

MINUTES OF THE COUNCIL

Monday 7 December 2015



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

Council heard tributes and observed a minute's silence in memory of former Councillor and Lord Mayor Betty Standingford and former Chair of the Bonn Link Harold Williams.

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53. APOLOGIES FOR ABSENCE

Councillors Clack, Lloyd-Shogbesan and Malik submitted apologies.

54. MINUTES

Council agreed to approve the minutes of the ordinary meeting held on 23 September 2015 as a true and correct record.

55. DECLARATIONS OF INTEREST

Councillors Clack, Lloyd-Shogbesan and Malik submitted apologies.

56. APPOINTMENT TO COMMITTEES

Council agreed to appoint with immediate effect:

- Scrutiny Committee - Councillor Pegg to replace Councillor Upton with immediate effect.

57. ANNOUNCEMENTS

The Lord Mayor informed Council of 17

- His official visit to Perm
- An official visit from representatives from Leiden
- The lighting of the Menorah in Bonn Square
- The death of John Thompson, former tree officer of the Council and responsible for planting 10,000 trees.

Councillor Fooks spoke about his work.

The Leader of the Council:

- announced the Civic Office holders for the 2016 municipal year would be:
 - o Lord Mayor – Councillor Altaf Khan
 - o Deputy Lord Mayor – Councillor Humberstone
 - o Sheriff – Councillor Brown
- and gave an update on the devolution bid.

The Lord Mayor welcomed newly elected councillor Jennifer Pegg to the Council.

58. PUBLIC ADDRESSES AND QUESTIONS THAT RELATE TO MATTERS FOR DECISION AT THIS MEETING

There were no addresses or questions in this section.

59. NORTHWAY AND MARSTON FLOOD ALLEVIATION SCHEME PROJECT

Council considered a report to the City Executive Board on 12 November seeking project approval for the Northway and Marston Flood Alleviation Scheme.

Council resolved to:

include the additional budget of £928,000 for the Northway and Marston Flood Alleviation Scheme in the Capital Programme (£2,196,000 financed from external funding, £400,000 financed from Council capital).

60. OXPENS DELIVERY STRATEGY

Council considered a report to the City Executive Board on 15 October which provides an update and seeks approval for an amendment to the Oxpens Delivery Strategy and budgetary adjustments.

The Board Member undertook to build in time to allow full scrutiny of the joint venture company plans.

Council resolved to:

approve the establishment of a capital budget of £8.4m to progress the project through the next stages.

61. REVIEW OF THE STATEMENT OF GAMBLING LICENSING POLICY

The Lord Mayor certified this as an urgent item under S100B (4) of the Local Government Act 1972.

The reason for urgency is that the consultation closed on 26 November and the report was not added to the agenda until the Chair and Vice-Chair had reviewed the comments. This was after the publication date of 27 November.

Council considered a report which detailed the revised Statement of Gambling Licensing Policy. The Statement was unchanged from that approved by the Licensing and Gambling Acts Committee for consultation at its meeting on 14 September.

Council resolved to:

adopt the Statement of Gambling Licensing Policy as attached to the agenda effective from 31 January 2016.

62. LOCAL GOVERNMENT PENSION SCHEME - REVIEW OF FLEXIBLE RETIREMENT DISCRETIONS

Council considered a report presenting for approval two revisions to the Council's Flexible Retirement Policy.

Council resolved to:

1. approve two revisions to the Flexible Retirement Policy (incorporated within the existing Pension & Retirement Options Statement attached at Appendix 1) with effect from 8th January 2016, namely:

- a) to permit employees to choose a 'partial draw-down' of benefits; and**
- b) reduce the minimum level of salary/hours reduction from 40% to 20%**

2. authorise the Corporate Lead for HR & Organisational Development in conjunction with the Head of Law and Governance and Director for Organisational Development and Corporate Services to amend the policy from time to time in order to correct any factual or legal errors.

63. CONSTITUTION AMENDMENTS - CONTRACT RULES

Council considered a report recommending changes to the contract rules in Section 19 of the Council's constitution.

Council noted that the rules included the requirements for contractors to fit sidebars where practicable, in accordance with the motion adopted on 1 December 2014.

**Council resolved to:
approve, with immediate effect, the amendments to the Constitution as set out outlined in the report and in Appendix 1.**

64. COUNCIL AND COMMITTEE PROGRAMME MAY 2016 TO MAY 2017

Council considered a report proposing the programme of Council and committee meetings for the 2016/17 council year (May 2016 to May 2017 inclusive).

The Leader proposed adopting this as a working document for subsequent amendment to avoid where possible school holidays and religious festivals; and produce a final draft when all comments had been absorbed.

**Council resolved to:
adopt the draft programme of meetings as a working document for subsequent amendment to avoid where possible school holidays and religious festivals; and produce a final draft when all comments had been absorbed .**

65. CITY EXECUTIVE BOARD MINUTES

Council had before it the minutes of the City Executive Board meetings of 15th October and 12th November 2015

On Minute 93, Councillor Fooks asked if the guidance on planning rules for conservation areas was published and if the impact of pre-application advice charges could be monitored to check for any adverse effects of charging for householder applications

The Board Member said he would check if the advice was published; and there would be monitoring.

On Minute 113 Councillor Fooks asked when the meeting for members and officers to discuss further matters relating to Indicator 22 would take place.

The Board Member replied this would be held as soon as practicable.

66. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL

Members of Council submitted 37 written questions to Board Members and the Leader of the Council. Written answers and summaries of supplementary questions and responses are in the supplement to these minutes.

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

Council heard addresses from members of the public. The full text of the addresses where these were delivered as submitted; and questions and responses are in the supplement to these minutes.

1. Judith Harley, on behalf of herself, Nigel Gibson and Sarah Lazenby who had submitted addresses on the same topic, addressed Council about Save Temple Cowley Pools Campaign's request to stop demolition of the building.

The Chief Executive and Councillor Turner reiterated the Council's role as freeholder of the site and referred to the response set out in the supplement.

2. Dr Judy Webb, of the Friends of Lye Valley, addressed Council about a petition to ask Councillors, should they decide not to develop the space at Warren Crescent Site 60, to preserve it as Local or Public Access Green Space.

Councillor Hollingsworth responded that the planning committee would determine the extant planning application its merits and he appreciated the important points about the Lye Valley regardless of the outcome of the application.

3. Colin Aldridge, of East Oxford Community Centre, addressed Council asking them to put the management of EOCC back in the hands of the community and help them improve the centre.

Councillor Simm responded that community centres must meet the community's needs and be well used, and be well maintained and improved to good standards, and outlined the plans for the East Oxford centre. She said that consultation on the draft community centre strategy would start shortly.

4. Benny Wenda, of the Free West Papua campaign, addressed Council thanking members for the ongoing support shown for the campaign.

Councillor Price thanked Benny Wenda for his speech and conveyed the good wishes of the Rt Hon Andrew Smith MP.

5. Nigel Gibson, Save Temple Cowley Pools campaign, asked the Board Member 'Will you recognise your core strategy policy obligations under CS21 and tell Catalyst to defer demolition until after a successful planning application for their proposed new development?'

Councillor Turner responded that a written answer was available in the published supplement.

6. Rosemary Harris asked the Board Member 'Will the Council ensure that Network Rail removes this requirement from its noise insulation package and provide extra acoustic glazing to all affected houses if the operational noise is higher than predicted for non-statutory insulation?'

Councillor Hollingsworth responded that the planning permission includes provisions for noise levels to be predicted in an approved way, then for noise mitigation to be offered where appropriate. They include a requirement to check the performance of noise mitigation measures (including noise insulation) and correct them if found to be defective in construction or performance. Once these provisions are met the conditions of the permission are discharged and the Council could not, therefore, require Network Rail to offer further insulation packages to cover a change in the circumstances of buildings. And since it has approved the noise predictions, as contained within the relevant Noise Scheme of Assessment, it could not require further measures if these proved to be under-estimates. However, our officers see no reason for this situation to occur, given the robustness of those predictions and the adequacy of mitigation measures.

The Lord Mayor thanked those speaking.

68. PETITIONS SCHEME - PETITION ASKING FOR SUPPORT FOR REFUGEES AND ASYLUM SEEKERS

Council considered a petition meeting the criteria for debate under the Council's petitions scheme.

The text of the petition reads: *To Oxfordshire County Council, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council & West Oxfordshire District Council: Give shelter, support and a fair hearing to refugees and asylum seekers in our community. Work with existing organisations like Oxford City of Sanctuary, Refugee Resource & Asylum Welcome to help those who are already here and to take in more who are desperately in need.*

The head petitioner, Ms Emma Jones, addressed the meeting in support of the petition.

After debate, the recommendations below were moved, seconded, and agreed on being put to the vote.

Council resolved to:

- 1. ask the City Executive to continue to work with the coordination group and organisations and do as much as possible to help refugees who come through any route;**
- 2. ask officers to look at the interpretation of 'no local connection' in terms of refugees and not apply transient status to them when considering applications for housing support;**

3. **look at helping Asylum Welcome and other related organisations with their core staffing and funding to increase capacity**
4. **follow through on the commitment to be a City of Sanctuary and consider the status as a City of Sanctuary in law and reality.**

69. PETITIONS SCHEME - EAST OXFORD COMMUNITY CENTRE

Council considered a petition meeting the criteria for debate under the Council's petitions scheme.

The text of the petition reads: *Help Stop Labour controlled Oxford City Council takeover of East Oxford Community Centre. We the undersigned hereby demonstrate our support for keeping the management of EOCC under the control of the people of East Oxford.*

The head petitioner, Mr Artwell, addressed the meeting in support of the petition.

Councillor Simmons circulated in writing a proposed recommendation: that Council instructs officers to work with members of the East Oxford Community Association on a plan to bring the Community Centre back under community governance with the necessary officer support.

Councillors Simm and Tanner proposed an amended recommendation: to ask the City Executive Board to instruct officers to maintain ongoing communications with members of the East Oxford Community Association and provide necessary officer support

After debate, the amended recommendation was moved, seconded, and agreed on being put to the vote.

**Council resolved to:
ask the City Executive Board to instruct officers to maintain ongoing communications with members of the East Oxford Community Association and provide necessary officer support.**

70. OUTSIDE ORGANISATION/COMMITTEE CHAIR REPORTS AND QUESTIONS

Council had before it the report of the Leader of the Council outlining the work of the Oxfordshire Strategic Partnership.

Councillor Price moved the report.

Council noted the report without comment

Council had before it the report of Councillor Turner outlining the work of the Oxfordshire Health Improvement Board.

Councillor Turner moved the report, highlighting health inequalities, transparency in contracts, and public health funding.

In response to questions he said:

through the Health Improvement Board we have had useful discussions about how GPs can make referrals to us where we have enforcement powers or people can access homelessness services or energy efficiency help, but there is limit to what the board can do. The board was looking at commissioning and funding for homelessness hostels and involving the CCGs and county council in these discussions.

Council noted the report.

71. SCRUTINY COMMITTEE UPDATE REPORT

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

Councillor Simmons moved the report and highlighted the work of the committee and the review panels.

Council noted the report.

72. MOTIONS ON NOTICE

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

1. Housing and Planning Bill

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

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

Council resolved to adopt the motion set out below:

This Council notes:

- ***that the Housing and Planning Bill is currently being debated in Parliament, and if passed would threaten the provision of affordable homes for rent and buy through forcing "high-value" council homes to be sold on the open market, extending the "right to buy" to housing association tenants, and undermining section 106 requirements on private developers to provide affordable homes;***
- ***that there is no commitment in the Bill that affordable homes will be replaced like-for-like in the local area - indeed, in Oxford it is very difficult to see how this could work financially;***
- ***that whilst measures to help first-time buyers are welcome, the "starter homes" proposals in the Bill will be unaffordable to families***

- and young people on ordinary incomes in most parts of the country, will not preserve the taxpayer investment, and will be built at the expense of genuinely affordable homes to rent and buy;*
- that the Bill undermines localism by taking yet more new wide and open-ended powers for the Whitehall over councils and local communities - including the ability to override local plans, to mandate rents for social tenants, and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal; and*
 - that the Bill, whilst introducing some welcome measures to get to grips with rogue landlords, does not help with the high rents, poor conditions and insecurity affecting many private renters, in an expanding sector which now houses more than one in four households in Oxford, and does nothing to help arrest the recent rise in homelessness.*

This Council:

- congratulates those involved in the Council's statistical research, which presents a clear picture of Oxford to the public and greatly helps us as Members to argue the case for Oxford; and*
- thanks officers for the work they have done in preparing a robust response to the Government's consultation on the Bill.*

This Council therefore resolves to ask the Executive Board:

- 1. to analyse and report on the likely impact of the forced sale of council homes, the extension of right-to-buy and the "starter homes" requirement on the local availability of affordable homes, and any further impacts of the Bill on our City;*
- 2. to support the Leader of the Council in writing to the Secretary of State with our concerns about the Bill;*
- 3. to ask for urgent meetings for the Leader of the Council, the Chief Executive and relevant Board Members and Officers, with our two local MPs, and with the relevant Minister in the DCLG; and*
- 4. to make public our concerns by publishing this Motion prominently on the Council's website, and by promoting our concerns through the local and, if possible, national press;*
- 5. to set up an urgent meeting between the Leader of the Council , Board Member for Housing and the Chief Executive with the local Members of Parliament to raise our concerns;*
- 6. to make public our concerns, including by publishing the above information on the council's website and promoting through the local press.*

2. Procurement and tax

Councillor Fooks proposed her submitted motion, seconded by Councillor Wilkinson:

Council notes that

- *Corporate tax evasion and avoidance are having a damaging impact on the world's poorest countries, to such a level that it is costing them far more than they receive in aid*
- *this is costing the UK as much as £30bn a year*
- *this practice also has a negative effect on small and medium-sized companies who pay more tax proportionately*

Council further notes

- *that the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14, applying to all central government contracts worth more than £5m*
- *the availability of independent means of verifying tax compliance, such as the Fair Tax Mark*

In early 2015 new regulations required public bodies, including councils, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts. However, these questions are not as detailed as the PPN 03/14.

Oxford City Council currently requires companies to have ethical and social policies. Council believes that it should also require bidders for Council contracts to account for their past tax record, using the standards in PPN 03/14, rather than the lower standards in the recent regulations.

Council therefore calls for the new procurement procedures, currently being drawn up, to be amended to require all companies bidding for council contracts to self-certify that they are fully tax-compliant in line with central government practice, this to apply to all contracts worth over £173,000 for service contracts and above £4m for works contracts.

Council asks the Executive Board to publicise this policy and requests a report on its implementation to be presented to Council annually for the next three years.

Councillor Price proposed an amendment, seconded by Councillor Hollingsworth. This was accepted by Councillor Fooks:

Delete the penultimate paragraph; and amend the final paragraph to read;
Council asks the City Executive Board to commission officers to investigate whether and how this policy could be effectively included in the Council's Procurement Procedures.

Councillor Simmons proposed a minor amendment to the original motion, submitted in writing and then amended in the light of the above.

insert *'Taking into account the need not to unfairly prejudice small businesses'*
after *'...included in the Council's Procurement Procedures'*

Councillor Fooks and Councillor Price accepted this amendment.

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

Council resolved to adopt the motion set out below:

Council notes that

- **Corporate tax evasion and avoidance are having a damaging impact on the world's poorest countries, to such a level that it is costing them far more than they receive in aid**
- **this is costing the UK as much as £30bn a year**
- **this practice also has a negative effect on small and medium-sized companies who pay more tax proportionately**

Council further notes

- **that the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14, applying to all central government contracts worth more than £5m**
- **the availability of independent means of verifying tax compliance, such as the Fair Tax Mark**

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Oxford City Council currently requires companies to have ethical and social policies. Council believes that it should also require bidders for Council contracts to account for their past tax record, using the standards in PPN 03/14, rather than the lower standards in the recent regulations.

Council asks the City Executive Board to commission officers to investigate whether and how this policy could be effectively included in the Council's Procurement Procedures, taking into account the need not to unfairly prejudice small businesses

3. Reforming Local Government Finance

Councillor Simmons proposed his submitted motion, seconded by Councillor Hollick:

This Council notes the recent exchange of correspondence between the Leader of the County Council and the MP for Witney. This Council regrets the damaging social effects of the Government's austerity measures. In particular, it is concerned about the cuts to local Government finance which are affecting Oxford City and Oxfordshire County Council's at a time when local Government is facing increasing demands on its services.

This Council therefore asks the Leader to write to Oxfordshire's MPs asking them to lobby for the following changes to local Government financing for the City and County:

- *Remove the 2% Council Tax cap.*
- *Give the Council the freedom to extend Council Tax bands.*
- *Remove the ring-fencing restrictions on some Council budgets.*
- *Re-direct some funding from the various economic development quangos to the Council.*
- *Give Councils the freedom to set their own Council house rent levels.*
- *Allow for higher levels of prudential borrowing.*
- *Reverse the cuts to the local Government funding and instead invest in a better, brighter future for the people of Oxfordshire.*

Councillor Turner proposed an amendment:

To delete the third, fourth and fifth bullet points.

On being put to the vote the amendment was declared carried.

On being put to the vote, the amended motion was declared carried.

Council resolved to adopt the motion set out below:

This Council notes the recent exchange of correspondence between the Leader of the County Council and the MP for Witney. This Council regrets the damaging social effects of the Government's austerity measures. In particular, it is concerned about the cuts to local Government finance which are affecting Oxford City and Oxfordshire County Council's at a time when local Government is facing increasing demands on its services.

This Council therefore asks the Leader to write to Oxfordshire's MPs asking them to lobby for the following changes to local Government financing for the City and County:

- ***Remove the 2% Council Tax cap.***
- ***Give the Council the freedom to extend Council Tax bands.***

- ***Allow for higher levels of prudential borrowing***
- ***Reverse the cuts to the local Government funding and instead invest in a better, brighter future for the people of Oxfordshire.***

4. Network Rail

Council agreed to suspend standing orders to permit the conclusion of debate on this item.

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

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

Council resolved to adopt the motion set out below:

Residents of Upper Wolvercote have been frequent complainants, for 6 months or so, to Oxford City Council and Network Rail during construction of the new east/west rail link. Reasons include excessive noise, fumes , and vibrations causing damage to nearby houses, and by the felling of nearly all mature trees on embankments – in spite of Network Rail’s claim to be an environmentally conscious and sensitive organisation .

Network Rail has exercised its statutory right to carry out engineering operations on railway land without external sanction.

The Public Inquiry Inspector recommended conditions, endorsed by the Secretary of State, that are mainly concerned with rail service operations, not construction, and the City has not found them useful in monitoring or preventing poor practice during construction.

Council, therefore, calls on central government to pass legislation removing all permitted development rights for projects on railway land, and requiring railway operators to apply to the local planning authority for detailed planning permission for engineering operations on railway land – as with any other landowner. Landscaping issues would need to be included in any application, as well as good construction practice details. Administration costs and costs of officers’ time and consultants’ services would be paid by applicants, and exemptions would be safety related projects.

5. Disastrous changes to housing policy (proposed by Councillor Hollick)

This motion was not considered due to a lack of time. (as set out in Procedure Rule 11.17(d))

6. Implementing the Counter Terrorism and Security Act 2015 (proposed by Councillor Benjamin)

This motion was not considered due to a lack of time. (as set out in Procedure Rule 11.17(d))

The meeting started at 5.00 pm and ended at 9.45 pm