

# COUNCIL

Monday 23 April 2012

**COUNCILLORS PRESENT:** Councillors Benjamin (Lord Mayor), Armitage (Deputy Lord Mayor), Fooks (Sheriff), Abbasi, Altaf-Khan, Bance, Baxter, Brett, Brown, Brundin, Campbell, Clarkson, Cook, Coulter, Darke, Goddard, Gotch, Hazell, Jones, Keen, Khan, Lloyd-Shogbesan, Lygo, Malik, McCready, McManners, Mills, Morton, Pressel, Price, Rowley, Rundle, Sanders, Seamons, Sinclair, Smith, Tanner, Timbs, Turner, Van Nooijen, Wilkinson, Williams, Wolff and Young.

## 109. MINUTES

Council resolved to approve the minutes of the ordinary meeting held on 20<sup>th</sup> February 2012.

## 110. DECLARATIONS OF INTEREST

Councillors declared interests as follows:

- (a) Councillor Beverley Hazell declared a personal interest in agenda item 13 (Allocation of preventing homeless grant and Oxford City grant for Homeless Services) as she was an Oxford City Council appointed representative on Oxford Homeless Pathways. (Minute 121 refers).
- (b) Councillor Gill Sanders declared a personal interest in agenda item 13 (Allocation of preventing homeless grant and Oxford City grant for Homeless Services) as she was a City Council appointed Member on the Management Committee of the Gatehouse. (Minute 121 refers).
- (c) Councillor Val Smith declared a personal interest in agenda item 13 (Allocation of preventing homeless grant and Oxford City grant for Homeless Services) as she was an Oxford City Council appointed observer for O'Hanlon House and 'Steppin Stones'. (Minute 121 refers).
- (d) Councillor Nuala Young declared a personal interest in agenda item 15 (Corporate Plan 2012-2016 – Targets) as she derived a small income from the Tourist trade via the Tourist Information Centre. (Minute 123 refers).

## 111. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Rae Humberstone and Gwynneth Royce.

## 112. APPOINTMENTS TO COMMITTEES

None.

### **113. LORD MAYOR'S ANNOUNCEMENTS**

The Lord Mayor made the following announcements:

- (a) The Lord Mayor informed Council of the recent death of Peter Nixon who was the former City Secretary and Solicitor to the Council from 1974 until his retirement in 1983.

Council stood for a minutes silence as a mark of respect.

- (b) The Lord Mayor informed Council that Fred Ingram, a former Lord Mayor of the Oxford had recently celebrated his 100<sup>th</sup> birthday and on behalf of Council would pass on the Council's congratulations and best wishes.
- (c) The Lord Mayor informed Council that the Standards regime that had existed in Local Government since 2000 would come to an end shortly, and wished on behalf of Council to thank all of the Parish and independent Standards Committee Members for their hours of selfless and enthusiastic service to standards and conduct matters on the Council.
- (d) The Lord Mayor invited all of the Councillors who were not seeking re-election in the forthcoming May local elections to stand and for Council to thank them for their services and general good humour over the years at this and other meetings of the Council.

Beverley Hazell  
Clark Brundin  
Bryan Keen  
Bob Timbs  
Stuart Craft  
Nuala Young  
Matt Morton  
Nathan Pyle  
Stephen Brown

### **114. SHERIFF'S ANNOUNCEMENTS**

The Sheriff wished to thank Council Officers who had contacted Network Rail which had started to clear land next to Port Meadow, but had cleared more than they should have and had not informed the right people that they intended to carryout this work. Network Rail subsequently halted their work.

### **115. ANNOUNCEMENTS BY THE LEADER**

The Leader of the Council (Councillor Bob Price) made the following announcements:

- (a) The Employers Association for Local Government had refused to make an offer as part of a National Pay Claim. He said that he had written to the Unions expressing his dislike of this action.

- (b) The City Council had always supported the Sustainable Communities Act, but the Government was delaying the second phase. He had written to the Secretary of State requesting that the regulations were placed in Statute as soon as possible.

#### **116. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE, THE CHIEF FINANCE OFFICER AND THE MONITORING OFFICER**

None made.

#### **117. ADDRESSES BY THE PUBLIC**

Council received and took six addresses to Council (text of the addresses are appended to these minutes, along with an Officer response the address from Nigel Gibson concerning "Disability and Leisure in Oxford").

- (1) William Clark – Democracy in Oxford.
- (2) Edward Chipperfield – Sale of St. Clement's Car Park.
- (3) Nigel Gibson (1) – Disability and Leisure in Oxford.
- (4) Nigel Gibson (2) – Swimming Pools in Oxfordshire.
- (5) Georgina Gibbs – Loss of green spaces, overdevelopment, flooding and increased traffic in Northway.
- (6) Louise Kulbicki – Ecocide.

#### **118. QUESTIONS BY THE PUBLIC**

Two questions were submitted by members of the public as follows:

- (1) **Question to the Board Member, City Development (Councillor Colin Cook) from Sietska Boeles**

Student numbers living in private properties

There is a widespread view that student numbers living in private properties have been misrepresented by the two universities, and there are concerns that the city council don't adequately monitor local plan policies related to student housing. Following requests by residents groups in East Oxford and Headington the Council agreed to investigate these matters last September. In March local Councillors and residents were informed by the Council that their report would be published in early April. I understand that the report is finished but that the Council won't release it until the end of April at the earliest. Is it right that the City Council should suppress this report until after the local elections? Why cannot it be released immediately?

**Response:** We have consulted both universities on a first draft report although we have had feedback from Oxford Brookes University. We are awaiting comments on a second draft. Oxford University has been given until Tuesday 24th April to respond. The report will be published as soon as possible after that.

**(2) Question to the Board Member, City Development (Councillor Colin Cook) from Georgina Gibbs**

12 Saxon Way

I understand that one of the councillors from the Headington Hill and North Way Ward has, in his capacity as chair of Northway Residents Association, signed a legal agreement which transfers ownership of the Northway Community Centre to private developers. Can you give me the full written details and the date of this agreement.

Can you clarify the following please:

- (1) Is the City Council assisting the councillor with legal advice on this matter;
- (2) If so can you give me the full written details of the advice and let me know if this advice was given by the in house legal team and/or was legal advice sought from outside;
- (3) Will further legal advice be sought?

**Response:** The Council has not given legal advice to the trustees of the community centre. We are not in a position to advise them – not least because one of the documents is a tripartite agreement between them, the Council and Greenspace.

We understand that the Community Association has had independent advice from a Solicitor engaged directly. In addition, they have had the benefit of independent advice from Community Matters, the national body that offers support to community association nationwide, and general support from the Communities and Neighbourhoods Team at the City Council.

I pay tribute to Councillor Roy Darke's sterling efforts to improve the facilities available to the people on the Northway estate.

Councillor Roy Darke also spoke and said that he had been elected as Chair of the Community Association in March 2011. The Association had taken independent legal advice and following this a 25 year lease was put in place with a peppercorn rent. With regard to him not being the Chair, he said that an impromptu Annual General Meeting had also been held, which had not been advertised in accordance with the Community Associations Constitution and this matter was not being adjudicated on by the Charity Commission. He added that he would be happy to step down as Chair at the next AGM of the Community Association, but had only stood initially as there were not enough people interested to be Trustees.

## **119. EMPLOYMENT POLICIES**

Council had before it a report of the Head of People and Equalities and an extract from the minutes of the City Executive Board held on 8<sup>th</sup> February 2012. (previously circulated, now appended).

Councillor Bob Price (Leader of the Council) moved and spoke to the City Executive Board's recommendations.

Council resolved:

- (a) To approve the following policies, agreed with Trade Unions, with immediate effect:

Maternity Policy  
Adoption Policy  
Paternity Policy  
Parental Leave Procedures  
Flexible Working Policy

- (b) To remove the Fixed Term Contract Policy and Procedure and Job Share Policy due to their contents now being included in other policies;
- (c) To authorise the Head of People and Equalities to implement the approved policies and procedures and make changes to the policies and procedures if required to correct any clerical mistakes or to reflect changes in the law.

## **120. HOUSING STRATEGY AND ACTION PLAN 2012-15**

Council had before it a report of the Head of Housing and Communities and an extract from the minutes of the City Executive Board held on 4<sup>th</sup> April 2012. (previously circulated, now appended).

Councillor Joe McManners (Board Member, Housing Needs) moved and spoke to the City Executive Board's recommendation.

Council resolved:

- (a) To adopt into the Council's Policy Framework the Housing Strategy for 2012-2015;
- (b) To approve the Housing Strategy Action Plan for 2012-2015.

## **121. ALLOCATION OF PREVENTING HOMELESS GRANT AND OXFORD CITY GRANT FOR HOMELESS SERVICES**

Council had before it a report of the Head of Housing and Communities and an extract from the minutes of the City Executive Board held on 4<sup>th</sup> April 2012.

Councillor Beverley Hazell declared a personal interest as she was an Oxford City Council appointed representative on Oxford Homeless Pathways.

Councillor Gill Sanders declared a personal interest as she was a City Council appointed Member on the Management Committee of the Gatehouse.

Councillor Val Smith declared a personal interest as she was an Oxford City Council appointed observer for O'Hanlon House and Stepping Stones.

Councillor Joe McManners (Board Member, Housing Needs) moved and spoke to the City Executive Board's recommendations.

Council resolved:

- (1) To approve the allocation of the homeless prevention grant for 2012/13 as follows:
  - (a) Street Services and Reconnection Team (Broadway Homelessness and Support) - £235,000
  - (b) Reconnection and Referral Co-ordinator (Under 25s) (in the process of assigning it to a provider) - £37,245
  - (c) Reconnection Rent (O'Hanlon House) - £512
  - (d) Six subsidised Beds for Under 25s (Simon House) - £4,243
  - (e) Six subsidised Beds for Under 25s (Lucy Faithful House) - £4,179
  - (f) Mental Health Practitioner at Luther Street – £25,000
  - (g) Two Education, Training and Employment Workers (Aspire) - £60,519
  - (h) One specialist Alcohol Worker (O'Hanlon House) - £8,555
  - (i) One Multiple Needs Hostel worker (Elmore Community Services) - £40,757
  - (j) Service Broker – Big Issue Foundation - £25,000
  - (k) Homelessness Liaison Police Officer (for two years with an operating budget of £5,000 for each year) - £90,000
  - (l) Elmore Team ASB Services - £8,690
  - (m) Additional Home Choice Gold Top-up - £20,000
  - (n) Continuation of Enhanced Options - £50,000
  - (o) Fraud Investigation - £80,000
  - (p) Supplementing Discretionary Housing Payments - £100,000

- (2) To approve the allocation of Oxford City Council's Homelessness Grant budget for 2011-12 as follows:
- (a) O'Hanlon House Day Centre – homeless hostel for 25+, jointly commissioned with Supporting People - £133,432
  - (b) One Foot Forward – homeless hostel for 16-25 year olds, jointly commissioned with Supporting People - £42,992
  - (c) Elmore Community Services – Complex Needs Floating Support Service for clients in Oxford City Council temporary and permanent stock - £40,757
  - (d) Elmore Community Services, Anti Social Behaviour Service – £11,310
  - (e) The Gatehouse – café for the homeless - £9,502
  - (f) 'Steppin' Stone – day centre providing emergency provision and meaningful activity - £55,000
  - (g) Simon House Hostel – provision of respite beds at an abstinence based hostel - £11,596
  - (h) Emmaus Oxford Furniture Store – recycling store attached to the Emmaus Community £25,000
  - (i) Aspire Oxfordshire – social enterprise providing work opportunities for homeless and ex-homeless people - £112,690
- (3) To delegate authority to the Head of Housing and Communities to allocate the £252,300 unallocated balance of the Communities and Local Government grant money and to make changes if necessary to the allocations of the City Council's homelessness grants budget.

## **122. ANNUAL LETTINGS PLAN - ALLOCATIONS PERCENTAGES 2012-13**

Council had before it a report of the Head of Housing and Communities and an extract from the minutes of the City Executive Board held on 4<sup>th</sup> April 2012.

Councillor Joe McManners (Board Member, Housing Needs) moved and spoke to the City Executive Board's recommendations.

Council resolved:

- (a) To approve the Housing Lettings Plan for 2012/13;
- (b) To note performance against the Housing Lettings Plan for 2011/12;
- (c) To approve that the Strategic Director, City Regeneration and the Head of Housing and Communities, brief Oxford's Members of Parliament on the effect of the Government Housing Policies on housing need in Oxford and to advise those local organisations offering housing advice.

## **123. CORPORATE PLAN 2012-2016 - TARGETS**

Council had before it a report of the Head of Business Improvement, an extract from the minutes of the City Executive Board held on 4<sup>th</sup> April 2012 and a report from the Finance and Performance Scrutiny Panel. (Previously circulated, now appended).

Councillor Nuala Young declared a personal interest as she derived a small income from the Tourist trade via the Tourist Information Centre.

Councillor Bob Price (Leader of the Council) moved and spoke to the City Executive Board's recommendations.

Councillor Stephen Brown as Chair of the Value and Performance Scrutiny Committee, spoke introduced and spoke to the report of the Finance and Performance Panel.

Council resolved to approve the proposed Corporate Plan Targets for 2012-2016.

## **124. CITY EXECUTIVE BOARD DECISIONS (MINUTES) AND SINGLE EXECUTIVE DECISIONS (MINUTES)**

Council had before it minutes of the City Executive Board and Single Executive Member meetings held since the last meeting of Full Council.

### City Executive Board decisions – 4<sup>th</sup> April 2012 (minutes)

- (a) Minute 94 – Scrutiny Report Recommendations. Councillor Jones welcomed that all of the recommendations from the Scrutiny Select Committee on Public Health had been endorsed by the City Executive Board and appreciated the involvement of Councillors Van Coulter and Val Smith in the preparation of these recommendations.
- (b) Minute 103 – The Green Deal – Delivery. Councillor Jean Fooks welcomed this and hoped that the City Council would develop coherent advice to give to people and endorsed the approach that the City Council was taking on this issue.

### Single Executive Member Decisions (Minutes)

- (1) Minutes of the Single Executive Member Decision meeting (Board Member – Housing Needs) held on 15<sup>th</sup> February 2012.
- (2) Minutes of the Single Executive Member Decision meeting (Board Member – Cleaner Greener Oxford) held on 16<sup>th</sup> February 2012.
- (3) Minutes of the Single Executive Member Decision meeting (Board Member – Finance and Efficiency) held on 20<sup>th</sup> February 2012.



- (4) Minutes of the Single Executive Member Decision meeting (Board Member – Housing Needs) held on 27<sup>th</sup> February 2012.
- (5) Minutes of the Single Executive Member Decision meeting (Board Member – Finance and Efficiency) held on 2<sup>nd</sup> March 2012.
- (6) Minutes of the Single Executive Member Decision meeting (Board Member – Finance and Efficiency) held on 29<sup>th</sup> March 2012.

## **125. RECOMMENDATIONS AND REPORTS FROM SCRUTINY COMMITTEES**

No reports submitted.

## **126. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL**

### **(a) Questions notified in time for replies to be provided**

#### **1. Question to the Board Member, Cleaner Green Oxford (Councillor John Tanner) from Councillor David Williams**

##### Commercialisation of Services

Now that the Council has introduced charges for Pest Control and Garden Waste collection would the Portfolio Holder give an indication what other Council services he intends to 'commercialise'.

Could he confirm that in other Councils where this payment route to service delivery has been followed it has led to the Council withdrawing from provision of the service or its privatisation.

Would he acknowledge publicly that charging for these services has effectively depressed demand for actions that are generally for the common good.

Would he agree with me that if Mrs. Margaret Thatcher were the Rubbish Tsar in Oxford she would no doubt follow his policy directive. Could he explain how his free market actions seem rather counter to his socialist rhetoric.

**Answer:** The Garden Waste Collection Service has been a huge success with over 13,000 customers. The Council has continued to provide the service to those on Housing Benefit and Council Tax Benefit free of charge. It is a type of household waste for which a charge can be made. In Direct Services we already provide services from Building Maintenance, Engineering, commercial waste/recycling and provide MOT services. These areas we hope to expand in the coming years and it is not the Council's intention to outsource these services.

It has been demonstrated that the quality of services are high and that demand has increased. This is an encouraging start to a strategy which will help maintain jobs and raise the Council's profile of providing quality services.

Our strategy is to keep our Council Tax low to benefit all those who live and work in the City and to ensure that there are no compulsory redundancies, which so me are sound socialist policies that are delivering these objectives.

On response to a supplementary question from Councillor Williams, Councillor Tanner said that there was no evidence that the charge was suppressing demand, but he agreed with Councillor Williams that it was not a service that should be charged for and encouraged him to join him in getting rid of the Coalition Government.

**2. Question to the Board Member, Cleaner Greener Oxford (Councillor John Tanner) and the Board Member for Housing Needs (Councillor Joe McManners) from Councillor Jean Fooks**

Water butts

As Oxford is now subject to a hosepipe ban, would the City Council consider providing water butts on request for Council properties, to help tenants water their gardens? Should water butts not be recommended too for all new housing, to reduce tapwater usage generally?"

**Answer:** We do stipulate some water conservation measures in new build, and I agree that for our own new build it should be part of the plans as far as possible.

For tenants who request water butts, we will look if there is room in the HRA to fund them (which would also require fitting)

In response to a supplementary question from Councillor Fooks concerning additional publicity, Councillor McManners agreed to ask officers to investigate the costs involved.

**3. Question to the Board Member, Finance and Efficiency (Councillor Ed Turner) from Councillor Dick Wolff**

Single Person Tax Discount

Could the Portfolio Holder clarify if Oxford City Council will abolish the Single Persons Council Tax discount?

**Answer:** The Local Government Finance Act 1992 (section 11) states that a discount of 25% is applicable when there is only one resident of the dwelling. This provision has not been affected by the technical changes to Council Tax contained within the Local Government Finance Bill that was published on 19/12/11. Thus we

have no discretion to abolish the Single Persons Discount, and would not intend to anyway.

**4. Question to the Board Member, Finance and Efficiency (Councillor Ed Turner) from Councillor David Williams**

Redundancy Pot of Money

Could the portfolio holder explain why there is over £750,000 placed in the Labour Party's Budget for redundancy payments when the stated aim of the Administration is that in future the reductions in spending will be achieved by 'natural wastage' (i.e. people resigning, moving on to other jobs or retirement to an occupational pension) rather than voluntary or compulsory redundancies.

Would he agree with me that this seems an unnecessary pot of money unless a very large number of redundancies for lower paid workers is envisaged or there are to be large scale payouts to very senior staff in their 50s who are willing to take voluntary redundancy cheques?

Could he confirm that no senior officers will be offered redundancy cheques and that large numbers of low paid workers will not be made redundant shortly after the May elections.

**Answer:** The Council remains committed to minimising the requirement for any redundancies, and in particular compulsory redundancies. As confirmed in the Medium Term Financial Strategy and the Budget (including proposals from all political groups) there is an on-going programme of post reductions (110 FTE over 4 years in the agreed version) made in full consultation with the trade unions; it is expected that many of these post reductions will be achieved by "natural wastage", as staff naturally leave the organisation, but there will be some redundancies. Indeed, the larger the contingency, the easier it is for the council to offer voluntary, rather than compulsory redundancies. It is obviously prudent to retain a contingency fund for severance costs as they arise. No new programme of redundancies is proposed or envisaged. Each redundancy is only authorised on the basis that business case gives rise to savings, factoring in the cost of the severance.

Councillor Williams in a supplementary question asked if there were no compulsory redundancies, why was there the need to have the money. In response Councillor Turner said that the Council had to make cost savings on a planned basis due to the Government cuts in funding. He explained that in the agreed Mid-Term Financial Statement, 100 plus posts had been identified over 4 years and this again was also in the budget papers which Council had. He said that there had been a large number of redundancies put forward in budget amendments which had not been agreed. He further added that there was an existing programme of efficiency savings and there were no new plans to add to this. He

concluded by urging Members to read the e-mail from Unison concerning the introduction of the Universal Credit and how this could mean the loss of staff.

**5. Question to the Leader of the Council (Councillor Bob Price) from Councillor David Williams**

Travesty of Democracy

Does the Leader of the Council agree with Councillor Tanner's public denunciation of single member decision making committees as a 'Travesty of Democracy'?

**Answer:** Single-member executive decisions are allowed for in the regulations governing local authority constitutions. Since they are governed by all the other regulations relating to executive decisions such as publication in advance and public attendance at the decision making meeting, it would be straining logic to define as any less democratic than executive decisions taken at a cabinet or executive board meeting. Councillor Tanner's point was more directed at the way in which the formulation of the recommendation to the single member concerned had been arrived at than the format of the meeting.

**6. Question to the Leader of the Council (Councillor Bob Price) from Councillor Dick Wolf**

Break up of the Occupy the City of London Campaign

Does the Portfolio Holder regret, as I do, the removal; of the Occupy protest camp outside St. Paul's Cathedral, which was so effectively drawing attention to the disastrous impact of what Prime Minister Gordon Brown once praised as a "new golden age for the City of London"?

Would he agree with me that since the early 1980's successive Conservative and Labour governments have, through 'light touch' regulation, transferred too many levers of power into the control of an unaccountable global finance industry, and that for all its talk the present Coalition Government is showing no real intention of constraining that industry's excesses and chicanery?

**Answer:** The origins of the banking and finance crisis can be traced back to the so-called Big Bang driven by the Thatcher government and associated measures taken in the US at the same time. These changes led to the development of increasingly complex financial tools and processes in the last decade of the 20<sup>th</sup> century and the first decade of this century. As one of the world's major financial centres, the City of London was at the heart of these developments, and the growth of employment, turnover and profitability in the City in that period was a key feature of the development of the UK economy from which significant wider public benefit was derived. It is a sobering reflection on the weakness of international financial regulation that no national or

international body had the analytical or constitutional capacity to intervene in a system built on a derivatives structure underpinned by unsustainable property valuations and reckless lending policies. The St Pauls protesters, as well as many other campaign groups around the world, and Socialist politicians such as the French presidential candidates, Francois Hollande and Jean-Luc Melanchon, are doing a great service to the global community by maintaining a clear spotlight on the need for a globally integrated system of controls on international financial capitalism.

**7. Question to the Leader of the Council (Councillor Bob Price) from Councillor Jean Fooks**

The Military Covenant and housing

Oxford City Council has signed the Military Covenant along with Oxfordshire County Council and the other districts. I think we all recognise the particular difficulties facing ex-military personnel on leaving the service, after many years being accommodated by the MOD. Although the covenant does not, and was not intended to, give ex-military personnel priority in social housing, it does imply that their particular needs should be given sympathetic consideration. I am very concerned that City Council staff should be trained to recognise that ex-military personnel may need more guidance than others in finding accommodation in Oxford's very difficult housing situation. Can we be assured that the City Council will recognise their particular situation and treat them with the same sympathetic understanding that they display to other potentially vulnerable applicants?"

**Answer:** Oxford City Council has signed and supports the Military Covenant, and ensures that members of the armed forces are assisted in their housing priority-for example we do not apply local connection rules which could disadvantage service personnel who move and do not spend long in the local area.

Oxford has exceptionally high housing demand, and is the least affordable location in the UK, outside parts of London. We have over 6,000 households on our Housing Register. This year we expect to have 550 council or housing association homes available to let. With 475 households assessed as having exceptional or urgent need (Band 1 or 2), we already have over 100 households in emergency homeless temporary accommodation. This number is rising with the cuts to housing and welfare benefits. In addition, we have a further 1,475 households assessed with a significant housing need (Band 3), which includes severely overcrowded families and homeless persons who need to leave the city's frontline hostels. The Government's new Right to Buy scheme and the removal of the previous limit on discounts will increase the sale of Council homes and reduce the amount of rented homes available in the city. The Council keeps its Allocations Policy under review, and further Government guidance is expected later this year.

It is not practical to put service personnel automatically at the front of the queue but housing officers will treat veterans with respect and sympathy and help as much as they can within the limited resources. Officers recently met with other Oxfordshire Districts, the County Council, and a representative of the armed services on this issue. As a result of this meeting, it was agreed that the City and Districts would:

Develop an information pack for members of the armed forces, work more closely with the military information service to ensure that they are aware of policies and processes and place information relevant to armed forces personnel seeking housing on the relevant web sites.

**8. Question to the Board Member, Customer Services and Regeneration (Councillor Val Smith) from Councillor Jean Fooks**

Lost forms

I am becoming aware of several cases of forms being lost by the Housing benefits and allocation services. What action is being taken to ensure that forms, once delivered, are not lost but reach the right person and are dealt with as they should be? What checking is in place to ensure that the citizen concerned is informed if an expected form does not reach the intended member of staff?

**Response:** There are no reported incidents of lost Housing Benefits forms either in the back office or the Customer Service Centres, or lost allocation forms that may come into the Customer Service Centres.

In terms of the Housing Benefit Service, any documentation that is sent in by post, will be delivered to the Council's Post Room in the first instance, and this is then given to the Customer Services Scanning Team. The standard is to scan documentation received and return any original documentation within 24 hours.

In terms of any evidence brought in person, this is either copied on the spot and the originals handed back to the customer. Alternatively, if the customer does not want to wait, the customer can place their documentation in a sealed envelope. These items are then passed into the relevant back office service (i.e. either the Benefits or Allocations Team) deliveries being made twice daily.

In terms of Housing Benefit, if we are expecting evidence to be supplied, a diary note will be made of this on our software, and if not received by the due date the customer will be contacted for it.

The Housing Benefit Service is moving towards risk based verification in the next couple of months. It is anticipated that the introduction of this way of working will mean that circa 55% of what will be classed low risk claims will only need to provide proof of

identity, production of a National Insurance Number and if they are a student formal confirmation of status. In addition, we are also going to introduce the opportunity for customers to make a housing benefit claim on-line. Both of these initiatives will significantly reduce the amount of paper that we are currently processing. If the Member has any further cases, then she should inform me.

**9. Question to the Leader of the Council (Councillor Bob Price) from Councillor David Williams**

Improvement in the reduction of staff absences

Although there is a long way to go would the Leader of the Council join with me in praising the relevant officers of the Council in the recent improvements in attendance levels (days off work), keeping the number of registered homelessness figures down in the face of major changes to the Housing Benefit System and the increasing use of the Council Web page references?

**Response:** This reduction is a good example of management action across the Council and achieved an attendance improvement of 40% over the past 3 years. This will be maintained through the work being undertaken through the Wellbeing Programme, but we still have a long way to go on the use of the Council's website.

Councillor Williams in a supplementary question said that when something happens that is good we should congratulate the Officers, for example in holding down the number of homeless in the City which is something that we should be proud off. In response Councillor Price said that we neglect at our peril not to show staff that Members had confidence in them and to congratulate them on improvements etc.

## **127. STATEMENTS ON NOTICE FROM MEMBERS OF COUNCIL**

Councillor Jean Fooks made the following statement to Council.

### **Adoption of road in Cutteslowe**

Many years ago the then Chiltern Hundreds Housing Association bought the site of the demolished Cutteslowe Court old people's home in Cutteslowe and acquired four bungalows and some disused Council garages accessed along Wyatt Road to enlarge the land available for development. After some time planning approval was given for 33 units of social housing, all for rent, namely three and four-bedroom houses and good-sized two bedroom flats. These were built and occupied in 2008, with very many young children in both the houses and the flats. Almost immediately the residents expressed concerns about the speed of traffic coming along Wyatt Road round a blind corner onto the estate – where the children played on the paved road due to lack of an allocated play space. Vehicles parked on this narrow access road and this created a further hazard due to poor visibility. As local councillors Councillor McCready and I

asked for traffic calming measures and some yellow lines to prevent obstructive and dangerous parking.

It eventually transpired that the section of road between Jackson Road and the houses on the estate still belonged to the city council. The County Council are willing to adopt this road, so that traffic calming and yellow lines can be considered, but require the road to be brought up to adoptable standard first. This is estimated to cost about £15,000, to redo the pavement and resurface the road. Paradigm Housing Association, the current owners of the estate, have brought their roads up to adoptable standard but the County Council cannot adopt them until the link road to Jackson Road is adopted too. The City Council is not willing to fund the necessary work, despite this being necessary to finish the job of providing social housing for our citizens.

We understand that this may be an unusual situation but the City Council's failure to accept any responsibility for this short piece of road, despite being the owners, is putting tenants, and especially their children, at risk. I ask that this work be considered a priority just as soon as funds are available in the new financial year.

Following the Statement by Councillor Fooks, Councillor Turner said that this was a suggestion that the Council should spend money and should be considered during the next round, but added if the possibility arose sooner then it should not have to wait.

## **128. PETITIONS**

None were submitted for debate.

## **129. MOTIONS ON NOTICE**

Council had before it nine Motions on Notice and reached decisions as follows.

### **(1) Democratic Structures for Oxford City Council – (Proposer – Councillor Nuala Young, seconded by Councillor David Williams)**

Oxford City Council recognises that the recent changes to decision making have been undemocratic and would seek (as made possible under the Localism Act) to return to a more open and fair system of local government that encourages participation and engagement by the Community.

The Council will.

- (1) No longer invest powers in a single 'Strong Leader'. Such powers will be devolved amongst service committees focused on specific Council functions.
- (2) Return to decision making focused on all party representative committees reflecting the political balance on the Council with committees reflecting service delivery with a central policy committee to set strategic objectives.



- (3) Restore the Area Committees with their officer support, devolved budget and planning powers along with other additional devolved powers.
- (4) The Council will return to a six week cycle with 8 meetings a year one of which will be a distinct budget setting Council.
- (5) Restore the duty on planning officers to inform those residents adjacent to and near to a proposed planning allocation.

A report on the Constitutional Changes required to implement these changes, to be brought to the present City Executive Board for implementation in the autumn period.

***Councillor Stephen Brown move an amendment as follows:***

*To delete paragraph 3 and replace with the following words:*

*Will devolve power to democratically accountable Community Assemblies, and give them control over local spending such that residents and community groups in every part of Oxford can achieve real improvements in their own area. Using provisions in the Localism Act, local control will be established over key planning decisions, grants to community bodies, street cleaning, community centre management, highway maintenance and management of parks. These Community Assemblies will be responsive to local needs and priorities, and will encourage areas to develop their own Neighbourhood Plans.*

The mover of the substantive Motion, Councillor Nuala Young, accepted the amendment by Councillor Stephen Brown. Following a debate, Council voted:

- (a) To not adopt the amendment by Councillor Stephen Brown;
- (b) To not adopt the substantive Motion by Councillor Nuala Young.

**(2) Temple Cowley Pools – (Proposer – Councillor David Williams, seconded by Councillor Nuala Young)**

Given the escalating cost of the project to build a new swimming Pool at Blackbird Leys, the growing public opposition to the proposal and the pending legal actions against the scheme, this Council will abandon the proposed development and will commence the refurbishment of Temple Cowley Pools and the existing Blackbird Leys pool.

The estimated cost of refurbishment and contract withdrawal being taken from the capital allocation set aside for the building of the proposed new pool at Blackbird Leys.

Following a debate, Council voted and the Motion was not to adopted.

**(3) Ecocide – (Proposer – Councillor Matt Morton, seconded by Councillor Nuala Young)**

The International Criminal Court was formed in 2002 to prosecute individuals for breaches of 4 Crimes against Peace. They are: Genocide, Crimes against Humanity, War Crimes and Crimes of Aggression. Ecocide has been proposed as the missing 5th crime against peace.

There is a proposed amendment, which if accepted will add Ecocide as a crime against peace. This will change the way the earth is exploited and allow big business to avoid harmful practice and still fulfill their legal obligations to shareholders. In order to pass a 2/3rd majority is needed, and the UK could play a major role in tipping the balance.

This council believes that this amendment is an important step in ensuring the future sustainability of Oxford city and the global environment. We ask the executive to contact the 2 MP's for Oxford to ask them to support the UK diplomatic service in supporting this amendment in the UN.

Following a debate, Council voted and the Motion was adopted.

**(4) Boating Community – (Proposer – Councillor Matt Morton, seconded by Councillor David Williams)**

The boating community and residential boaters are an integral part of the character of the City of Oxford yet, in a time of growing housing need, their welfare is often overlooked in City provision.

In light of this situation, Council resolves:

- (1) to re-direct the £44,000 allocated in the recent budget for an extra riverbank enforcement officer to a new welfare and support worker post dedicated to supporting residential boat dwellers.
- (2) that the welfare and support worker post will include an understanding of the needs and challenges residential boat dwellers face and what support is available to them.

Following a debate, Council voted and the Motion was not adopted.

**(5) Times Safer Cycling Campaign – (Proposer – Councillor Val Smith)**

This Motion was taken with Motion 8 – Oxford Cycle City Project.

This Council supports the Times newspaper safer cycling campaign.

Following a debate, Council voted and the Motion was adopted.

**(6) NHS PFI Loan Programme – (Proposer – Councillor David Williams, seconded by Councillor Nuala Young)**

The NHS in Oxfordshire faces years of financial pressure which will inevitably affect the quality of health care for the people of Oxfordshire.

One of the larger elements of pressure comes from the need for Oxford University Hospitals NHS Trust to pay at least £53 million per years to the owners of its PFI facilities. PFI paymentst are inflated by the profits taken by the owners and the very higher interest rates required from private

companies compared to public entities such as local councils.

Northumberland County Council, have recently provided a loan to Northumbria Healthcare Trust to secure savings from its PFI contracts and to help buy out part of the contractual obligations. The Government, although accepting that PFI deals are a crippling burden on local Health Carer Trusts, would appear to be making no provision to buy out PFI contracts or ease the burden on NHS Trusts. In view of this fact Oxford City Council would seek to investigate in conjunction with the County Council and other District Council if it could use its investment portfolio to formulate a loan scheme that would reflect the Northumbrian NHS investment programme.

This City Council therefore requests that the CEB appoint a working Party of appropriate members and officers to investigate with colleagues from the County Council and Oxford University Hospitals Trust, the potential for savings to be made through provision of a loan support investment package funded by the Oxfordshire local authorities to ease PFI burdens but still return a reasonable dividend to local council coffers.

***Councillor Ed Turner moved an amendment as follows:***

*To delete the final paragraph and inset a new paragraph with:*

*Council therefore requests that officers investigate the feasibility of a loan support investment package, including appropriate dialogue with the Hospitals Trust and other local authorities, and report back to the leaders of political groups upon the outcome of this exercise, so that work can be progressed if feasible and appropriate.*

The mover of the substantive Motion, Councillor David Williams accepted the amendment by Councillor Ed Turner. Following a debate, Council voted and the amended Motion was adopted as follows:

“The NHS in Oxfordshire faces years of financial pressure which will inevitably affect the quality of health care for the people of Oxfordshire.

One of the larger elements of pressure comes from the need for Oxford University Hospitals NHS Trust to pay at least £53 million per years to the owners of its PFI facilities. PFI paymentst are inflated by the profits taken by the owners and the very higher interest rates required from private companies compared to public entities such as local councils.

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Council therefore requests that officers investigate the feasibility of a loan support investment package, including appropriate dialogue with the Hospitals Trust and other local authorities, and report back to the leaders of political groups upon the outcome of this exercise, so that work can be progressed if feasible and appropriate”.

**(7) Scrutiny – (Proposer – Councillor David Williams, seconded by Councillor Dick Wolff)**

Oxford City Council, recognising that all of its members have been elected to play an active part in the formation and implementation of Council policies, believes that Scrutiny is an important part of the democratic process. This is especially true now that one-person committees have been introduced, extra powers given to the Council Leader and that decision-making has been concentrated in the hands of a small group of majority party councillors, thereby distancing 'backbench' and opposition councillors from discussion and decision-making. Now that Area Committees have been abolished and many powers such as planning centralised in fewer committees dominated by the majority party, it is especially important to ensure that a robust and effective system is in place for assessing Council performance across the whole city (not just those parts represented by the majority party), and for monitoring the impact of existing and proposed Council policies.

With this clear democratic need made more obvious by the continued centralisation it is most important to resist moves to reduce the number, briefs and powers of the already reduced in number Scrutiny Committees and to make a commitment that this Council will maintain at least two existing major scrutiny panels with the present criteria for review undiminished along with the 'call in' principle for ward spend allocations, planning decisions and single members 'committees'.

***Councillor Stephen Brown moved an amendment as follows:***

*To delete the final paragraph and replace with the following paragraph:*

*'While noting the above, this Council defers any decision on Scrutiny Structure until a review of the current Decision Making Structure is carried out and the re-introduction of Committee Decision Making, in some form, is considered.'*

***Councillor Bob Price moved an amendment as follows:***

*To delete all of the words after the first sentence in the first paragraph of the Motion.*

Councillor David Williams Motion on Notice was not considered nor was Councillor Stephen Brown's and Bob Price's amendments as the time allowed by the Constitution for Motions on Notice had lapsed.

**(8) Oxford Cycle City Project – (Proposer – Councillor Graham Jones, seconder Councillor Jean Fooks)**

This Motion was taken with Motion 5 – Times Safer Cycling Campaign.

This council applauds the work already done by officers and stakeholders on the Oxford Cycle City project;

asks officers to refine further the prioritised list of schemes through consultation with local communities and ward councillors as well as the excellent involvement of organisations such as Cyclox and Sustrans – not least on local infrastructure;

welcomes the many positive ideas set out in a letter to local authorities by the Cycling Minister, Norman Baker, and the moneys for encouraging and improving cycling earmarked by the Coalition government;

urges the inclusion of a city-centre cycle hub and more cycle stands further up the list of priorities;

notes the recent unanimous vote of the county council to work closely with districts on these issues;

and calls on the County Council, in consultation with Cyclox and the City Council, to take measures to implement in Oxford *The Times* eight-point plan for making “Cities fit for Cycling”, and to respond to cyclists’ concerns in relation to shared space proposals such as those for Frideswide Square.

Following a debate, Council voted, and the Motion was adopted.

**(9) Council Estate Management – (Proposer – Councillor Stuart McCready, seconder Councillor Jean Fooks)**

Up until the start of the 2011/12 financial year, twelve estate managers provided a landlord presence that reached all Council housing in Oxford. The estate manager visited frequently and kept a constant pro-active eye out for problems and knew which department had the solutions. Tenants knew who their estate manager was and could depend on getting a reply when they asked their estate manager to visit, see what a given problem was, and provide advice, help and advocacy in identifying and dealing with the City departments that had the solutions.

For the past year we have had only five estate managers for the whole City, and the emphasis has been on tenants identifying and contacting for themselves the specialist team most likely to help with a given problem - and then they cannot be sure of dealing with the same person twice in a row. This has meant that tenants are faced with a more fragmented, and consequently less effective, landlord service. There is a sense on some estates that cases that were progressing when an estate manager was on the case have stalled and even very simple matters sometimes seem a bewildering challenge to get seen to.

The Council therefore requests officers to investigate restructuring the landlord function to ensure that every tenant has a single familiar officer to whom they can reliably turn for a home visit and advice when they need help or service from the Housing Department.

Councillor Stuart McCready's Motion on Notice was not considered nor as the time allowed by the Constitution for Motions on Notice had lapsed.

**130. REPORTS AND QUESTIONS ABOUT ORGANISATIONS THE COUNCIL IS REPRESENTED ON**

None raised.

**131. SENIOR MANAGEMENT RESTRUCTURES - DELEGATION**

The Head of Law and Governance had submitted a report (previously circulated, now appended) which proposed an amendment to the Council's Constitution that would have the effect of granting the Chief Executive authority to implement organisational changes at senior levels of the Council.

Council resolved to adopt with immediate effect the proposed amendment to the Council's Constitution and to authorise the Monitoring Officer to amend the Constitution accordingly.

**132. REGULATION OF INVESTIGATORY POWERS ACT 2000 - 1ST APRIL 2011 TO 31ST MARCH 2012**

The Head of Law and Governance has submitted a report which reports the Council's application of its powers under the Regulation of Investigatory Powers Act 2000.

Council is asked to note the use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) during the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012.

**The meeting started at 5.00 pm and ended at 9.15 pm**

## Democracy in action

As a resident of this wonderful city of ours I find it hard to believe the damage you are causing with very little heed to its inhabitants. This city consists of a plethora of different beliefs and you, their elected representatives, are here to ensure their needs are met and to that end it is your duty to make representation of all who ask of your services. If a constituent told you of their concerns you would champion them at the drop of a hat so why is it that the representatives of Blackbird Leys should be any different. There are 14 constituent members all concerned about the same thing, the Blackbird Leys Park, yet their wishes are ignored in fact there is a discrimination against them for deigning to challenge those elected members.

I have attended this chamber on a number of occasions and heard address's from members of the public ranging from toilets, houses of multiple occupation, horse draw carriages, pensioner groups, open space issues to name but a few but they all have one thing in common their concern that you are destroying the democracy that this place is supposed to represent.

This chamber was set up to allow positive debate between all interested parties and for them to come to an amicable conclusion. The items you use, be they a mace, sword or Black Rods Staff, have there origins set way back in time. Yet you in your wisdom are demeaning those hard fought for rights.

Last month I attended the county council planning committee meeting to defend the Blackbird Leys Town Green application. On that committee there were two councilers from this chamber who declared a vested interest in the outcome so when the vote was requested one counciler, to his credit, abstained from the vote the other member couldn't get his hand up fast enough. If this is a demonstration of what our elected members are capable of then surely it is time for those individuals to remove themselves from this chamber and get people who understand the need for clarity in what they do and not be coerced by party politics.

This chamber comprises individuals from a range of parties which is only right but when one dominates as this one clearly does democracy is only a word and it will not work. You need a positive representation in order to ensure democracy is achieved.

There are members here tonight who will not be here following the council elections whether that is through their choice or the voters remains to be seen, but I challenge you now and say it to my face "There is no party agenda". If you think I am that gullible to believe you do not have ulterior motives then you shouldn't be here in the first place step aside and make way for some one who cares about this city and is prepared to fight for it not against it.

You do have the ability to turn this around and it is called positive action not squandering millions of pounds on some ones little pet project, a swimming pool on Blackbird Leys, but some thing more beneficial. Spend money in the right areas and don't cut it because that is what you think you have to do. Consider your actions and who will be hit the hardest, in the majority of cases it is the lower paid worker or the elderly or the disabled. How many of you want to retire into this environment. How many of you can afford to live on the state pension how many of you intend to move abroad, with all the wealth you have accrued, when you retire and leave the mess that you have created to others.

It's never too late to do something positive but do it now before it is too late. Spend our money wisely not on a swimming pool which will turn into a white elephant.



## **Address to Full Council, April 23rd.**

I speak on behalf of the East Oxford Resident's Associations Forum (*EOARF*).

We urge the City council to reconsider the sale of St Clements car park, return the non-refundable deposit of £350 000 to the Watkin Jones Group and withdraw completely from this contractual agreement. We understand that the contract arrangements for the sale of the site are subject to planning permission for the development of least 128 student units.

After a successful campaign by St Clements and High Street Traders, EOARF, Oxford University and local amenity groups, councillors rightly refused permission for the proposed development last September because:

- 1) The design, massing, scale and height of the proposed student development for 140 self-contained units was out of context with both the St Clements and Iffley Road Conservation Area and the Central Conservation Area, and would have an adverse impact on the listed buildings there including the Grade II-listed Florey Building
- 2) The overbearing aspects of the development would have an unacceptable impact on the privacy and amenity of the residents living in adjacent properties
- 3) The proposed replacement car park at Harcourt House on Headington Hill was regarded as unacceptable due to its location and the inadequate number of parking spaces.

EOARF now understands that Watkin Jones is working with the City Council planning department on a new planning application which is based on a similar brief, namely for 140 self-contained student units and around 75 parking spaces, which, like the previous proposal, represents a reduction by a third of the current capacity. No suitable replacement car park has been proposed.

We are frustrated and angered that the City Council shows little regard for the views of the local community who are united against a massive student housing development on the St Clements car park site. We fear that the loss of parking places and the lack of adequate replacement parking will be a final blow to local businesses that are already struggling in this very difficult economic climate.

We urge you therefore to listen to the East Oxford community and terminate the contractual arrangements with the Watkin Jones Group and work with the community towards a sustainable, vibrant local economy; balanced, friendly neighbourhoods and the preservation of East Oxford's historic environment.

**On behalf of the EOARF**



## Disability and Leisure in Oxford

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My name is Nigel Gibson, and I am speaking on behalf of the Save Temple Cowley Pools Campaign.

In attempting, unsuccessfully as far as the general public is concerned, to make its case for closing two perfectly good leisure facilities and replacing them with one single 25m non-Olympic swimming pool in a place where there is no demand, the Council claims that a new pool will be so much better because it will be compliant with the DDA, the Disability Discrimination Act.

Well, like all the information that the Council has provided in support of its ill-fated venture with over £13m of taxpayers money, on examination this claim proves yet again to be a combination of misleading, inaccurate, incomplete and untrue.

I was speaking recently with a lady whose husband is disabled; he uses Temple Cowley Pools several times a week - not for swimming, but simply to get into the water and exercise. It's only 15-20 minutes a time, but he goes when he wants to and he can get there in a wheelchair.

It's really interesting that the Council and their highly paid consultants who are "experts" (and so we must trust them when they say claim that Temple Cowley Leisure Centre is not DDA compliant, whereas the proposed new swimming pool in Blackbird Leys is compliant. The DDA is the Disability Discrimination Act 1995 that has led to changes in many public spaces to increase access for the disabled. Mind you, there's no way anyone in a wheelchair can get to see the Council at work in the Town Hall; access to the council viewing gallery for most fully-abled people is a complete pain, and extremely uncomfortable once you do get there. The acoustics are so bad that it is difficult for most to hear all that is said in council meetings.

Apparently the proposed new, only-25m, non-Olympic pool at Blackbird Leys will be DDA compliant. Well, let's compare and contrast.

At TCP, disabled swimming provision means that this gentleman has his own access to the pool area, through a corridor with separate large changing facilities. These are close to the pool, he can have a poolside wheelchair to get him to the water, or he has the option of a hoist. However, hoists are not what he wants - although physically disabled, he wants his dignity retained, and Temple Cowley Leisure Centre provides that - the proposed new pool would not.

The competition swimming pool at Temple Cowley Leisure Centre provides gently shelving steps with a handrail - this preserves dignity with access to water for those who can walk, like this man. He doesn't want to have to use a hoist, and he doesn't want to have the dependence or trouble or to take the time having to drive further away, which for him would mean Blackbird Leys if the Council gets its way.

Now, at the proposed new pool, there will be no shelving steps - access will be built into the sides of the pool; the vertical climb in and out will be too much for him. The option of a hoist will be very public and will not preserve his dignity. Neither will the other option, of having to use the 'learner pool', which will be too shallow for the exercise he takes.

## Disability and Leisure in Oxford

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Apparently the proposed new pool is DDA compliant - apparently Temple Cowley Leisure Centre is not.

Well, have we got news for you - if you take the time to read the DDA, it says quite clearly that it is not possible to be "compliant" – only that appropriate measures need to be taken to provide access as far as practicable. Hence, the Council provides disabled access to the floor of their debating chamber via a lift at the Town Hall, but it would be too difficult and costly to provide similar access to the cramped viewing area, so they haven't.

The only DDA issue at TCP is the lack of a lift to get someone in a wheelchair up to the first floor and use the exercise studio and the gym. Well, the lift shaft is there, we know because (a) we can see that as you walk in to TCP, and (b) the architect tells us he designed it - but, the Council, even nearly 30 years ago, decided to cut costs and not put a lift there, despite it being on the council's approved plans... but they could now, and for less than the £13m+ it's costing us to get a non-Olympic size pool that is less accessible than TCP.

And as a further demonstration of how the information we get fed from the Council is a combination of misleading, inaccurate, incomplete and untrue, the DDA is not even the correct legislation! It has been replaced by the Equality Act in 2011, which inherited much of the DDA and kept the same disability provisions.

So, when anyone from the Council, or a Labour Councillor or their canvassers, try and tell you that TCP isn't DDA compliant, you know the real story. The current Temple Cowley Leisure Centre is already DDA 'compliant', and preserves the dignity of disabled people in a way that the proposed new pool won't. Even if they make a provision at this late stage it won't have been designed in from the start. This is yet another demonstration that the proposed new pool is not wanted by the people of Oxford, who do want a publicly funded leisure facility inside the ring road where they want to use it. It is not too late for the Council to listen to the people, and keep Temple Cowley Pools open.

*Nigel Gibson  
Oxford  
April 2012*

## **Competition Standard Pool - Disability provision**

Assertions that there is no demand for a new pool are false. It is also false to assert that an investment of £3 million will facilitate a superior set of outcomes at Temple Cowley Pools and Gym than will be provided by a new build as planned at Blackbird Leys.

Concerning legislation, though the Equality Act replaced most of the Disability Discrimination Act from October 2010, the Disability Equality Duty in the DDA continues to apply

This Council will continue to invest to improve the quality of its Leisure Services and will provide better access for all residents, including those less able, to promote opportunities for increased well-being and better health outcomes for all.

I congratulate Leisure Services staff for achieving another record year for attendances, with more than 1.1 million users in 2011-12, including significantly increased participation from those less able.

This Council invests to improve outcomes and its leisure strategy is sound.

### Swimming pools

Temple Cowley Pools and Gym cannot be restored to a facility that will provide lasting quality leisure outcomes for three million pounds.

Mr Gibson exaggerates the cost of developing the planned pool and under estimates the investment required at Temple Cowley Pools and Gym.

The City Council's Leisure services breaks attendance records through providing what residents want at leisure facilities that are welcoming, affordable and accessible to all.

The new facility will be designed to be fully DDA compliant. A fully DDA complaint pool will increase accessibility and flexibility and enable better quality of experience with usage by target groups.

The design was consulted on with the Oxford Swans disability swimming group. Their input has enabled the pool to be fully compliant with the DDA 2011.

### **Examples include:**

#### Car Parking

The number of parking spaces will be increased by 21 spaces to the car park and an overflow area for a further 22 cars is to be provided. Upgraded coach, drop off and disabled parking areas are to be provided.

### Reception and arrival

Will be DDA compliant and welcoming for all users.

### Changing

Full disabled access to all facilities and changing areas.

### Pool hall

Installation of a longitudinal movable floor with movable floor allowing flexibility in depth. This enables far greater flexibility in the provision of disabled sessions. The movable floor to the 25m pool will be longitudinally orientated allowing shallow waters to be provided alongside deep water 25m lane swimming.

Alongside these specific adaptations, the facility will have a wider appeal across the city and beyond. It will be high quality, appealing facility that maximises usage from all members of the community.

## Swimming Pools in Oxfordshire

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My name is Nigel Gibson, and I am speaking on behalf of the Save Temple Cowley Pools Campaign.

Some of you may have noticed recently an article in the Oxford Times concerning water space; not in Oxford, for a change, but down in Didcot, in South Oxfordshire.

The Barramundi swimming club has operated successfully there for many years. This is despite the swimming facilities. The swimming pool in Didcot, the Didcot Wave, is extremely popular – it has a wave machine that operates every 20 minutes during certain sessions, much loved by children and adults alike. It combines a normal swimming lane area with a childrens play and learner area; this cleverly shelves down in to the main pool, adding to the effect of the wave machine, and providing a natural progression as non-swimmers migrate to swimming. And it also has a flume that attracts queues, mostly children, when it is operating.

Now, back to Oxford. When you talk to people about what they want from any new water and swimming space, they invariably talk about, not a competition pool, but something that offers a fun environment with a range of things to do. Pretty much like the Didcot Wave. But, of course, the Council has ignored what the public wants, and is hell-bent on providing, at a cost heading steadily north of £13m, a swimming pool that is only 25m, is non-Olympic, and with the forced closure of two perfectly sound facilities will reduce the amount of water space we have and also get rid of about 30 jobs. It will also get rid of the only publicly funded diving pool in Oxford. This diving pool offered variety when it was open, and could be brought back into use simply and affordably.

There has been a persistent rumour, yet again repeated only recently at a hustings by Andrew Smith MP, that the proposed new swimming pool at Blackbird Leys would be bigger. But not so – this rumour persists, and the Council is happy for it to persist even though it knows it is not true.

One of the reasons the Council is spending our money on this ill-fated scheme is in response to the threat from the City of Oxford Swimming Club, that if they didn't get given a brand new pool then they would have to close. At the moment, the club pays about £30,000 a year to use a variety of council pools; if the proposed scheme goes through, the club will have priority over the public in competing for the smaller amount of swimming water and time. The Save Temple Cowley Pools Campaign spoke with the Swimming Club a couple of years ago and asked them what they wanted, and why they wanted Temple Cowley Leisure Centre closed. Interestingly, they didn't want to see TCP closed; they wanted more and better seating, and more car parking spaces for their competitions. But they did want a new swimming pool. But NOT what the Council is giving them now – they wanted a 50m, Olympic size pool.

Well, the dreams of the City of Oxford Swimming Club is about to become a reality. But not in Oxford. Didcot has always been considered very much a poor relation to Oxford; not a city, merely a growing together of three villages that became a railway transport hub. And nothing

## Swimming Pools in Oxfordshire

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of architectural significance compared to the City a few miles away, and nothing of historical significance.

However, what the Didcot council has that puts this Oxford council to shame is a vision; a forward looking response to the growth in housing that will expand the town even further. They are about to build a full, Olympic-size, 50m swimming pool as part of a leisure complex to meet the needs of their public. And, at the same time, listen to the existing users and keep what they have, the Didcot Wave, open as well.

So, what will keen swimmers do in future? If Oxford City Council gets its way, they will remove publicly funded leisure from inside the ring road in East Oxford where people want it, and build a new only 25m non-Olympic pool where there is no evidence of demand. A few miles away, there will be an even newer pool that will be bigger, much bigger. And the pool in Didcot will be more accessible to the 4 x 4s of the 250-strong elite of the Oxford Swimming Club than the smaller pool in Blackbird Leys. So the predictions about overall usage dropping will come true as swimmers who want 50m swimming pool abandon Oxford, leaving the City Council, and us the taxpayers, with a white elephant costing over £13m.

But it could all be so different. The Council can still decide to refurbish and improve both Temple Cowley Leisure Centre, and remember it is not just a competition swimming pool, but also a diving pool, sauna, steam room, gym and exercise studio, and also the existing Blackbird Leys Swimming Pool, for £3m. The choice, your choice, is still there. And if Labour loses three seats in the coming elections it can become a reality.

*Nigel Gibson  
Oxford  
April 2012*



Address to Full Council April 23

Residents in Northway want to raise their concerns about the lack of democratic process in relation to development in our area. We are deeply concerned about the proposed loss in green spaces, overdevelopment and flooding and increased traffic.

In our view the City council is ignoring the views of local residents who care deeply about their communities and green spaces. We are angered and frustrated as the council leadership has little regard to national legislation, the Localism Act, where the Government has resolved to hand powers back to local communities

It is the view of the Coalition government that local people and businesses are at the heart of communities and the Government is determined to put them back in control with the choices and chances to shape the future of their local area.

Across Oxford communities are standing up against the undemocratic and unpopular schemes by City council.

- 1) Residents in East Oxford want to keep Temple Cowley pool, 18,000 people signed the petition to Save Temple Cowley Pool.
- 2) Residents in Black Bird Leys want to keep the Minchery Farm allotment site and keep the green where the new BB Leys Pool is proposed to be developed.
- 3) East Oxford residents and campaigners are united in the campaign to keep St Clements car park
- 4) Barton Residents, already under provided in terms of green space provision are very angry and campaign against the loss of their well-loved Barton Nature Park.. they feel ignored
- 5) Highfield Residents Association is campaigning against overdevelopment and traffic problems in their area due to expansion by the universities and hospitals and asked for the implementation of a planning document addressing their concerns as recommended by the Core Strategy Inspector. Their request has been completely ignored.
- 6) Residents in North Oxford are deeply concerned about the impact of the proposed Northern gateway development on their communities and Port Meadow. They are now working on a neighbour plan and hoping to use the Localism Act to get more control over their communities.

I urge the City Council to listen to the residents and work with the community to preserve precious green spaces and other community assets.

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## **Introduction**

My name is Louise Kulbicki. As a member of the public I would like to present the idea for an international crime of Ecocide to Oxford Council, in order for them to support this and trigger more political support on a UK and global level.

## **The problem**

Twenty years ago world leaders met at the Historic 1992 Rio Earth Summit, a landmark conference aimed at creating a sustainable future. Sustainable development goals were put in place, even legally binding environmental agreements were signed. But now, we're twenty years on and it is clear that we have failed to create a harmonious balance between the economy, environment and society. The planet's economic output has more than doubled. Yet a billion people are starving from hunger. The gap between rich and poor is widening.

The Earth system on which all people and all beings depend on for survival is being massively over stressed. We have learnt that the planet has nine boundaries, which if we cross could lead to irreversible environmental change, effectively moving Earth out of the stable state of the past 10,000 years – known as the Holocene – which has been so beneficial to humankind. The consequences for all life would be devastating.

At least three of these planetary boundaries have already been crossed - climate change, biodiversity loss, and nitrogen use and we are moving rapidly towards crossing others.

We are seeing mass damage and destruction to people and the planet on a scale never seen before in history. Arguably one of the most destructive projects in the world is happening is the Athabasca tar sands oil extraction in Canada. Biggest energy project in the world, the tar sands deposits are located in an area larger than England under vast tracts of boreal forest and muskeg peat bogs which are incredibly important for biodiversity and act as a massive carbon sink. Millions of barrels of tar sands oil have been extracted in a non conventional way producing three to five times as many greenhouse gas emissions as conventional oil extraction. Nasa Climate Scientist James Hansen has said that if the project is fully developed it is game over for the climate. But this isn't just about destruction to the environment it is also about destruction to people, peoples' lives are ruined due to this. In Canada massive cultural destruction is happening. Indigenous peoples lives are being ruined their culture and heritage ripped apart. The toxic tailings ponds caused by the tar sands operations are so huge they are visible from space, which leak poisons into the local water supply causing disturbingly high rates of rare forms of cancer and other diseases. Killing off populations slowly.

And closer to home, we have bee colony collapse disorder due to the use of pesticides. If bees become extinct, when we have colony collapse disorder we lose 70% of our food stuffs overnight. There's an old Native American proverb which states "When the Last Tree Is Cut Down, the Last Fish Eaten, and the Last Stream Poisoned, You Will Realize That You Cannot Eat Money."

We need to wake up and realise this before it is too late. But we do know all this, we knew it twenty years in Rio and we know it today. So, why, when we know these things, when we are all striving for the future we all want have we failed to achieve it? The main problem I believe is simple. At the moment, the number one rule that governs our world is that corporations must maximise profit to shareholders, they can make profit out of virtually anything, even mass damage and destruction to people and planet. This economy is destroying the ultimate thing we want to sustain; Life. This is a gross miscarriage of justice.

Mass damage and destruction to the Earth, is a moral crime against humanity, against current and future generations and against all life, but in fact in reality, it is not a crime enshrined in law.

Our human right to life, means nothing unless there is some form of criminality for that person taking it away from you. This is why it's so important that our right to life correlates with the crime of murder, of genocide. However, when human life is being killed off slowly through diseases because we are destroying the very Earth we live on, we are polluting the air we breathe, the water we drink, there is no corresponding crime. The right to life of the planet and of other beings is not protected. Our human right is not protected if we do not have a correlating right to protect our planet. This is a moral issue. And this problem has a simple solution.

To achieve true sustainable development and ensure our right to life is truly protected, we need to do the right thing. Just because mass damage and destruction has been normalised does not make it right. It does not mean we should not stand up to say that it is wrong, and ensure that changes are made to bring about justice.

### **The solution**

Attempts to regulate this destruction, to pollute a little less, to cut down a bit less rain forest aren't working. To achieve true sustainable development we need to address the root of the problem, we cannot continue with business as usual this hasn't worked. We need to outlaw destructive business practices once and for all and create laws that prioritise green, clean, and life-enhancing business. One law that does just that is critically acclaimed environmental lawyer Polly Higgins' proposal to make Ecocide a crime.

An international crime of Ecocide would put an end full stop to mass damage and destruction to people and planet.

In April 2010 Polly Higgins proposed to the United Nations that a law of Ecocide be classed as a fifth crime against peace. The idea was further developed in her book *Eradicating Ecocide*.

Ecocide is defined as *the extensive destruction, damage to or loss of ecosystems of a given territory by human agency or other causes to such an extent that peaceful enjoyment of the inhabitants of that territory has been severely diminished.*

So there are two types:

- 1) manmade ecocide = damage destruction by a human agency, this would include ecocides caused by corporations.
- 2) naturally occurring ecocides such as climate change. Which I will explain later.

The wording of this definition is carefully chosen and each word legally weighted. The word Inhabitants means that ecocide can affect all beings not just humans. So if there was no one living a territory but there was mass damage to the environment a case could still be brought. This is really important because often environmental cases aren't brought because it is difficult to establish that the damage has affected humans.

Man made ecocide often occurs at the hands of a corporation due to dangerous industrial activity. We cannot hold a company criminally liable for its activity as at the end of the day = just a piece of paper. Therefore the law of Ecocide will hold those in a position of superior responsibility personally liable. These are the people who make the decisions. Be that the CEO of a company operating in the tar sands, or the head of state who permits these damaging activities to go ahead. It is also a crime of strict liability, meaning that intent does not need to be proved. It is enough for the crime to just happen. This will make prosecution easier.

Naturally occurring ecocides are different, examples include climate change and flooding.

At the moment we don't have a legal duty of care on states to give assistance to the global south facing climate change, one which is sanctionable in a court of law. We've tried climate negotiations for 17 years and they have failed.

At the moment there are 54 small island states looking at naturally occurring Ecocides, rising sea levels hitting them within the next 15-20 years.

We obviously can't hold a CEO liable for causing climate change it would be too difficult to prove in a court of law, but an international crime of Ecocide means that the global south will have the legal right to call upon the United Nations for assistance. By creating an international law of Ecocide and imposing a legal duty of care on all states we will all have to come together round the table and start working out these emergency plans and giving assistance.

Now the two types of ecocide are not entirely separate as manmade ecocide can lead to natural ecocide. Massively destructive industrial activity such as the Athabasca tar sand extraction, the logging of the Amazon will give rise to climate change. So by putting an end to these we will reduce the number of naturally occurring ecocides and help prevent runaway climate change.

The crime of Ecocide was tested in practice in a mock trial at the UK Supreme Court in September 2011. Michael Mansfield QC, arguably the UK's most prominent and high profile defence lawyer represented the defence in this mock trial. The trial received international press coverage from the Financial Times, Le Monde, Al-Jazeera and Time Magazine amongst others. It demonstrated the transformative potential of this law to change global corporate practices in favour of protecting the environment and human life.

Polly Higgins has now mounted a global campaign to have Ecocide recognised as the 5th Crime Against Peace at the 2012 Earth Summit. She will be attending the Summit.

In March 2012 a concept paper and summary, laying out the necessity for a law of Ecocide and the road map for its implementation was sent out to all Governments worldwide in addition to Ministers and Ambassadors.

### **Aim of law**

The aim of this law isn't about prosecuting, this is aimed as a preventative mechanism and a transformative law which will change the course of business from being destructive to being truly sustainable.

It is about stopping these activities from happening in first place as shareholders won't invest and banks won't loan if could face criminal prosecution. Investment will be redirected to cleaner energies and create green jobs.

Also worth noting is that a transition period would be permitted of five to ten years for business to turn around. Businesses have shown their ability to adapt countless times despite arguing that there would be economic meltdown.

It happened with the abolition of slavery, (can go into more detail here if time permits) it happened when cfc's were banned. So it is possible.

We have seen with the abolition of slavery, the civil rights movement, the prohibition of apartheid, that, eventually justice will always prevail. All these movements had one common thread: it was the recognition of the wrongness in and of itself that won the day. Ecocide is morally wrong and must be made a crime. The moral imperative will allow eventually trump the economic imperative.

The head of the UN EP Achim Steiner recently said. Executive director of the United Nations Environment Programme Achim Steiner says (on sustainability) " we actually have a choice, the means, the technology, to change course. That's the motto of our era. We are able, and we must change course." A law of Ecocide is the means.

This is not about empty rhetoric, empty words, empty visions, goals. This is about changing our trajectory onto a path which is truly sustainable which we can all look back on and feel proud that we were the generation who stood up against all odds and changed history. For the better.

### **How can we make this a crime?**

Mass damage and destruction to people and planet is a crime, it is a moral issue, I'm sure we would all agree that it is wrong. Now actually, during war any widespread, long-term and severe damage to the natural environment is deemed to be criminal severe damage and destruction to the environment is already a crime in law, but in peace time it is not. = serious anomaly.

This means that to put in place an international crime of Ecocide is actually not as difficult as one might first think. Existing law can be used and extended to outlaw mass destruction during peacetime, rather than having to create a brand new international law. The definitions are already in place.

The 1977 United Nations Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques (ENMOD) convention specifies the terms:

- (a) "widespread": encompassing an area on the scale of several hundred square kilometres;
- (b) "long-lasting": lasting for a period of months, or approximately a season;
- (c) "severe": involving serious or significant disruption or harm to human life, natural and economic resources or other assets.

We also have the criminal court in place which would be a court of last resort but would ensure that the law was enforced.

More on details of putting it in place – only takes 1 member state calling for an amendment to the Rome Statute and then 2/3rds majority. The UK coming on board and voting in favour of a law of Ecocide is critical

Oxford Council can play a significant role in making this happen. Oxford City stands out in history for being a city which stands up and instigates ideas which have global repercussions. If Oxford Council stands up and demonstrates bold moral, courageous leadership through supporting an international law of Ecocide it can trigger the political process which can make this crime a reality. It can reach out to local MPs, to the UK Government and ensure that the UK votes in favour of making Ecocide a crime.

The earth summit is the time when our governments can make that decision to make law which affirms life rather than destroys it. It is important to put people and planet first over and above profit. We only have one window of opportunity here. We don't know when there'll be another window opportunity to do this in our life time. This is about standing bold, standing strong, standing bravely, this is about bold moral courageous leadership coming from our leaders including Oxford Council to do the right thing for our planet, to do the right thing this year.