

## MINUTES OF THE SCRUTINY COMMITTEE

Tuesday 2 June 2015

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**COUNCILLORS PRESENT:** Councillors Simmons (Chair), Hayes (Vice-Chair), Coulter, Fry, Hollick, Henwood, Lloyd-Shogbesan, Smith, Taylor, Upton and Fooks.

**BOARD MEMBERS PRESENT:** Councillor Dee Sinclair

**INVITEES AND OTHER MEMBERS PRESENT:** Councillor Elise Benjamin, Councillor Ruthi Brandt and Councillor David Thomas

**OFFICERS PRESENT:** Richard J Adams (Community Services), Jeremy Franklin (Law and Governance), Elaine Philip (Markets Manager), Andrew Brown (Scrutiny Officer) and Catherine Phythian (Committee Services Officer)

### 1. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2015/16

The Scrutiny Committee elected Councillor Simmons to be the Chair for the Council Year 2015/16.

### 2. ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2015/16

The Scrutiny Committee elected Councillor Hayes to be the Vice - Chair for the Council Year 2015/16.

### 3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Altaf-Khan (substitute Cllr Fooks) and Cllr Darke.

### 4. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 5. UPDATES SINCE THE LAST MEETING

The Chair welcomed Cllr Taylor as a member of the Scrutiny Committee and thanked Cllr Anwar for her contribution to the work of scrutiny.

The Committee paid tribute to the valuable contribution that the late Cllr Val Smith had made to the work of the Scrutiny Committee and the Scrutiny Housing Panel.

Cllr Van Coulter reported that the Inequalities Scrutiny Panel had concluded its work and would present its report to the Scrutiny Committee meeting on 30 June 2015, for onward submission to the City Executive Board on 9 July 2015.

The Committee noted the dates for the next Standing Panel meetings.

## **6. SCRUTINY OPERATING PRINCIPLES AND PREPARATION FOR THE 2015/16 WORK PROGRAMME**

The Scrutiny Officer presented the report.

### **Scrutiny Operating Principles 2015/16**

In discussion the Committee agreed the following points:

- The Finance and Housing Standing Panels should continue in 2015/16;
- Membership of the Housing Panel should be increased to 6 councillors;
- Chairs of the Standing Panels would be elected at the first meeting of that Standing Panel;
- The timing of the Finance Panel meetings should be flexible so that if possible it could report back to the Scrutiny Committee on the budget proposals.

The Committee resolved to APPROVE the scrutiny operating principles for 2015/16 as listed in the report.

The Committee resolved to APPROVE that the following councillors should serve as members of the Finance and Housing Standing Panels in 2015/16:

- **Finance Standing Panel:** Cllrs Simmons, Hayes, Fry and Fooks.
- **Housing Standing Panel:** Cllrs Benjamin, Henwood, Hollick, Sanders, Smith and Wade.

### **2015/16 Work Programme**

The Chair said that the 2015/16 Work Programme would be discussed and determined at the meeting on 30 June 2015. Members were asked to submit any further topics to the Scrutiny Officer by 12 June 2015. The Scrutiny Officer reminded the Committee that, if appropriate, some items on the work programme could be the subject of a member briefing session rather than a scrutiny review.

## **7. REPORT OF THE LOCAL ECONOMY SCRUTINY PANEL**

Cllr Fry presented the report and recommendations of the Local Economy Panel which had been formed to examine the situation of small and medium enterprises in and near the city centre during a time of major developments which will affect the trading environment while construction occurs. The Panel

considered how the City Council could make the city centre even more attractive to the public and to local businesses.

In discussion the following points were made:

- That there was a case for the Local Economy Panel to continue looking at this, and related issues, in other parts of the city in 2015/16;
- That consideration of the business case for a BID in Oxford City Centre should be added to the work programme and that this should include looking at the scope for public involvement in that initiative;
- That there was a strong argument for returning to previous practice in having a dedicated point of contact / lead officer for businesses within the Council.

The Scrutiny Committee resolved to APPROVE that the Local Economy Panel Report on Support for Businesses in the City Centre should be submitted to the City Executive Board subject to the following amendment to Recommendation 7 (text in italics):

7. We recommend that the City Council takes a lead in establishing and facilitating a city centre commercial property landlord forum. This would be intended to bring together the owners of commercial properties, including the City Council, to ensure that there is a coordinated approach towards issues affecting the city centre, such as the minimisation of the time during which premises are empty. *The forum could be chaired by the Leader of the Council and linked to the work of the Town Team and constituted based on the model of the previous Pensions and Language School forums. We also suggest that its membership should include a representative of each political group and that City Councillors should be able to observe meetings of the forum.*

## **8. CITY CENTRE PUBLIC SPACES PROTECTION ORDER (PSPO)**

Cllr Sinclair, Executive Board Member for Crime, Community Safety and Licensing and the Service Manager, Environmental Protection presented the report. She said that this was the second Public Spaces Protection Order (PSPO) in Oxford and that it was aimed at tackling long-standing problems of anti-social behaviour within the city centre. She said that it was the Council's intention to be fair and balanced in its enforcement of the PSPO.

The Committee heard the following addresses:

Cllr Thomas: urged the Council to reconsider its position on busking as he believed that the consultation responses suggested there was no enthusiasm for such a measure. He suggested that the problems associated with busking would be better managed through use of a Community Protection Notice. He said that the Code of Conduct for Busking and Street Entertaining needed revision and referred the Committee to examples of documents produced in York. Copies of the personal material circulated by Cllr Thomas at the meeting, but which do not form part of the Council report, are appended to these minutes.

Cllr Brandt: urged the Council to take a sensitive and collaborative approach with local organisations and communities to deal with anti-social behaviour issues rather than to introduce the PSPO.

Giles Payne of Crisis Skylight, Oxford - welcomed the Council's decision to revise its position on rough sleeping and asked that they reconsider their position on begging. He said that it would be difficult to differentiate between instances of rough sleeping and begging and questioned the practicality of imposing Fixed Penalty Notices.

The Committee asked a number of questions around: what powers PSPOs replace, alternative powers available to the City Council, the wording and interpretation of the PSPO, how evidence is gathered, the enforcement process, and how representative the results of the consultation were.

In discussion the following points were made:

**Control of dogs and street drinking:** The Committee noted that there was a legal requirement on the Council to replace the existing city wide public space restrictions on dog control and street drinking. The inclusion of these issues in the PSPO was a replacement of existing provisions.

**Begging:** The Committee considered a proposal that 'persistent begging' should be removed from the PSPO. A majority of members did not support this proposed change. The Committee also discussed whether 'persistent begging' should be changed to 'persistent and aggressive begging'. A majority of members did not support this proposed change.

**Enforcement:** The Committee expressed concerns that enforcement was potentially quite a subjective matter and asked what guidance or rules were given to officers. The Service Manager, Environmental Protection explained that the Council followed a 3 stage approach to enforcement:

1. Early intervention & discussion
2. Issue of a Fixed Penalty Notice
3. Prosecution

He said that the preferred approach was always to take early action and speak to the individuals about the problem. This was found to be the most effective approach when dealing with anti-social behaviour. He offered to provide the Committee with a report detailing the breakdown between early intervention and enforcement actions. He informed the Committee that a corporate enforcement policy was being developed and would go to the City Executive Board later in the year. This would in effect be a code of conduct for enforcing officers. The Committee suggested that guidance should be available to officers and be in the public domain before any enforcement action is taken.

**Busking / Code of Conduct:** The Committee considered a proposal to remove 'breaches of the Code of Conduct for Busking and Street Entertaining in Oxford' from the behaviours included in the PSPO. A majority of members did not support this proposed change. The Committee supported having a code of

conduct for buskers and the principle that buskers should busk for a maximum of 60 minutes in any one place, as this enables more people to have the opportunity to busk in prime locations. The Committee felt that the City Council's Code of Conduct for Busking and Street Entertaining in Oxford could be strengthened and should be reviewed in light of examples of policies in other cities such as Liverpool and York, as well as input from groups such as the Musicians Union.

**Sleeping in toilets:** The Committee noted concerns about 'Sleeping in toilets' as this is primarily a safeguarding issue. The Committee suggested that officers should look at whether including this behaviour in the city centre PSPO would have a differential impact on equalities, for example by affecting women more than men.

The Scrutiny Committee AGREED to make the following recommendations to the City Executive Board:

1. that an Enforcement Code of Conduct for Officers should be produced and that this code should be in place and in the public domain before any enforcement actions are taken under the City Centre Public Spaces Protection Order;
2. that the existing 'Code of Conduct for Busking and Street Entertaining in Oxford' should be reviewed and revised to provide a more comprehensive "Guide to Busking and Street Entertaining in Oxford". This guide should be accessible to buskers, street entertainers, businesses and the public, and draw on examples of good practice from other cities such as Liverpool and York, as well as input from stakeholders such as the Musicians Union;
3. that officers are instructed to look at the differential equalities impact of the proposal to include the behaviour of sleeping in public toilets within the City Centre Public Spaces Protection Order, having regard to safeguarding concerns for vulnerable adults.

## **9. COVERED MARKET LEASING STRATEGY**

The Markets Manager presented the report which provided details of the updated leasing strategy for the covered market. She explained that the updated Leasing Strategy builds on the 2007 leasing strategy, by incorporating the conclusions and recommendations of the 2013 review of the covered market management and operations. The draft revised leasing strategy was shared in a meeting with covered market traders in February 2015 and circulated to all traders for consultation. No substantive responses or concerns were received by officers.

The review identified a range of improvements which were needed to raise the market's trading performance. This included the need for a change in the retail mix and improvements in the quality and range of traders.

In discussion the Scrutiny Committee made the following points:

- It was essential that the distinctive character of the market was maintained;
- Were there sufficient incentives to attract the right mix of traders;
- the wording at paragraph 3.13 should be reviewed for clarity.

The Scrutiny Committee AGREED to make the following recommendations to the City Executive Board:

1. That paragraph 4.4. should be amended to read “Uses which detract from the Market’s special character will be ~~discouraged~~ **avoided**, for example, electrical / white goods, mobile phones, travel agents, estate agents, nailbars and other ‘high street’ type operators.”
2. That paragraph 4.9, bullet point 6 should be amended to read: “Independent with limited (~~typically~~ **usually** less than 10) other shops.”

## **10. REPORT BACK ON RECOMMENDATIONS**

The Scrutiny Officer presented the report back on recommendations. He said that he was chasing for updates and for the outstanding written responses from by the Executive. The Chair said that it was pleasing to note that the majority of scrutiny recommendations were accepted by the Executive.

The Committee NOTED the report.

## **11. MINUTES**

The Committee resolved to APPROVE the minutes of the meeting held on 27 April 2015 as a true and accurate record subject to the following amendment:

- that Cllr Coulter be included in the list of those present.

## **12. DATES OF FUTURE MEETINGS**

The Committee NOTED that next meeting was scheduled for 30 June 2015, and that further meetings were scheduled on the following dates:

7 September 2015  
6 October 2015  
2 November 2015  
8 December 2015  
12 January 2016  
2 February 2016  
7 March 2016  
5 April 2016

The Committee agreed that all future meetings would start at 6.15pm.

**The meeting started at 6.30 pm and ended at 8.15 pm**

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