

CITY EXECUTIVE BOARD

Wednesday 1 September 2010

COUNCILLORS PRESENT: Councillors Bob Price (Chair), Ed Turner (Vice-Chair) Antonia Bance, Colin Cook, Mark Lygo, John Tanner and Bob Timbs.

48. APOLOGIES FOR ABSENCE

Councillors Sajjad Malik and Joe McManners.

49. DECLARATIONS OF INTEREST

None declared.

50. PUBLIC QUESTIONS

Received from Nigel Gibson

- 1) The Save Temple Cowley Pools Action Group has submitted a commentary on the report and recommendations being considered by the City Executive Board (CEB) under Agenda Item 13 of the 1st September meeting. The commentary clearly highlights the risks associated with the preferred option of a new build swimming pool at Blackbird Leys, and the associated lack of transparency and information. Partly as a consequence, this option is opposed by the majority of the people of Oxford, as demonstrated at the Public Meeting held in August where the Council's consultants presented it as the only way forward. How does the CEB reconcile the public view with the only option it is pursuing? Will the CEB be considering the issues raised in this commentary, and be prepared to defer any decision on the future of Temple Cowley Pools until the necessary additional information is made available?

Answer from Councillor Price

A comprehensive report has been produced by officers to enable a decision to be taken today as to whether to proceed to invite tenders for a new pool. The Board's decision must be taken in the interests of all residents of the City.

Received from Nigel Gibson

- 2) At a previous meeting, I highlighted to the CEB that there had been a woeful lack of public consultation concerning any option concerning leisure facilities in Temple Cowley and the surrounding area. The CEB declared itself satisfied with the process, and that there had been sufficient public consultation, but asked that I provide any evidence to the contrary.

Appendix 3 of the report by the Head of City Leisure and Parks, included under agenda Item 13, summarises the consultation the Council has undertaken. A comparison of this with the Council's policy and process document clearly shows that the process has not been followed in this instance. Will the CEB now acknowledge that the process has not been followed in this instance, and move to ensure, firstly, that the public is properly informed and consulted, and, secondly, that the views of the public are properly taken into account in any decision regarding the future of Temple Cowley Pools?

Answer from Councillor Price

An enormous amount of consultation with the public has been carried out over a number of months and the Board does not accept the view that the consultation has been inadequate. The report deals with a range of difficult and complex issues and all the views that have been expressed through that will be taken into account by members.

Received from Jane Alexander

- 3) At the Public Meeting on 17th August the Council's consultants presented the recommended option for closing the swimming pools at Temple Cowley and Blackbird Leys in favour of a new build at Blackbird Leys Leisure Centre. During the subsequent discussion, I was invited to present my alternative option for a much less expensive eco-refurbishment of Temple Cowley Pools. The Council officers present asked that I meet with the Mace team to explore this option in more detail. These discussions have begun and are ongoing, and could result in a validation of the eco-refurbishment as providing the best value for money option. Will the CEB defer any decision until discussions with the Mace team about this option have been completed, and if not, why not?

Answer from Councillor Price

The Board will hear from Mace at this meeting. If new information or evidence is brought to light then the Board may decide to defer a decision.

Received from David Jackson

- 4) Having reviewed the report, I am unable to agree with the author that the recommended option (3c) is without significant risk. Fundamentally information in the form of a full or detailed business case is not available; a number of 'facts' are actually assertions; and it is clearly written to favour the recommend option. Examples include the £2 million of 'funding costs' that are set against £1.1 million 'unbudgeted maintenance' and 'additional costs'. Credibility in the financial case is further undermined when £300k continues to be set aside for 'unbudgeted maintenance' in years 3 and onwards for a new build, designed to last 25 years. The Mace report contains financial errors its calculation of £1.4 million (over 16%) for contingency which have been included in the report. These discrepancies and others fundamentally undermine the Net Present Value (NPV) options

given to CEB in section 9.4 of the report. In addition, section 9.9 of the report alludes to a new option that would cost far less (NPV £8.27M) than any of the presented options, yet it is not examined. What steps will the CEB take to ensure that the full business case is available for public scrutiny so that the financial risks, including the new option, are accurately known?

Answer from Councillor Price

The Board regards the report from officers as a full business case and will also take into account the views and recommendations of the scrutiny panel which has further examined the business case which supports the recommendations of the report.

Received from Patricia Wright

- 5) As well as ignoring the wishes of some 10,000 petition signatures, why is the Council not using local fundraising as a source of income for retaining the Temple Cowley Pools?
- 6) Why is a Labour controlled Council choosing to ignore the mental health and well being of a great many vulnerable city residents by closing the pool?
- 7) Why has the Council not used local planning/engineering expertise to date when engaging external advice?

Answers from Councillor Price

The amount of money needing to be raised for such a project makes local fundraising unviable. The Council is not ignoring health and well being of residents – it is a key objective of the leisure strategy to promote health and well being through our leisure facilities.

Received from Vim Rodrigo

- 8) Why has the Council not taken advice from the original project engineers regarding damage to the concrete columns at Temple Cowley Pools?
- 9) Regarding the closure of the diving pool due to cracked tiles, why has the Council not approached the manufacturers of the tiles for a remedy?
- 10) Why has the Council engaged the same engineers to carry out the survey on the Temple Cowley Pools that are leading on the projects in Blackbird Leys? Is this not a vested interest?
- 11) If the Temple Cowley Pools are closed and the land is sold off, will the land be retained for recreational use?

Answers from Councillor Price and Ian Brooke, Head of City Leisure and Parks.

The column referred to in question 8 has some serious structural damage, the extent of which is uncertain. To establish the true extent of the damage would require expensive investigations.

Appendix 5 of the report (agenda item 13) details the options for the potential disposal of the land at Temple Cowley.

The problems with the internal floor and walls of the diving pool could not be solved merely by replacing the tiles. Again, structural problems are likely which would require costly investigations.

51. SCRUTINY COMMITTEE REPORTS

Scrutiny reports were dealt with under the relevant minute items below.

52. PROVISION OF SWIMMING POOLS TO THE SOUTH OF THE CITY OF OXFORD

The Head of City Leisure and Parks submitted a report (previously circulated, now appended) reporting on the feasibility study and consultation following the January 2010 outline competition standard pool business case that recommended a way forward for the provision of swimming pools to the south of the City of Oxford.

The Value and Performance Scrutiny Committee Panel submitted a report (previously circulated, now appended) outlining the Panel's recommendations on the same report. The Executive Director for City Services advised that two changes to the report had been made in light of the recommendations from the Panel which were to rule out the "do nothing" option and to publish more details of energy costings.

Resolved:-

- (1) Reflecting the Leisure Facilities Strategy which seeks to retain swimming provision to the south of the City, the City Executive Board confirms that the preferred option to achieve this is to develop a new pool which meets the needs of the city for a competition standard pool and has wider appeal for casual swimming and play adjoining the Blackbird Leys Leisure Centre as shown in option 3(c) of the feasibility study;
- (2) That The City Executive Board approves going out to tender for the works on the basis set out in (1) above with a report back to the Board once tenders have been received and the availability of funding in the Medium Term Financial Strategy is clearer following the Comprehensive Spending Review and the Formula Grant settlement;
- (3) That work is continued to ensure Temple Cowley residents retain good access to leisure facilities; and

- (4) To note the recommendations of the Value and Performance Scrutiny Panel.

53. ENERGY SAVINGS TRUST ACTION PLAN

The Head of Environmental Development submitted a report (previously circulated, now appended) advising the Board of the outcome of the Energy Saving Trust audit, subsequent workshop and recommended actions to achieve an 'Excellent' rating in 2010/11 and 'Best Practice' in 2011/12.

Resolved to:-

- (1) Note the outcome of the Energy Saving Trust audit and subsequent workshop; and
- (2) Approve the recommended action plan to achieve 'Excellent' in 2010/11 and 'Best Practice' in 2011/12.

54. FINANCIAL REPORTING – QUARTER 1

The Heads of Finance submitted a report (previously circulated, now appended) providing the Board with information on the Council's overall financial position as at the 30 June 2010 and the latest forecast outturn position for 2010/11.

The Finance and Performance Scrutiny Panel also submitted a report (previously circulated, now appended) making recommendations on the same report.

Resolved to:-

- (1) Note the projected year end financial position, and the steps the Chief Executive and the Corporate Director, Finance and Efficiency were taking, including holding back discretionary expenditure, to mitigate the overspend and bring the Council's budget back into balance; and
- (2) Endorse the recommendations of the Finance and Performance Scrutiny Panel.

55. GRANTS MONITORING FEEDBACK 2009/10

The Head of Community Housing and Community Development submitted a report (previously circulated, now appended) presenting monitoring information to the Board that had been returned by community and voluntary organisations awarded a grant in 2009/10.

Resolved to note the report.

56. FIXED PENALTY NOTICES FOR JUVENILES

The Head of Environmental Development submitted a report (previously circulated, now appended) seeking agreement to amend the Enforcement Strategy to include a policy for the issuing of fixed penalty notices to those less than 18 years of age.

Resolved to adopt the policy for issuing Fixed Penalty Notices for littering offences to those under 18 years of age as set out in Appendix 1 to the report.

57. CITY POET

The Head of Policy, Culture and Communications submitted a report (previously circulated, now appended) setting out the role, functions, and process for appointing an honorary City Poet.

Resolved to establish the position of honorary City Poet, to agree the honorary City Poet's role and to agree the process for recruiting an honorary City Poet.

58. UNCOLLECTABLE DEBTS – WRITE-OFF

The Head of Community Housing and Community Development submitted a report (previously circulated, now appended) seeking the Board's agreement to write-off of debts in excess of £5,000 for temporary accommodation debts.

Resolved to approve the writing-off of the amounts shown in the report.

59. DOG CONTROL ORDERS

The Head of Environmental Development submitted a report (previously circulated, now appended) seeking the Board's agreement to consult on the implementation of Dog Control Orders in the City.

Resolved to:-

- (1) Authorise that the commencement of a consultation process for the implementation of Dog Control Orders for the control of dog fouling, keeping dogs on leads and the exclusion of dogs from play areas;
- (2) Note that following the consultation exercise, a further report would be brought to the Board to agree the way forward in respect of such Control Orders; and
- (3) Instruct officers to undertake work to extend the policy so that it included dangerous dogs and owners with multiple dogs.

60. CITYWIDE AIR QUALITY MANAGEMENT AREA

The Head of Environmental Development submitted a report (previously circulated, now appended) advising the Board of the completion of the public consultation in relation to the City-Wide Air Quality Management.

Resolved to:-

- (1) Note that public consultation on a Citywide Air Quality Management Area had been completed, as required by minute 189 of the Board's meeting held on 18 February 2009;
- (2) Note no substantial issues had been raised by the public consultation, and therefore no changes were necessary;
- (3) Make the Air Quality Management Order that forms Appendix 2 to the report; and
- (4) Request that a further report is brought back to the Board in six month's time detailing any collaborative work that has been completed with the County Council.

61. FREE SWIMMING PROVISION

The Head of City Leisure and Parks submitted a report (previously circulated, now appended) proposing a response to the Government's announcement to remove free swimming funding as of the 31 July 2010 as well as seeking approval to introduce a targeted Free Swimming Programme in the City's swimming pools.

Resolved:-

- (1) That blanket free swimming is removed as soon as possible after 1 September 2010 with the exception of the Hinksey Pool where it would be removed at the end of the current season;
- (2) That a targeted Free Swimming Programme is offered for under 17s, (30 hours a week spread across the city's pools) to Oxford City residents as of the date referred to in (1) above;
- (3) To RECOMMEND to Council that £18,600 is added to the leisure budget to fund the revised Free Swimming Programme for the remaining seven months of the year between September 2010 and April 2011 from the council's contingency fund;
- (4) That a revenue budget bid is submitted as part of the 2011/2012 budget process to fund the continued provision of 30 hours per week for under 17s free swimming; and
- (5) To introduce a charge to over 60s of £2.10 for casual swimming (£3.10 at Hinksey).

62. CHRISTMAS LIGHTING

The Head of Policy, Culture and Communications submitted a report (previously circulated, now appended) seeking approval and delegated powers to award the contract to lease a Christmas lighting scheme.

Resolved to:-

- (1) Grant project approval for the lease of a Christmas lighting scheme in Oxford City Centre; and
- (2) Authorise the award of a contract to Blachere Illuminations UK Ltd for up to 3 years subject to funding for the scheme being available each year.

63. PERFORMANCE REPORTING – QUARTER ONE

The Interim Head of Business Improvement submitted a report (previously circulated, now appended) highlighting the Quarter 1 performance for 2010/11 in the areas of specific interest to the Board.

The Finance and Performance Scrutiny Panel also submitted a report (previously circulated, now appended) making recommendations on the same report.

Resolved to:-

- (1) Note the performance information and action being taken to address the indicators that are currently off target;
- (2) Approve the removal of the Use Of Resources performance target in accordance with paragraph 1.5 of the report;
- (3) Agree the revised performance target for BV213 in accordance with paragraph 2.5 of the report; and
- (4) To endorse the recommendations of the Finance and Performance Scrutiny Panel.

64. TREASURY MANAGEMENT ANNUAL REPORT

The Corporate Director, Finance and Efficiency submitted a report (previously circulated, now appended) presenting the Annual Report of the Council's Treasury Management activities.

The Finance and Performance Panel also submitted a report making recommendations on the same report.

Resolved to:-

- (1) RECOMMEND Council to note the report; and
- (2) Endorse the recommendations of the Scrutiny Panel.

65. BENEFIT ADMINISTRATION POLICIES AND TAKE-UP STRATEGY

The Head of Customer Services submitted a report (previously circulated, now appended) seeking approval of key operational documents relating to the prevention and detection of benefit fraud and the Benefit Take up strategy.

Resolved to:-

(1) Approve the following documents:-

- (a) The Fraud Strategy (Appendix 1 to the report)
- (b) The Welfare Benefit Prosecution and Sanction Policy (Appendix 2 to the report)
- (c) Statement of Service Standard for Investigators (Appendix 3 to the report)
- (d) Benefit Take up Strategy (Appendix 4 to the report); and

(2) Note that these documents would be periodically updated to reflect proper practice.

66. LAND AT ARISTOTLE LANE, TRAP GROUNDS ALLOTMENTS AND PORT MEADOW; CHILTERN RAILWAYS; TRANSPORT AND WORKS ACT APPLICATION

The Interim Head of Corporate Assets submitted a report (previously circulated, now appended) advising the Board on the progress of discussions with Chiltern Railways, and confirming arrangements for decision making (if necessary) prior to the Public Inquiry to be held in November 2010.

Resolved to:-

- (1) Note that discussions toward a negotiated solution would continue;

- (2) Agree that the Council would, if required, present evidence to the Inquiry by written representation; and
- (3) Delegate to the Interim Head of Corporate Assets the authority to agree an appropriate basis for withdrawal of the City Council's objections to the proposals.

67. MEADOW LANE SKATE PARK

The Head of City Leisure and Parks submitted a report (previously circulated, now appended) updating the Board on the progress of the community led initiative to redevelop Meadow Lane Skate Park.

Resolved:-

- (1) To note the progress on the redevelopment of Meadow Lane Skate Park and authorise officers to continue supporting the Oxford Wheels Project with this development; and
- (2) That the Council's £50,000 contribution towards the scheme was only released upon the conditions of the grant being met, that is the full amount of funding making up the cost of the scheme being in place, the grant being tied to a development at Meadow Lane and the scheme to be assessed by the Council as being viable with planning consent in place.

68. FUTURE ITEMS

Nothing was raised under this item.

69. MINUTES

The minutes of the meetings held on 30 June, 12 July and 22 July 2010 were approved as a correct record and signed by the Chair.

70. MATTERS EXEMPT FROM PUBLICATION

The Board resolved to note the contents of a not for publication annex to the report relating to minute item 52/agenda item 13 (Provision of Swimming to the South of the City) without moving into confidential session.

The meeting started at 5.00 pm and ended at 7.55 pm.