

EXECUTIVE BOARD

Monday 19 February 2007

COUNCILLORS PRESENT: Councillors Goddard (Chair), Armitage, Bance, Fooks, Malik, Murray, Sellwood, Tall and van Zyl.

OFFICERS PRESENT FOR THE WHOLE OF THE MEETING: Brian Dinsdale (Interim Chief Executive); Sharon Cosgrove, Mark Luntley and Michael Lawrence (Strategic Directors), Sarah Fogden (Financial and Asset Management Business Manager), Jeremy Thomas and Brenda Lammin (Legal and Democratic Services Business Unit).

OFFICERS PRESENT FOR PART OF THE MEETING: Andrew Davies and Pat Jones (Scrutiny Officers), Ian Wright (Environmental Health Business Unit), Mark Jaggard, Lorraine Freeman, Tim Hunter, Marta Soares and Steve Pickles (Planning Services Business Unit), Sue Shutter (Human Resources Business Manager), Philip Dunsdon and Geoff Melotti (City Works Business Unit), Chris Pyle and Roy Summers (Oxford City Homes), Graham Stratford, Steve Northey and Fiona Brown (Community Housing Business Unit), Anne Harvey Lynch and Paul Warters (Revenues and Benefits Business Unit), Anna Winship and John Kulasek (Financial and Asset Management Business Unit), Louisa Dean (Media and Communications).

239. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Rundle (Vice-Chair).

240. DECLARATIONS OF INTEREST

There were no declarations of interest.

241. PUBLIC QUESTIONS

Questions asked in accordance with Procedure Rule 13(iii) and the responses given are summarised below:

Richard Thurston on trees at Osney Island (minute 242)

Does the Board agree that a second opinion is essential (as recommended by the Environment Scrutiny Committee)? Should relatively junior officers of the Council be allowed to take decisions without proper review? Is it fair to place such a burden on one officer?

How can residents be sure that lessons have been learned as a result of the issues raised in the investigations into the felling of the Osney Island trees

when it appears that similar failures in communication have arisen recently in respect of a tree in a local allotment being felled in error?

Response given by Councillor Armitage (Healthier Environment Portfolio Holder) the Strategic Director, Physical Environment, and the Interim Chief Executive)

Local authorities provide a wide variety of services and employ a range of professional officers. Those officers regularly give advice to decision makers, or make decisions where there is a delegation of authority to the officers. That is the normal local authority system. It would be expensive and inappropriate to seek a second opinion every time one of the professional officers gave advice to a decision maker or took a decision under delegated powers. However, officers could choose to seek other advice if they wished to do so in particular circumstances.

Mechanisms were in place to review decisions. There were disciplinary procedures for dealing with any officer found to be performing unsatisfactorily and, where necessary, action would be taken. Those procedures were a private matter between the relevant officer and their manager. It would be totally inappropriate to discuss details of individual disciplinary matters at a meeting of the Executive Board.

Apologies have been made for failures in communication (but not for cutting the trees down) and lessons had been learned from recent events. If residents were not satisfied with actions taken there was a Council complaints procedure they should follow, and ultimately if they were still not satisfied they could take the matter to the Local Ombudsman.

Alison Cobb on the Council motion on wheeled bins (minute 250)

Will you allow those who want sacks rather than wheeled bins, or vice versa, have what they want? Why do we recycle, is it to save energy?

Wheeled bins are the best receptacle for residual waste available at the moment in terms of avoiding problems with vermin and for the health and safety of council staff.

We want Oxford to lead the way in recycling in order to reduce landfill and greenhouse gases emissions.

Councillor Pressel on the Council motion on wheeled bins (minute 250)

Does the Executive Board agree that the impact of rows of wheeled bins on the appearance of our streets is important? Does it agree that wheeled bins could encourage people to produce more rubbish? Does it agree that there needs to be consistency in decisions about who should be allowed to use lilac sacks rather than wheeled bins? Does it agree that it is important to keep people "on side" if the new refuse collection and recycling arrangements are to be successful?

Response given by Councillor Fooks (Cleaner City Portfolio Holder)

Aesthetics were important, but that has to be balanced against other considerations. It could be argued that bins were far more pleasing on the eye than sacks that had been ravaged by foxes. The evidence currently available suggested that use of wheeled bins in conjunction with recycling led to less residual waste being produced. Oxford City Council was being far more flexible in responding to the needs of individuals than many other local authorities. Some authorities were not allowing any choice whatsoever. In Oxford officers were visiting every household that had requested sacks rather than bins. Where it was considered necessary lilac sacks were being provided instead of bins. However, for the reasons set out in the report, it would not be right to provide sacks to people when the officer's assessment was that wheeled bins would be more appropriate. It was important that there was consistency in decisions on who should have sacks or bins and officers were aware of that.

242. ENVIRONMENT SCRUTINY RECOMMENDATION – OSNEY TREES

The Environment Scrutiny Committee submitted a report (previously circulated and now appended). The Board also considered the comments of Councillor Phelps (Chair of the Environment Scrutiny Committee).

Resolved that the comments of the Strategic Director, Physical Environment, in respect of the Environment Scrutiny Committee recommendation on trees at East Street, Osney Island, as set out in the report and endorsed by the Portfolio Holder, be agreed as the Board's response to the Environment Scrutiny Committee's recommendations.

243. AFFORDABLE HOUSING DEVELOPMENT SCRUTINY REVIEW – FINAL REPORT

The Environment Scrutiny Committee submitted a report (previously circulated and now appended).

Resolved that: -

- (1) a further report be submitted to the Board, in March 2007 if possible, giving officers' comments on operational issues and implementation of the recommendations of the Scrutiny Review Group;
- (2) future scrutiny review reports be submitted to the Board with an accompanying report from officers setting out their comments on the implementation of the review group's recommendations.

244. OFFICER RESPONSE TO THE ENVIRONMENTAL ENFORCEMENT SCRUTINY REVIEW

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

Resolved that: -

- (1) the Environmental Enforcement Scrutiny recommendations 1-3, 5, 6, and 8-12 be adopted, with caveats where appropriate, as set out in the Environmental Health Business Manager's report;
- (2) the Strategic Director, Physical Environment, be asked to arrange an informal seminar on Council environmental enforcement to update members on the response to the consultation on enforcement activity in the Council since the last seminar in November 2006;
- (3) the Strategic Director, Physical Environment, be asked to consider setting up a "hotline" for members of the public to report any environmental offences.

245. RESPONSE TO CONSULTATION DOCUMENTS ON PLANNING OBLIGATIONS AND CLIMATE CHANGE

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

Resolved that approval be given to the responses to the consultation papers and consultation questions regarding changes to Planning Obligations and Planning Policy Statement 1 on Climate Change, as set out in the appendices to the report.

246. OXFORD LOCAL DEVELOPMENT SCHEME

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

Resolved that: -

- (1) the Oxford Local Development Scheme 2007 - 2010 be approved for submission to the Secretary of State;
- (2) it be noted that work on the Northern Gateway Area Action Plan may be brought forward if Arlington provided funding for an additional officer to work within the planning policy team to carry out that work;
- (3) the Planning Policy Manager be authorised to alter the text of the Local Development Scheme before submission to the Secretary of State to the extent felt to be necessary in light of advice from the Government Office for the South East and the Planning Inspectorate, and to make any necessary editorial corrections.

247. TRAP GROUNDS

The Head of Legal and Democratic Services and the Planning Services Business Manager submitted a joint report (previously circulated and now appended). The Environment Scrutiny Committee considered the report and endorsed the recommendations set out in the report and welcomed the offer from Friends of the Trap Grounds to work to maintain the site

Resolved that: -

- (1) the planning permission for the use of the Trap Grounds for housing purposes be allowed to lapse;
- (2) the land be appropriated from Housing to Leisure and Culture use;
- (3) the Trap Grounds be left broadly in their present state;
- (4) the officers be authorised to discuss with local wildlife organisations the possibility of them managing and maintaining the Trap Grounds as a nature reserve.

248. CENTRAL AREA SATURDAY PARKING TARIFF

The Transport and Parking Business Manager submitted a report (previously circulated and now appended). The Board also considered a supplementary report setting out the revised situation following the decisions taken on the Budget at the Council meeting on 12 February 2007.

Resolved that subject to there being no adverse comments from the Finance Scrutiny Committee on 21 February 2007: -

- (1) the Saturday parking tariff in central car parks be increased to those charges indicated in Appendix 2 to the supplementary report of the Planning and Transport Business Manger, with effect from May 2007;
- (2) Oxfordshire County Council be formally consulted on the proposals.

249. OXFORDSHIRE WASTE PARTNERSHIP – GOVERNANCE AND FINANCE

The Interim City Works Business Manager submitted a report (previously circulated and now appended).

Resolved that: -

- (1) subject to recommendation (4) below approval be given to the terms of the draft Oxfordshire Waste Partnership (OWP) legal agreement to be entered into by all the Oxfordshire local authorities;

- (2) approval in principle be given to the draft Constitution of the OWP Joint Committee, as attached as Schedule 1 to the OWP legal Agreement;
- (3) the Cleaner City Portfolio Holder (Councillor Fooks) be appointed to represent Oxford City Council on the Joint Committee and that the Leader of the Council (Councillor Goddard) may substitute for that member;
- (4) the Strategic Director, Physical Environment, in consultation with the Cleaner City Portfolio Holder, be authorised to agree the Council's entry into the OWP legal agreement at such time, and in the event, that they are satisfied with all the remaining outstanding issues relating to the future financing of the OWP; and to finalise the terms of the draft Constitution of the Joint Committee;
- (5) approval be given to the delegation of the executive functions set out in Annex 1 of the draft OWP legal Agreement to the OWP Joint Committee, such authorisation to take effect upon the commencement date of the OWP legal agreement.

250. COUNCIL MOTION – DOMESTIC WASTE COLLECTION (ISSUE OF WHEELED BINS TO HOUSEHOLDERS)

The Interim City Works Business Manager submitted a report (previously circulated and now appended).

Resolved that: -

- (1) the Council motion entitled "Domestic Waste Collection" adopted by Council on 22 January 2007 be noted;
- (2) it be confirmed that the arrangements set out in paragraph 12 of the Executive Board report dated 17 July 2006 on this matter will remain in place;
- (3) as a result of resolution (2) above to continue the practice that wheeled bins will be considered the primary receptacle for the storage of residual household waste, and that the Council will expect householders to use the wheeled bins supplied to them, save in the circumstances identified in the said paragraph 12, or where officers, at their discretion, have permitted householders to use an alternative method of residual waste storage.

(Paragraph 12 stated: "It is proposed that in general, waste or recyclable materials will not be collected unless they are put out for collection in a container that has been provided by the Council, and in particular that waste contained in black bags will not be collected. This arrangement will mean that all households will have a wheeled bin for storage of their residual wastes, unless they have been identified as unable to use them in the recent survey carried out by technical officers. If any other

householder believes that there are physical circumstances that would make the use of a wheeled bin impracticable or unsafe at their property, then these will be investigated on an individual basis. Where bins cannot be used, other arrangements will be provided and these are discussed later in this report.”)

251. ROWLANDS HOUSE SHELTERED HOUSING SCHEME – OPTIONS APPRAISAL

The Head of Oxford City Homes submitted a report (previously circulated and now appended).

Resolved that: -

- (1) approval be given to the disposal of Rowlands House;
- (2) receipts from the sale should go to the Housing Revenue Account (HRA) Capital Programme to help meet the Decent Homes target and towards the remodelling of other sheltered schemes;
- (3) outline planning consent be obtained in order to maximise the receipt to the HRA.

252. OPTIONS FOR HOUSING REVENUE ACCOUNT SPECIAL NEEDS PROPERTIES

The Head of Oxford City Homes submitted a report (previously circulated and now appended).

Resolved that: -

- (1) officers be authorised to market property A generally and report back to the Board on expressions of interest in accordance with Contract Procedure Rules 9.01 and 9.03;
- (2) any future subsidies on special needs properties be met from the General Fund and not the Housing Revenue Account.

253. RECOMMENDATIONS FROM THE HOUSING ADVISORY BOARD

The Head of Legal and Democratic Services submitted recommendations (previously circulated and now appended) from the Housing Advisory Board, together with the supporting reports previously considered by the Housing Advisory Board.

Resolved that: -

- (1) in respect of minute 74 of the Housing Advisory Board, concerning

financial monitoring 2006/07, approval be given to a supplementary estimate of £112,002, as set out in the report of the Financial and Asset Management Business Manager at Appendix 1;

- (2) in respect of minute 78 of the Housing Advisory Board concerning housing estate shops, officers be authorised to market the entire site of shop B (as referred to in the report of the Oxford City Homes Business Manager) and dispose of it if acceptable offers in excess of £400,000 were received, and to report back to the Board in accordance with Contract Procedure Rules 9.01 and 9.03;
- (3) in respect of minute 80 of the Housing Advisory Board, concerning a non-domestic HRA property in Jericho, officers be authorised to market the property (as referred to in the report of the Oxford City Homes Business Manager) and to report back to the Board in accordance with Contract Procedure Rules 9.01 and 9.03.

254. ROSE HILL DEVELOPMENT – LAND DISPOSAL CONSENT AND SELECTED DEVELOPMENT PARTNER

The Community Housing Business Manager submitted a report (previously circulated and now appended). The Board noted that the Housing Advisory Board had considered the report and supported the recommendations.

Resolved that: -

- (1) key changes to the scheme following the conclusion of the tendering process be noted;
- (2) approval be given under section 9.05 of the Contract Regulations to dispose of the Council's land to Oxford Citizen's Housing Association for affordable housing;
- (3) approval be given under section 9.05 of the Contract Regulations to dispose of the Council's land for private sale housing to the selected development partner, subject to the satisfactory conclusion of negotiations on the Development Agreement.

255. APPROVAL OF THREE HOUSING STRATEGIES

The Community Housing Business Manager submitted a report (previously circulated and now appended). The Board noted that the Housing Scrutiny Committee had considered the report and supported the recommendations.

Resolved that Council be RECOMMENDED that the following strategies be adopted:

- The Older People's Housing Strategy;
- The Black and Ethnic Minority Housing Strategy;

- The Private Housing Strategy.

256. WRITE OFF OF UNCOLLECTABLE DEBTS (GENERAL FUND)

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

Resolved that: -

- (1) approval be given to the write off of the amounts shown in the report, totalling £97,322.82;
- (2) it be noted that if new information or payments were to be received, the debts previously written off would be resurrected and credits applied.

257. WRITE OFF OF UNCOLLECTABLE DEBTS (HOUSING REVENUE ACCOUNT)

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

Resolved that approval be given to the write off of the amounts shown in the report, totalling £104,954.47.

258. TREASURY MANAGEMENT STRATEGY

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

Resolved that Council be RECOMMENDED that the: -

- (1) Prudential Indicators and limits for 2007/08 to 2009/10 contained within Appendix A of the report be adopted;
- (2) Treasury Management Strategy 2007/08, and the treasury prudential indicators, be adopted;
- (3) Investment Strategy 2007/08 contained in the Treasury Management Strategy, and the detailed criteria, be approved.

259. THIRD QUARTER REVENUE AND CAPITAL BUDGET MONITORING 2006/07

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

Resolved that: -

- (1) the two variances set out in paragraphs 5 to 6 of the report, and their funding from balances, be approved;
- (2) the transfer of the £50,000 Environmental loft insulation budget from revenue to capital budget, as set out in paragraph 8 of the report, be approved;
- (3) the expenditure of £65,000 for Temple Cowley Pool in the General Fund Capital Programme, as set out in paragraph 20 of the report, be approved;
- (4) the overall position and potential impacts on the 2007/08 budget be noted.

260. SALE OF 206 MARLBOROUGH ROAD

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

Resolved that: -

- (1) the offer of the highest bidder be accepted;
- (2) in the event the proposed purchase does not proceed, the Financial and Asset Management Business Manager be authorised to proceed with a sale to an alternative party at a best price at or above the guide price.

261. AREA COMMITTEE RECOMMENDATIONS

There were no such recommendations for the Board to consider.

262. PORTFOLIO HOLDER QUESTIONS

There were no such questions for the Board to consider.

263. DECISIONS TAKEN IN THE BEST INTERESTS OF THE COUNCIL

There were no such decisions for the Board to consider.

264. FUTURE ITEMS

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

Resolved to note the list of future items.

265. MINUTES

Resolved that the minutes (previously circulated) of meetings of the Board held on 22 and 29 January 2007 be approved as a correct record, subject to the deletion of the words in brackets at the end of minute 216 and the insertion of "Councillor Sellwood requested that his abstention from voting on the above resolution be recorded in the minutes."

266. MATTERS EXEMPT FROM PUBLICATION

Resolved that in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 the press and public be excluded from the meeting on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule I2A of the Local Government Act 1972.

<u>Item</u>	<u>Reason for exemption</u>	<u>Minute No</u>
C1	information relating to the business affairs of any particular person (including the authority holding that information)	267
C2	information relating to the business affairs of any particular person (including the authority holding that information)	268
C3	information relating to the business affairs of any particular person (including the authority holding that information)	269

267. OPTIONS FOR SPECIAL NEEDS PROPERTIES

The Head of Oxford City Homes submitted an exempt from publication appendix (previously circulated and now appended) to the report at minute 252.

Resolved that the exempt from publication appendix be noted.

268. ROSE HILL RECEVELOPMENT – LAND DISPOSAL CONSENT AND SELECTED DEVELOPMENT PARTNER

The Community Housing Business Manager submitted an exempt from publication appendix (previously circulated and now appended) to the report at item 254.

Resolved that the exempt from publication appendix be noted.

269. SALE OF 206 MARLBOROUGH ROAD

The Financial and Asset Management Business Manager submitted an exempt from publication appendix (previously circulated and now appended) to the report at item 260.

Resolved that the exempt from publication appendix be noted.

The meeting began at 9.00 am and ended at 11.15 am.