland?

#### **Written response**

At present, there are no proposals for changes in local electoral arrangements other than for elected mayors. It is unlikely that Government will be willing to entertain piecemeal voting reform in the context of individual devolution deals. However, if any such proposals do come forward, the City Council would, I feel sure want to consider them seriously.

### **Supplementary question**

Can you look for opportunities to promote electoral reform as this is a rare opportunity to improve local government along the lines of what is happening in Scotland?

### **Response**

Unfortunately our options are limited as we are not in government but if we get a chance we will put suitable options forward.

### **36. From Councillor Gant to Councillor Price**

In their plans for devolved local government, the current leaders of Oxfordshire's district councils have described a strategic authority including the leaders of the new Unitaries to oversee matters of common interest. Presumably this includes housing. Oxford City Council is currently spending up to £400K on legal and other costs challenging South Oxfordshire's approach to housing need. Should the people of Oxford be encouraged by this example of cooperation so far?

### **Written response**

The Coalition Government of 2010- 15, which was propped up enthusiastically by the Liberal Democrat Party, introduced the National Planning Policy Framework. This designates each District Council as sovereign in its area on planning policy, subject to its Local Plan being approved, and to the fulfilment of the Duty to Cooperate. The City Council is working collaboratively with all of the Oxfordshire Districts through the Oxfordshire Growth Board to resolve housing issues and deliver the housing numbers identified in the Oxfordshire Strategic Housing Market Assessment. This includes working together to review the spatial allocation for housing to meet Oxford's unmet need. SODC is currently developing its new Local Plan and the City Council is seeking to make the case for an urban extension south of Grenoble Rd to feature in that Plan. This requires detailed planning support in order to make the case for the housing, and for the use of part of the Oxford Green Belt to meet the city's pressing housing needs. Relations with SODC are cordial and the people of Oxford should certainly be encouraged by the close collaboration that is taking place between all the District Councils in progressing the proposal for a four unitary devolution agreement with the government.

### **37. From Councillor Gant to Councillor Price**

The leader of the Council has said that the proposed new Strategic Authority will be democratically accountable because the elected leaders of the proposed Unitary authorities will be members. However, it will also include unelected representatives. It will not be answerable to a single elected chamber or subject to a single scrutiny function, and the leaders of the unitaries will, as now, be elected by five different electorates on different, local, and presumably potentially opposing prospectuses, rather than by a single "demos" with the power to dismiss the authority if it wishes to do so. How is this democratic?

### **Written response**

The proposed combined authority's voting members will all be elected councillors, whose actions can be scrutinised by their own Councils as well as by any combined scrutiny arrangement that is put in place. They can be recalled/ replaced by their own Council processes, and are subject (of course) to regular elections.

### **Supplementary question**

Would the leader agree that a combined authority would be anomalous as it would not answer to a single electorate and doesn't represent the majority view of a single electorate?

### **Response**

The proposal is not for a separate combined authority, but for a joint committee of the unitary councils whose decisions would then be formally made by the individual authorities and therefore open to their individual scrutiny.

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**To:** Council

**Date:** 18 April 2016

**Title of Report:** Public addresses and questions that do not relate to matters for decision.

**This document was updated following the meeting.**

## Introduction

1. Addresses made by members of the public to the Council, and questions put to the Board members or Leader, registered by the deadline in the Constitution, are below. Any written responses available are also below.
2. Addresses as submitted by the speakers and written responses where available were published with the briefing note in advance of the meeting.
3. This report was republished after the Council meeting as part of the minutes pack and replaces that published with the briefing note.
4. This lists:
  - the submitted text of speeches where delivered broadly as submitted, deleting parts not read out;
  - minor amendments to reflect the spoken address in italics.
  - summaries of speeches delivered which differed significantly from those submitted;
  - written responses published in the briefing note before the meeting; and
  - verbal responses by the Board Members given at the meeting.

## Addresses and questions taken in Part 2 of the agenda.

### Addresses

1. Address by Nigel Gibson, Save Temple Cowley Pools – and summary of verbal response
2. Address by Dr. Stefan Piechnik - Economic rationale of Tower Block Refurbishments –and summary of verbal response
3. Address by Artwell - Barton refurbishment – and summary of verbal response

### Questions

4. Question from Nigel Gibson – demolition of Temple Cowley Pools – and summary of verbal response
5. Question from Cassi Perry – Waterways Public Space Protection Order (PSPO) and protection from complaints – and written response and summary of verbal response

6. Question from Sam Dent – PSPO - Draft Guidance to local housing authorities on the periodic review of housing needs – and written response and summary of verbal response
7. Question from Alex Wood - PSPO definitions – and written response and summary of verbal response
8. Question from Jon Ody – PSPO supporting evidence – and written response and summary of verbal response
9. Question from Jo Hamilton - PSPO alternative options – and written response and summary of verbal response
10. Question from Penny Schenk – PSPO – and written response and summary of verbal response
11. Question from Ruth Anderson - British Waterways Act 1995 and legislation – and written response and summary of verbal response
12. Question from Helen Marshall, Need not Greed – OxLEP’s Strategic Economic Plan – and written response

## **Addresses**

- 1. Address by Nigel Gibson, Save Temple Cowley Pools – and summary of verbal response**

### **From Councillor Price: summary of the verbal response given at the meeting**

Three points were made:

- Transparency – usage data and information about the leisure centres is published, as is all the information about planning applications and other schemes mentioned.
- Consultation is embedded and taken into account in decision making as appropriate: it is used as information and we do not automatically do everything people want us to.
- Voting in local elections is slightly better than the national average and so there is nothing to suggest people do not vote in significant numbers and that their views are not reflected.

My name is Nigel Gibson, and I have been observing the way Oxford City Council operates since 2009, when I became involved in the Campaign to Save Temple Cowley Pools, the health and fitness centre that you eventually closed in 2014. Since then you have failed to track what the previous users have been doing to maintain their health and fitness – claiming instead that most have transferred to the Blackbird Leys pool when the reality was that you moved the database of users to the Blackbird Leys system. And this claim is a prime example of the topic of this address – what passes for openness and transparency in Oxford City Council, or in my experience the lack of openness and transparency.

We forecast what the closure of Temple Cowley Pools would mean for the thousands of users – exercising less frequently or not at all, increased costs and time to go to another facility, a loss of fitness and health compromised; as well as an increase in crime rate in the area. All of these predictions have come true, and you have failed in your promise to monitor these people, instead preferring a ‘good news’ approach and ignoring the consequences that your actions have had on real people.

And the legacy of this Labour administration, as we come up to another set of elections, is simply that you have actively and knowingly removed health and fitness facilities from 40,000 people, a quarter of Oxford’s population.

And there has been a lack of transparency and openness over the whole Temple Cowley Pools affair since 2009; some would say it has been cloaked in secrecy. Some examples include:

Consultations – yes, you did ‘consult’, but not in any meaningful way. The public engage in consultations believing they can make a difference – you have refused a Freedom of Information request to identify when any consultation on any topic over the last three years has made a real difference to your plans. And it’s not surprising that you refuse – public consultation is something you have to do, not something you enter into willingly.

Outsourcing Leisure Services to Fusion – you’ve engaged in a buddy relationship with Fusion that conveniently avoids tax through its charitable status, keeps the very same people employed that delivered your failed service in the first place. And now, under yet more secrecy, and zero scrutiny, you nod through their requests to increase admission prices for the public. No oversight, no accountability. I spent over a year attempting to have the contract released to public scrutiny, but you refused the FOI request.

And the demolition of Temple Cowley Pools - as the intent to demolish the site became clear, you have consistently and forcibly maintained that it has nothing to do with you. Yet more lack of transparency – the veil has been pulled back, but only using Freedom of Information. And there we see that it was indeed Oxford City Council, not Catalyst, that decided that demolition should happen before any planning application for redevelopment was approved.

Now the Freedom of Information process is something that you have spoken about in the media, where you very openly supported a reduction in power of the FOI Act; not surprising when you consider how much you do not reveal openly and transparently, forcing the public

to do the only thing they can to get information, which is to try and use FOI. If you were more open, transparent, and even accountable, then we the public would not need to use the FOI process and you could put your resources to better use.

My personal experience of your FOI process is that you take as long as possible to respond, delaying unreasonably beyond the required 20 day response time. Clearly from the result of recent FOI requests I can see why – in one example officers discussed the impact of releasing information as the public may take it to the media, and this would not fit your ‘only good news at any cost’ agenda. The answer is simple – don’t do the wrong thing in the first place. Act openly, act transparently – take responsibility and be accountable.

Put as simply as I can:

You are here as a district council, with one sole objective – to provide services to the public, that we want and need, where we want and need them.

You have failed in this time and time again over the last 7 years; and you have shown no sign of changing this attitude. Consultation? Mere lip service to your policy – decide what you want to do, show the public what’s going to happen, and employ ‘experts’ who will give you the answer you want to justify to yourselves that it is the right thing to do.

Temple Cowley Pools; Barns Road Community Centre; Barton ‘Park’ link road through Northway; East Oxford Community Centre; Northern Gateway; the threat to the unique ecology of the Lye Valley Site of Special Scientific Interest – even Rose Hill Community Centre, and now Barton Community Centre. They’ve all followed a similar process – let the public have their say, making as little information about your real intent available to them as possible, then ignore them.

When you stand in front of the Oxford public on their doorstep in the coming weeks, remember the lack of transparency and openness you have shown over all these issues and many more – even the housing register, where you conveniently inflated the figures to justify your strategy. Remember all the people that you are ignoring, safe in the knowledge that so few people vote nowadays that it doesn’t actually matter any more. Democracy, like openness and transparency, is truly dead in Oxford, and will remain so while Oxford City Council continues to ignore the real needs of the public.

## **2. Address by Dr. Stefan Piechnik - Economic rationale of Tower Block Refurbishments –and summary of verbal response**

I am Dr. Stefan Piechnik, a Leaseholder in Plowman Tower where I have moved in 4 years ago, in the clear knowledge of pending major works quoted then as £9,500 per flat until 2020.

Since then, Oxford City has increased the budget to £20M and widely advertised improvements and regeneration aspects under slogans such as “Building a world-class city for everyone”. Given that neither improvements or building Cities are chargeable leaseholder obligations there was little reason to question any of the measures.

However, recently Oxford City Council handed £50,000 invoices to Leaseholders, five-fold increase over prior expectations and typical caps for such works. It also appears that until £20 million contract was signed, council officers made all effort to avoid any cost scrutiny from the prudent home-owner leaseholders. Only at this stage it is possible to reveal several worrying economic aspects:

**Relative Value:** £60,000 makes for over a half of the typical market value of affected properties (in my case 65% of the actual purchase price). This is really a lot to spend on one’s home, unless a complete ruin.

**Increase in property valuation:** Unofficial estimates obtained by *leaseholders (from local estate agents)* indicate that maybe £10,000 may be gained. This is 80% loss on investment from the day one.

**Investment returns:** Improvements to energy efficiency of windows and external cladding total an estimated £30,000 per flat. The official EPC- energy performance certificate I have for my flat indicates that such measures are expected to generate annual savings in order of only £100. This yields the time to return to profit on the proposed energy saving measures to be 300 years –THREE full centuries to see first penny of profit.

**Rationale:** All windows are to be replaced at the cost of approximately £18,000 per flat. For certain I have no single problem with my windows. In Plowman Tower I see not a single window frame or glass pane broken anywhere. Few tilt-and-turn windows in the staircase do not close properly, which is a problem I had with my kitchen window. All needed was a replacement gear mechanism costing £20. Instead of few minor repairs, the windows will cost on average £3,000 - each and every one to replace whole. Over 100-fold waste of money and natural resources too, as new aluminium and glass has to be melted, and working-condition plastic and glass disposed as waste.

These just few observations from the leaseholders on the major works. Council officers failed to provide any evidence on the economy of the project. I urge the Council to request their staff to account fully for the rationale and economy of the proposed measures and answer all detailed observations by Oxford Towerblock Leaseholder Association dated February 7th, and subsequent complaint letter dated March 14th this year.

### **From Councillor Rowley: summary of the verbal response given at the meeting<sup>1</sup>**

Thank you for your address. The full cost is being met from the Housing Revenue Account (from tenants’ rents) and leaseholders are charged their proportionate contribution, less those works considered in law to be enhancement works in excess of the council's obligations which are not rechargeable to leaseholders. We have referred the charges to the independent leaseholders’ tribunal and we will abide by their decision. It would not be fair to charge tenants more than their fair share nor to refrain from doing works to extend the life of the flats by 30 years.

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<sup>1</sup> **Note added on 24 May 2016, subsequent to the meeting, to clarify and correct the response:**

- (1) *In fact, at the time of this note, the application to the tribunal is in the process of being prepared. The Council will notify leaseholders when the application to the tribunal is made.*
- (2) *While this is the belief and the aim of the Council in undertaking the works, there is no guarantee or warranty to that effect.*

### **3. Address by Artwell - Barton refurbishment – and summary of verbal response**

#### **Summarised to reflect the speech as delivered**

*As you all know* 3.7 million pounds will be spent in Barton and most of that will go on Underhill Circus, the Neighbourhood Centre and a few other things, at a time when Barton is in great need of accessible Public Space where the residents of Barton can celebrate the milestones of life like, Weddings, Birthdays and Funerals.

Barton has over 800 people under the age of eighteen, with no Public Space available for them to Dance and hold celebrations. At the Barton Community Association's AGM in 2015, in response to my question, I was informed that the last party held at Barton's Neighbourhood Centre was held two years previously. *I understand the* Neighbourhood Centre does not welcome parties.

Barton's Royal British Legion has been closed for over two years now, and St. Mary's Community Hall has also closed, whilst the Church tries to gather the money needed to modernise the Community Hall. Barton Sports Pavilion will shortly close for eighteen months to allow site access for the new Barton Park construction vehicles.

I have written to the two Labour Councillors for Barton, our Labour MP, and the Labour Leader and CEO of Oxford City Council, expressing the concerns of many people on Barton, at the acute lack of Public Space especially for the Youth of Barton to hire. I have not received a reply of any kind.

Some of that money ought to be used to give the youth of Barton a place to party. I ask you to redirect some of the £3.7m to a policy to make the people happy.

#### **From Councillor Rowley: summary of the verbal response given at the meeting**

The existing pavilion has had great success holding celebrations as the new one will. St Mary's Church hall is a building for community use owned by the church, and since it closed we have been doing our best to find a way of providing a community hall. We cannot simply gift money to the church to refurbish it but are willing to enter partnerships with them. In the last months this approach is looking more promising as the church is more able and willing to help. I have written to the church and trustees to emphasise the need and will continue to work with potential partners to enable a community facility to reopen in Edgecombe Road.

## Questions

### **4. Question from Nigel Gibson – demolition of Temple Cowley Pools – and summary of verbal response**

Question to the Leader of Oxford City Council, Cllr Bob Price

In autumn last year, Catalyst Housing announced their intention to demolish the Temple Cowley Pools building. Supporters of the Campaign to Save Temple Cowley Pools asked Oxford City Council to intervene and ensure that demolition did not take place until after Catalyst had submitted and had approved planning permission for their development of the site. This was because it makes no sense to demolish this structurally sound building when a community group is ready, willing and able to take ownership and operate it as a going concern at no cost to the Council if planning permission was not granted for its replacement.

The Council made it clear in responding to these concerned citizens that any demolition would be Catalyst's decision alone, and had nothing to do with the Council itself. This message was relayed to Andrew Smith, our local MP, who passed on the same message to the public. This position has been maintained by the Council numerous times.

However, in an email from a Council officer to Catalyst, dated 3rd July 2015, timed at 7:49 am, it says, "The Council have decided that they want to demolish the Pool..." – this information only became public in a response to a Freedom of Information request.

Why have you and Oxford City Council in your emails responding to concerns over demolition misinformed both the public and our local MP, and what are you going to do, in the interests of open and transparent government, to correct this position?

### **From Councillor Price: summary of the verbal response given at the meeting**

I was not aware of the email (from council officers) referred to until I saw this question, but the information in my email was substantially true and not misleading. The site is owned by Catalyst and they can decide when to clear it. I understand Council officers in July were concerned about the health and safety implications of the building left empty, hence the email that Nigel refers to. There is no obligation on Catalyst to act upon this on Catalyst as it is their decision and as you can see they have chosen not to act.

## **5. Question from Cassi Perry – Waterways Public Space Protection Order (PSPO) and protection from complaints – and written response and summary of verbal response**

My name is Cassi Perry. I am residential boater who has been based in and around Oxford for the last two years, and a resident in the city for more than a decade. I am here as part of the official PSPnO campaign. I am a keyworker and, Child and Adolescent Psychotherapist, working with young survivors of sexual abuse and sexual exploitation here in Oxford. I am also currently a part time Masters Student at Oxford University.

I am here because I am very concerned about the potential impact of the proposed Waterways PSPO.

Over the last few years, life as a residential boater has become increasingly difficult in Oxford.

Constant reductions in services have made life physically demanding, particularly in the winter months.

Increasingly discriminatory language being used in the press *sometimes* by local elected councillors has fuelled harassment on the towpath. During a recent 5 day stay within the city, I was verbally abused by 3 separate local residents, each one of them mentioning the proposed PSPO as justification for their aggression. I was dismayed to see these repeat complainers made up the bulk of the evidence (and I use the term evidence lightly here), that was used to justify the suggestion of a PSPO in the first place.

For me the PSPO was the proverbial straw that broke the camel's back, and has driven me out of Oxford, a city I deeply love and where my friends and support are. Seeing local councillors proposing to legitimize the harassment we receive into law was horrifying, and for me as a single woman living alone, deeply frightening.

I have decided not to renew my mooring here, and have purchased a mooring in Banbury. This is depriving Oxford of yet another needed keyworker.

My Question for the council is this.

In considering a Waterways PSPO, how do Oxford City Council intend to protect boaters from individual homeowners making multiple malicious complaints, when it's clear they are giving these homeowners a stronger voice in this debate and?

### **Written Response from Councillor Sinclair**

The council are seeking the views of all members of the public interested in the Waterways. All comments will be given equal regard. Responses found to be malicious are unwelcome and will be disregarded.

### **Summary of the verbal response given by Councillor Sinclair at the meeting**

As referred to in earlier debate, the Council is absolutely committed to people being adequately housed and it would be wonderful if the housing company can come up with alternative accommodation. I am particularly concerned at the totally unacceptable harassment and abuse and important that these are reported so that these can be addressed. I am concerned that these issues are only now coming to light and I am sorry that this has not been brought to our attention sooner. There is no stronger voice than those who live on the river and I am interested in what you have to say.

## **6. Question from Sam Dent – PSPO - Draft Guidance to local housing authorities on the periodic review of housing needs – and written response and summary of verbal response**

My name is Sam Dent; I am a lifelong boater and an Associate of the Institute of Chartered Accountants in England and Wales. I have been living on boats since 1990 across the waterways of the country, both with and without permanent moorings. Currently I am fortunate enough to have one of the very few residential moorings in Oxford, in Hinksey Park Ward.

What I have found almost unique to Oxford since I moved here in 2012 is the extreme tension between boaters and other communities in the city. Given the inflammatory and prejudicial language used about boaters by both elected council members and council staff, some of which has been referred to during Councillors' questions, this is unsurprising but deeply saddening. I have suffered, and seen my friends and neighbours suffer, direct and indirect discrimination. One of the multiple contributors to the so-called evidence backing up this proposal recently referred to boaters in my hearing as living on the fringes of society. Another individual named in the scrutiny committee documentation has boasted of making more than 60 complaints about boaters in a single season.

I am part of the PSPnO campaign as I believe both that PSPOs are poor legislation and specifically that this proposed PSPO breaches Oxford City Council's Statutory Duty of Care, the Equalities Act of 2010 and articles 8 and 14 of the European Convention of Human Rights. Given my privileged mooring position the proposed PSPO is less likely to impact on me than many of my friends, however I live on a boat because I enjoy boating, so I do regularly moor and run my stove as required within the boundaries of the proposed PSPO.

I feel that the proposed PSPO is believed by some sections of the Council to be required due to a fundamental misunderstanding of both the needs and the makeup of the boating community. Councils and their elected officials have a duty to protect the interest of all groups within the community – whether they be settled, unsettled, or travellers. In passing a PSPO, Oxford City Council would be acting in direct opposition to a minority group's interests and well-being.

In this context, I would like to ask if the Council is aware that the Department of Communities and Local Government ruled in April 2009 that "bargee travellers" are covered by the Housing Act 2004, s 225, if the council has received a copy of the March 2016 Draft Guidance to local housing authorities on the periodic review of housing needs from that department which makes specific reference to those with a preference to house boat dwelling, and what is the Council doing to assess, look after and protect the interest of us as a *recognised* minority group?

### **Written Response from Councillor Sinclair**

The Council is aware of its statutory housing duties and supports a number of people currently living on boats. A PSPO is used to prevent persistent and detrimental activities in a specified area, without a reasonable excuse.

### **Summary of the verbal response given by Councillor Sinclair at the meeting**

Thank you for coming along and giving your statement. We understand and completely accept that your boat is your home with all the rights that go with that. I am concerned that these incidents are only now coming to light. Please report all of these. The Public Involvement Board is an officer group which has met to decide on the way forward with consultation. You will be given the opportunity to fully contribute. This is an opportunity to talk to boat dwellers as specific group to find ways of reducing the kind of behaviours that make life difficult for everyone.

## **7. Question from Alex Wood - PSPO definitions – and written response and summary of verbal response**

*I would like to thank Cllr Sinclair for her commitment to engaging boaters in the debate and hope she engages more fully with the discussion.* The 'Anti-social Behaviour, Crime and Policing Act (2014)' gives councils the statutory power to make a PSPO if the activities being banned are persistent and will have a detrimental effect on quality of life. Moreover, according to the 'Crime and Disorder Act (1998)' anti-social behaviour is defined as acts causing 'harassment, alarm or distress.' Having read the PSPO waterways supporting evidence document, I was left wondering on what grounds Cllr Dee Sinclair was able to conclude that many of the activities documented genuinely constitute 'harassment, alarm or distress.' In particular, I am referring to activities such as mooring without consent and smoke and noise from engines, generators or stoves. I also wonder how Cllr Dee Sinclair was able to conclude that these activities are having a significant and persistent detrimental effect on quality of life. I would, therefore, like to ask Cllr Dee Sinclair to clarify under what circumstances mooring without consent or heating one's home with a stove causes harassment, alarm or distress and has a persistent substantive detrimental effect on the quality of life of others?

### **Written Response from Councillor Sinclair**

The purpose of the consultation is to seek views on activities in the draft PSPO. No conclusions have been made; they are dependent upon the outcome of the consultation.

### **Summary of the verbal response given by Councillor Sinclair at the meeting**

Councillor Sinclair repeated her previous responses.

Question from Jon Ody – PSPO supporting evidence – and written response and summary of verbal response

My name is Jon Ody. I am a marine engineer working on boats in Oxford, founding partner of Green Boat Services.

I would like to further press my concerns regarding the supporting evidence document, since I have recently been subjected to alienation and verbal abuse from members of the waterways community, my neighbours, which I believe is due to inclusion of so-called evidence which I have not been asked for my permission to use, which clearly identifies myself as the contributor. One example of this is a tweet from 2012 by Green Boat Services, which contains a photograph taken by me, with a link to a response from the City Council explaining that the issue should be dealt with by the Environment Agency and the Canal and River Trust.

There are at least two other photographs taken by myself in the PSPO Supporting Evidence document, and due to the recent lack of cooperation from councillors and council officers I have had to resort to submitting a Data Protection Request to establish what data the council holds from my social media accounts which are being claimed as evidence for the PSPO. I firmly believe that the supporting evidence does not demonstrate by any clear means any behaviour which is conclusively detrimental, unreasonable, and persistent, which I note are the tests required to be satisfied by the council by the 2014 Crime and Policing Act.

And so onto my question:

Will councillors work with me to establish by what methods the PSPO supporting evidence document has been produced, from what sources the alleged evidence has been gathered, and by what means the council believes that it has permission to reuse data that it has collated; and will the council remove from this document all the evidence that is not relevant or that they do not have permission to use?

### **Written Response from Councillor Sinclair**

The Council is sorry to hear that you have been subject to verbal abuse from members of the waterways community. The information attached to the City Executive Board report of the 17th March was received from members of the public, partner agencies, or it was gathered from publicly accessible web sources. This information was de-personalised but anything that can be directly attributable to you as the source of the information will be removed from future documentation.

### **Summary of the verbal response given by Councillor Sinclair at the meeting**

I have asked the council's legal officers to investigate and anything detrimental to you personally will be removed if this is possible. Councillor Sinclair repeated previous assurances.

## **8. Question from Jo Hamilton - PSPO alternative options – and written response and summary of verbal response**

My name is Jo Hamilton, and I have lived on a boat in and around Oxford (on the River Thames and the Oxford Canal) for over seven years. In that time I have worked with a variety of community groups to improve the quality of their environment, and to minimise their carbon footprint. I am deeply concerned about the implications of the proposed Oxford Waterways Public Spaces Protection Order as it narrows down the options for collaborative solutions which could utilise the experience and expertise of many waterways residents, which could provide genuinely workable solutions to some of the problems expressed.

Oxford is conspicuous in being the only authority pursuing this, which is surprising given its strong record in Council- community collaboration in other areas. There are many examples of how multiple interest groups have worked together to produce positive solutions to issues around waterways issues, for example: the Mooring Strategy Steering Group that was established on the Western Kennet and Avon Canal; the Blue Ribbon Network that advises the Greater London Authority on waterways issues; working with CRT/EA to improve the condition of existing temporary visitor moorings in order to relieve pressure at popular sites.

From first-hand experience of supporting and helping to develop low carbon community groups across Oxford, I know the power of collaborative community action, working in partnership with other bodies such as the City and County Council. Such collaborations open up rather than close down the range of possible solutions and constructive dialogue.

Instead of bringing in a PSPO, this is an opportunity for creative thinking that capitalises on the rich expertise and experience of waterways users and residents, both those living on the Waterways and those in houses. The council could for example, establish a sub-committee or working group along the lines of its already established area forums, with full participation of all waterways users and residents.

My question is: does the City Council agree that the proposed consultation regarding the waterways PSPO should be expanded to include a range of alternative options for the waterways of Oxford, rather than just a yes or no outcome regarding only the PSPO?

### **Written Response from Councillor Sinclair**

The consultation process is certain to raise many views, opinions and proposed solutions to some of the broader issues on the waterways. The Council welcomes the opportunity to work with interested parties in trying to resolve these issues.

### **Summary of the verbal response given by Councillor Sinclair at the meeting**

Councillor Sinclair repeated her previous responses and said the introduction of the PSPO was still to be decided.

## **9. Question from Penny Schenk – PSPO – and written response and summary of verbal response**

My name is Penny Schenk. My partner and I have lived in Oxford since 2002, and on a narrowboat since 2011. Despite sounding American, I am a UK citizen, and have worked at the University's Bodleian Law Library since 2005.

The fact that we were fortunate enough to secure a residential mooring on private property in Oxford, and would not be immediately affected by the proposed PSPO at home has done nothing to allay my extreme disquiet at the possibility of so-called Waterways PSPO's going into effect here and in other cities across the UK.

The track record of PSPO's in their short and chequered history is not good. Because the Home Office does not collect data on PSPO's, it is only through the efforts of the Manifesto Club and their FOI requests that we can get the full picture, and it is not pretty.

PSPO's put the power to \*criminalise\* behaviours in the hands of a single council officer. I think you would be hard pressed to find one constituent who thinks that the ability to make an activity a crime, without any statutory necessity for public consultation, is something they want a single council officer to have. And this is not a hypothetical: the Manifesto Club report found that HALF of councils passed a PSPO through a single council officer. To quote the report: "Never has the creation of crimes been attended to with so few procedural requirements..."

So my question to the Council is, are you pleased to be one of the Councils at the forefront of wielding these heavy-handed, ill-conceived instruments against your own citizens, a year after celebrating the 800th anniversary of Magna Carta?

Thank you for your attention.

### **Written Response from Councillor Sinclair**

The Council was thorough and considered when deciding whether to introduce the two PSPOs currently in place in Oxford. They are succeeding in tackling the behaviours they were designed to through education and information about what is acceptable behaviour.

### **Summary of the verbal response given by Councillor Sinclair at the meeting**

The existing PSPOs were about preventing anti-social behaviour and decisions were taken by more than one officer and using the correct procedures. The council needed to work within the legislation available.

## **10. Question from Ruth Anderson - British Waterways Act 1995 and legislation – and written response and summary of verbal response**

My name is Ruth Anderson. I am a residential boater on a Local Agenda 21 mooring in Oxford. I work for Oxfordshire County Council as a Senior Traffic Management and Control Engineer. My work involves the management of the highway network during incidents, roadworks, events such as the Oxford Half Marathon and adverse weather. During adverse weather events, such as those that closed the Abingdon and Botley Roads in Oxford, I am often required to come into the office outside of normal office hours to ensure there are appropriate skills available. I am representing the PSPnO campaign.

Members of the boating community have been struck by a recent undertaking by the Canal and River Trust to spray messages on the towpath at Isis Lock referring to a polite zone. Given the draft of the proposed PSPO specifically states “No person shall tamper with waterways habitats, signage, lifebelts, fencing or other waterways infrastructure” this seems to be a particularly ironic campaign by CRT and I can’t help but wonder what Oxford City Council’s input on this has been.

I remember a couple of years ago when the TV show Great Canal Journeys visited the Oxford Canal, and the presenters Timothy West and Prunella Scales were scathing about the graffiti around the canal in Jericho.

Given that a council officer acknowledged shortly before the recent Scrutiny Committee meeting, where this PSPO was on the agenda, that he was not aware of the British Waterways Act 1995, which is the basis on which the Canal and River Trust manage their Waterways, would the Council agree that there is a fundamental lack of joined up thinking between the two authorities, and what plans are there to ensure that no local legislation attempts to override full Acts of Parliament?

### **Written Response from Councillor Sinclair**

The Canal and Rivers Trust are fully aware of the draft PSPO. The Anti Social Behaviour, Crime and Policing Act 2014 is a piece of primary legislation that allows for the implementation of a PSPO to tackle behaviours that are nuisance and detrimental to the public.

### **Summary of the verbal response given by Councillor Sinclair at the meeting**

She was not aware of the Canal and Rivers Trust’s work.

## **11. Question from Helen Marshall, Need not Greed – OxLEP’s Strategic Economic Plan – and written response**

*Ms Marshall did not attend to ask her question, reproduced here as submitted in writing.*

Question to the Leader of the Council

As the Council’s representative on the Oxfordshire Local Enterprise Partnership (OxLEP), can the Council leader confirm:

- Whether he is happy that the City’s future economic strategy is being decided by an unaccountable and unelected limited company?
- What steps he has taken to ensure that the public will be consulted on the overall growth figures in OxLEP’s forthcoming ‘refresh’ of its Strategic Economic Plan?
- That all councillors will have an opportunity to debate the appropriateness of this Plan at a full Council meeting?’

### **Written Response from Councillor Price**

#### 1. LEP Accountability

The LEP Board includes all the elected Leaders from the Oxfordshire local authorities who are individually accountable to their own Councils. There is therefore democratic accountability and an electoral mandate.

#### 2. Growth Figures

CPRE has misunderstood the basis for the SEP refresh. The overall growth figures have already been set out in the Strategic Housing Market Assessment, an independent expert assessment jointly commissioned by the Oxfordshire Local Authorities and approved by them for planning and economic development policy. The Local Authorities confirmed their approval of the growth figures in the Oxford and Oxfordshire City Deal, and again most recently in the recent Devolution bid.

The SHMA figures have been accepted in a series of Local Plan public examinations by Planning Inspectors, where the CPRE has lost the argument on every occasion. It is the Local Plans which provide the statutory basis for planning-not the SEP.

The LEP has asked independent consultants to review the economic forecasts as part of the SEP refresh. It is already apparent that the current economic growth in the county is exceeding the earlier forecasts, which is not surprising as it is known that the SHMA assessment for housing need is conservative.

#### 3. SEP Approval

The original SEP was debated by full Council and there is also an annual report to Council on the programme of the LEP. The revised SEP will come to full Council, as before.

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