

EXECUTIVE BOARD

Monday 1 November 2004

COUNCILLORS PRESENT: Councillor Hollingsworth (Chair), Councillor Baker (Vice-Chair) and Councillors Armitage, Brown, Clarkson, Christian, Paskins, Simmons, Tanner and Turner.

OFFICERS PRESENT FOR THE WHOLE OF THE MEETING: Sharon Cosgrove, Neil Gibson and Mark Luntley (Strategic Directors), Sue Brown, Brenda Lammin and William Reed (Legal and Democratic Services Business Unit).

OFFICERS PRESENT FOR PART OF THE MEETING: Sarah Fogden, John Kulasek, Martin Lyons and Rachel Tregidga (Financial and Asset Management Business Unit), Pat Jones and David Steel (Strategy and Review Business Unit), Tony Stephens (Leisure and Parks Business Manager), Hagan Lewisman, Neil Smith and Claire Thompson (Leisure and Parks Business Unit), John Hill (Built Environment Business Manager), Val Johnson (Neighbourhood Renewal Business Manager), Craig Buckby, Steve Kilsby, Stuart Moran and Steve Northey (Neighbourhood Renewal Business Unit), Alan Brown, Claire Emmett, Mick Lowe and Helen Rowlands (Performance Management Team) and Graham Stratford (Acting Housing Services Business Manager).

132. APOLOGIES FOR ABSENCE

An apology for absence was received from Caroline J Bull, Chief Executive.

133. DECLARATIONS OF INTEREST

Councillor Simmons declared a personal interest in the item on Manzil Way Gardens as a County Council appointed representative on East Oxford Action (minute 140).

134. PUBLIC QUESTIONS

There were no questions for which notice had been given.

135. SCRUTINY COMMITTEE RECOMMENDATIONS

The Interim Legal and Democratic Services Business Manager submitted minutes of Scrutiny Committees (previously circulated and now appended).

Resolved: -

- (1) to note minute 31 of the Housing Scrutiny Committee concerning the Best Value Tenants Survey results;
- (2) further to minute 41 of the Finance Scrutiny Committee concerning the Human Resources Strategy, to endorse in broad terms the recommendation that key preliminary outcomes and potential key performance indicators should be included in the Strategy and ask the Human Resources Business Manger to take this forward;
- (3) further to minute 47 of the Finance Scrutiny Committee concerning Service Level Agreements (SLAs), to ask the Corporate Management Group, once the SLAs had been completed, to focus on those areas where the quality and standard of service was causing most concern;
- (4) further to draft minute 38 of the Environment Scrutiny Committee to: -
 - (a) note the recommendations of the Environment Scrutiny Committee in respect of the Trap Grounds;
 - (b) reaffirm the decision contained in minute 103 of the Executive Board to continue proceedings in the Court of Appeal on the grounds that:
 - (i) the matters raised in the call in could be dealt with independently of the proceedings in the Court of Appeal;
 - (ii) the Council would lose £3 million in Housing Corporation funding if the Appeal did not proceed and it would lead to the loss of an opportunity to provide a substantial amount of social housing required to meet the shortfall;
 - (iii) the much-needed northern spine road would not be built;
 - (iv) there had been a substantial majority in favour of proceeding with the appeal when a motion on this subject was considered at the Council meeting on 17 September 2004.

136. COUNCIL MOTIONS

The Interim Legal and Democratic Services Business Manager submitted three motions approved at Council.

Resolved: -

- (1) in respect of the motion on regulating buses to reduce air pollution, to note that the Portfolio Holder, Councillor Clarkson, was working with the Environmental Health Business Manager to take forward the following issues and would report back on progress in due course: -

- (a) write to the Department of Transport – and Oxford’s MPs – asking for urgent action on progressing traffic regulation conditions (TRCs);
 - (b) work with the County Council as the highway authority to support these proposals as part of the joint working on the action plan by the City/County Scrutiny Review of air quality;
 - (c) ask the relevant officer to report to the Scrutiny Review Group on the benefits to be expected from the introduction of the extended TRCs;
 - (d) respond positively to the Department of Transport’s proposal to require local authorities to include mandatory air quality targets within local transport plans;
 - (e) urge Oxford County Council not to wait for the Department of Transport to require local authorities to include mandatory air quality targets within local transport plans but to include air quality targets in the new version of the five year local Transport Plan which the County Council was currently writing;
- (2) in respect of the motion on cycle racks in Oxford City Centre to: -
- (a) delegate the decision on where new racks should be sited in the centre of Oxford to the Central South and West Area Committee (and to other Area Committees for cycle racks in their areas), noting that the Board would continue to take decisions on more general issues relating to cycle parking;
 - (b) note that the City Works Business Manager was currently working with the Police on the removal of unroadworthy cycles;
 - (c) ask the Built Environment Business Manager to circulate the Cyclox report to all members;
- (3) in respect of the motion on planning permission for solar panels, to: -
- (a) request that officers prepare for Oxford a statement similar to the Brecon Beacons guidance, making clear that solar panels that do not protrude above or below the existing roof line do not need permission, and that planning permission should not be demanded for those domestic properties that have had general development rights removed as a condition of a previous planning permission (noting that this could not be retrospective);
 - (b) note that the guidance could also be included in the forthcoming report to Area Committees on renewable energy.

137. OXFORD'S IMPROVEMENT PLAN

The Strategic Director, Housing Health and Community, submitted a report (previously circulated and now appended).

Resolved: -

- (1) to RECOMMEND Council to approve the Improvement Plan outlined in the report and Appendix 1 as the working framework for the Council's improvement priorities post-CPA inspection, the Plan in the Appendix to replace the Improvement Plan in the previously approved Best Value Performance Plan (Council minute 33 of 26th July 2004 refers);
- (2) to note that the Executive Board had agreed: -
 - (a) that the Performance Improvement Team and Portfolio Holder work with the Council's Corporate Management Group and Improvement Board further to develop the Improvement Plan framework, to develop all actions to make them measurable and deliverable, and to establish appropriate monitoring arrangements;
 - (b) that the Capacity Building Programme outlined in the report and Appendices 2 and 3 be endorsed and form the basis of a Capacity Building Fund bid to Government Office for the South East (GOSE);
 - (c) that the procurement of up to two external lead partners or a partnership consortium, to help the Council develop its capacity, be run in parallel with GOSE's consideration of the Capacity Building Fund bid;
 - (d) that in order to aid the swift appointment of these partners:-
 - (i) the Council's requirement under its Contract Procedure Rules to tender for contracts over £75,000 be waived;
 - (ii) the Strategic Director, Finance and Corporate Services, be authorised to approach a minimum of 8 partners drawn from the Office of the Deputy Prime Minister's (ODPM) Capacity Building Fund list of approved contractors, to include a range of local and national partners, thus enabling the Council to comply with its OJEC obligations;
 - (iii) the preferred list of partners be asked to submit quotes and detailed proposals in response to a specification to be drawn up by the Strategic Director, Finance and Corporate Services;
 - (iv) the Strategic Director, Finance and Corporate Services, in consultation with the Performance and Service Quality Portfolio Holder and with advice from the Improvement Board, be authorised to reach a negotiated agreement with up to two

preferred lead partners, subject to sufficient funds being available either through a successful Capacity Building Fund bid and/or Council resources;

- (e) that the Improvement Plan be incorporated within the Council's draft Oxford Corporate Plan and subsequent detailed operational Business Plans as appropriate;
- (f) to note that the Chief Executive's Directorate was predicted to be unable to absorb all the unbudgeted costs of the Performance Improvement Team and Capacity Programme in 2004-05, as set out in paragraph 5.5 of the report;
- (g) to consider the Performance Improvement Unit and Capacity Building bid for £168,000 in 2005-06 and £288,000 in 2006-07 as part of the Budget process.

138. THE OXFORD PLAN

The Chief Executive submitted a report (previously circulated and now appended).

Resolved to ask for an amended draft with more complete information to be submitted to the next meeting of the Board, so that consultation on it could be run in parallel with the consultation on the Indicative Budget.

139. COUNCIL BUDGETS

The Strategic Director, Finance and Corporate Services, submitted a report (previously circulated and now appended).

Resolved to: -

Revenue Budget 2005/06 to 2007/08

- (1) agree the initial draft budget, endorse Business Managers' proposals to stay within budget limits for 2005/06, and note the progress to date to balance the budget for 2007/08;
- (2) set up a Members' Panel to examine Business Managers' options for making their target savings for the three-year period;
- (3) agree that the following major spending initiatives, as set out in Appendix D to the report, and suggestions for longer term budget ideas, as set out in Appendix H, be worked up in more detail for consideration at the next Executive Board meeting:

Major Spending Initiatives

Making Communities Safer
Housing Procurement
Street Scene
HMO Registration
Local Funds for Local Projects
Recycling
Concessionary Bus Fares
Closing the Gap
Marketing Oxford's Culture
Implementing the Corporate Improvement Plan
Reduce the Council Tax Increase

Longer Term Budget Ideas

Deliver Customer Contact in Different Ways
Section 42
Museum
Higher Charges
Processes and Overheads
Car Parks
Increase Council Tax;

Capital Budget 2005/06 to 2009/10

- (4) agree the initial draft budget;
- (5) note the disposals required to fund the Capital Programme;
- (6) request officers to examine whether there is any more slippage in schemes;
- (7) consider the bids for additional capital funding;

Housing Revenue Account Budget 2005/06 to 2007/08

- (8) accept the initial draft budget subject to consideration of any advice given to the Strategic Director, Housing, Health and Community, by the Housing Advisory Board.

140. MANZIL WAY GARDENS – 205 COWLEY ROAD

The Financial and Asset Management Business Manager submitted a report (previously circulated and now appended). The Board also considered draft minute 100 of the East Area Parliament, which recommended acceptance of an offer of £90,000 from the developer of an adjoining site to purchase a strip of Council owned land at Manzil Way Gardens.

Resolved to: -

- (1) reject the current offer of £90,000 from the developer referred to in the

report;

- (2) instruct the Financial and Asset Management Business Manager to commission an independent valuation of the land in question which would be binding on both parties;
- (3) authorise the Financial and Asset Management Business Manager to conclude disposal of the land on the basis of the independent valuation.

141. HOUSE IN MULTIPLE OCCUPATION (HMO) REGISTRATION/ MANDATORY LICENSING

The Environmental Health Business Manager submitted a report (previously circulated and now appended). The Board also considered the comments of Councillor Rundle, Chair of the Housing Scrutiny Committee, following a meeting of that Committee on 29 October.

Resolved to: -

- (1) note the government's timetable in relation to mandatory HMO licensing;
- (2) lobby the Government for a wider definition for the mandatory licensing scheme ;
- (3) agree in principle that Oxford would wish to introduce a discretionary licensing scheme which went beyond the mandatory scheme;
- (4) note that the Housing Scrutiny Committee had asked for a further report once the details of the legislation had been finalised and the results of the private sector Housing Condition Survey were known, and at that time would recommend criteria for a wider scheme;
- (5) note the need for more resources to implement such a scheme, that this was already the subject of consideration as part of the budget major spending initiatives (minute 139) and that resourcing needs would be likely to increase further in future years;
- (6) RECOMMEND Council to reconsider its decision to introduce a city-wide HMO notifications scheme in the light of the above.

(It was subsequently discovered that it was the Executive Board, and not Council, which took the decision referred to in (6) above and so this minute was not forwarded to Council.)

142. BUSINESS SYSTEMS BEST VALUE REVIEW

The Business Systems Business Manager submitted a report (previously circulated and now appended).

Resolved to agree: -

- (1) the scope, remit and timetable of the Business Systems Best Value Review, as set out in ;
- (2) the membership of the Best Value Steering Team, as set out in the report, noting that the Liberal Democrat Group would advise the Business Systems Business Manager of its representative on the team in due course.

142. ARTS STRATEGIC PLAN 2004/07 AND DANCE DEVELOPMENT PLAN 2004/07

The Leisure and Parks Business Manager submitted a report (previously circulated and now appended).

Resolved to: -

- (1) recognise the breadth, value and quality of work in the Arts currently undertaken and being developed by the City Council and its Arts Partners;
- (2) endorse the final consultative drafts of the Arts Strategic Plan and Dance Development Plan and instruct the Leisure and Parks Business Manager to enter into final public consultation on these drafts and return the drafts with any necessary amendments to a future meeting of the executive Board for adoption;
- (3) ask that all officers, including Planning and Licensing Officers and Area Co-ordinators, take steps to:
 - (a) encourage the provision of advertising boards and banners and endeavour to overcome the planning difficulties associated with displaying them;
 - (b) actively encourage live musical entertainment in suitable venues.
- (4) congratulate Neil Smith and Claire Thompson on their excellent work to date on the draft plans.

144. FERRY SPORTS CENTRE GYM EQUIPMENT – MINOR PROJECT APPROVAL

The Leisure and Parks Business Manager submitted a report (previously circulated and now appended).

Resolved to grant Minor Project Approval for the procurement of the Gym at the Ferry Sports Centre, noting that there was a £250,000 revenue budget for the leasing of this equipment in the Leisure Revenue Budgets for 2004/05 and beyond.

145. CORPORATE SUBSCRIPTIONS

The Strategy and Review Business Manager submitted a report (previously circulated and now appended).

Resolved to: -

- (1) approve the payment of the corporate subscription for membership of the Local Government Association for 2004/05;
- (2) approve retrospectively the payment of the corporate subscription for membership of the Association of Councils in the Thames Valley Region.

146. URBAN CULTURAL PARTNERSHIP – GRANT REQUEST

The Strategy and Review Business Manager submitted a report (previously circulated and now appended).

Resolved to: -

- (1) agree that approving grant funding to the Evolving City programme was likely to promote the social well-being of Oxford residents;
- (2) approve in principle a grant of £50,000 to Oxford Inspires for the Evolving City programme;
- (3) RECOMMEND Council to authorise payment of the grant of £50,000 from Council reserves to Oxford Inspires for the Evolving City programme;
- (4) congratulate Oxford Inspires and Council officers on their success in attracting funding for Evolving City;
- (5) ask the Strategy and Review Business Manager to circulate details of the bid for the Evolving City programme to all members of the Council.

147. STRENGTHENING THE STRATEGIC CO-ORDINATION OF OXFORD'S LANDLORD SERVICES

The Strategic Director, Housing, Health and Community, submitted a report

(previously circulated and now appended).

Resolved to support the creation of a new permanent post of "Strategic Manager Landlord Services", as set out in Section 8 of the report, to enhance the strategic co-ordination of Oxford's landlord service and RECOMMEND Council: -

- (1) that the current temporary arrangements for the project management of the Stock Option Appraisal and HRA Review continue until such time as the post is filled;
- (2) to note that, assuming an appointment on 1 January 2005, the costs of the new post for the current year would be met from forecast surpluses in 2004-05;
- (3) to agree to amend the HRA budget framework by £72,000 per annum from 2005-06 onwards to fund the post (inclusive of overheads);
- (4)
 - (i) to agree that the authority delegated at the last Council meeting to the Strategic Director, Housing, Health and Community, for HRA decision-making be vested in this new post for the reasons outlined in the report;
 - (ii) that, in view of the current Strategic Director's departure at the end of November, the substantive Housing Services Business Manager would assume the Strategic Director's delegated decision-making for the HRA on an interim basis from 1 December 2004 until such time as the new Strategic Manager Landlord Services was in post.

148. ROSE HILL DEVELOPMENT – OPTION APPRAISAL AND PROCUREMENT FRAMEWORK

The Neighbourhood Renewal Business Manager submitted a report (previously circulated and now appended).

Resolved to: -

- (1) approve in principle the redevelopment of the Orlit properties, Stephenfield House and Alice and Margaret House as a mixed development of housing for sale and social housing, as set out in section 4 of the report;
- (2) waive the procedures for tendering set out in the Constitution because this was not necessary under EU procurement rules when tendering for development partners;
- (3) agree to the appointment of Oxford Citizens Housing Association as the

development partner to take the scheme forward;

- (4) authorise the Neighbourhood Renewal Business Manager to take the scheme forward to the Major Project Approval stage;
- (5) RECOMMEND Council to agree that a repair fund be set up to enable vacant Orlit properties to be used as temporary accommodation for homeless households and ask the Neighbourhood Renewal Manager to devise a scheme for deciding when it would be appropriate to repair properties.

(NOTE: The above decision was called in to the Housing Scrutiny Committee.)

149. BECKLEY VIEW REDEVELOPMENT AND LAND DISPOSAL TO OXFORD CITIZENS HOUSING ASSOCIATION

The Neighbourhood Renewal Business Manager submitted a report (previously circulated and now appended).

Resolved to: -

- (1) waive the requirement to tender under the Constitution for the reasons set out in paragraph 8 of the report and approve Oxford Citizens Housing Association as the development partner for the redevelopment programme;
- (2) approve the disposal of land to Oxford Citizens Housing Association in accordance with the terms already approved in principle by Executive Board in May 2004 and to confirm the new mix in the proposed housing, subject to the satisfactory conclusion of the details of the land disposal by the Neighbourhood Renewal Manager and the Property Unit Manager;
- (3) RECOMMEND Council to agree to use the capital receipt towards funding decent homes as a variation to the Budget.

150. AREA COMMITTEE RECOMMENDATIONS

The Interim Legal and Democratic Services Business Manager submitted a recommendation (previously circulated and now appended) from the East Area Parliament.

Resolved to: -

- (1) RECOMMEND Council that the costs of £5,037.50 awarded against the Council in respect of the appeal against refusal of planning permission for

planning application 03/01683/FUL (25 and 27 Fairacres Road) be paid from Council reserves;

- (2) note that Area Committee revenue budgets were currently under review and if they were substantially increased Area Committees might be asked to pay their own appeal costs in the future.

151. PORTFOLIO HOLDER QUESTIONS

There were no Portfolio Holder questions and responses for the Board to consider.

152. DECISIONS TAKEN IN THE BEST INTERESTS OF THE COUNCIL

The Interim Legal and Democratic Services Business Manger submitted a pro-forma (previously circulated and now appended) concerning a decision taken by the Strategic Director, Physical Environment, in respect of the lease and management arrangements for the squash courts building at the Ferry Leisure Centre.

Resolved to note the decision taken by the Strategic Director, Housing, Health and Community, in respect of the lease and management arrangements for the squash courts building at the Ferry Leisure Centre.

153. FUTURE BUSINESS

The Interim Legal and Democratic Services Business Manager submitted a list (previously circulated and now appended) of future agenda items.

Resolved to note the list of future agenda items.

154. MINUTES

Resolved that the minutes (previously circulated) of the Board dated 4 October 2004 be agreed as a correct record.

155. CONFIDENTIAL MATTERS

Resolved that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the remaining items on the agenda on the grounds that their presence would involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act.

156. BECKLEY VIEW REDEVELOPMENT AND LAND DISPOSAL TO OXFORD

CITIZENS HOUSING ASSOCIATION

The Neighbourhood Renewal Business Manager submitted a confidential annex (previously circulated) to the report referred to in minute 149.

Resolved to note the confidential annex.

157. WESTGATE REDEVELOPMENT – PROPERTY REPORT 1

The Financial and Asset Management Business Manager submitted a report (previously circulated and now appended).

Resolved: -

Redevelopment Option Appraisal

- (1) to approve the development of the sites together (Option Three) on the grounds that this option provided the best solution to enhancing asset value, improving operational needs, providing additional housing and improvements to city traffic issues, while providing a cohesive development and a draw to the West End;

Developer Options

- (2) that negotiations proceed with the Westgate Partnership for the redevelopment of the Westgate Centre (reaffirming the decision made by the Strategy and Resources Committee on 7 September 1999);
- (3) to authorise the Financial and Asset Management Business Manager to negotiate the surrender of the existing lease held by Coal Pension Properties Ltd.;
- (4) to authorise the Financial and Asset Management Business Manager to negotiate a new long lease over the full proposed site, subject to terms and conditions being approved at a future meeting of the Board, in accordance with Contract Procedure Rule 17.03;

Financial/Property Consultancy Advice

- (5) to retain CB Richard Ellis as the overall consultancy advisor for financial and property matters for the duration of the project;
- (6) to authorise the Strategic Director, Finance and Corporate Services, to renegotiate fees associated with the ongoing appointment;

Legal Advice

- (7) to grant Major Project Approval for the supply of legal services, in accordance with Financial Procedure Rule 3.2.13;

- (8) to consent to following the Contract Procedure Rule 9.05 for a negotiated procedure in circumstances where the value of the contract exceeded the relevant EU threshold;
- (9) to authorise the Strategic Director, Finance and Corporate Services, to appoint and enter into an agreement with the successful firm;

Quantity Surveying Advice

- (10) to grant Minor Project Approval for the supply of quantity surveying services, in accordance with Financial Procedure Rule 3.2.16;
- (11) to waive Contract Procedure Rule 7 and consent to three quotes being obtained from parties recommended as proficient in this specialist area of quantity surveying advice;
- (12) that, following the receipt of the three quotes a negotiated procedure be entered into with one or two of the firms to establish the best possible supply of services and associated costs, and the Strategic Director, Finance and Corporate Services, be authorised to appoint and enter into an agreement with the successful firm;

Compulsory Purchase Orders

- (13) to agree in principle that the Board would be prepared to use its Compulsory Purchase Powers to facilitate site assembly should this prove necessary, subject to indemnification of the Council's costs by the developer;

Financial Assessment – Funding for Consultancy Costs

- (14) to note that funding already in place was expected to cover spending until such time as the developer suggested further funding would be forthcoming, but that the Executive Board may be approached at a later date if spending at risk was required;

Working Group

- (15) that a working group be set up to provide direction on negotiations for the proposed development and comprise:

Officers

Sharon Cosgrove	Strategic Director, Physical Environment
Rachel Tregidga	Asset Manager
Martin Lyons	Property Co-ordinator
Michael Crofton Briggs	Planning Services Business Manager

Members

Three or four members nominated by political groups on the basis of

experience and knowledge of property matters.

158. ROSE HILL DEVELOPMENT – OPTION APPRAISAL AND PROCUREMENT FRAMEWORK

The Neighbourhood Renewal Business Manager submitted a confidential annex (previously circulated) to the report referred to in minute 148.

Resolved to note the confidential annex.

The meeting began at 9.00 am, went into confidential session at 1.25 pm and finished at 1.33 pm.