

# Agenda

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## City Executive Board

Date: **Wednesday 10 April 2013**

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Time: **5 pm**

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Place: **Oxford Town Hall, St Aldate's, Oxford**

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If you would like help to understand this document please call William Reed, Democratic Services Manager or in advance of the meeting.

# City Executive Board

## Membership

### Chair

<b>Councillor Bob Price</b>	Corporate Governance and Strategic Partnerships
<b>Councillor Ed Turner</b>	Finance and Efficiency
<b>Councillor Colin Cook</b>	City Development
<b>Councillor Van Coulter</b>	Leisure Services
<b>Councillor Steven Curran</b>	Young People, Education and Community Development
<b>Councillor Mark Lygo</b>	Parks and Sports
<b>Councillor Scott Seamons</b>	Housing
<b>Councillor Dee Sinclair</b>	Crime and Community Safety
<b>Councillor Val Smith</b>	Customer Services and Regeneration
<b>Councillor John Tanner</b>	Cleaner, Greener Oxford

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# AGENDA

## PART ONE PUBLIC BUSINESS

Pages

**1 APOLOGIES FOR ABSENCE**

**2 DECLARATIONS OF INTEREST**

Members are asked to declare any disclosable pecuniary interests that they may have in the items listed on the agenda. Guidance is set out at the end of the agenda pages.

**3 PUBLIC QUESTIONS**

When the chair agrees, questions from the public for up to 15 minutes – these must be about the items for decision at the meeting (excluding the minutes) and must have been given to the Head of Law and Governance by 9.30am on a day so that there are at least two clear working days before the meeting (email [executiveboard@oxford.gov.uk](mailto:executiveboard@oxford.gov.uk) or telephone the person named as staff contact). No supplementary questions or questioning will be permitted. Questions by the public will be taken as read and, when the Chair agrees, be responded to at the meeting.

**4 SCRUTINY COMMITTEE REPORTS**

The following scrutiny committee reports may be submitted to this meeting:-

- Governance Review
- Economic Growth Strategy Action Plan

**5 DRAFT AFFORDABLE HOUSING AND PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT**

1 - 56

Lead Member: Councillor Colin Cook, Executive Board Member for City Development

Report of the Head of City Development

The attached report seeks approval for the Draft Affordable Housing and Planning Obligations Supplementary Planning Document (SPD) for public consultation.

It is recommended that City Executive Board:-

- (1) Approves the Draft Affordable Housing and Planning Obligations Supplementary Planning Document for public consultation;

(2) Approves the Draft Affordable Housing and Planning Obligations Supplementary Planning Document as a material consideration in determining planning applications;

(3) Authorises the Head of City Development to make any necessary editorial corrections to the document prior to publication.

**6 ANNUAL LETTINGS PLAN - ALLOCATION OF PERCENTAGES 2013/14**

57 - 74

Lead Member: Councillor Scott Seamons, Executive Board Member for Housing

Report of the Head of Housing

The attached report presents the recommended new percentage targets for the allocation of social housing in 2013/14.

City Executive Board is asked to:-

(1) Note the performance against the Annual Lettings Plan in Appendix 1 for 2012/2013 (1<sup>st</sup> April 2012 to 31<sup>st</sup> January 2013);

(2) Recommend the proposed Annual Lettings Plan for 2013/2014 detailed in Appendix 2 for approval by Council.

**7 INDEPENDENT HOUSING ADVICE SERVICE - TENDER SELECTION - DELEGATION TO OFFICERS**

75 - 78

Lead Member: Councillor Scott Seamons, Executive Board Member for Housing

Report of the Head of Housing

The attached report seeks delegated authority for officers to accept the most economically advantageous tender for the provision of an independent housing advice service.

City Executive Board is recommended to grant delegated authority to the Executive Director to accept the tender that is most economically advantageous to the authority; with the approval of the Executive Board member for Housing.

**8 ROUGH SLEEPING AND HOMELESSNESS GRANT ALLOCATIONS**

79 - 92

Lead Member: Councillor Scott Seamons, Executive Board Member for Housing

Report of the Head of Housing

Oxford City Council has been awarded £957,040 Preventing Homelessness Grant from the Department of Communities and Local Government's (DCLG)

Homelessness Directorate for inclusion in its budget allocation for 2013-2014. This is in addition to the Council's own homelessness grant budget of £442,279.

This report outlines the allocation of both the Preventing Homelessness Grant funding and the Council's homelessness grant budget to a variety of voluntary sector agencies, with the purpose of meeting the objectives of the Homelessness Strategy

City Executive Board is asked to recommend the allocation of the Preventing Homelessness Grants for 2013/2014 as outlined in the report.

**9 ECONOMIC DEVELOPMENT AND GROWTH STRATEGY  
REFRESH - CONSULTATION**

93-118

Executive Lead Member: Councillor Turner, Executive Board Member for Finance and Efficiency

Report of the Head of City Development.

The attached report presents the recommendations from the Oxford Economic Growth Strategy recently agreed and adopted by the Oxford Strategic Partnership, and outlines those proposed actions, to assist the OSP, to be led and delivered by Oxford City Council

City Executive Board is recommended to approve the City Council Action Plan in response to the Oxford Economic Growth Strategy, commissioned and agreed by the Oxford Strategic Partnership.

**10 GOVERNANCE REVIEW**

119-180

Lead Member: Councillor Bob Price, Executive Board Member for Corporate Governance and Strategic Partnerships

Report of the Head of Law and Governance

The report proposes changes to the Council's governance arrangements and improvements to procedures to be followed at Council meetings.

**11 FUTURE ITEMS**

This item is included on the agenda to give members the opportunity to raise issues on the Forward Plan or update the Board about future agenda items.

**12 MINUTES**

181-184

Minutes of the meeting held on 21<sup>st</sup> March 2013 attached.

## 13 MATTERS EXEMPT FROM PUBLICATION

If the Board wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Board to pass a resolution in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

The Board may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **PART TWO** **MATTERS EXEMPT FROM PUBLICATION**

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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**To: City Executive Board**

**Date: 10<sup>th</sup> April 2013**

**Report of: Head of City Development**

**Title of Report: DRAFT AFFORDABLE HOUSING AND PLANNING  
OBLIGATIONS SUPPLEMENTARY PLANNING  
DOCUMENT**

## **Summary and Recommendations**

**Purpose of report:** To approve the draft Affordable Housing and Planning Obligations Supplementary Planning Document (SPD) for public consultation

**Key decision?** No

**Executive lead member:** Councillor Colin Cook

**Policy Framework:** The SPD will assist in the delivery of the planning policies of the Local Development Framework/Local Plan

**Recommendation(s):** That City Executive Board:

1. Approves the Draft Affordable Housing and Planning Obligations Supplementary Planning Document for public consultation
2. Approves the Draft Affordable Housing and Planning Obligations Supplementary Planning Document as a material consideration in determining planning applications;
3. Authorises the Head of City development to make any necessary editorial corrections to the document prior to publication

**Appendix 1 – Draft Affordable Housing and Planning Obligations SPD**

**Appendix 2 – Risk Assessment**

## **Introduction**

1. City Executive Board is asked to consider the Draft Affordable Housing and Planning Obligations Supplementary Planning Document (SPD) (Appendix 1) prior to formal public consultation.
2. The City Council has an adopted Affordable Housing SPD (November 2006) and adopted Planning Obligations SPD (April 2007). It has become necessary to replace both these documents because of recent

changes in the planning policy framework. The adoption of the new affordable housing policies of the Sites and Housing Plan and the forthcoming introduction of the Community Infrastructure Levy mean that both these adopted SPDs are (or are soon to be) out-of-date. The new Affordable Housing and Planning Obligations SPD will replace both these documents.

3. The SPD will be a material consideration in the determination of planning applications, supporting the policies of the adopted Core Strategy, Sites and Housing Plan and saved Local Plan policies in particular. The SPD does not set out any additional policy requirements, but instead provides clarity and advice on how the City Council's adopted planning policies will be implemented.
4. The purpose of the SPD is to set out the City Council's approach to all forms of planning obligations when considering applications for development, and to clarify how the use of planning obligations will operate alongside the Community Infrastructure Levy. The SPD will provide clarity to all users of the planning system regarding the basis on which planning obligations will be sought and the process by which they will be negotiated and calculated. It also deals with procedural matters relating to the provision of planning obligations. The SPD will also help to ensure both the delivery of affordable housing and the provision of the necessary measures required to mitigate the impact of development of all types.

### **Affordable Housing**

5. The recently adopted Sites and Housing Plan (together with the Core Strategy) sets the policy framework for affordable housing. The Sites and Housing Plan takes every opportunity to ensure affordable housing is delivered, with new policies that seek financial contributions from small sites (4-9 homes) and student accommodation, in addition to the established affordable housing requirements from large housing sites (10 or more homes) and from commercial development.
6. The SPD provides helpful details and sets out the procedures that the City Council will use in the application of these policies. This will help ensure that they are complied with and will deliver the much needed affordable housing that the City Council wishes to see.

### **Planning Obligations and the Community Infrastructure Levy**

7. Members will be aware of the current project to prepare for implementation of the Community Infrastructure Levy (CIL). CIL is a non-negotiable levy on development to help fund infrastructure to support new development. It is calculated in pounds per square metre of new floor space generated by most new development. CIL applies to

new buildings or extensions that create 100m<sup>2</sup> or more of new build floorspace, or that involve the creation of one or more dwellings, even when that is below 100m<sup>2</sup>. CIL differs fundamentally from planning obligations in that the funds collected are not tied to a specific development or the provision of specific infrastructure.

8. In 2010, the Government introduced CIL as the preferred mechanism for securing developer contributions towards infrastructure. The regulations which introduce CIL also require planning obligations to be scaled back to generally cover only affordable housing and other site-specific obligations. The reason for this scaling back is to avoid so called “double dipping”; the scaling back of site specific planning obligations will ensure that no developer is requested to pay for the same piece of infrastructure twice.
9. For the avoidance of doubt, larger off-site infrastructure projects such as transport schemes, education provision and environmental or public realm projects will receive developer funding through the Community Infrastructure Levy. The new scaled-back Section 106 mechanism will be focused on on-site infrastructure provision directly related to the proposed development.
10. The Draft SPD has been produced alongside the work on the CIL Charging Schedule. The SPD addresses all developer contribution issues not covered under CIL; together these documents provide all the information required to help deliver the City Council’s planning policies on affordable housing and planning obligations.
11. The project timelines for the CIL Charging Schedule and SPD have been co-ordinated in order that both documents can be reported to the same Council meeting in October 2013 to be approved / adopted together. This will mean that applicants and planning officers have a suite of up-to-date information to aid the planning process. More details on later stages of the process are outlined in paragraph 13 below.

## **Content of the SPD**

12. In brief the main matters covered in the SPD are:

### **Affordable Housing**

Explanation of the policies and procedures governing the:

- delivery of affordable housing from residential developments of 4-9 homes (Sites and Housing Plan Policy HP4)
- delivery of affordable housing from residential developments of 10 or more homes (Sites and Housing Plan Policy HP3)
- delivery of affordable housing from student accommodation (Sites and Housing Plan Policy HP6)
- delivery of affordable housing from commercial development (Core Strategy Policy CS24)

- tenure mix and size of units
- assessment of viability and the cascade mechanism

### **Planning Obligations**

Explanation of the policies and procedures governing the:

- types of infrastructure for which contributions will be sought
- maintenance contributions and transfer of land
- use of legal agreements
- calculation of fees and indexing

### **The next stages**

13. City Executive Board is asked to approve the draft SPD for public consultation and also to authorise the Head of City Development, in consultation with the Board Member, to make any editorial corrections necessary prior to consultation. Following approval of the document for consultation, it will be published, advertised and made available for public comment. The consultation period will last for six weeks from 19<sup>th</sup> April to 31<sup>st</sup> May 2013.
14. Representations made during the consultation period will be carefully considered and where appropriate will inform revisions to the SPD. They will also be reported in a Consultation Statement that will be presented to Council in October 2013, and published on the website alongside a final version of the SPD. SPDs are not subject to independent examination; therefore Council will be asked to approve the Supplementary Planning Document for adoption.

### **Environmental impact**

13. Sustainability Appraisal is no longer required for SPDs under UK law, however to comply with European regulations, a Strategic Environmental Assessment (SEA) Screening Statement has been produced to identify whether the SPD would have any significant environmental impacts. This exercise concluded that the SPD would not give rise to any significant environmental effects and as such no further SEA work is required.

### **Equalities impact**

14. Consideration has been given to the public sector equality duty imposed by s149 of the Equality Act 2010. Having paid due regard to the need to meet the objectives of that duty and of the SPD the view is taken that the duty is met.

### **Financial implications**

15. The consultation and further work on the production of the Supplementary Planning Document will be met from the current resources of the Planning Policy team.

### **Legal implications**

16. The information contained in the SPD will assist in the implementation of the planning policies of the Local Development Framework/local plan and in this regard will assist with the determination of planning applications.
17. Officers consider that the Draft Affordable Housing and Planning Obligations SPD has been produced in compliance with the statutory requirements governing SPDs in the regulations.

### **Risk assessment**

18. A risk assessment has been undertaken and the risk register is attached (Appendix 2). All risks have been mitigated to an acceptable level.

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**List of background papers:** None  
Version



## Appendix 2 – Risk Register

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/ Contracts Only)
Category -000- Service Area Code	Risk Title	Opportunity/ Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
	Legal challenge	Threat	There is a risk of a legal challenge to the SPD once adopted	Any person with sufficient interest may apply to the High Court for permission to apply for judicial review of the decision to adopt it. Applications must be made no later than 3 months after the date of adoption	If successful the High Court would rule that the SPD be quashed, wholly or in part.	17.12.12	2	3	2	2	1	3	2	Michael Crofton Briggs		

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestone	Milestone Delivery Date	%Action Complete	Date Reviewed
	Legal challenge	Michael Crofton Briggs	Reduce					

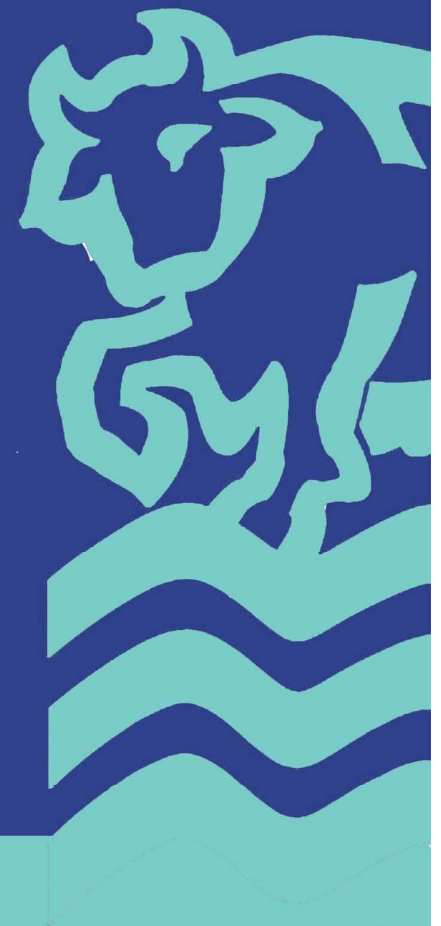
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# Affordable Housing and Planning Obligations

## Supplementary Planning Document

Draft April 2013



# Supplementary Planning Document

## Affordable Housing and Planning Obligations SPD

*This Supplementary Planning Document supersedes the Affordable Housing SPD (November 2006) and the Planning Obligations SPD (November 2007)*

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# 1. OVERVIEW

## Background

- 1.1** The provision of new homes, economic development and other forms of development are essential to ensure the prosperity of Oxford and to meet the needs of residents, workers and visitors. The City Council has established a planning policy framework that seeks to achieve well-planned and sustainable development, and to ensure that development in Oxford comes with the necessary supporting infrastructure.
- 1.2** Oxford is one of the least affordable cities in the UK and the provision of new affordable housing is a key priority for the City Council. The adopted planning policies in Oxford seek to meet the pressing need for new affordable housing as far as is possible within a city that has many environmental constraints, and to deliver a wide choice of high-quality homes to create sustainable, mixed and balanced communities.
- 1.3** In order to help fund the provision of the infrastructure necessary to support new development across Oxford, the City Council is introducing a Community Infrastructure Levy (CIL). CIL is a tariff in the form of a standard charge on new development to help the funding of infrastructure. As a consequence of the introduction of CIL, the use of Section 106 planning obligations for most types of infrastructure, other than affordable housing, will be much more limited than in the past.

## Purpose of this SPD

- 1.4** Section 2 of the Supplementary Planning Document (SPD) provides further guidance to support the implementation of the affordable housing policies of the Core Strategy and the Sites and Housing Plan, specifically:
- Core Strategy Policy CS24 (Affordable Housing). This policy relates to both residential and commercial development;
  - Sites and Housing Policy HP3 (Affordable Homes from Large Housing Sites);
  - Sites and Housing Policy HP4 (Affordable Homes from Small Housing Sites); and
  - Sites and Housing Policy HP6 (Affordable Housing from Student Accommodation)

- 1.5** It provides further detail on the mechanisms for delivering affordable housing, the mix of dwelling sizes and the tenures expected.
- 1.6** Section 3 of the SPD supplements in particular Core Strategy Policy CS17 (Infrastructure and Developer Contributions), but it also supports a number of topic based policies in the Core Strategy and the Local Plan. The SPD clarifies the difference between CIL and Section 106 planning obligations and sets out the City Council's approach to all forms of planning obligations when considering planning applications for development. The SPD explains the basis on which planning obligations will be sought and the process by which they will be negotiated and calculated where appropriate.
- 1.7** Section 4 provides details on the processes used to ensure the delivery of affordable housing, contributions and other planning obligations. This includes further information on negotiating contributions in the case of non-viability, the drafting and enforcement of legal agreements and administrative costs.
- 1.8** This SPD will assist in securing both local and national objectives in respect of the provision of sustainable development across Oxford. It will help to ensure both the delivery of affordable housing and the provision of the necessary measures required to mitigate the impact of development of all types, resulting in a high quality urban environment and socially inclusive communities.
- 1.9** Proposals for development that may require the provision of planning obligations should be made in accordance with the relevant policies of Oxford's Local Plan. This SPD constitutes an important material consideration in the decision-making process.

## Planning policy context

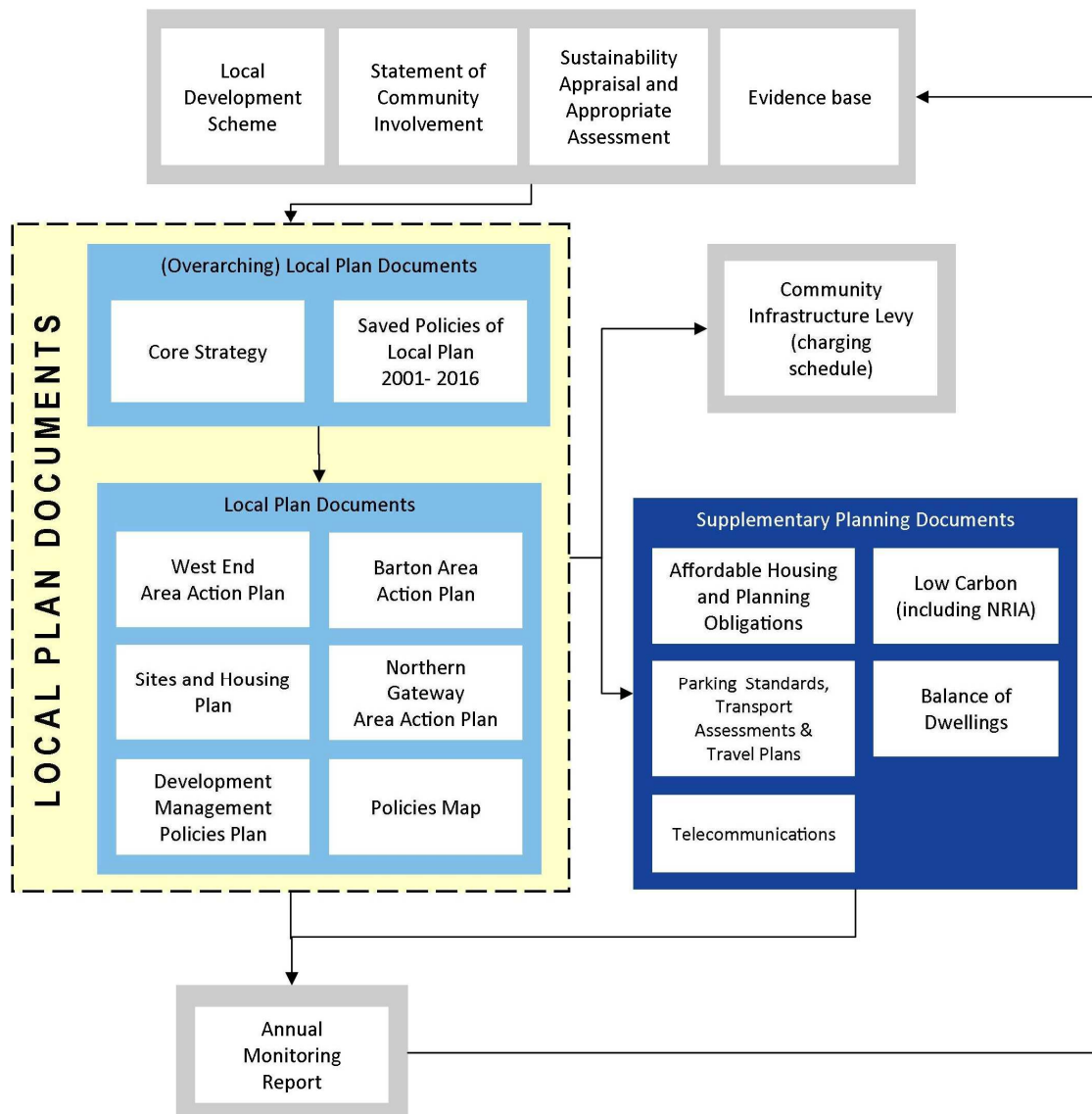
- 1.10** The National Planning Policy Framework (NPPF) indicates that "*Local Plans are the key to delivering sustainable development*" (paragraph 150) and highlights the importance of planning positively for the development and infrastructure required to meet the objectives of the NPPF (paragraph 157).

The NPPF advises that SPDs “should be used where they can help applicants make successful planning applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development” (paragraph 153).

**1.11** This SPD replaces the City Council’s adopted SPDs on Affordable Housing (November 2006) and Planning Obligations (April 2007) and their supporting documents. In so doing it not only updates, but also streamlines and consolidates the City Council’s existing guidance on these matters.

**1.12** The guidance in this SPD is consistent and in conformity with the adopted planning policies set out in Oxford’s Local Plan. The term ‘Local Plan’ includes a number of policy documents that have been prepared and adopted separately. Oxford’s Local Plan currently comprises ‘saved’ policies from the Oxford Local Plan 2001-2016 (adopted November 2005), the Oxford Core Strategy 2026 (adopted March 2011); the Sites and Housing Plan (adopted February 2013); the West End Area Action Plan (adopted June 2008); and the Barton Area Action Plan (adopted December 2012).

Figure 1: Oxford’s Local Plan



## 2. AFFORDABLE HOUSING

**2.1** The Sites and Housing Plan sets out the way in which housing and student accommodation development must contribute to affordable housing, in line with Policies HP3 and HP4 of the Sites and Housing Plan. Further guidance on applying these policies is found in the following sections.

### When will Policies HP3 and HP4 apply?

**2.2** Policies HP3 and HP4 will be applied to all self-contained dwellings (except for developments under the trigger threshold), i.e. all uses that fall within Use Class C3. A dwelling under Use Class C3 is described as a building that ordinarily affords the facilities required for day to day domestic existence, i.e. all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use.<sup>1</sup> This includes, but is not necessarily limited to:

- Self-contained accommodation which is intended to be occupied by students (either as a single person or single household occupation)
- Extra Care Housing
- Sheltered housing
- Retirement homes (In these cases it may be more appropriate for the provision to be affordable retirement, sheltered or Extra Care housing.)

**2.3** Care homes and nursing homes that are not self-contained are not required to provide for affordable housing. Similarly, specialist or supported housing schemes provided and managed by a local authority or partner Registered Provider that are not self-contained (e.g. accommodation for homeless or vulnerable people) need not provide for additional affordable housing.

**2.4** The policies apply to the gross development within the red line indicated on the planning application. The City Council considers that a site will include all existing elements of built development that are being materially modified (e.g. extended, reconfigured or converted). As such, any existing dwelling or building on a plot proposed for

development will only be excluded if there is no material alteration to that building proposed. If there are changes to the access, garden or parking to an existing dwelling or building that is necessary for the wider development to go ahead, the City Council is likely to conclude that the land and building in question form part of the same development site. The Council will be mindful of Policies HP3, HP4 and HP6 which state that developers may not circumvent the policy by artificially subdividing sites.

**2.5** The City Council will consider carefully whether the number of homes proposed is an efficient use of the site, taking into account genuine site constraints. Provided the City Council agrees that the land is to be used efficiently, Policies HP3 and HP4 will apply to the gross number of dwellings proposed on the site. If the developer proposes a scheme that does not make optimum use of the land (for example, where unusually large dwellings are proposed), and the policy threshold is not reached, the City Council will seek to apply Policy HP3 or HP4 based on the site capacity rather than based on the number of dwellings. **Appendix 2** sets out guideline dwelling sizes. These are for guidance only: site context will be critical in judging the site's residential capacity.

**2.6** The thresholds that trigger affordable housing requirements are set out in detail below but where homes are proposed as part of a mixed-use scheme, account will be taken of the overall floorspace of all development on the site. The relevant method for calculating the contribution will be used in respect of each use, in a pro rata approach to the uses on site. As a rule of thumb, if the total gross development floorspace (for all uses) is equal to or exceeds the floorspace of a 4 dwelling development appropriate to that site, financial contributions will be sought for affordable housing.

**2.7** If the total gross development floorspace (for all uses) is equal to or exceeds the floorspace of a 10 dwelling development appropriate to that site, the City Council will seek on-site provision of at least 50% of the C3 dwellings as affordable housing in line with Policy HP3. An exception may be made where the housing element is deemed by the City Council as ancillary to the main use (in which case a

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<sup>1</sup> Definition taken from Definitions of General Housing Terms (DCLG, 2012) ([www.gov.uk](http://www.gov.uk))



financial contribution will be sought as outlined in the preceding paragraph).

- 2.8** The Council will not accept proposals where a commercial element or student accommodation is proposed in order to avoid making a contribution toward affordable housing provision that is related in scale to the uses proposed. This would be viewed as artificial subdivision.

### Use of financial contributions

**2.9** Policies HP3, HP4 and HP6 include financial contributions toward affordable housing as a mechanism for providing affordable housing. This is additional to the Community Infrastructure Levy, which does not cover contributions towards affordable housing. Financial contributions will be used to support the delivery of affordable housing elsewhere, in line with Oxford's Housing Strategy.

Possible uses of financial contributions are:

- Increase the number of affordable homes that are being delivered using the City Council's own land;
- Provide additional resources for affordable housing schemes proposed by Registered Providers to provide more affordable units, or a greater proportion of social rented units;
- Extend or remodel existing affordable homes where this will help reduce priority housing needs in a cost-effective way (e.g. create family homes from small dwellings).

### Small housing sites (capacity for up to 9 homes)

**2.10** Where a site has capacity for 4 – 9 homes, Policy HP4 of the Sites and Housing Plan will apply. The policy and supporting text are at [Appendix 1](#). Appendix 2 in the Sites and Housing Plan sets out the method of calculation and payment. Calculating the amount based on 15% of the sale value allows the payment to reflect current market conditions: during less buoyant periods, the amount payable will be less, thereby improving the viability of the scheme. The timing of payment, at the point when 50% of units are sold or occupied, improves the cashflow by allowing capital from the sold units to support the additional cost of the affordable housing contribution.

**2.11** It is expected that the sales prices at which the new units are marketed will provide a basis for estimating the contribution payable. The actual

contribution will be based either on this information, where available and reliable, or alternatively can be based on one of the following:

- Documentary evidence of sale transactions, to be provided at the time when payment of the affordable housing contribution is triggered, plus a valuation of the unsold units based on the average valuation of three RICS qualified surveyors, or
- When completed units are privately rented by the developer, a valuation of all units based on the average valuation of three RICS qualified surveyors.

**2.12** A template legal agreement for securing the affordable housing contribution is set out in [Appendix 5](#). Any draft agreement that is different to this should be discussed at the pre-application stage with the case officer.

### Large housing sites (capacity for 10+ homes)

**2.13** Where a site has capacity for 10 dwellings or more, Policy HP3 of the Sites and Housing Plan will apply:

**2.14** When applying Policy HP3 to the tenure split, including the cascade approach where triggered, the applicant will be expected to round up the number of affordable units overall, and social rented units, to the nearest whole number.

### Tenure mix

**2.15** To ensure mixed and balanced communities, and respond appropriately to housing need, at least 80% of affordable homes should be social rented. **Social rented housing** is owned by a Registered Provider (RP) or the City Council<sup>2</sup> and is rented to a household on the housing register at an affordable cost based on a specific formula<sup>3</sup>, i.e. affordable by those in greatest need. If applicable, service charges should also be at an affordable cost and should not include any inappropriate or non-essential charges. Social rented affordable housing should be available, in perpetuity, to those in housing need. Developers will need to satisfy the City Council that secure arrangements are in place to ensure the housing will meet this need on a permanent basis. The City Council's Affordable

<sup>2</sup> References to RPs also apply to the City Council as affordable housing provider

<sup>3</sup> See Sites and Housing Plan Glossary for full definition of Social Rented Housing

Housing Team can advise on rent levels consistent with this guidance.

**2.16** Policy HP3 allows for up to 20% of homes to be intermediate tenure. This can include shared ownership, intermediate rental, affordable rented, and in some cases low cost market housing.

**2.17 Shared ownership housing** (the City Council's preferred intermediate housing type) refers to housing which is partly sold to the occupiers and partly rented to them by an RP. It is tailored towards a specific income group that is correctly targeted to address specific local housing needs. Because of the high cost of housing in Oxford, shared ownership housing should offer buyers a maximum initial share of 25% of the open market value of the dwelling. Higher proportions can be offered provided the cost would be less than 30% of net household income. RPs will be expected to demonstrate that the shared ownership dwellings would meet this requirement. The rental charges on the unsold equity (share) should be no more than 2.75% of this share. Shared ownership affordable housing should be available, in perpetuity, to those in housing need (with the exception that occupants may staircase their equity share to outright ownership).

**2.18 'Low cost market housing'** refers to dwellings sold below the market value or at the lower end of the property market. These are not generally considered to be truly affordable housing in Oxford, as the cost of buying such housing would still be beyond reach for most people in housing need. However, the City Council will consider low-cost market housing, and other alternatives to shared ownership or affordable/intermediate rent, if it can be convincingly shown that it will be genuinely affordable to those in housing need.

**2.19 Intermediate rent** housing refers to self-contained rented homes with rent levels higher than social rents, but lower than market rents. A rule of thumb is whether the cost of rent would be less than 30% of average net household income in Oxford.

**2.20 'Affordable rent'** housing can be provided by RPs such that the rent is capped at no more than 80% of the gross market rent, and offered on a minimum 5-year fixed-term tenancy. It is viewed by

the City Council as a form of intermediate rental housing, and may therefore form up to 20% of all affordable units, provided the remaining 80% are provided as social rented. Affordable rented housing cannot be substituted for social rented housing.

**2.21** Definitions for affordable housing, social rented housing, shared ownership housing, low cost market housing, intermediate rent and affordable rent are contained in the Glossary to the Sites and Housing Plan.

#### **Cascade mechanism**

**2.22** Policy HP3 includes a mechanism to allow a variation in affordable tenures, and possible reduction from 50% affordable housing, where it is agreed that the scheme would otherwise be unviable. **Appendix 3** gives more detail on assessing viability. Policy HP3 is clear that the cascade approach should be used provided that the overall proportion of affordable housing is not reduced below 40% and that the intermediate tenure does not exceed 8% of the total number of dwellings. The box below illustrates how this would work in practice, using a worked example of 20 homes.

The City Council has agreed with a developer that their proposal for 20 dwellings would not be viable with 50% affordable housing, of which 80% social rented (SR) and 20% Intermediate tenure (IT). The cascade mechanism is therefore triggered:

**Stage 1:** Normal requirement of 10 affordable dwellings (50% of total) and 8SR/2IT is unviable: Move to Stage 2

**Stage 2:** Reduce to 9 affordable dwellings (45% of total) of which 8SR/1IT: If still unviable, move to Stage 3

**Stage 3:** Reduce to 8 affordable dwellings (40% of total) of which 8SR/0IT: If still unviable, move to stage 4

**Stage 4:** Maintain 40% affordable dwellings but substitute 1 social rented unit for intermediate (7SR/1IT): If still unviable, move to stage 5

**Stage 5:** Maintain 40% affordable dwellings but substitute 1 further social rented for intermediate, (6SR/2IT)

**2.23** No further cascade is allowable under Policy HP3 because after Stage 5, the overall proportion of affordable housing is reduced to the minimum of 40% and intermediate tenure has reached its maximum of 8% of the total number of dwellings. If after Stage 5 the development was still unviable, the Council would accept no affordable units on-site, and instead seek a financial contribution for off-site affordable housing, using the formula set out in the Sites and Housing Plan (Appendix 2).

**2.24** The Council expects the viability appraisal to show the workings through each of the cascade stages. For example, if an applicant proposes that the affordable housing provision was viable at Stage 5 but not at Stages 1-4, the workings for Stages 1-4 must be shown in order for the Council to be convinced that Stage 5 is the first stage at which the proposal becomes viable.

#### Strategic mix and size of units

**2.25** In assessing the mix of affordable dwelling types and sizes proposed, the City Council will refer to the most recent information it has published about the groups in priority need of affordable housing. The Council will also have regard to location and characteristics of the site: City centre and District centre locations are more suitable for a greater proportion of 1 and 2 bedroom dwellings than in other areas. Overall, the strategic mix of affordable housing for Oxford will reflect and prioritise a greater need for family size dwellings with 2 or 3 bedrooms than for any other size.

**2.26** **Table 1** and **Table 2** indicate the Council's preferred mix of dwelling sizes for social rented and intermediate housing.<sup>4</sup> These ranges provide flexibility, but must be used in conjunction with the City Council's policy on the Mix of Housing (see Core Strategy Policy CS23 and associated SPD). The affordable housing mix will therefore impact on the mix of market dwellings, to ensure a good overall balance. The City Council considers that the mix of housing and careful design should determine the number of units on a site; however as a rule of thumb there should be a minimum of 40 dwellings per hectare. On sites of 20 or more homes, the City Council will expect affordable homes to be provided in small clusters throughout the

<sup>4</sup> The City Council may, in future, review Tables 1 and 2 in light of updated evidence.

development. Further information is available from the City Council's Affordable Housing team.

**Table 1: Strategic mix of housing for sites In the City and District centres**

Bedrooms (people)	% Social Rented	% Intermediate
1 bed (2 person)	0–10 %	5–15%
2 bed (4 person)	35–45%	5–15%
3 bed (5 person)	20–30%	0–5%
4 bed + (min 7 person)	5–15%	0%
<b>Total</b>	<b>80%</b>	<b>20%</b>

**Table 2: Strategic mix of housing for sites outside the City and District centres**

Bedrooms (people)	% Social Rented	% Intermediate
1 bed (2 person)	0–10 %	0–10%
2 bed (4 person)	15–25 %	5–15%
3 bed (5 person)	35–45%	0–10%
4 bed + (min 7 person)	10–20 %	0%
<b>Total</b>	<b>80%</b>	<b>20%</b>

**2.27** There is a particular need for fully wheelchair adaptable homes on some sites. There is also a need for some very large social rented dwellings of 5 or 6 bedrooms. The City Council may allow flexibility in meeting the overall 40% target for on-site social rented housing if the City Council and the applicant agree this is more appropriate. Within the ranges in **Table 1** and **Table 2**, the City Council will favour larger dwellings over 1-bedroom flats.

**2.28** All affordable homes must comply with the minimum standards set out in Sites and Housing Policies HP12 and HP13. All affordable units with 2 or more bedrooms must provide enough space within at least two bedrooms for at least two people to comfortably share. Affordable units of 4 or more bedrooms must provide enough space within at least 3 bedrooms for at least 2 people to share. Social rented units of 2 or more bedrooms should comply with the definition of 'family home', and should ideally be houses rather than flats. **Table 3** indicates absolute minimum floorspaces for different types of affordable dwelling. (Note that 1



person units will only be permitted for specialist housing schemes.)

**Table 3: Minimum floorspaces for affordable homes<sup>5</sup>**

Bedrooms/people	Minimum floorspace
1 bed (2 person)	39 m <sup>2</sup>
2 bed flat (4 person)	67 m <sup>2</sup>
2 bed house (4 person)	75 m <sup>2</sup>
3 bed flat (5 person)	75 m <sup>2</sup>
3 bed house (5 person)	82 m <sup>2</sup>
4 bed (7 person)	108 m <sup>2</sup>
5 bed (8 person)	118 m <sup>2</sup>
More than 8 people	Add 10 m <sup>2</sup> per additional bedspace

### Phasing

**2.29** Developers should ensure that the affordable housing is built in the same phases as market housing or earlier. This will be ensured through the legal agreement.

### Student accommodation

**2.30** The Core Strategy and the Sites and Housing Plan define student accommodation as non-self contained accommodation for students. Policy HP6 of the Sites and Housing Plan requires a contribution towards affordable housing from non-self contained student accommodation development of 20 or more student rooms.

**2.31** Where self-contained accommodation is proposed for occupation by students, it will be considered as a dwelling under Use Class C3 and as such, will be subject to the requirements of Policies HP3 and HP4 of the Sites and Housing Plan. This is explained in paragraph 2.2 above.

**2.32** Part (d) of Policy HP6 states that an exception will be made for proposals for student accommodation necessary for either the University of Oxford, or Oxford Brookes University, to achieve or maintain its 3,000 student numbers threshold (i.e. the ‘cap’ on students living in Oxford but not in bespoke student accommodation). The City Council’s latest

available information will be used to consider this exception. The exception will only be applied where student accommodation is proposed specifically by or for Oxford Brookes University or the University of Oxford. The City Council will expect submission of a signed long lease or long-term nominations agreement where the proposal is being made by anyone other than Oxford Brookes University, the University of Oxford, or a University of Oxford college. The City Council will expect a legal agreement to be signed alongside planning permission, to ensure continued occupancy by one of the Universities. **Appendix 5** provides a standard legal agreement. The City Council will require evidence to be submitted regularly to be satisfied that the legal requirement is being adhered to.

**2.33** Part (e) of Policy HP6 states that an exception will be made on sites that the City Council agrees are not suitable, nor capable of being made suitable, for general purpose housing. A site may be unsuitable for general purpose housing where the physical constraints of the site would make it impossible for C3 dwellings to be built whilst providing acceptable living standards and functionality for long-term residents. For example, such a site may have no scope for useable private outdoor space.

**2.34** Where student accommodation forms part of a mixed use development with housing and/or commercial development, a pro-rata approach will be used to determine whether a contribution is triggered, and the amount. See section below on Mixed Use Development for further guidance.

**2.35** **Appendix 5** provides a template legal agreement that should be used as a basis for securing a financial contribution towards affordable housing from student accommodation. Early negotiation, resolution and drafting of the legal agreement is strongly encouraged.

### Commercial development

**2.36** Core Strategy Policy CS24 states that planning permission will only be granted for commercial development that provides affordable housing to meet additional demand created. This could mean building affordable homes on the site, or making a financial contribution that reflects the cost of providing the number, types and sizes of dwelling

<sup>5</sup> Figures sourced from HCA Housing Quality Indicators (Updated April 2008) except for 1 bedroom (2 person) unit which is consistent with Sites and Housing Policy HP12

required. Retail developments are exempted from this requirement.

- 2.37** Policy CS24 contains no size threshold at which a contribution will be sought; however an indicative threshold of 2,000m<sup>2</sup> net additional floorspace, including changes of use, will be used to indicate that a contribution will be expected, as this size of development would be considered to generate a significant further need for affordable housing. While this indicative threshold exists, smaller commercial developments can generate a significant need for affordable housing. These will be considered on a case-by-case basis.
- 2.38** The examples of commercial development below demonstrate the City Council's approach to applying Policy CP24:
- New commercial development, or extensions to commercial buildings, of around 2,000m<sup>2</sup> or greater (including the change of use of a building to a commercial use or from one commercial use to another) will be expected to contribute towards meeting the need for affordable housing that would be created by the development;
  - A company relocating from one site in Oxford to another would be expected to contribute towards meeting the need it created for affordable housing. While the relocation might not create a significant new need in itself, its relocation would free up commercial space into which a company could potentially move. A contribution would not be required if, at the time of the application for the new commercial development, the previous floorspace was redeveloped for a land use not required to contribute towards affordable housing provision;
  - A mixed-use development where the residential and commercial elements fall below their respective thresholds, but where their comparable total is considered to exceed either threshold, will be expected to contribute towards the provision of affordable housing.
- 2.39** The standard method of contribution from commercial development would be financial. The contribution will be equivalent to the cost of building the required number of affordable

dwelling of the size and type set out in the City Council's strategic mix, plus the open-market value of the land needed to build them on, minus the amount equivalent to what would be payable by an RP. The formula for calculating the financial contribution, and sources of data, are set out in [Appendix 7](#).

- 2.40** The high level of housing need, with the limited amount of land available for development, means that the entire housing need created by new commercial development could never be met. On the other hand, commercial floorspace commands a much lower value than residential or student accommodation and our requirements should reflect this. The City Council considers that the financial contribution should be equivalent to providing affordable housing for at least 1% of the estimated number of employees of the commercial development.
- 2.41** Where the new occupier and their number of employees are known, this information will be used in the calculation. The City Council will be attentive to information on employee numbers which suggest under-occupancy. Otherwise, the number of employees estimated to occupy the proposed development will be calculated using the employee/floorspace ratios in [Appendix 4](#).
- 2.42** Some types of commercial development such as hotels and residential institutions may provide accommodation for their staff on site. Developers may be able to reduce any financial contribution required if they provide suitable self-contained units as staff accommodation on site. The occupancy of these units would be secured to staff by a legal agreement.

## 3. OTHER PLANNING OBLIGATIONS

### What are planning obligations?

**3.1** Planning obligations are formal commitments given by an owner of land enforceable by a local authority against that owner and subsequent owners. They are a means of securing measures to make a development acceptable in planning terms and to accord with national or local planning policies. Planning obligations can be used to mitigate the impact of a development; to compensate for loss or damage created by a development; or to prescribe the nature of a development.

**3.2** The legislative framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990, as substituted by Section 12 of the 1991 Planning and Compensation Act. Further legislation is set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010, and the CIL (Amendment) Regulations. Government policy on planning obligations is set out in Paragraphs 203 to 205 of the National Planning Policy Framework (NPPF).

**3.3** Planning obligations can be carried out in two main ways: either the developer provides the physical measures or makes a financial contribution towards any works to be carried out by the local authority or its partners. Planning obligations run with the land and are enforceable against the original covenantor and anyone subsequently acquiring an interest in the land.

### What is the Community Infrastructure Levy?

**3.4** The Community Infrastructure Levy is a tariff in the form of a standard charge on new development, which in Oxford will be set by the City Council to help the funding of infrastructure. It is intended to supplement, or top up, other sources of funding to widen infrastructure delivery.

**3.5** Most development has some impact on infrastructure and should contribute to the cost of providing or improving infrastructure. The principle behind CIL is for those who benefit financially from a planning permission to pay towards the cost of funding the infrastructure needed to support development.

**3.6** CIL applies to new buildings or extensions that create 100 m<sup>2</sup> or more of new build floorspace, or that involve the creation of one or more dwellings, even when that is below 100 m<sup>2</sup>.

**3.7** CIL differs fundamentally from planning obligations in that the funds collected are not tied to a specific development or the provision of specific infrastructure.

### How will planning obligations operate alongside the Community Infrastructure Levy?

**3.8** Paragraph 204 of the NPPF advises that planning obligations should only be sought if they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

**3.9** The CIL Regulations limit the pooling of Section 106 contributions, so that no more than five developments may contribute to the same infrastructure project. This restriction comes into effect when CIL is implemented or from 6<sup>th</sup> April 2014, whichever is the sooner, and applies to planning obligations entered into on or after 6<sup>th</sup> April 2010.

**3.10** As a result of these changes, planning obligations will be scaled back to cover the provision of affordable housing and site specific measures required to mitigate the impact of development. In circumstances where a development proposal directly results in the loss of an existing facility that is used by the public, or an important site feature such as a habitat of high biodiversity value, the City Council may require the replacement of that facility or site feature either directly by the developer or through a financial contribution that would be set out in a planning obligation.

**3.11** CIL will be the mechanism by which contributions are pooled to help pay for items of infrastructure that are needed to support growth. CIL will therefore replace planning obligations as the means of funding off-site infrastructure, such as additional school places, transport improvements or improved leisure facilities, which are required in

connection with new development and consequent population or economic growth.

**3.12** The City Council will publish a list under CIL Regulation 123 to set out what projects or types of infrastructure it intends to fund wholly or partly through CIL, and to avoid ‘double charging’ it will not seek contributions from Section 106 planning obligations for those items. The Regulation 123 list will be kept under regular review and will be updated whenever necessary to take account of changes in circumstances. The Regulation 123 list will be published on the City Council’s website. In relation to Core Strategy strategic sites that are likely to include significant on-site infrastructure provision, the City Council will be careful to ensure that the combination of CIL and S106 obligations does not threaten delivery of the sites.

**3.13** From the date that CIL comes into effect in Oxford, the City Council will no longer require the payment of Streamlined Contributions towards infrastructure in the West End of the City centre. Policy WE29 of the West End Area Action Plan will therefore no longer be applied.

### **Maintenance Contributions**

**3.14** Where a development results in a need for new infrastructure or a new facility, that item of infrastructure or facility may in some cases be transferred into the City Council’s ownership. Examples of items that may be passed to the City Council’s ownership are public open space, children’s play areas and public art. In such cases, the City Council will require a maintenance contribution, generally as a one-off payment. The maintenance contribution to cover the physical upkeep of the facility will usually be equivalent to 10 years’ maintenance cost and reflects the time lag between providing the new facility (with additional establishment costs such as replacing dead shrubs and trees) and including it in the public sector funding stream. The level of the contribution required will be calculated on a case-by-case basis.

**3.15** Where developers choose to retain responsibility for the facility, they will need to be bound by a planning condition or obligation to ensure proper maintenance (an obligation will apply on sites involving biodiversity issues).

### **Types of infrastructure**

**3.16** **Table 4** summarises types of infrastructure and their mechanism for delivery when required as part of a planning permission. **Table 5** sets out planning obligations for purposes other than delivering infrastructure.

**Table 4: The mechanisms for delivery of various types of infrastructure**

Type	Infrastructure and other items to be delivered through S106 Agreements; S278 of the Highways Act; or through Planning Conditions	Infrastructure to be funded or part funded through CIL	Relevant planning policies
<b>Affordable Housing</b>	On-site provision and financial contributions towards affordable housing. Section 2 of this SPD sets out the arrangements that will apply in respect of the delivery of affordable housing through planning obligations.	CIL will not be used to pay for affordable housing	CS24, HP.3, HP.4, HP.6
<b>Biodiversity</b>	On-site habitat creation or enhancement ; relocation of protected species to a suitable alternative site; some minor off-site mitigation, for instance where measures are required to mitigate identified impacts upon a nearby area of high biodiversity interest	Any off-site measures (other than those specified in the previous column)	CS12, NE.6, NE.21, NE.23
<b>Community Facilities</b>	Only where there is a specific requirement for the facility to be located on that site. In exceptional circumstances, where granting planning permission leads to the loss of community facilities, the City Council will secure alternative provision of equivalent or improved benefit to the community in terms of size, utility and access. This may be through contributions towards replacement/improvement of facilities or direct provision on an alternative site.	Most community buildings/facilities	SR.16
<b>Day-care provision for adults</b>	Not provided under S106	All day-care provision	
<b>Education</b>	Only where there is a specific requirement for the facility to be located on that site.	Most provision of new schools or expansion of existing schools including early years, primary and secondary (covering ages 3 – 19)	CS16
<b>Environmental Improvements</b>	Only where there is a specific requirement for environmental improvements to be undertaken on that site.	Off site provision or enhancement, including public realm improvements	RC.10, RC.11, TA.3
<b>Flood Defence</b>	On-site measures which an FRA identifies as a requirement	Flood defence works	CS11
<b>Indoor sports facilities</b>	Only where there is a specific requirement for facilities to be provided on that site. In exceptional circumstances, where granting planning permission leads to the loss of indoor sports facilities, the City Council will secure alternative provision of equivalent or improved benefit to the community in terms of size, utility and access. This may be through contributions towards replacement/improvement of facilities or direct provision on an alternative site.	Most indoor sports provision including swimming pools, gyms and indoor sports halls	CS21
<b>Libraries</b>	Not provided under S106	All library provision	
<b>Maintenance</b>	Infrastructure provided under S106 agreements and transferred to the local authority will require a contribution towards future		

	maintenance		
<b>Outdoor sports facilities, public open space/children's play areas, allotments</b>	Only where there is a specific requirement for facilities to be provided on that site. In exceptional circumstances, where granting planning permission leads to the loss of outdoor sports facilities, public open space, play areas or allotments in active use, the City Council will secure alternative provision of equivalent or improved benefit to the community in terms of size, utility and access. This may be through contributions towards replacement/improvement of facilities or direct provision on an alternative site	Most outdoor sport and play provision, including outdoor sports pitches, courts and greens, recreational open space, allotments	CS21, SR.2, SR.7, SR.8, HP.9
<b>Public art</b>	Where on-site public art is required, it should preferably be considered as part of the design process and incorporated into the submitted planning application. The public art would then be secured by condition.  An applicant may need to pay a contribution if they require assistance to manage the project or for future maintenance if the work of art is to be transferred to the City Council's ownership.	Off-site provision	CP.14
<b>SUDS</b>	SUDS provision will normally be on-site and may require a maintenance payment		CS11
<b>Transfer of land</b>		In-kind payments under CIL regulations	
<b>Transport</b>	Provision of works required to secure safe access and egress from the development site to the adjoining highway network, provision of internal roads, on-site pedestrian/cycle facilities and on-site public transport facilities. Off-site transport improvements are expected to be funded under CIL, via updates to the Regulation 123 List where necessary,  Travel Plans are likely to be secured through planning conditions on most sites, but may require a planning obligation on some larger or more complex development proposals.	Transport improvements to support growth, including measures to promote walking, cycling and public transport (including Park and Ride), and highways improvements such as bus priority measures, traffic-calming, and capacity improvements where appropriate	CS13, CS14, CS30, TR.2, TR.4-TR.10, TR.13, SR.10, SR.11
<b>Waste recycling centre</b>	Not provided under S106	All provision of waste recycling/waste management facilities	
<b>Youth services</b>	Not provided under S106	All aspects of the Youth Service	

**Table 5: Planning obligations for purposes other than delivering infrastructure**

Type	Purpose of planning obligation	Relevant planning policies
<b>Student developments</b>	The City Council will seek to restrict students from bringing cars to Oxford. Appropriate management controls will be secured either through a legal agreement or a planning	CS25

	<p>condition.</p> <p>The City Council may enter into agreements with private colleges or similar academic institutions offering student services to limit the number of students attending their premises and to supply data on student numbers annually so that this can be monitored.</p> <p>The City Council will require the occupancy of new student accommodation to be restricted to students in full-time education on courses of an academic year or more. This will be secured either through a planning condition or a legal agreement.</p>	ED.10
<b>Joint User Agreement</b>	<p>The City Council will also seek public access to private and institutional facilities through sharing schemes and joint user agreements. The details of these agreements will be negotiated on a case by case basis and set out in the appropriate legal agreement.</p>	CS16 CS20



## 4. PROCESSES FOR DELIVERY

### Viability

- 4.1** The City Council recognise that it will need to be flexible in its requirements for affordable housing and other planning obligations where viability is proven to be an issue. Where it is not possible for the development to support the full provision of affordable housing, or the full financial contribution, robust evidence must be submitted to support the reduced offer. Further details on what the City Council expects in relation to viability is set out in [Appendix 3](#).
- 4.2** The evidence will be open to public scrutiny and, where necessary, will be audited by external experts. When applicants submit evidence of non-viability, the City Council will expect to see the calculations for the important factors set out in enough detail for viability to be properly assessed and tested. Any ‘assumptions’ must be clearly explained and justified. This evidence will be assessed on whether the figures prove that the scheme would be unviable if it were to meet all affordable housing and other planning obligation requirements, in addition to any relevant CIL payments.
- 4.3** The City Council expects developers to have considered the financial implications of CIL, affordable housing and any other planning obligation policies when buying land for development or taking an option to buy the land. The City Council is aware that landowners will seek to maximise the value of their land. However, the planning system is clear that legitimate planning obligations and affordable housing will have an impact on land values and landowner expectations. The costs of buying land will not be accepted as a reason for non-viability.
- 4.4** In cases where the City Council agree that site specific planning obligations sought make a development unviable, the need for affordable housing will be balanced against the need for any site-specific infrastructure measure.

### Administration Costs

- 4.5** Applicants must meet the costs of preparing and producing a planning obligation legal agreement, which will be charged at an hourly rate. Applicants will be required to provide a solicitor’s undertaking or

cash deposit to meet the City Council’s legal costs whether or not the matter proceeds to completion.

- 4.6** Once the planning obligation is signed, administrative costs are incurred on tasks such as checking legal agreements, receiving financial contributions and spending contributions in accordance with the terms of the obligation. This requires compliance checks, monitoring, project management and implementation by the City Council. Standard charges will apply to recoup these costs. For large-scale developments, phased payments may be agreed by negotiation, although this will incur an additional administrative charge. The default position for administration charge will be 5% of the total contribution(s). The City Council will consider reasonable requests to reduce the administrative charge in certain circumstances, mainly where the infrastructure works are to be provided wholly on-site by the developer with a consequent reduction in the City Council’s administrative workload.
- 4.7** The basic fee structure in relation to affordable housing is that on-site measures will be charged at £2,000 per clause.
- 4.8** Where an applicant does not propose the full requirement of affordable housing or other policy requirements as part of a development, citing non-viability, additional administrative costs are likely to be incurred by the City Council. This is due to the need for an expert independent audit of evidence submitted to demonstrate lack of viability. The Council’s approach to this is set out in [Appendix 3](#).

### Indexing

- 4.9** Any financial contributions required by way of planning obligations must be index-linked to maintain the real value of the payments, so that the infrastructure can be provided in good time. The Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service ‘All-in Tender Price Index’ will be used for this purpose. The Halifax Price Index for the South East will be used for affordable housing contributions. All obligations will include interest clauses for late payments.
- 4.10** Where the precise level of development in an outline permission requires subsequent approval, the obligation will include clauses allowing for a proportionate decrease/increase in the scale of



contributions. For example, where outline permission is granted (and the indicative layout on which the contributions are based is for 20 units of housing), if the reserved matters application increases this to 25 units, the obligation will include formulae requiring a proportionate increase in the contributions payable.

- 4.11** Any information requested regarding section 106 agreements e.g. clause's discharged, complied with, completed etc. will be charged a fee prior to the information being supplied.

### Legal Agreements

- 4.12** Unilateral undertakings cannot be used to impose obligations on the City Council. Legal agreements are required when securing funding currently above £15k or infrastructure that the City Council is responsible for. It is likely that most infrastructure provided by the City or County Council would be funded via CIL in the future. Contributions under planning obligation agreements are normally payable when development starts.

- 4.13** **Appendix 6** sets out a standard agreement with standard clauses. These broadly follow the standard agreement in the Planning Obligations Practice Guidance.

- 4.14** Developers will be encouraged to use unilateral undertakings in the standard form in **Appendix 7** should they need to make contributions towards infrastructure for City Council functions that are currently under £15k. Such payments are made in full on completion of the unilateral undertaking. They do not require the local authority to establish title to land and should require less time to complete. Any other unilateral undertaking offered by an applicant would need to be assessed by the appropriate legal teams and may not benefit from the streamlined process of the standard unilateral undertaking. Non-standard unilateral undertakings may need to prove title and confirm other legal elements. Unilateral undertakings may also be offered under the planning appeal process.

- 4.15** Where on site affordable housing is part of a planning approval, development on a site should not commence until an agreement has been reached between the developer and a Registered Provider. Agreeing this at an early stage ensures that the affordable housing element can be completed, which

permits the lawful completion of the whole development.

### Section 278 Agreements

- 4.16** Oxfordshire County Council, as the Local Highway Authority, can also use Section 278 of the Highways Act 1980 to secure funding for works to the local highway network that are necessary to serve the proposed development. Section 278 Agreements are generally more likely to be required where highway works are proposed as part of a planning condition or a unilateral undertaking rather than being specified in a jointly signed Section 106 Agreement. Section 278 highways schemes are not subject to the CIL regulations, and therefore the limitations on pooling planning obligations do not apply to Section 278 Agreements. While at the current time CIL and S278 may legally be combined to pay for highways infrastructure, it is important that there should be no double charging whereby developers are charged for the same works under these two different regimes.

### Planning Conditions

- 4.17** Planning conditions may be applied to the grant of planning permission to limit and control the way in which the planning permission may be implemented. They cannot be used to secure financial contributions but can be used to ensure certain elements related to the development proposal which may benefit the wider community are carried out. Conditions can include a range of factors such as time limits on development; controls regarding environmental and noise issues; limits on the size and external appearance of a new development; limits on student numbers; and restriction of cars.
- 4.18** Imposing planning conditions rather than planning obligations is generally preferred as they are a simpler and more cost effective mechanism. There is a right to apply to vary or discharge planning conditions.

### Pre-application discussions

- 4.19** Pre-application discussions are greatly encouraged. Early negotiation, resolution and drafting of the legal agreement is encouraged. Discussions before applying may highlight the likely impact of the development, and suggest ways to mitigate it. Officers can also advise on what infrastructure will be provided through CIL and what through planning obligations. While planning officers will offer advice,

any advice given cannot influence or pre-judge the formal consideration of an application.

**4.20** Where a planning obligation will be required, the City Council will tell applicants how it will secure the infrastructure needed (by unilateral undertaking or agreement) and who will be party to the agreement. Normally all those with an interest in the land will be required to enter into the deed creating the planning obligation. Applicants should complete and return a legal questionnaire so that a draft obligation can be promptly prepared. It may be possible to speed up the process if applicants discuss and agree draft heads of terms at the pre-application stage if possible, so that the obligation can be drafted when they submit the application.

**4.21** The City Council expects that major applications involving a legal agreement will normally be determined within 13 weeks of the submission date. If completion of the agreement has been unduly delayed by the applicant, officers will be granted delegated powers by committee to refuse the application.

#### **Planning process**

**4.22** Where planning permission is sought for a proposal that requires the provision of affordable housing or other planning obligations, officers will prepare a report which states how the affordable housing is to be secured and the key aspects of any planning obligations that are material to the planning application when the application is considered. In normal cases involving affordable housing, this will mean specifying a Registered Provider and the broad terms of the transfer of the units. The City Council's Affordable Housing team can provide information on the terms under which Registered Providers can operate to ensure that the Council's definitions of affordable housing are met, and can also provide contact details for our preferred RPs.

## **7.3 Delivering new affordable housing**

- 7.3.1 Affordable housing will be an important consideration when planning developments, and particularly their mix of housing tenures. Affordable housing is a key priority for the City Council, which wishes to deliver a wide choice of high-quality homes to address the needs of local people and to create sustainable, inclusive and mixed communities. This is achieved through establishing what people need in terms of the type, affordability and tenure of dwellings. The Oxfordshire Housing Market Assessment shows that the annual demand for affordable housing in Oxford for the first five years (2006-11) is between 1,420 and 2,396 dwellings. While some affordable housing will be developed by the City Council and registered social landlords (RSLs), most will have to come from private-sector developments.
- 7.3.2 Oxford is the 10th least affordable district in the South East region and average single-income households would not be able to afford a flat or two-bed terraced house in Oxford. Even a joint-income household would find it difficult to afford a property of a size to meet their basic needs in Oxford. Given the scale of need, shortage of land and size of sites that come forward, the City Council has to seek a high level of affordable housing to create a balanced community.
- 7.3.3 The requirement for affordable housing applies to all types of residential development of self-contained dwellings (whether for general or specialist needs), including retirement homes, mixed-use developments and conversion schemes. The City Council has significant landholdings, and the Council's policy for the disposal of assets as set out in the Asset Management Plan is to release as much residential land for development as possible, to maximise development of affordable housing for rent.
- 7.3.4 Due to the high need for affordable housing in Oxford, we will review the threshold and mechanism of delivery through the production of the Development Management DPD. This will build on work by the Oxford Strategic Partnership on affordable housing. It will look for ways to increase the supply of affordable housing by removing any incentive to underdevelop

or not bring forward residential sites. It will consider the role of commuted sums, intermediate, key-worker and shared-ownership housing all within a balanced mix of housing. Any changes to thresholds, delivery mechanisms or mix of housing will need to be considered in terms of their implications for viability and the overall supply of affordable housing.

- 7.3.5 Commercial development can worsen the existing housing situation by encouraging workers in housing need to move to Oxford. The City Council will expect such developments to contribute towards meeting the need for affordable housing in Oxford. This could mean building homes on site, or making a financial contribution that reflects the cost of providing the number, types and sizes of dwellings required. This policy does not apply to retail developments or non-profit-making public-sector projects.
- 7.3.6 The Affordable Housing SPD provides more details on the implementation of Oxford's LDF affordable housing policies. The SPD will be revised as and when necessary.
- 7.3.7 The City Council will seek to maximise the contribution to affordable housing provision from each site. In assessing the level of contribution and the mix of affordable dwelling types and sizes, the City Council will have regard to the characteristics of the site, the viability of the development and its Affordable Housing and Balance of Dwellings SPDs. Developers will be expected to have considered the financial implications of the affordable housing policy requirements, and other contributions, when purchasing land for development. Any negotiation will be expected to be on an "open-book" basis and should relate to the particular site circumstances that have resulted in the development's non-viability. Further details on the cascade approach that will be applied in any negotiation is set out in the Affordable Housing SPD.

## **Policy CS24**

### *Affordable housing*

*Planning permission will only be granted for residential developments that provide generally a minimum of 50% of the proposed dwellings as affordable housing on all qualifying sites.*

*Planning permission will only be granted for commercial development that provides affordable housing to meet additional demand created.*

*If it can be demonstrated, by open book evidence, that the affordable housing contribution from either residential or commercial development makes a site unviable developers and the City Council will work through a cascade approach until a site is made viable.*

*Developers will provide affordable housing as part of the proposed development unless the City Council, or the Secretary of State where appropriate, and the developer both consider that it is preferable to make a financial or other contribution towards the delivery of affordable housing on another site.*

*Developers may not circumvent this policy by artificially subdividing sites, and are expected to make efficient use of land. Affordable housing should be available to those in housing need in perpetuity.*

- 7.3.8 Note: qualifying sites are defined in the Oxford Local Plan 2001-16 as sites of 0.25 ha or more in area, or where development would provide 10 or more dwellings (including development on a site having the capacity for at least 10 dwellings). These thresholds will be reviewed in the Development Management DPD.



## Affordable homes

- A2.16 Meeting housing need is a key priority of the City Council. New affordable housing has a vital role in delivering sustainable, inclusive and mixed communities, both within a site, and across Oxford as a whole.
- A2.17 **Core Strategy Policy CS24 – Affordable Housing** states that generally a minimum of 50% of residential developments must be provided as affordable housing. The City Council generally expects affordable housing to be provided as part of the same development ('on-site'), to ensure a balanced community on the site.
- A2.18 Policies HP3 and HP4 set out the detail of how residential developments should contribute to affordable housing. The policy applies to all types of self-contained dwelling. This includes retirement homes, sheltered housing, Extra Care Housing, key worker housing, and all parts of any development that fall within Use Class C3. The policy does not apply to residential institutions such as care homes, nursing homes or hospitals, or to secure residential institutions, but will apply to any self-contained staff accommodation within these developments.

### *Provision of affordable housing on-site (10 or more homes)*

- A2.19 Most sites in Oxford that have capacity for 10 or more homes can provide 50% affordable housing whilst remaining viable<sup>7</sup>. Where a developer considers that meeting the 50% target will make a site unviable, they must provide robust evidence of this in the form of an independent viability appraisal. The City Council will expect the developer to negotiate on an "open book" basis which relates to the particular site circumstances that have resulted in the development's non-viability. The City Council will always expect developers to have considered the financial implications of affordable housing policy requirements, and local market indicators, when purchasing the land for development.
- A2.20 If the City Council is satisfied that the site would be unviable, a cascade approach will be used to determine an appropriate contribution. Policy HP3 builds on Core Strategy Policy CS24 by setting out how this cascade approach will operate.
- A2.21 Affordable housing must be truly affordable to those that need it. The City Council will require at least 80% of affordable housing provided on-site to be social rented. Due to exceptionally high private rents in Oxford, the alternative 'affordable rented' tenure will not be accepted as a substitute for social rented homes. Up to 20% of the affordable homes provided on-site may be provided as affordable rented or as other types of intermediate housing.

A2.22 The City Council maintains the Housing Register for Oxford, and also monitors and manages allocations. The Council will use this and other available evidence to advise on the strategic mix of dwelling sizes required on new housing developments, including for key workers, to meet Housing Strategy objectives. The strategic mix currently set out in the Affordable Housing SPD (July 2006) will be updated in a future planning document. Affordable dwellings of 2 or more bedrooms should provide enough space within at least two bedrooms for at least two people to comfortably share. This allows for children to share bedrooms, and ensures that there is some extra space for expanding family households.

### **Policy HP3**

#### *Affordable Homes From Large Housing Sites*

*Planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings, or which have an area of 0.25 hectares or greater, if generally a minimum 50% of dwellings on the site are provided as affordable homes.*

*A minimum 80% of the affordable homes must be provided as social rented, with remaining affordable homes provided as intermediate housing.\**

*Exceptions will be made only if it can be robustly demonstrated that this level of provision makes a site unviable, in which case developers and the City Council will work through a cascade approach in the following order until a scheme is made viable:*

- *firstly, reduce the percentage of affordable housing provided (to a minimum of 40% of all homes) by reducing the intermediate housing element only;*
- *secondly, at 40% affordable housing, reintroduce an element of intermediate housing incrementally up to a maximum 8% of all homes;*
- *thirdly, make a financial contribution in lieu of on-site provision, to be calculated using the approach set out in Appendix 2.*

*The applicant must demonstrate that the mix of dwelling sizes meets the City Council's preferred strategic mix for affordable housing.*

*Developers may not circumvent this policy by artificially subdividing sites.*

*\* See Glossary for definitions*

#### *Provision of affordable housing through financial contributions (4–9 homes)*

A2.23 Much of Oxford's supply of new housing comes from small sites of less than 10 homes, or less than 0.25 hectares. It is important that these sites contribute to achieving a balanced community in Oxford. It is often not possible for these sites to provide 50% of homes as affordable without becoming unviable. It is difficult for a Registered Provider to efficiently manage individual households in dispersed locations.

- A2.24 The Affordable Housing Viability Study showed that most small sites of less than 10 homes can however make a financial contribution towards achieving a more balanced tenure mix across Oxford. This will be required on sites of 4 to 9 dwellings, and will specifically be used to deliver affordable housing elsewhere in Oxford. If it can be robustly demonstrated to the City Council that the full contribution would make the development unviable, the Council will expect any alternative sum to be negotiated on an “open book” basis, using the same principles as for on-site affordable housing.
- A2.25 In appropriate circumstances, provision may be made as on-site affordable housing. The City Council and the applicant must agree that on-site provision is appropriate. On-site provision would be expected to make up generally a minimum of 50% of dwellings on the site, unless viability evidence demonstrates a need to reduce this.
- A2.26 Where homes are proposed as part of a mixed-use scheme, together with student accommodation and/or commercial development, account will be taken of the overall floorspace of all development on the site. Even if different uses each fall under the threshold for applying the relevant policy, the development as a whole may still trigger a requirement to contribute to affordable housing.
- A2.27 Sites that have capacity to provide only 3 homes or less (gross) will be exempt from the requirement, so that conversions of large homes to smaller dwellings are able to come forward, whilst meeting other important requirements such as Lifetime Homes.

#### **Policy HP4**

##### *Affordable Homes From Small Housing Sites*

*Planning permission will only be granted for residential development on sites with capacity for 4 to 9 dwellings, if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution required will be 15% of the total sale value of the development, and will be calculated using the formula set out in Appendix 2.*

*Where both the City Council and the applicant agree that on-site affordable housing is appropriate, planning permission will be granted if generally a minimum 50% of dwellings on the site are provided as affordable homes.*

*If it can be demonstrated to the City Council that the full contribution would make the development unviable, the City Council will accept a lower contribution, in accordance with Appendix 2 (paragraph 6).*

*Developers may not circumvent this policy by artificially subdividing sites. For mixed-use residential developments that include student accommodation and/or commercial floorspace, the overall development floorspace will be used to determine the contribution required.*



## *Student accommodation and affordable housing*

- A2.39 A key objective of the Core Strategy is to ensure that new residential development contributes to a balance of housing types and tenures, which in turn contribute to mixed and balanced communities. New student accommodation is often proposed on sites that could otherwise be developed for general purpose housing, which would include affordable homes as part of a wider tenure mix.
- A2.40 Policy HP6 therefore sets out how student accommodation proposals should contribute to affordable housing delivery, to ensure that the objective of achieving mixed and balanced communities is met. This will apply on qualifying sites providing 20 or more student bedrooms that are otherwise suitable for general purpose housing: this is broadly equivalent to 10 or more self-contained homes (the threshold for applying Policy HP3). It is expected that, for qualifying sites, a financial contribution will generally be appropriate. In certain circumstances, such as where mixed-use development is proposed that includes general purpose housing, provision may be made as on-site affordable housing, where the City Council and the applicant agree that on-site provision is the most appropriate way of creating mixed and balanced communities.
- A2.41 Where student accommodation is proposed as part of a mixed-use scheme, together with general housing and/or commercial development, account will be taken of the overall floorspace of all development on the site. Even if different uses each fall under the threshold for applying the relevant policy, the development as a whole may still trigger a requirement to contribute to affordable housing. As a general guide, and including communal areas such as shared kitchens, two purpose-built student bedrooms have a similar internal floorspace as a 1-bedroom flat, and four purpose-built student rooms have a similar internal floorspace as a 3-4 bedroom house.
- A2.42 If the applicant can robustly demonstrate that the sum required by applying the formula in Appendix 4 makes the scheme unviable, and this is accepted by the City Council, a lower contribution may be negotiated. This will be on the basis of the evidence submitted.
- A2.43 The policy will apply to all proposals for providing 20 or more student bedrooms on sites that are not allocated solely for student accommodation in this Plan, including windfall sites that are suitable for general purpose housing, except in the circumstances set out in the policy. In these circumstances the City Council will not seek a financial contribution or on-site provision towards affordable housing.

## **Policy HP 6**

### ***Affordable Housing From Student Accommodation***

*Planning permission will only be granted for new student accommodation that includes 20 or more bedrooms if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution will be calculated using the formula in Appendix 4. Alternatively, the affordable housing contribution can be provided on-site where both the City Council and the applicant agree that this provision is appropriate.*

*If it can be demonstrated to the City Council that the full financial contribution, or equivalent on-site provision, would make the development unviable, the City Council will accept a lower financial contribution, in accordance with Appendix 4 (paragraph 6).*

*An exception to this requirement for delivering affordable housing will be made where:*

- a) the proposal is within an existing university or college academic site\* or hospital and research site, as defined in the glossary; or*
- b) the site has been allocated by the City Council solely for student accommodation; or*
- c) the proposal is for the redevelopment and/or intensification of a site, including proposals for the extension of a site on contiguous adjoining land, where the main existing use is student accommodation; or*
- d) the proposed student accommodation is necessary to enable either university to achieve or maintain its 3,000 student numbers threshold referred to in Core Strategy Policy CS25; or*
- e) where the City Council agrees that site is not suitable for, nor capable of being made suitable for, general purpose housing.*

*Developers may not circumvent this policy by artificially subdividing sites. For mixed-use developments of student accommodation with general housing or commercial floorspace, a pro-rata approach will be used to determine whether a contribution is required, and how much this should be.*

*\*this means sites that existed as a college or campus on 19 December 2011 (the date at which the Housing Policies became a material consideration) and continues to exist as such*

## Appendix 2: Dwelling and student accommodation floorspaces

The table below shows typical floorspaces for different types of dwelling (gross internal area).

1 bedroom flat	50m <sup>2</sup>
2 bedroom flat	67m <sup>2</sup>
2 bedroom house	75m <sup>2</sup>
3 bedroom house	95m <sup>2</sup>
4 bedroom house	100m <sup>2</sup>
5 bedroom house	105m <sup>2</sup>

Source: Oxford Affordable Housing Viability Study (June 2011) (Appendix 7)

Student accommodation – single study bedroom	25m <sup>2</sup> *
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\* includes an allowance for communal areas

Source: Oxford Affordable Housing Viability Study – Student Accommodation (Dec 2011)

## Appendix 3: Viability appraisal

### What is a viability appraisal?

- A.1. A viability appraisal is an assessment of whether the development of a site would create sufficient value such that both the landowner brings the site to the market, and the developer has sufficient profit to undertake the development.
- A.2. The Viability Appraisal Checklist provides details of what costs should be included in a viability appraisal, and how these should be used to assess viability.

### When should one be submitted?

- A.3. In Oxford, a site viability appraisal is required where an applicant considers that policy requirements will make a site unviable, and should therefore be negotiated down.
- A.4. The appraisal should be submitted at the pre-application stage. If the City Council is content that it is robust, the outcome of the appraisal will be used as a basis for negotiating a reduced contribution for affordable housing. If, however, the City Council does not consider it robust, we will ask the applicant to review the assumptions and/or methodology, before the formal planning application is submitted.
- A.5. If an applicant decides to submit a viability appraisal with the planning application without first agreeing it with the City Council, we will undertake an initial audit to determine whether the appraisal is robust. If there is doubt regarding its robustness, this may lead to the application being refused.

### How will the City Council consider viability appraisals?

- A.1. The City Council will, under normal circumstances, require the full contribution to be made in line with the Sites and Housing Plan policies HP3, HP4 and HP6. If the developer has evidence that the full level of on-site provision or financial contribution will make the site unviable, this evidence should be submitted as a full viability appraisal well before the formal application stage. This should have regard to the Viability Appraisal Checklist set out below.
- A.2. The City Council will assess the viability appraisal, using the Viability Appraisal Checklist. If the City Council considers there are significant shortcomings in the level or quality of information provided, or in the overall approach, we will ask the applicant to address these concerns and submit a revised viability appraisal.
- A.3. The Council must be in receipt of a draft viability appraisal that has enough information, and justification of assumptions, to allow a more detailed assessment. As any reduced affordable housing contribution is a departure from policy, the Council will wish to be fully satisfied that the reduced contribution offered is justified by a lack of viability. Depending on the robustness of the appraisal, the City Council may ask an independent RICS qualified consultant to provide an expert audit of the findings of the viability assessment.
- A.4. If either the Council or the independent consultant has found flaws in the viability appraisal, the applicant will be expected to either increase provision for affordable housing, or further refine the viability appraisal, to take account of the Council's concerns. If the applicant is not willing to do this, it is likely the Council will recommend refusal (subject to formal consideration of the planning application).
- A.5. If the viability appraisal is accepted, the applicant may, in the context of the site, be asked to consider changing the density, dwelling mix and other scheme details as an alternative to reducing affordable housing contributions. This reflects the Council's priority to increase the supply of affordable housing in Oxford.

### Large (Major) and complex applications

- A.6. Where the viability appraisal involves a large site and/or complex inputs, officers may suggest a **collaborative approach** to assessing viability. This will take longer and be more expensive initially, but if done in good faith should lead to a much swifter resolution and potentially avoid the need for an appeal.
- A.7. Such an approach is likely to involve:

- Establishing a working group, to include Council officers, the applicant, the consultant commissioned to assess viability on behalf of the applicant, and the Council’s appointed consultant who will act as independent auditor;
- Agreeing as many aspects of the viability appraisal as possible in advance of the main assessment, e.g. an appropriate tool/model, existing use value, likely GDV, cost of build, etc.
- Reviewing the outcome, and agreeing between parties any further changes to the appraisal inputs and assumptions to ensure a robust outcome (i.e. ‘sensitivity testing’).

A.8. Due to the additional expense to the Council of such an approach (in terms of both officer time and consultancy fees), the Council will seek a contribution from the developer towards its additional expenses.

## **Viability Appraisal Checklist**

### **Introduction**

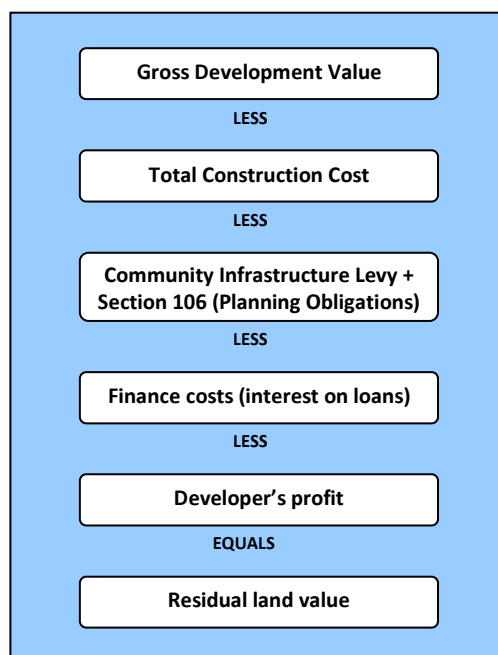
A.9. The City Council has produced this Viability Appraisal Checklist to provide advice to applicants on the information the City Council would expect to be submitted if an applicant wishes to pursue a case of non-viability. This information is expected from the applicant if a development is proposed which does not provide the amount or type of affordable housing and/or financial contributions expected through Oxford’s Development Plan policies.

### **Open book approach**

- A.10. The information provided as part of this checklist will be subject to scrutiny by the Council. This information will be used to inform the decision taken when determining a planning application, this information will therefore be publicly available.
- A.11. Providing full, clearly presented and fully justified details on development viability, on an open book basis, will streamline the planning application process and potentially allow a collaborative approach. Viability appraisals provided at the pre-application stage are encouraged to further speed up decision making.
- A.12. All costs must be justified, with clear references to supporting evidence, and will be critically scrutinised by the Council to ensure each element is robust. All valuations should have 3 independent valuations undertaken by qualified RICS surveyors.

### **Residual Land Value**

- A.13. Whilst there are different ways that a viability appraisal can be undertaken, the City Council prefers the Residual Land Value method. This is the most commonly used approach, that takes account of the fact that development land value uplift will depend both on the market value of a redeveloped site, and also on all the costs that are borne by the developer, including planning and infrastructure costs. Other methodologies, such as adopting a Threshold or Benchmark Land Value based on (sometimes limited) local market evidence, may not take full account of the impact that planning policies will have on land value, thus an artificially high ‘hope’ value for the site may skew the results.
- A.14. The Residual Land Value is the amount that a developer is able to pay for a site, whilst still being able to deliver the project. This is worked out by using the following formula:



- A.15. In some circumstances, an existing landowner will be looking to dispose of a site, or the existing use may have ceased. In this scenario, if the Residual Land Value is equal to or greater than the Existing Use Value (EUV), then the development is viable.
- A.16. In other circumstances, a landowner may not need to sell a site. In this scenario the landowner will expect an incentive to sell, so a degree of uplift in the value of their land to make it worthwhile selling. In this scenario, an appropriate level of uplift in the Existing Use Value can be factored into the viability appraisal. The level of uplift on EUV will need to be fully justified based upon the circumstances of the site.

#### Calculating the Residual Land Value

A.17. The following information will need to be set out in the viability appraisal:

##### *1. Gross Development Value*

- A.18. The Gross Development Value (GDV) is the value to be achieved if all units within the development were sold, either on the open market or, in the case of affordable units, to a Registered Provider (RP).
- A.19. If some or all of the development is to be retained in the ownership of the developer, the completed development will still have an open market value. The City Council would expect 3 independent valuations each undertaken by a different RICS qualified surveyor on the basis of capitalised rental income.
- A.20. The Gross Internal Area should be provided for each part of the development.
- A.21. The elements that might make up the total development value are:
- **Market housing units:** Total expected to arise from open market sales. The values arrived at must take account of real current market values for the type and location of development. The source of this information must be clearly justified. The value of the units should be evidenced by reference to other sales figures in the area, reflect the new build premium, and the expected market value at the time the units would come to the market, considering the time it would take to build the units.
  - **Social rented units:** The value of units to be sold to an RP, on the basis of social rented tenure. Calculated by capitalising target social rents, allowing for deductions for repairs, voids/bad debts, management, maintenance and service charge.
  - **Shared ownership units:** The value of units to be sold to an RP, on the basis of shared ownership with the maximum of 25% of each unit to be sold at open market value, and rent on the unsold equity of 2.75%. The sale element will be added to the capitalised rental income (allowing for deductions for repairs, voids/bad debts, management, maintenance and service charge) to arrive at an overall value that an RP can afford to pay for the unit.

- Intermediate rented / Affordable rented units: The value of units to be sold to an RP, on the basis of intermediate or affordable rent. Calculated by capitalising a rental income agreed (or likely to be agreed) with a partner RP, allowing for deductions for repairs, voids/bad debts, management, maintenance and service charge. Affordable rent should be assumed to be 80% of the equivalent market rent, unless there is solid evidence that the ratio will be lower.
- Student accommodation: The value of a student accommodation development will be calculated by capitalising the rental income of the completed development, allowing for deductions for repairs, voids/bad debts, management and maintenance. This income may vary over the course of a year, given that many such developments are let out to conference delegates out of term time. Future rental income may also depend on whether it is to be run or leased by a major institution, or privately let directly to students. It will be borne in mind that student accommodation developed by a public or charitable institution may be sold to a private provider in the future.

## 2. Construction costs

A.22. The following elements may make up the total cost of construction:

- Basic build cost: This should normally align with current BCIS build costs. These will be different for different types of dwelling (e.g. flats compared with housing; conversion compared with new-build). If BCIS is not used, there must be robust and detailed justification as to why a different assumption has been applied.
- Demolition works: Relating to structures to be demolished to make way for new build development.
- Site servicing costs: A reasonable estimate of the cost of providing services to the site based on BCIS data, or other robust costings specific to the site.
- Renewable energy: Such costs must relate to features that are over and above the cost of meeting current building regulations (Part L – conservation of fuel and power).
- Accessibility design features: Modest and justified additional costs may be assumed relating to meeting Lifetime Homes standards or to make a proportion of dwellings readily adaptable to Wheelchair Accessible Standard. Note that the requirements of Sites and Housing Policy HP2 generally relate to space and internal design, rather than to specialist features that go beyond building regulations (Part M). Applying BCIS build costs on a per m<sup>2</sup> basis would automatically take account of such costs.
- Specialist flood protection/mitigation: These may apply where the City Council or Environment Agency has advised that there is a requirement. These elements need to be fully costed and justified.
- Build contingency: A contingency margin is appropriate where justified, to take account of reasonable uncertainties and unknowns relating to the site.

## 3. Affordable Housing, Section 106 and CIL

A.23. The level of the Section 106 Planning Obligation should be provided by the City Council in its role as Planning Authority. This includes contributions which are for County Council functions, such as education.

A.24. In October 2013, the City Council expects to adopt its Community Infrastructure Levy Charging Schedule (CIL). CIL will replace most of the financial planning obligations which are currently required under S106. CIL is charge on the basis of a fixed rate per m<sup>2</sup> of different use class.

A.25. In respect of other planning obligations, please see the Planning Obligations SPD (April 2007), or from adoption of the Community Infrastructure Levy Charging Schedule, see the Affordable Housing & Planning Obligations SPD (draft publication April 2013).

A.26. Financial contributions towards the off-site provision of affordable housing are required from sites of 4-9 homes (gross) in line with the Sites and Housing Plan Policy HP4. Financial contributions are also required in line with Policy HP6 from student accommodation developments of 20 or more units (gross). Further detail will be set out in the Affordable Housing & Planning Obligations SPD (draft publication April 2013). The costings of these financial contributions needs to be clearly set out, and agreed with the City Council.

## 4. Finance and professional costs

A.27. The following elements may make up the finance costs of a scheme:

- Finance: Details of project finance, related to phasing of construction and sales, should be clearly set out. The proportion of the overall cost to be met by securing bank loans, and the rate of interest applicable to these, should be included in the open book assessment.
- Professional fees: These may include fees for planning application, land acquisition, architect, planning agent, quantity surveyor, building control and stamp duty. The phasing of these costs should be appropriately timed (e.g. building control should not be applied until later build phase).
- Marketing and legal fees: These may include the reasonable costs of sales (e.g. marketing agent commission) and legal input for the sale or transfer of units. These costs must be benchmarked in line with current industry standards. The phasing of these costs should be appropriately timed; they will normally only apply to the later phases of development.

#### 5. Developer profit

- A.28. Developer profit can be calculated as either profit on cost or profit on Gross Development Value (GDV). The City Council will expect the applicant to work on the basis of profit on cost. This is more transparent, and will therefore allow more effective discussion on viability issues.
- A.29. The level of developer profit will reflect the degree of risk to the developer. The required profit margin should be fully justified.
- A.30. The viability appraisal should assume that on-site affordable housing units do not require a developer's profit. This is on the basis that the developer is not taking any risk with the delivery of affordable housing, for which there is a guaranteed buyer and price i.e. the Registered Provider to whom the affordable housing will be transferred on an agreed date.

#### 6. Existing Use Value

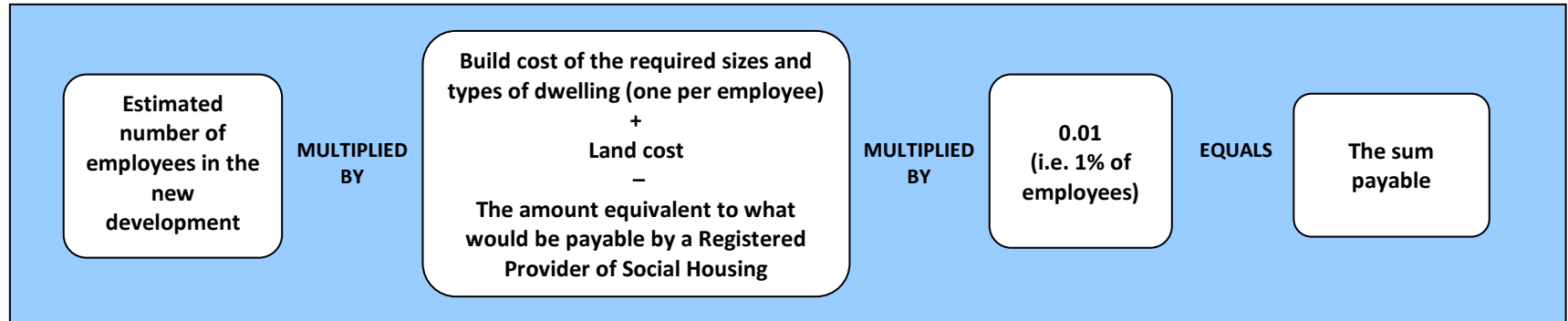
- A.31. The EUV is what the site is worth in its current use and condition. The City Council would expect three EUV valuations, each of which must be undertaken by a different qualified RICS surveyor.
- A.32. The EUV is not necessarily the same as the actual land purchase price. Developers when purchasing a site should take account of adopted and emerging planning policies in agreeing a price. The Council will not accept overpayment for site purchase as a justification for non-viability.



## Appendix 4: Contribution towards affordable housing from non-residential developments (Core Strategy Policy CS24)

Formula for calculating affordable housing contribution from non-residential developments

A4.1. The formula below will be used to calculate the required contribution towards affordable housing from qualifying non-residential developments:



41  
Employment densities

A4.2. The figures in Table A7 are expressed either as Net Internal Area (NIA), Gross Internal Floorspace (GIF), or Gross External Area (GEA). Information on a planning application form relates to Gross Internal Floorspace (GIF). The following conversion rates will be applied:

$$\begin{aligned} \text{NIA} &= 85\% \times \text{GIF} \\ \text{GEA} &= 105\% \times \text{GIF (applicable to B8 uses)} \end{aligned}$$

**Table A7 Commercial developments by use class and whether of not a contribution towards affordable housing is sought**

Use class	Contribution required?	Comment	Typical floor space per employee (sq m) <sup>6</sup>
A1 Shops	No	Contribution not required from retail development	n/a
A2 Financial and professional services	No	Contribution not required from retail development	n/a
A3 Restaurants and cafes	No	Contribution not required from retail development	n/a

<sup>6</sup> Source: Employment Densities Guide 2<sup>nd</sup> Edition (Homes and Communities Agency, 2010)

A4	Drinking establishments	No	Contribution not required from retail development	n/a
A5	Hot food takeaway	No	Contribution not required from retail development	n/a
B1(a)	Offices	Yes	-	12 (NIA)
B1(b)	Research and development	Yes	If no reliable information has been submitted by the applicant, a ratio equivalent to B1(a) will be assumed.	Information required from applicant.
B1(c)	Light industry	Yes	-	47 (NIA)
B2	General industrial	Yes	-	36 (GIF)
B8	Storage or distribution	Yes	Large scale and high bay warehousing may have a ratio of around 80 sq m	70 (GEA)
C1	Hotels	Yes	(1) Hotels may provide self-contained accommodation for their staff on site, which would reduce the level of contribution (2) Budget hotels may have reduced staff of 1 employee per 3 bedrooms plus casual staff. 4/5 Star hotels may have additional staff of 1 employee per 1.25 bedrooms.	1 employee per 2 bedrooms
C2	Residential institutions	Yes	Residential institutions may provide self-contained accommodation for their staff on site, which would reduce the level of contribution	Information required from applicant
D1	Non-residential institutions	Yes	-	Depends on specific use - information required from applicant
D2	Cinemas	Yes	-	90 (GIF)
D2	Amusement & entertainment centres	Yes	-	70 (GIF)
D2	Sports centres and private clubs	Yes	-	65 (GIF)
	Sui generis	Seek advice from the planning department		

### *Build costs*

A4.3. The build cost should be estimated on the basis of up-to-date BCIS data. The mix of units assumed should be equivalent to the strategic mix set out in Table 2 of this SPD, i.e. for housing sites outside the City and District centres. The typical dwelling size measurements set out in Appendix 2 of this SPD should be used to calculate the total cost per dwelling.

### *Land cost*

A4.4. The land cost should be based on evidence from the Valuation Office Agency or Land Registry of the typical cost of residential development land in Oxford. The City Council currently uses a figure of £4million per hectare, this may be reviewed in light of updated evidence. The density of development should be assumed as 55 dwellings per hectare, which is considered a typical density for sites in Oxford.

*Value of residential development*

A4.5. To estimate the selling prices to a Registered Provider (RP), the City Council will use figures contained in the Affordable Housing Viability Study<sup>7</sup>, or any update to these figures either published or expressly endorsed by the City Council. Values have been calculated on a zero grant basis. Selling prices for both social rented and shared ownership affordable housing vary with location within Oxford, therefore the specific site values used should correspond as closely as possible to the location of the development from which the contribution is sought.

A4.6. In calculating the amount that would be payable by an RP, developers should assume an 80/20 social rented/shared ownership mix and should base the mix of dwellings on the Strategic Mix as set out in Table 2 of the main SPD, i.e. assume that off-site affordable housing will be on a site outside the City centre.

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<sup>7</sup> Oxford Affordable Housing Viability Study (King Sturge, 2011) Appendix 7  
Oxford City Council

**Appendix 5: Standard Legal Agreement**

**STANDARD AGREEMENT**

**DATED** \_\_\_\_\_ **20**

**(NAME OF APPLICANT/DEVELOPER/OWNER)**

- and -

**THE OXFORD CITY COUNCIL**

---

**A G R E E M E N T**

under Section 106 of the Town and Country Planning Act 1990  
relating to (INSERT NAME OF SITE) and  
planning application no. (INSERT REF)

---

Date:

File Ref :

This 'skeleton' agreement is in indicative model form for routine planning obligations. It is not intended to be definitive. Variations may be necessary to address site specific issues or to take account of further developments in law or practice.

**THIS AGREEMENT** by way of Deed is made on

20XX

**B E T W E E N:**

- 1 **(Insert names and addresses of all those with interests (not chargees/mortgagees) in the land to be bound (registered office and registration numbers for companies))** “the Owner”)
- 2 **THE OXFORD CITY COUNCIL** of The Town Hall Blue Boar Street Oxford OX1 4EY (“the City Council”)
- 3 **(Insert names and addresses of all chargees/mortgagees in the land to be bound (registered office and registration numbers for companies))** “the Chargee”)

**WHEREAS**

- 1.1 The Owner is interested in land at [describe land (by reference to registered title is applicable)] (“the Land”) in the manner and to the extent set out in Schedule One hereto
- 1.2 The City Council is a local planning authority and the district planning authority for the administrative area of the City of Oxford for the purposes of the Town and Country Planning Act 1990 (“the Act”)
- 1.3 Application bearing reference [planning application number] (“the Application”) has been made to the City Council pursuant to Part III of the Act for planning permission to develop the Land by [description of development from planning application] (“the Development”)
- 1.4 The parties hereto have entered into this Agreement with the intent that its provisions be material to the determination of the Application

**NOW THIS DEED WITNESSTH AS FOLLOWS**

1 Interpretation

1.1 Save where contrary intention is shown the provisions of the Interpretation Act 1978 shall apply to the provisions hereof as if this Deed was an Act of Parliament

1.2 Save where contrary intention is shown the following expressions shall bear the following meanings herein

“Commencement of Development” means the date on which the Development permitted by the Permission is initiated within the meaning of section 56 of the Act and “commence” “commencement” and similar expressions shall be construed accordingly

“Index” means

in relation to any sum referred to in Schedule Two the Halifax Price Index for the South East

in relation to any other sum herein the BCIS All-In Tender Price Index published in the Quarterly Review of Building Prices by the Royal Institution of Chartered Surveyors

“Permission” means planning permission granted in determination of the Application

2 Statutory Authority

2.1 All obligations hereunder on the part of the Owner [and the Chargee] (howsoever expressed) are planning obligations for the purposes of section 106 of the Act entered into in respect of its interest in the land as particularised in Schedule One hereto enforceable against the Owner and his successors in title the obligations being enforceable by the City Council

2.2 All and any obligations hereunder on the part of the City Council are contractual obligations personal to the Owner (and not to any successor in title to the Land or assignable to any other person) entered into pursuant to section 111 of the Local Government Act 1972

### 3 Obligations

3.1 The Owner covenants with the City Council to observe and perform the requirements contained in the Schedules hereof

### 4 Miscellaneous

4.1 All sums payable hereunder shall be exclusive of any value added tax properly payable

4.2 The Contracts (Right of Third Parties) Act 1999 shall not apply to any of the provisions of this Agreement

4.3 All sums payable hereunder shall be paid subject to indexation which shall mean that should the value of the Index as at the date of payment ("the Payment Date Value") exceed the value of the Index as at the date of this Agreement ("the Base Date Value") the sum to be paid shall be the sum specified hereunder multiplied by the Payment Date Value and divided by the Base Date Value

4.4 In the event of the Chargee exercising powers under or by virtue of his charge upon the Land as particularised in Schedule One hereof the Chargee and his successors in title shall become liable hereunder as if he were the Owner PROVIDED ALWAYS that he shall not otherwise be liable hereunder

4.5 If any sum payable to the City Council hereunder is not paid in full (including any increase in consequence of clause 4.3 above) on or before the due date interest shall be due and payable to the payee at the rate of 4% per annum above the base lending rate of Lloyds TSB Bank PLC compounded monthly for the period from the due date until payment of the full amount due as at the date of payment

4.6 No alteration in the terms of this Agreement nor any forbearance or forgiveness on the part of the City Council in or in the extent or nature of any matter or thing concerning this Agreement shall in any way release the Owner from any liability hereunder

4.7 Nothing in this Agreement shall prejudice or affect the rights powers duties and obligations or the City Council in the exercise of its functions in any capacity

4.8 Where more than one person is liable under any provision hereof the liability shall be joint and several

4.9 All notifications approvals permissions consents or similar hereunder shall be in writing

4.10 The Owner shall permit the City Council full access to the land (save for buildings in residential or commercial occupation to which access shall be permitted on not less than 24 hours written notice) for any purpose in connection with this Agreement

**IN WITNESS** whereof the parties have executed this Agreement as a deed on the day and year first before written

### **Schedule One**

[Set out land ownership details (freehold and leasehold if relevant) including charges

If there are multiple parcels of land with differing ownerships deal with each separately by reference to the plan]

### **Schedule Two**

#### **[Affordable Housing – on site provision]**

- 1 The Owner shall not cause or permit the Commencement or continuance of the Development prior to obtaining the written agreement of the City Council to a scheme for the provision of Affordable Housing (“the Affordable Housing Scheme”) such scheme to provide
    - 1.1 the locations of dwellings to be available at a rent or price that can be afforded by people who are in housing need and would otherwise not be able to compete in the general housing market and complying with the definition of Affordable Housing in the glossary to the Sites and Housing Local Plan (February 2013) (“Affordable Housing”) ensuring that the Affordable Housing is integrated into the Development as a whole
    - 1.2 the details of the type and tenure of the Affordable Housing ensuring that at least 80% of the dwellings comprising the Affordable Housing is social rented housing complying with the definition in the glossary to the Sites and Housing Local Plan (February 2013) (“Social Rented Housing”) providing that
      - no less than [x%] and no more than [y%] of the Affordable Housing shall be 1 bedroom (2 person) Social Rented Housing with a minimum floorspace of 39 square metres
      - no less than [x%] and no more than [y%] of the Affordable Housing shall be 2 bedroom (4 person) Social Rented Housing with a minimum floorspace of 67 square metres
      - no less than [x%] and no more than [y%] of the Affordable Housing shall be 3 bedroom (5 person) Social Rented Housing with a minimum floorspace of 75 square metres
      - no less than [x%] and no more than [y%] of the Affordable Housing shall be 4 bed (minimum 7 person) Social Rented Housing with a minimum floorspace of 108 square metres (118 square metres if a 5 bedroom (8 person) unit increasing by 10 square metres per additional bedroom above 8 for units for more than 8 people)
      - no less than [x%] and no more than [y%] of the Affordable Housing shall be 1 bedroom (2 person) Intermediate Housing (which expression bear the meaning provided in the glossary to the Sites and Housing Local Plan (February 2013)) with a minimum floorspace of 39 square metres
      - no less than [x%] and no more than [y%] of the Affordable Housing shall be 2 bedroom (4 person) Intermediate Housing with a minimum floorspace of 67 square metres
      - no less than [x%] and no more than [y%] of the Affordable Housing shall be 3 bedroom (5 person) Intermediate Housing with a minimum floorspace of 75 square metres
- [FOR PERCENTAGES PLEASE REFER TO TABLES 2 AND 3 OF THE SPD]
- and showing that at least 5% of the dwellings comprising the Affordable Housing (where these will exceed three in number) will be fully wheelchair accessible, or of a design that allows future adaptation to become fully wheelchair accessible.

- 1.3 the contractual arrangements with a registered provider of social housing within the meaning of the Housing and Regeneration Act 2008 (including for the avoidance of doubt the City Council) (“Registered Provider”) for the delivery (both construction and transfer (or lease of not less than 125 years in the case of flats) of the Affordable Housing including a copy of such completed contract certified as a true copy by a solicitor
- 1.4 the servicing of the Affordable Housing and the allocation of responsibility for such servicing and the cost of such servicing
- 2 In the event that the Registered Provider is not the City Council the Owner shall not cause or permit the Commencement of continuance of the Development prior to that Registered Proprietor having entered into a framework agreement applicable to the Affordable Housing to be provided hereunder with the City Council for partnership working in relation to the operation of a shared register of people in need of Affordable Housing in the administrative area of the City Council and the allocation of Social Rented Housing
- 3 The Owner shall not cause or permit the occupation of more than 25% of the dwellings (excluding those specified as Affordable Housing) authorised by the Permission until
  - 3.1 50% of the dwellings comprising the Affordable Housing have been fully constructed and are finished ready for immediate residential occupation in accordance with the Affordable Housing Scheme and
  - 3.2 (as regards that 50%) the leasehold interest of those dwellings comprised within the Affordable Housing which are flats and/or the freehold interest of those dwellings comprised with the Affordable Housing which are not flats have been transferred to the Registered Provider such grant and/or transfer to be prepared by solicitors instructed by the Owner and at the cost of the Owner in substantially the form attached and marked “AH Grant of Lease” and “AH Transfer” respectively
- 4 The Owner shall not cause or permit the occupation of more than 50% of the dwellings (excluding those specified as Affordable Housing) authorised by the Permission until
  - 4.1 75% of the dwellings comprising the Affordable Housing have been fully constructed and are finished ready for immediate residential occupation in accordance with the Affordable Housing Scheme and
  - 4.2 (as regards that 75%) the leasehold interest of those dwellings comprised within the Affordable Housing which are flats and/or the freehold interest of those dwellings comprised with the Affordable Housing which are not flats have been transferred to the Registered Provider such grant and/or transfer to be prepared by solicitors instructed by the Owner and at the cost of the Owner in substantially the form attached and marked “AH Grant of Lease” and “AH Transfer” respectively
- 5 The Owner shall not cause or permit the occupation of more than 75% of the dwellings (excluding those specified as Affordable Housing) authorised by the Permission until
  - 5.1 all of the dwellings comprising the Affordable Housing have been fully constructed and are finished ready for immediate residential occupation in accordance with the Affordable Housing Scheme and
  - 5.2 the leasehold interest of those dwellings comprised within the Affordable Housing which are flats and/or the freehold interest of those dwellings comprised with the Affordable Housing which are not flats have been transferred to the Registered Provider such grant and/or transfer to be prepared by solicitors instructed by the Owner and at the cost of the Owner in substantially the form attached and marked “AH Grant of Lease” and “AH Transfer” respectively
- 6 The Owner will procure that all dwellings comprised within the Affordable Housing shall



- 6.1 meet all requirements of Homes and Community Agency Design Quality Standards and Housing Quality Indicators that (were that Agency funding their provision) would be applicable to them
  - 6.2 comply with Lifetime Homes standards then applicable
  - 6.3 show compliance with Secure By Design standards then applicable
- 7 The Owner shall not cause permit or allow occupation of any dwelling comprised within the Affordable Housing other than as Affordable Housing in accordance with the Affordable Housing Scheme
- 8 The Owner shall not cause permit or allow all or any dwelling comprised within the Affordable Housing to be disposed of for a consideration (howsoever constructed) in excess of [x%] of the value that would otherwise be achievable on the open market in the event that the provisions of this Schedule Two were not applicable thereto
- 9 The Owner shall not cause permit or allow all or any dwelling comprised within the Affordable Housing to be occupied at a weekly/monthly cost to the occupier in respect of the right to so occupy (including for the avoidance of doubt any service charges) in excess of [x%] of the sum that would otherwise be achievable on the open market in the event that the provisions of this Schedule Two were not applicable thereto

**[Affordable Housing – contributions]**

[HP3/HP4]

- 1 The Owner shall not cause or permit more than 50% of the dwellings comprised within the Development to be residentially occupied prior to paying to the City Council the sum of 15% of the combined sales value of all dwellings that may be occupied lawfully for planning purposes pursuant to the Permission the sales value in respect of each such dwelling being the then last available price at which such dwelling was legitimately advertised for sale OR such sum representing the actual sale price as the Owner may evidence to the satisfaction of the City Council OR a sales value which is the average (mean) value arising from at least two professionally conducted valuations submitted in writing by two separate and independent Chartered Surveyors each of whom shall be full members of the Royal Institute of Chartered Surveyors

[HP6]

- 1 The Owner shall not cause or permit the Development to be occupied as student accommodation prior to paying to the City Council the sum of £140 multiplied by the gross internal floor area permitted by the Permission for student accommodation the internal floor area to be calculated in accordance with the RICS “Red Book” then in effect
- 2 [if student accommodation of the Universities within HP6(d)] The Owner shall not cause or permit the Development to be residentially occupied other than for student accommodation for either Oxford University or Oxford Brookes University without first paying to the City Council the sum of £140 multiplied by the gross internal floor area permitted by the Permission for student accommodation the internal floor area to be calculated in accordance with the RICS “Red Book” then in effect

[CS24]

- 1 The Owner shall not cause or permit the Development to be occupied as [IDENTIFY RELEVANT COMMERCIAL USE] prior to paying to the City Council the sum of £[x]

**Schedule Three**  
**[Matters other than Affordable Housing]**

**1 The costs of the City Council**

- 1.1 The Owner shall pay to the City Council on completion of this Agreement the legal costs of the City Council in connection with the preparation and completion of this Agreement
- 1.2 The Owner shall pay to the City Council on completion of this Agreement the sum of [XXXXX] being a contribution towards the costs of the City Council in connection with the administration and management of this Agreement (including the payments further to this Agreement) [ Calculated as per SPD]

**2 Bond**

- 2.1 The Owner shall not cause or permit the commencement or continuance of the Development at any time that there are outstanding obligations hereunder that he has not procured that the City Council is in possession of an extant bond with at least 3 months remaining prior to its date of expiry in a form with a bondsman and to a value acceptable to the City Council (having regard to the then outstanding obligations) providing that in the event of default hereunder the bondsman shall be liable to the extent of that default

**3 Notifications**

- 3.1 The Owner shall not cause or permit the commencement or continuance of the Development unless the Owner has given notice of commencement of the Development to the City Council such notice specifying the intended date for commencement
- 3.2 The Owner shall give notice to the City Council of any disposal of his interest in the Land (or part thereof) or any other event giving rise to a successor in title (other than disposals of individual dwellings) providing the name and address of that successor the date of disposal and a plan identifying the land affected such notice to be provided within 14 days of the disposal or other event giving rise to a successor in title
- 3.3 On each anniversary of Commencement of Development until completion of the Development the Owner shall give notice to the City Council identifying the extent to which the Development has been executed
- 3.4 [if student accommodation (CS25 / ED10)] The Owner shall on each anniversary of the Commencement of Development notify the City Council particularising how many occupiers of the Development are in full time education on a course of not less than one academic year in length
- 3.5 [if student accommodation of the Universities within HP6(d)] The Owner shall on each anniversary of the Commencement of Development notify the City Council particularising how many occupiers of the Development are in full time education on a course provided by the University of Oxford / Oxford Brookes University and how many occupiers of the Development there are in total.

**4 Public Art**

- 4.1 The Owner shall not cause or permit the Commencement or continuance of the Development unless the written approval of the City Council has been obtained for a scheme for the provision of public art such scheme to provide for consultation and approval of the item or items comprising the public art (including design appearance materials and location) commissioning execution of all required works for the item or items comprising the public art and subsequent maintenance including a timetable for each stage by reference to time from Commencement of Development and/or prior to the commencement/completion/occupation of specified elements of the Development

- 4.2 The Owner shall ensure that the approved scheme referred to in paragraph 4.1 above is executed in its entirety and shall notify the Council of the completion of each distinct element
- 4.3 In the event that there is an extant breach of the approved scheme referred to in paragraph 4.1 above the Owner shall not cause or permit any further works for the execution of the Development or the occupation of any part of the Development not previously occupied
- 4.4 In the event that the City Council notifies the Owner of a desire to acquire any element of the approved scheme referred to in paragraph 4.1 above no later than 12 months after receiving notification in respect of that element that the same is complete then in respect of that element
- 4.4.1 the Owner shall continue to maintain that element for a further 12 months at which date it will execute and deliver a transfer to the City Council in a form approved by the City Council
- 4.4.2 the Owner shall (no later than the date on which it complies with paragraph 4.4.1 above) pay to the City Council the sum certified by the City Council as its anticipated costs of maintenance for a ten year period
- 4.5 upon compliance with paragraphs 4.4.1 and 4.4.2 above the obligations upon the Owner to further maintain that element shall cease

## **5 Public Open Space / Amenity Areas / Play Areas**

- 5.1 The Owner shall not cause or permit the Commencement or continuance of the Development prior to obtaining the written approval of the City Council to a public open space scheme such scheme to provide
- 5.1.1 the locations and details of each area of amenity and/or recreational open space (providing specifications of equipment where equipment is proposed) proposed within the Land as part of the Development sufficient to ensure that the needs of all those likely to use the Development will be met
- 5.1.2 a timetable for the provision of each and every element by reference to such element being available for functional public use either prior to a defined part of the Development being commenced or occupied for the purpose permitted by the Permission
- 5.2 The Owner shall comply fully with all aspects of the approved scheme referred to in paragraph 5.1 above and shall notify the City Council of each and every element of the approved scheme referred to in paragraph 5.1 above first being made available for public use
- 5.3 The Owner shall in respect of each and every element of the approved scheme referred to in paragraph 5.1 above from the date on which it is first made available for public use
- 5.3.1 keep it available for free public use at all times restricting public access only as may be required by law
- 5.3.2 maintain it such that it does not materially deteriorate
- 5.4 The Owner shall not cause or permit the commencement or carrying on of any works for the provision of any element of the approved scheme referred to in paragraph 5.1 above prior to obtaining the written approval of the City Council to a mechanism to ensure future compliance with the obligations of the Owner pursuant to paragraphs 5.3.1 and 5.3.2 above.
- 5.5 In the event that the City Council notifies the Owner of a desire to acquire any element of the approved scheme referred to in paragraph 5.1 above within 12 months of receiving notification in respect of that element as referred to in paragraph 5.2 above then in respect of that element
- 5.5.1 the Owner shall continue to maintain that element for a further 12 months at which date it will execute and deliver a transfer to the City Council to the City Council in a form approved by the City Council
- 5.5.2 the Owner shall (no later than the date on which it complies with paragraph 5.5.1 above) pay to the City Council the sum certified by the City Council as its anticipated costs of maintenance for a ten year period
- 5.5.3 upon compliance with paragraphs 5.5.1 and 5.5.2 above the obligations upon the Owner pursuant to paragraphs 5.3.1 and 5.3.2 above in respect of that element shall cease

## **6 Species relocation**

- 6.1 The Owner shall not cause or permit the Commencement or continuance of the Development prior to obtaining the written approval of the City Council to a scheme for the relocation of [IDENTIFY SPECIES] (“the Species Relocation Scheme”) such scheme to provide
- 6.1.1 the locations and details of each area proposed for the species to be relocated to together with a schedule of the works proposed to firstly render those areas suitable for the relocated species and secondly to effect the relocation of that species
  - 6.1.2 a timetable for the provision of each and every element by reference to such element being effected either prior to a defined part of the Development being commenced or occupied for the purpose permitted by the Permission and in any event at such time as to ensure that the Development does not adversely impact upon the species to be relocated in its original location
  - 6.1.3 post relocation maintenance and protection arrangements
- 6.2 The Owner shall comply fully with all aspects of the Species Relocation Scheme referred to in paragraph 6.1 above and shall notify the City Council of each and every element of the approved scheme referred to in paragraph 6.1 above being completed
- 6.3 In the event that the City Council notifies the Owner of a desire to acquire any area of the Species Relocation scheme referred to in paragraph 6.1 above within 12 months of receiving notification in respect of that area as referred to in paragraph 6.2 above that all works of preparation and relocation have been completed then in respect of that area
- 6.5.1 the Owner shall continue to maintain that area for a further 12 months at which date it will execute and deliver a transfer to the City Council in a form approved by the City Council
  - 6.5.2 the Owner shall (no later than the date on which it complies with paragraph 6.5.1 above) pay to the City Council the sum certified by the City Council as its anticipated costs of maintenance for a ten year period
  - 6.5.3 upon compliance with paragraphs 6.5.1 and 6.5.2 above any ongoing maintenance and protection obligations upon the Owner pursuant to paragraph 6.2 above in respect of that area shall cease

## **7 On site Habitats / Biodiversity Creation / Protection**

- 7.1 The Owner shall not cause or permit the Commencement or continuance of the Development prior to obtaining the written approval of the City Council to a scheme for the creation of a habitat suitable for [xxxxx] (“the Habitat Creation Scheme”) such scheme to provide
- 7.1.1 the locations and details of each area proposed for the habitat together with a schedule of the works proposed to firstly render those areas suitable for its purpose and secondly to effect the establishment of the intended flora and/or fauna
  - 7.1.2 a timetable for the provision of each and every element by reference to such element being effected either prior to a defined part of the Development being commenced or occupied for the purpose permitted by the Permission
  - 7.1.3 post provision maintenance and protection arrangements
- 7.2 The Owner shall comply fully with all aspects of the Habitat Creation Scheme referred to in paragraph 7.1 above and shall notify the City Council of each and every element of the approved scheme referred to in paragraph 7.1 above being completed

## **8 Travel Planning**

- 8.1 The Owner shall not cause or permit the Commencement or continuance of the Development prior to obtaining the written approval of the City Council to a plan for the facilitation of transportation to and from the Development in a manner minimising the overall need to travel; minimising the need to rely upon the

private motor vehicle; and maximising opportunities to travel by more sustainable modes (“Travel Plan”) such scheme to provide

- 8.1.1 for the establishment of targets for the total number of journeys to and from the Development by specified modes of travel
- 8.1.2 for the implementation of initial steps designed to achieve the targets referred to in paragraph 8.1.1
- 8.1.3 for the monitoring of the total number of journeys to and from the Development by specified modes of travel at least [twice each year/annually – delete as appropriate]

- 8.2 The Owner shall not cause or permit the Commencement or continuance of the Development prior to appointing for a period starting immediately and expiring ten years from the first [residential/B1/insert appropriate use] occupation of the Development an individual agreed in writing by the City Council to act in connection with the Travel Plan (“the Travel Coordinator”)
- 8.3 The Owner shall make available to the Travel Coordinator the sum of [£x] upon his/her appointment for expenditure upon the steps referred to in paragraph 8.1.2 above
- 8.4 On the first nine anniversaries of the first [residential/B1/insert appropriate use] occupation of the Development the Owner shall make available to the Travel Coordinator the sum of [£x] for expenditure on such further measures as the Travel Coordinator considers necessary for the advancement of the objectives of the Travel Plan
- 8.5 The Owner shall procure that each and every sum made available to the Travel Coordinator under this paragraph 8 is fully expended for the purposes of the Travel Plan within 12 months of receipt
- 8.6 The Owner shall procure that a full written report of the monitoring referred to in paragraph 8.1.3 above is provided to the City Council within 30 days of each instance of such monitoring being completed

## **9 Cycle / Pedestrian routes**

- 9.1 The Owner shall not cause or permit the Commencement or continuance of the Development prior to obtaining the written approval of the City Council to a route specification of works and timetable for those works for the provision of [identify number, type and approx location / terminal points] of permissive routes through the Land (“Cycle / Pedestrian Route Scheme”)
- 9.2 The Owner shall fully execute the Cycle / Pedestrian Route Scheme in accordance with its terms and thereafter maintain the routes provided such that they do not materially deteriorate
- 9.3 The Owner shall permit passage and repassage on foot by the public at large at all times without obstruction or interruption over all routes provided as permissive footpaths pursuant to the Cycle / Pedestrian Route Scheme
- 9.4 The Owner shall permit passage and repassage on foot and by cycles by the public at large at all times without obstruction or interruption over all routes provided as permissive cyclepaths pursuant to the Cycle / Pedestrian Route Scheme

## **10 Joint Use**

[CASE BY CASE NEGOTIATION]

[The obligations will prohibit the use of the premises other than in accordance with a joint use agreement the details of which will either be set out in full or will require to be agreed prior to first occupation.]

The obligations will identify the facilities (there may be different provisions applicable to different facilities) to be subject to joint use providing that local groups and/or local residents shall be permitted to use all or specified parts of the facilities during specified times (which may be varied from time to time by agreement) on terms and conditions (including charges) for booking and usage of those facilities. Those terms and conditions may be by reference to comparable City Council facilities, the basis upon which the facilities are made available to those the facilities are primarily provided for or some bespoke basis.]

**Appendix 6: Standard Unilateral Undertaking**

**STANDARD UNILATERAL UNDERTAKING**

**DATED \_\_\_\_\_ 20\_\_**

**[NAME OF APPLICANT/DEVELOPER/OWNER]**

-and-

**OXFORD CITY COUNCIL**

**PLANNING OBLIGATION (by Unilateral Undertaking)**

Relating to development at

[insert name and address of the site]

**THIS UNILATERAL UNDERTAKING** is given on [insert date] 20

BY [INSERT NAME OF APPLICANT/DEVELOPER/OWNER]

whose registered office is at [insert address of applicant/developer/owner] ['the Applicant']

TO **THE OXFORD CITY COUNCIL** whose principal office is at The Town Hall Blue Boar Street Oxford OX1 4EY ('the Council')

## 1. Interpretation

In this Deed

1.1 'the 1990 Act' means the Town and Country Planning Act 1990 (as amended)

1.2 'the Infrastructure' means [insert description of infrastructure provision]

1.3 'the Contribution' means the sum of £x

1.4 'the Planning Application' means [insert details of application]

1.5 'the Site' means [insert application address and refer to site plan]

## 2. Preliminary

2.1 The Applicant is the [freehold] owner [of a lease] of the Site

2.2 The City Council is the local planning authority for the City of Oxford for the purposes of the Town and Country Planning Act 1990.

2.3 The Applicant has submitted the Planning Application to Oxford City Council and Oxford City Council is minded to grant planning permission for the Development subject to the completion of this Deed

2.4 This Deed is made under Section 106 of the 1990 Act and is a planning obligation for the purposes of Section 106 of the 1990 Act entered into by the Applicant in respect of the Site and enforceable by the Council

## 3. Covenants

3.1 The Applicant covenants to pay the Contribution to the Council on the date of this undertaking to be applied towards the cost of the Infrastructure

3.2 The Applicant covenants to pay £100 on the date of this undertaking towards the costs of administering and managing this Deed

## 4. Acknowledgements

The Applicant acknowledges that nothing contained or implied in this Deed shall prejudice or affect the rights discretion powers and duties and obligations of the Council in the exercise of their functions

## 5. Third Party Rights

This Deed is enforceable by the Council but otherwise it confers no rights under the Contract (Rights of Third Parties) Act 1999

**EXECUTED AS A DEED** by \_\_\_\_\_ )

[insert name of Applicant/Developer/Owner] \_\_\_\_\_ )

Director

Director/Secretary



To: City Executive Board

Date: 10<sup>th</sup> April 2013

Report of: Head of Service, Housing

Title of Report: **ANNUAL LETTINGS PLAN – ALLOCATIONS PERCENTAGES  
2013/14**

**Summary and Recommendations**

**Purpose of report:** To recommend the approval of the proposed percentage targets for the allocation of social housing in 2013/14.

**Key decision?** No

**Executive lead member:** Councillor Scott Seamons

**Policy Framework:**

Corporate Plan strategic priority of “Meeting Housing Needs”

**Recommendation(s):**

- 1. Note the performance against the Annual Lettings Plan in Appendix 1 for 2012/13 (1<sup>st</sup> April 2012 to 31<sup>st</sup> January 2013)**
- 2. To recommend the proposed Annual Lettings Plan in Appendix 2 for 2013/14 for approval by full Council**

Appendices to report:

Appendix 1: Community Housing – Allocation Percentages & Performance April 2012 to January 2013

Appendix 2: Proposed Lettings Plan for 2013/14

Appendix 3: A *Guide* of the Housing Need Priority Bands

Appendix 4: Risks reviewed

## Introduction & Background

1. The Annual Lettings Plan is designed to set allocation percentages, which are targets, set by the Council, to determine the proportion of social housing offered to different lists within The Council's Housing Register. The current Lettings Plan is shown in Appendix 1 together with performance up to the 31/1/13.
2. The performance against the Annual Lettings Plan is monitored each month by the Allocations Manager. These figures are reported quarterly to the Communities and Partnership Scrutiny Committee with an explanation of any variance from expected performance. Appendix 1 shows the lettings performance from 1/4/12 to 31/1/13. Fewer one-bedroom properties have become available to let than predicted over the last 10 months. A number of factors may have caused this including; fewer one-bedroom properties becoming available from the Registered Provider A2Dominion due to the decanting of existing tenants at Luther Court currently taking place, less existing social housing tenants wanting or able to move in the current economic climate due to the cost and fewer sheltered properties becoming available because less tenancies have ended over the last year than in previous years. Due to the many factors that influence the number of properties becoming available each year any prediction on the number of properties becoming available can only ever be an estimate. Consequently the number of properties becoming available each year will vary and may be higher or lower than expected.
3. The number of properties allocated to households accepted as homeless by the Council on the Homeless List from 1/4/12 to 31/1/13 has gone down to 88 (compared to 96 over the same period in the previous year). However, the number of two-bedroom properties allocated to the Homeless List has had to be increased from 30% to 45%. This has been due to an increase in the number of households with a two-bedroom housing need approaching the Council as homeless that the Council has been unable to prevent from becoming homeless. The increase in two-bedroom properties allocated to the homeless list has been necessary due to the rising pressure on existing temporary accommodation and to keep down the number of households in homeless temporary accommodation and associated costs to the Council
4. Factors taken into account in setting the targets for the Annual Lettings Plan for 2013/14 include:

### Supply:

- The total number of properties that are expected to become available to let during the year (consisting of re-lets and new build properties)
- The number of one-bedroom properties expected to become available to let to single-applicants and couples with a one-bedroom housing need, including designated elderly (55+) and sheltered accommodation
- The number of two-bedroom, three-bedroom and four-bedroom properties or larger that are expected to become available to let to families

**Demand:**

- The number of applicants in assessed housing need on each Housing List waiting for one-bedroom, two-bedroom, three-bedroom and four-bedroom properties or larger and the relative housing need of these applicants.

**Policy:**

The Council's target to reduce the number of homeless households in temporary accommodation in Oxford to 120 by the end of 2013/14 and the Council's Homeless and Housing Strategies.

5. Although the Annual Lettings Plan does not produce more affordable housing stock it is concerned with the effective allocation of social housing. The total number of properties expected to become available to let during 2013/14 is estimated to be around 500 properties (see Appendix 2) approximately the same as will be allocated in 2012/13. This total consists of the expected number of re-lets, based on past lettings performance over the last year, and the total number of new properties expected to be built during the forthcoming year. The number of properties becoming available to let during 2013/14 will be lower than in previous years because only 4 new properties are expected to be built in Oxford during the year 2013/14.
6. There are many factors affecting the number of new properties being built in the City, including the current economic climate and the lack of space within the city boundaries. The overall supply of affordable housing is low in the City but significant work has been done towards getting higher numbers over the next few years. The Site and Housing Plan, which has recently been adopted, identifies the land available for housing for the next 10 years and updates the Council's affordable housing policies and the Council and Registered Provider partners have been working to bring affordable housing schemes forward. The Council is building up a pipeline of development sites on its own land with the AHP programme sites and the Barton and Cowley/Northway sites, both of which have funding in place, will provide significant numbers of affordable homes in the next few years. Registered Provider partners are also taking the opportunity to redevelop some of their existing housing where dwellings are substandard to provide sustainable housing to meet priority housing need. Delivery in the short term will remain low while these schemes are worked up but the supply will increase in 2014/15 and 2015/16.
7. Based on the estimated number of properties expected to become available to let in 2013/14 approximately:
  - 250 properties (50%) will be allocated to families in housing need
  - 90 properties (18%) will be allocated to single applicants or couples in housing need who are under 55
  - 160 properties (32%) will be allocated to single applicants or couples in housing need requiring designated elderly accommodation (for applicants aged 55+) or requiring sheltered accommodation

## **Demand – Housing Register Waiting Lists**

8. During 2012/13, almost 500 households in housing need will be re-housed by the Council through the Allocations Scheme. However, despite this success, the number of households on the Housing Register still remains high. There are currently over 5000 households on the housing register with more applying every month.

The Housing Register consists of three-separate housing lists:

- **The Homeless List** for applicants to whom Oxford City Council has accepted a statutory homeless duty and placed in temporary accommodation who are waiting an offer of permanent accommodation
  - **The Transfer List** for Council and eligible tenants of Registered Providers of social housing living in Oxford applying for a move to alternative accommodation
  - **The General Register List** for all other households applying for social housing in Oxford
9. The table overleaf shows a profile of the Housing Register by waiting list and minimum housing requirement in January 2013 and shows the number of:
- Single applicants and couples under 55 waiting for one-bedroom (non-family) property
  - Single applicants and couples aged 55 years or older eligible for one-bedroom (non-family) designated elderly or sheltered property
  - Families requiring a minimum of a two-bedroom, three-bedroom or four-bedroom property or larger

Minimum Bedroom Size*	General Register List	Homeless List	Transfer List	Total
<b>Non-Family (Singles/Couples)</b>				
One-Bed (Aged Under 55)	1666	14	202	1882
One-Bed (Aged 55+ eligible for Designated Elderly & or Sheltered Accommodation)	410	0	256	666
<b>Family Accommodation</b>				
Two-Bed	1055	48	401	1504
Three-Bed	399	6	337	742
Four-+Bed or larger	139	3	119	261
<b>Total</b>	<b>3669</b>	<b>71</b>	<b>1315</b>	<b>5055</b>

**Minimum Bedroom Size\***

10. The figures above are based on the minimum bedroom size a household requires. For example households shown as requiring a minimum of a two-bedroom property often have two children and so are eligible to request a move to a three-bedroom property under the current Allocations Scheme. So although the Transfer List shows 401 tenants as requiring a minimum of a two-bedroom property, around 130 are also eligible for a three-bedroom property and most are likely to be seeking to move to a larger property.

**Demand vs. Housing Need**

11. The demand for social housing in Oxford continues to greatly exceed the number of properties that will become available. So many applicants on the housing register are unlikely to be allocated a property in the foreseeable future and are actively encouraged to consider other housing options such as securing alternative accommodation in the private sector.

12. Although the number of applicants on the Housing Register clearly demonstrates there continues to be a high demand for affordable housing in Oxford these figures cannot be looked at without considering the degree of housing need on each waiting list.

**Housing Need**

13. Due to the high demand for affordable Housing in Oxford and the limited amount of properties that become available it is necessary for the Council to prioritise applications for housing based on applicants housing need. The Council’s Allocations Scheme uses Priority Bands, to assess applicants housing needs and to prioritise applicants for housing. There are five priority Bands, ranging from Band 1 (high housing need) down to Band 5 (low or no housing need). Appendix 3 shows a guide to the housing need priority bands (full details are

shown in the Allocations Scheme). The table below shows a summary of the number of applicants in each priority band on each Housing List.

Housing Need Priority Band	The Number of Applicants In Each Band By Housing List (January 2013)		
	General Register List	Homeless List	Transfer List
Band 1	4		34
Band 2	75	71	228
Band 3	852		393
Band 4	45		72
Band 5	2693		588
<b>Total</b>	<b>3669</b>	<b>71</b>	<b>1315</b>

### Homeless List

14. Applicants to whom Oxford City Council has accepted a statutory homeless duty and placed in temporary accommodation, waiting an offer of permanent accommodation, are all considered to be in high housing need. The Council currently has 132 households in temporary accommodation (as of 31<sup>st</sup> January 2013) and has accepted a statutory homeless duty to 71 of these households.
15. The Corporate Plan states the Council will aim to “reduce the number of households in temporary accommodation to 120 by the end of 2012/13”. This is a challenging target in the current economic climate. Statistics from quoted by the Centre for Cities Outlook 2013 indicate Oxford is the least affordable City in the UK to live in outside of London for those seeking housing. Changes introduced by the Welfare Reform Act have impacted on the ability for the Council to help prevent homelessness within the City. However, despite these factors the Housing Needs Team has successfully reduced the number of households in temporary accommodation by just over 5% since 31/1/12 (against national trends) and continues to work closely with other stakeholders to assist households threatened with homelessness. By reducing the number of households in temporary accommodation the Council will be able to produce budget savings through reductions in temporary accommodation costs.

### Allocations to the Homeless List

16. As part of a planned reduction, the number of properties allocated to the homeless list has been gradually reduced over previous years as the number of households in homeless temporary accommodation has been reduced. However, although the number of applicants on the Homeless List has decreased it is still necessary to ensure that sufficient properties are allocated to this list. The Council must ensure that the housing needs of the applicants remaining in temporary homeless accommodation are met and sufficient properties will be available for applicants who cannot be prevented from becoming homeless during 2013/14, and this is reflected in the recommendations of this report. The number of properties allocated to this list can be increased if homeless prevention measures are unable to maintain the current reductions in homeless acceptances (see the risk identified in Appendix

4). Proposals to reduce the priority given to homeless applicants in the new Allocations Scheme (currently out for consultation) to attempt to house more households living in overcrowded and/or unsuitable accommodation before they become homeless and the use by the Council in the future of Private Rented Sector offers to discharge homeless duties to homeless applicants accepted from November 2012 should help to minimise the number of homeless households requiring an allocation of social housing from the Homeless List in the future.

### **The Transfer List**

17. There are over 1300 tenants on the Transfer List applying for re-housing and although almost half are in Bands 4 and 5, and are considered to be in no or low housing need and to be adequately accommodated. There are still almost 650 households in high or significant housing need in Bands 1 to 3 that would benefit from a move to more suitable accommodation.

### **Allocations to the Transfer List**

18. There are 458 tenants on the Transfer List with a minimum of a one-bedroom housing need. Although the majority are in Bands 4 and 5 and have little or no housing need. Almost 25% of the tenants aged under 55 and 40% of the tenants aged 55 years or older with a one-bedroom housing need are in high or significant housing need (Bands 1 to 3) and would benefit from a move. For example, due to health or welfare reasons or because they are seeking to downsize from accommodation which they are currently under-occupying. Following the introduction of the "bedroom tax" on 1/4/13 it is expected more tenants of working age on a low income currently under-occupying a family home with two or more bedrooms will seek to downsize to a one-bedroom property. Particularly younger tenants further from retirement age on a low income affected by the bedroom tax. The recommendation to increase the percentage of 1 bedroom properties allocated to the Transfer list for those under 55 during 2013/14 reflects this.

19. There are currently plans underway to re-develop Luther Court a block owned by A2Dominion in the City Centre. The block currently consists of mainly one-bedroom flats and A2Dominion is planning to re-develop the block into a mix of one-bedroom and two-bedroom properties. The re-development of the block will mean A2Dominion will need to decant the existing tenants from the block. This has already started and over half of the existing tenants have been moved already, the majority housed elsewhere by A2Dominion and OCC within the City. However, the remaining tenants, around 25 will also need to be moved and in order to do this a number of tenants will need to be awarded high priority to move via the Transfer List and more properties will need to be offered to applicants with a one-bedroom housing need on the Transfer List.

20. There are around 140 households on the Transfer List considered to be in high or significant housing need (Bands 1 to 3) waiting to move to a two-bedroom property because their current accommodation no longer meets their housing requirements. However, due to the low number of two-bedroom properties becoming available there is still much unmet need on the Homeless and General

Register lists for applicants waiting for two-bedroom properties. So it is not proposed the percentage of properties allocated to tenants on the Transfer List for two-bedroom properties is changed this year.

21. Overcrowding is an issue for many families on the Transfer List and tenants applying to transfer are also encourage to consider trying to mutual exchange and “swapping” with another tenant seeking to downsize to a smaller property. Particularly those waiting for larger three and four-bedroom family properties. There are currently over 265 families in significant or high housing need (Bands 1 to 3) waiting to move to a three-bedroom property and over and 110 families waiting for a four-bedroom property or larger on the Transfer List in significant or high housing need. However, this level of need is already reflected in the current targets of allocating 45% of all three-bedroom properties and 50% of all four-bedroom properties to Transfer applicants. It is therefore proposed that the percentages of such properties offered to the Transfer list remain unchanged.

### **The General Register List**

22. There are currently almost 3700 households on General Register waiting list. Although around 75% are considered to be in low or no housing need (Bands 4 and 5), 25% of the households on the General Register List, over 930 households are considered to be in high or significant housing need (Bands 1 to 3) and require alternative accommodation.

### **Allocations to the General Register List**

23. The General Register List currently has the highest proportion of single applicants and couples who are under fifty five and waiting for a one-bedroom (non-designated elderly) property. This includes over 350 single applicants and couples who are in significant or high housing need (Bands 1 to 3) including care leavers who are ready to “move on”. The recommendations propose an increase in the number of properties allocated to care leavers assessed as ready to move on and live independently so they can be allocated suitable housing and this should also reduce the number becoming homelessness and being placed in homeless temporary accommodation. There are also almost 50 single applicants, and some couples, who are aged 55 years or older in significant or high housing need (Bands 1 to 3) on the General Register List including housing applicants living in single homeless or support “move on” projects across the City. However, the current targets are considered to reflect the housing need on the General Register List when balanced against the needs of applicants on the Homeless and Transfer Lists so no other changes are proposed.
24. The General Register List has around 310 households, in high or significant housing need (Bands 1 to 3), waiting for two-bedroom accommodation. However, the current allocation target of 50% accurately reflects the proportion of such households on the General Register when compared to the housing need across all three waiting lists, and consequently there are no proposed changes to alter these percentages in 2013/14.
25. The demand for three and four-bedroom accommodation remains high across all three housing lists. An increase in the percentage of 3 bedroom properties



allocated to the General Housing List will go some way to meet the housing need on this list. Based on the limited number of four-bedroom properties expected to become available during 2013/14 the current allocation percentages are considered to accurately reflect the spread of need across the three lists, and there are no proposed changes to the existing targets.

### **Sub-Regional Allocations**

26. The Council is currently in a sub-regional partnership, with three other District Councils in Oxfordshire; Cherwell DC, Vale of the White Horse DC & South Oxfordshire DC. All four Councils are currently reviewing their allocations schemes. The priority bands and way housing needs are assessed by each District are expected to differ to the extent that in the future applicants will no longer be able to “compete” with each other equally when bidding for properties sub-regionally. Due to the limited amount of properties becoming available across the sub-region there has also been less movement between the Districts than hoped when the scheme was originally set up.
27. All four Councils are proposing to leave the Sub-Regional Allocations Scheme so the draft Allocations Scheme makes no reference to the scheme any longer. So no targets have been referred to in the Annual Lettings Plan for sub-regional allocations in the future. The existing Allocations Scheme is currently being reviewed and a draft of the proposed new Allocations Scheme has recently been approved by the CEB to go out to consultation. The new Allocations Scheme proposes the Council no longer allocates social housing sub-regionally although it is proposed to reciprocal arrangements may still be used for inter-district moves from time to time. The final version of the new Allocations Scheme will be submitted to CEB in autumn taking into account comments made during the consultation.

### **Level of risk**

28. The risks identified in Appendix 4 will be recorded in the risk register and monitored closely throughout the year.

### **Climate change/ environmental impact**

29. It is expected only 4 new units of affordable housing will be built during 2013/14 to help meet the demand for affordable housing in Oxford. The Development Team has confirmed all they will achieve the standard of housing required by the Housing and Communities Agency.

### **Equalities impact**

30. The Housing Needs Team will continue to seek to identify housing applicants within BME groups and with disabilities that are in high housing need. Effective monitoring systems will ensure any shift in allocations do not indirectly discriminate against BME groups and/or applicants with disabilities. Currently, around 23% of the households on the Housing Register state they are in a BME group, although 18% of the General Register lists have not stated their ethnicity,

based on those that have stated their ethnicity the number of households in BME groups is similarly reflected across all three housing lists. The Allocations Team will continue to monitor applicants in high housing need who are “not bidding” to ensure they receive the support necessary to use the Choice-Based Lettings (CBL) scheme. The development team will continue to seek to ensure that when new properties are built within Oxford that a proportion, are suitable for applicants with disabilities.

### **Financial implications**

31. The current targets for allocations to the Transfer List will ensure that there continues to be social housing becoming available to re-let each year and seeks to make the best use of available stock. Although there will be associated costs with turning around void properties, as tenants move to more suitable accommodation and vacate their current accommodation, these will be offset by the properties becoming available and costs of private sector alternatives being reduced. Any properties that are re-let will be let at target rent levels and this will maximise the revenue into the Housing Revenue account and benefit all tenants. By increasing the number of one-bedroom properties allocated to those under 55 on the transfer list this should also go some way to reduce the impact of the bedroom tax. By giving tenants on the Transfer List the opportunity to do so, if they need to move because they are no longer able to afford the rent, following the introduction of the bedroom tax. This will reduce the risk of large numbers of tenants accruing rent arrears.
32. The cost to the Council of homeless temporary accommodation will be reduced by continuing to allocate a large proportion of properties to the General Register List, including allocations to households who might otherwise have become homeless and been placed in homeless temporary accommodation provided by the Council. However, despite homeless prevention measures that are being put in place the likelihood of an increase in the number of applicants presenting as homeless, and subsequently being accepted as homeless and placed in temporary accommodation, cannot be totally discounted resulting in increased costs. The risk of this likely to increase if initiatives to increase affordable and accessible homeless prevention accommodation do not come to fruition. Should this be the case, the Lettings Targets can be reviewed during the year to respond to the new situation (See Appendix 4).

### **Legal Implications**

33. Whilst a Council can decide its own allocations policy it must give “reasonable Preference” to certain groups such as homeless people, people in temporary or insecure accommodation, people in overcrowded or unsanitary conditions, and those with medical/welfare needs (see the Housing Act 1996 S.167). How it meets these ‘reasonable preferences’ and the mechanics of the scheme are up to each Council.
34. Allocations can only be made in accordance with the published policy. The annual lettings plan forms part of the Council’s overall allocations scheme. The Allocations Scheme is being reviewed currently to take into account the new changes in legislation introduced by the Localism Act, the new Code of

Guidance produced by the Department of Communities and Local Government and other changes including those being introduced through the Welfare Reform Act.

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**Background papers:**

None

**Version number: V1**

**Appendix 1: Community Housing – Allocation Percentages & Performance (1) of (2)**  
**1<sup>st</sup> April 2012 to 31<sup>st</sup> January 2013: Family and Non-Designated Accommodation**

<b>Family Accommodation</b>							
<b>Property Size</b>		<b>Homeless</b>		<b>Transfer</b>	<b>General</b>	<b>TOTAL</b>	
<b>Two Bed</b>	<b>Percentage</b>	45.6%	0.0%	16.2%	38.2%		
	<i>Target</i>	30%	0	20%	50%		
	<b>Let</b>	62	0	22	52	<b>136</b>	
	<i>Expected lets</i>	48	0	32	80	<b>160</b>	
<b>Three Bed</b>	<b>Percentage</b>	23.4%	0.0%	42.2%	34.4%		
	<i>Target</i>	30%	0	45%	25%		
	<b>Let</b>	15	0	27	22	<b>64</b>	
	<i>Expected lets</i>	23	0	35	20	<b>78</b>	
<b>Four Bed+</b>	<b>Percentage</b>	11.1%	0.0%	66.7%	22.2%		
	<i>Target</i>	30%	0	50%	20%		
	<b>Let</b>	1	0	6	2	<b>9</b>	
	<i>Expected lets</i>	3	0	4	2	<b>9</b>	
<b>Non-Family (Non-Designated) Accommodation</b>							
<b>Property Size</b>		<b>Homeless</b>	<b>Move-on 1</b>	<b>Move-on 2</b>	<b>Transfer</b>	<b>General</b>	<b>TOTAL</b>
<b>Studio flat / One Bed</b>	<b>Percentage</b>	9.7%	29.0%	8.1%	14.5%	38.7%	
	<i>Target</i>	25%	30%	10%	10%	25%	
	<b>Let</b>	6	18	5	9	24	<b>62</b>
	<i>Expected lets</i>	23	29	10	10	23	<b>95</b>

**Appendix 1: Community Housing – Allocation Percentages & Performance (2) or (2)**

**1<sup>st</sup> April 2012 to 31<sup>st</sup> January 2013: Designated Elderly and Sheltered Accommodation**

Designated Elderly Accommodation + 1 bed general needs bungalows							
Property Size		Homeless	Move-on 1	Move-on 2	Transfer	General	TOTAL
Any Size	Percentage	4.4%	7.4%	1.5%	86.8%		
	Target	5%	15%	0%	80%		
	Let	3	5	1	59		68
	Expected lets	6	17	0	92		115

Sheltered Accommodation						
Property Size		Homeless	Move-on	Transfer	General	TOTAL
Any Size	Percentage	2.2%		97.8%		
	Target	0%		100%		
	Let	1		45		46
	Expected lets	0		90		90

**Total allocations:**

<b>385</b>
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+8 CBL sub-regional = 393

**Expected allocations:**

<b>547</b>
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at year end

**Appendix 2: Proposed Lettings Plan for 2013/14 (1) of (2)**

<b>Family Accommodation</b>						
<b>Property Size</b>	<b>Expected Lets</b>	<b>Proposed Target % (Expected households housed)</b>				
		<b>Homeless</b>	<b>Move-on</b>	<b>Transfer</b>	<b>General</b>	
<b>Two Bed</b>	160	30% (48)	0	20% (32)	50% (80)	
<b>Three Bed</b>	78	20% (16)	0	45% (35)	35% (27)	
<b>Four Bed+</b>	9	30% (3)	0	50% (4)	20% (2)	
<b>Non-Family (Non-Designated) Accommodation</b>						
<b>Property Size</b>	<b>Expected Lets</b>	<b>Proposed Target % (Expected households housed)</b>				
		<b>Homeless</b>	<b>Move-on</b>	<b>Move-on 2</b>	<b>Transfer</b>	<b>General</b>
<b>One Bed</b>	90	10% (9)	30% (27)	15% (13)	20% (18)	25% (23)

**Appendix 2: Proposed Lettings Plan for 2013/14 (2) of (2)**

<b>Designated Elderly Accommodation &amp; Bungalows</b>					
<b>Property Size</b>	<b>Expected Lets</b>	<b>Proposed Target % (Expected households housed)</b>			
		<b>Homeless</b>	<b>Move-on</b>	<b>Transfer</b>	<b>General</b>
<b>Any Size</b>	90	5% (5)	15% (13)	80% (72)	
<b>Sheltered Accommodation</b>					
<b>Property Size</b>	<b>Expected Lets</b>	<b>Proposed Target % (Expected households housed)</b>			
		<b>Homeless</b>	<b>Move-on</b>	<b>Transfer</b>	<b>General</b>
<b>Any Size</b>	70	0%		100% (70)	

## **Appendix 3: A Guide of the Housing Need Priority Bands**

### **BAND 1**

- 1.1 Exceptional circumstances, where there is an immediate risk to health and safety, complex needs, 'place of safety' cases or other emergency needs
- 1.2 Council or housing association tenants in the sub-region under-occupying by two or more bedrooms
- 1.3 Decants and other housing management moves
- 1.4 Successor tenants who need to move to a more suitable property
- 1.5 A Prohibition/demolition notice has been issued by the Environmental Health department
- 1.6 Households where the level of overcrowding exceeds the statutory limit

### **BAND 2**

- 2.1 Urgent social or welfare needs
- 2.2 Urgent health or disability needs
- 2.3 Council or housing association tenants in the sub-region under-occupying by one bedroom
- 2.4 Applicants who have been assessed as ready to move on from supported accommodation
- 2.5 Applicants found to be homeless, in a priority need group and a duty to offer housing has been accepted
- 2.6 Families assessed as being 2 or more bedrooms short of their needs
- 2.7 Any applicant with two or more compoundable categories in Band 3

### **BAND 3**

- 3.1 Significant social or welfare needs
- 3.2 Significant health or disability needs
- 3.3 Applicants living in unsatisfactory housing: Level 1
- 3.4 Families assessed as being one bedroom short of their needs
- 3.5 Insecure tied accommodation
- 3.6 Insecure private rented accommodation
- 3.7 Homeless and not in a priority group\*
- 3.8 Any applicant who qualifies for at least two categories in Band 4

### **BAND 4**

- 4.1 Moderate social or welfare needs
- 4.2 Moderate health or disability needs
- 4.3 Applicants living in unsatisfactory housing: Level 2

### **BAND 5**

- 5.1 Applicants who are adequately housed
- 5.2 Applicants who have sufficient income or other financial resources
- 5.3 Nil priority (Applicants who are the subject of sanctions because of their behaviour)

*\*This category is not compoundable*

(The details listed above are only intended as a guide – full details are shown in the Allocations Scheme).



Appendix 4:

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner
Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P	
CEB-001-HC	A shortfall in new affordable housing	T	Less affordable housing being built during 2013/14 than expected.	Housing Development not being completed on time during 2013/14	Less properties becoming available to let during 2013/14 than expected	28/2/2013	Meeting Housing Needs	1	1	1	1	1	1	The Affordable Housing Team

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner
Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P	
CEB-002-HCD	Homeless acceptances &/or placements are higher than expected	T	The Council has to place more households into temporary accommodation and/or accepts a homeless duty to more homeless households than expected during 2013/14	A continued decline in the economic climate	(1) Temporary accommodation costs are higher than expected for 2013/14 (2) Impacting on the likelihood of meeting 2014 Corporate temporary accommodation target (3) A higher number of properties may have to be allocated to the homeless list than expected	28/2/2013	Meeting Housing Needs	2	3	2	2	2	3	The Affordable Housing Team

**To: City Executive Board**

**Date: 10 April 2013**

**Report of: Head of Service, Housing**

**Title of Report: CONTRACT FOR THE PROVISION OF AN INDEPENDENT HOUSING ADVICE SERVICE**

## **Summary and Recommendations**

**Purpose of report:** Request for delegated authority for officers to accept the most economically advantageous tender.

**Key decision?** Yes

**Executive lead member:** Councillor Scott Seamons

**Policy Framework:** Corporate Plan strategic priority of 'Meeting housing needs'

**Recommendation(s):** Delegated authority is granted to the Executive Director to accept the tender that is most economically advantageous to the authority, with the approval of the Executive lead member for housing.

## **Introduction**

1. Under s179 of the Housing Act 1996, the Council has a legal duty to "secure that advice and information about homelessness and the prevention of homelessness is available free of charge to any person in their district".
2. This duty is discharged by the Housing Options team in the performance of its daily duties but there is a need to supplement this to provide an independent advice service to all the citizens of the City. The benefit of independent housing advice is that it provides access to advice to those members of the public who would not ordinarily look to the authority for advice and those who may want to obtain 'impartial' advice.

This need is illustrated by the following statistics provided by the current service provider. These include a large number of homelessness prevention cases:

Oxford City Council contract	Overall numbers of casework clients
Year 2009/10	181
Year 2010/11	520
Year 2011/12	482
Year 2012/13	391 to date (Feb. 13)

Source: Shelter

3. Executive Board agreed on 17 March 2008 that this service would be fulfilled through an open competitive tendering process with an estimated value of £80,000 per year. It is proposed that the same funding will continue. The contract will run for a 2-year period with the option of an extension for 1 year. The emphasis of the re-tendered service will continue to be on the prevention of homelessness.

### **Tendering**

4. The intention is to commence the contract from 1<sup>st</sup> July 2013 , which means the process is under a tight schedule and deadline.

5. In order to meet this schedule and commencement date it will be necessary for officers to be given delegated authority to agree and accept the tender. This will be with the approval of the Lead member for housing.

6. The tender will be accepted on the basis that it is most economically advantageous to the Council balancing quality and cost.

7 .Level of risk: There is no risk to the authority due to contractual safeguards

8. Climate Change/Environmental impact: None specific to this report

9. Equalities Impact: The provision of independent housing advice will benefit all citizens of Oxford but particularly the most disadvantaged bearing in mind cuts to the legal aid service provided by the Legal Services Commission. Homelessness will be reduced through preventative advice and work.

10. Financial Implications: The cost of the service has remained the same for the last four years and will remain capped at £80,000 pa.

Legal Implications: There are none specific to this report.

#### **Name and contact details of author:-**

Name Kevin O'Malley  
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**List of background papers: None**  
**Version number: 1**

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**To: City Executive Board**

**Date: 10<sup>th</sup> April 2013**

**Report of: Head of Housing Services**

**Title of Report: ALLOCATION OF PREVENTING HOMELESSNESS  
GRANT AND OXFORD CITY GRANT FOR  
HOMELESSNESS SERVICES**

### **Summary and Recommendations**

**Purpose of report:** Oxford City Council has been awarded £957,040 Preventing Homelessness Grant from the Department of Communities and Local Government's (DCLG) Homelessness Directorate for inclusion in its budget allocation for 2013-2014. This is in addition to the Council's own homelessness grant budget of £442,279. This report outlines the allocation of both the Preventing Homelessness Grant funding and the Council's homelessness grant budget to a variety of voluntary sector agencies, with the purpose of meeting the objectives of the Homelessness Strategy.

**Key decision:** Yes

**Executive lead member:** Councillor Scott Seamons

**Policy Framework:** Homelessness Strategy 2013-2018

#### **Recommendation(s):**

1. Recommend the allocation of the Preventing Homelessness Grant for 2013 – 2014 as follows:
  - a) Oxford City Outreach (Broadway Homelessness and Support) - £235,000
  - b) Reconnection and Referral Co-ordinator Under 25s (CRI) - £37,411
  - c) Reconnection and NSNO Rent (O'Hanlon House) - £1,024
  - d) NSNO Pathway Leader (Broadway) - £38,000
  - e) NSNO Assessment Worker (O'Hanlon House) - £34,223
  - f) Homeless Liaison Police Officer (TVP) - £40,000
  - g) 6 Prevention Beds for Under 25s (Simon House) - £4,243
  - h) 6 Prevention Beds for Under 25s (Lucy Faithful House) - £4,179
  - i) Emergency bed (One Foot Forward) – £6,134
  - j) Multiple Needs Hostel Worker (Elmore Community Services) - £40,757
  - k) Complex Trauma Training (Thames Valley Initiative) - £13,000
  - l) Mental Health Practitioner (Luther Street Medical Centre) – £25,000
  - m) Anti-Social Behaviour Service (Elmore) - £11,000
  - n) Service Broker (Big Issue Foundation) - £25,000

- o) 2 Education, Training and Employment Workers (Aspire) - £60,519
- p) Arts Training Scheme (Arts at the Old Fire Station) - £18,198
- q) Oxfordshire County Council – Homelessness Services - £112,000
- r) Severe Weather Beds - £10,000
- s) Continuation of Enhanced Options (Oxford City Council) - £50,000
- t) Discretionary Housing Payments (Oxford City Council) - £100,000
- u) Target Hardening Scheme (Oxford City Council) - £30,000
- v) Business Mentoring and Coaching (Oxford City Council) - £50,000
- w) Unallocated £11,352

2. Recommend the allocation of Oxford City Council's homelessness grant budget for 2013-2014 as follows:

- a) O'Hanlon House Day Centre –jointly commissioned with Oxfordshire County Council - £133,432
- b) One Foot Forward – jointly commissioned with Oxfordshire County Council - £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– 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
- k) Unallocated – nil

3. Recommend delegated authority to the Head of Housing Services in consultation with the board member to allocate the balance of the Preventing Homelessness Grant (£11,352) and any amendments to the homelessness grants budget.

## **Appendices**

### **Appendix 1 – Risk Register**

## **Background**

1. In September 2012, the Department of Communities and Local Government (DCLG) confirmed that Oxford City Council's Preventing Homelessness Grant for the next two financial years, starting from 1<sup>st</sup> April 2013, will be £957,040. It is worth noting that this grant funding will be rolled into the Business Rate Retention Scheme (BRRS). This is a change to the funding mechanism and not the grant.
2. Although this may increase the risk of all the grant not being available for homelessness in the future, this will not impact in 2013-2014, with



the full grant sum identified for homelessness in the Council's 2013-2014 budget.

3. It is part of an on-going commitment from DCLG to enable work in the field of rough sleeping and homelessness prevention to continue and will allow Oxford City Council to continue its work in the same field in line with its new Homelessness Strategy 2013-2018.
4. A further commissioning budget of £442,279 is also available from the City Council's own grant funds.
5. In order to deliver its work, the City Council will explore the strategically relevant opportunities to jointly commission with our partners at Oxfordshire's Joint Commissioning Team, Oxford Health and the Clinical Commissioning Group.
6. In light of the cross-commissioning agenda and cross-strategy advantages, a multi-agency steering group is responsible for advising on and monitoring these budgets. The group comprises of representatives from Oxford City Council, Oxfordshire County Council's Joint Commissioning Team and Joint Housing Team and Oxford Health.

#### **Key Developments over the past 12 months. No Second Night Out (NSNO)**

7. NSNO is a national initiative and commitment by the Ministerial Working Group on Homelessness to 'end second nights on the street'; details of which are set out in the strategy 'Vision to End Rough Sleeping: No Second Night Out Nationwide'.
8. This initiative is being rolled out across the country and support is provided to Local Authorities on its implementation and operation locally by both DCLG and Homeless Link which has published good guidance notes and advice.
9. Oxford City launched NSNO in July 2012. It was developed in line with national guidance and the Council worked in close partnership with London based Broadway Homelessness and Support and Oxford Homeless Pathways to implement the project in Oxford.
10. The focus of NSNO is to provide a rapid response for people who find themselves sleeping rough for the first time. However, NSNO in Oxford also works with entrenched rough sleepers. All clients need to be verified as rough sleeping before being able to access the NSNO Hub and pathway.
11. The NSNO Hub consists of 7 assessment beds which are based at O'Hanlon House and the Hub is managed by a Pathway Leader.

12. The first 6-months of the NSNO initiative in Oxford is currently under review by Oxford City Council and its partners to improve the monitoring and tracking of the support given to rough sleepers.

### **CHAIN Database**

13. OCC commissioned a bespoke internet based database called CHAIN for rough sleepers, which will be accessible by the whole of the homelessness network.

### **Entrenched Action Plan**

14. The aim of this action plan, in conjunction with No Second Night Out is to reduce rough sleeping in Oxford City to zero.
15. Entrenched rough sleeping is very damaging for individual rough sleepers' physical and mental health. There are also longer-term cost implications for the costs of accommodation and support if rough sleepers continue to live on the streets as needs will increase and conditions worsen.
16. Work with entrenched rough sleepers in Oxford will be based on the following approaches:
  - Assertive Outreach - Providing intensive support to people whilst they are on the streets via assertive outreach and a highly personalised accommodation/support offer
  - Tasking and targeting – Individual casework management and action planning. Improved and increased casework management between agencies in relation to entrenched rough sleepers, including the development of individual action plans. The discussion of these action plans will take place in monthly Tasking and Targeting meetings
  - Personalisation - Personalised budgets have been piloted with rough sleepers in a number of local authority areas and have been demonstrated to facilitate engagement with services, access to and sustainment of accommodation.
  - Meaningful activity – creative responses to working with entrenched rough sleepers. Meaningful activity can be crucial to engaging rough sleepers initially – activities such as art and music groups, allotments, fishing, cooking, residential and day trips as well as sport can all inspire individuals to make changes to their lives.
  - Alternative accommodation for entrenched rough sleepers - Improving access to accommodation by expanding the range of accommodation used and providing a more flexible service offer within hostels/supported accommodation which meets the needs of entrenched rough sleepers.

## **Review of Homelessness and Substance Misuse Services by Oxfordshire County Council Joint Commissioning Team (ex-Supporting People)**

17. Oxfordshire County Council spends about £2.3m per annum on housing related support services for homeless people and substance misusers. The provision is accommodation based and provides support and housing to 259 homeless people and 20 substance misusers across seven services, the majority of services are based in Oxford City.
18. The project takes a collaborative approach, is led by the County's Commissioning Manager with significant input from the City's Rough Sleeping and Single Homelessness Manager.
19. These services are currently under review and the project will seek to produce the following:-
  - A Commissioning Strategy including a full needs analysis and options appraisal for these services
  - Establishment of a Pathway of services with clear entry and exit routes, eligibility criteria and links with other pathways such as mental health and young people.
  - Service specifications for use during a procurement process
  - Transition plans to ensure any changes to services are managed in a planned way.
  - New contracts.

### **Strategic Framework for Commissioning and Funding in 2013-2014**

20. Significant consideration is given to the national rough sleeping strategy entitled "No One Left Out – Communities Ending Rough Sleeping" and "Vision to end rough sleeping: No Second Night Out Nationwide" which signalled a new energy and renewed focus to end rough sleeping. The Council's priorities in terms of rough sleeping and single homelessness are set out in its Homelessness Strategy 2013 – 2018 as follows:-
21. Prevent and Respond to Rough Sleeping
  - Deliver and review the impact of No Second Night Out
  - Develop services to tackle the issue of entrenched rough sleepers
  - Improve pathways through supported specialist accommodation for former rough sleepers
  - Ensure sufficient specialist accommodation and support to meet the needs of single homeless clients in the City
  - Review anti-begging campaigns and message and support organisations who work to get people off the streets

## Allocation of the Homelessness Prevention Grant 2013-2014

22. It is proposed that the following specialist services and posts be funded from the 1<sup>st</sup> April 2013 until 31<sup>st</sup> March 2014:

<b>Organisation and Purpose of Grant</b>	<b>Allocation for 13/14</b>
<b>Assertive Outreach, Reconnection, Move-on</b>	
<p><b>Oxford City Outreach (Broadway Homelessness and Support) - One FTE Manager, 4 FTE Outreach Workers and 1 FTE Reconnection Worker (seconded to the NSNO Team)</b></p> <p>On 1<sup>st</sup> April 2012 a 3-year contract was awarded to Broadway Homelessness and Support. This contract ends on 31<sup>st</sup> March 2015 but has the option for an additional two years for 2015/16 - 2016/17.</p> <p>There is a break clause within the contract to say that if OCC fails to secure the Preventing Homelessness Grant then the Council has the right to terminate the contract.</p>	£235,000
<p><b>One FTE Referral and Reconnection Worker for Under 25s (Crime Reduction Initiative via Oxfordshire County Council)</b></p> <p>This service is now based at One Foot Forward and co-ordinates all referrals into the Young People's pathway across the City. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2014.</p>	£37,411
<p><b>NSNO and Reconnection Rent (O'Hanlon House)</b></p> <p>To cover the rent of Broadway's Reconnection Worker and Pathway Leader based at O'Hanlon House.</p>	£1,024
<p><b>NSNO Pathway Leader (Broadway Homelessness and Support)</b></p> <p>This role manages all referrals in and out of the NSNO hub and across the homeless pathway. It is crucial to the success of NSNO. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2014.</p>	£38,000
<p><b>NSNO Assessment Worker (O'Hanlon House)</b></p> <p>This role is part of the NSNO team and carries out assessments of clients accessing the NSNO hub and the Single Service Offer on from the</p>	£34,223

hub. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2014.	
<b>Specialist Homelessness Liaison Police Officer (Thames Valley Police)</b> This post is crucial to reducing street numbers, liaising closely with Oxford City Outreach and other partners within the single homelessness and rough sleepers' network to identify and tackle problematic rough sleeper hot spots, to prevent rough sleeping and anti-social behaviour. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2014.	£40,000
<b>6 Prevention of Eviction Young People Beds (Simon House)</b> To cover the shortfall in service charge for 6 young people who are under 25 years old at Simon House. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2014.	£4,243
<b>6 Prevention of Eviction Young People Beds (Lucy Faithful House)</b> To cover the shortfall in service charge for 6 young people who are under 25 years old at Lucy Faithful House. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2014.	£4,179
<b>Emergency Bed (One Foot Forward)</b> This funding provides one emergency bed at One Foot Forward for use by Oxford City.	£6,134
<b>Improving Mental Health/Complex Trauma</b>	
<b>One FTE Multiple Needs Worker Hostel Worker (Elmore Community Services)</b> This post focuses on in-reach work with clients placed in the City's hostels to help keep them in accommodation and prevent them from returning to rough sleeping. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2014.	£40,757
<b>Mental Health Practitioner (Luther Street Medical Centre)</b> This post has continued to be a success and it is recommended that funding in partnership with Oxford Health is continued for this post. This allocation is on a yearly basis and the council	£25,000

have the right to terminate funding if the grant is stopped or reduced beyond March 2014.	
<b>Complex Trauma Training (Thames Valley Initiative)</b> TVi are commissioned by Oxford City Council to provide training for two of the City's hostels – O'Hanlon House and Simon House in the field of "enabling environments" (or psychologically informed environments) where staff are trained to a high level in how to manage individuals with complex needs in hostel environments.	£13,000
<b>Anti-Social Behaviour Project (Elmore Team)</b> This in conjunction with an allocation from the Oxford City grant funds half a post to work with clients who are causing anti-social behaviour. It aims to reduce the anti-social behaviour and enable the client to remain in their home.	£11,000
<b>Improving Positive Activities</b>	
<b>One FTE Service Broker (Big Issue Foundation)</b> This post tackles the lack of engagement of Big Issue sellers with accommodation offers and to improve the partnership working with this organisation. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2014.	£25,000
<b>Two FTE Education, Training and Employment Workers (Aspire)</b> Oxford City Council continues to fund these two posts to further develop Aspire's social enterprises, work placements, employment opportunities to Oxford's homeless network in order to develop progression pathways into sustainable independent living. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2014.	£60,519
<b>Arts Training Scheme (Arts at the Old Fire Station)</b> This is a collaboration between Crisis and Arts at the Old Fire Station and aims to create training and work opportunities for Crisis Skylight members through the arts with a particular focus on transferable skills of customer service and retail.	£18,198
<b>Homelessness Prevention</b>	
<b>Oxfordshire County Council – Homelessness Projects (ex-Supporting People)</b> Oxford City Council is providing this match	£112,000

funding in partnership with the County Council to enable an extension of homelessness and substance misuse contracts until January 2014 to enable a full needs analysis, options appraisal and service redesign to be carried out.	
<b>Severe Weather Provision</b> This funding is to cover the cost of running additional services for rough sleepers during periods of severe weather.	£10,000
<b>Development of Enhanced Options -</b> This post will focus on the impact of welfare reform on the City Council and its tenants.	£50,000
<b>Discretionary Housing Payments</b> This money has been allocated to ensure that we can mitigate the impact of welfare reform.	£100,000
<b>Target Hardening (CANACT)</b> Provided to CANACT, this is a service for victims of domestic abuse to enable them to stay in their own homes.	£30,000
<b>Development of Mentoring/Coaching Scheme</b> This is to redevelop the proposal of a business mentoring scheme providing 1:2:1 coaching and support for people returning to work.	£50,000
<b>Total</b>	<b>£945,688</b>

### Oxford City Council's Homelessness Grant

23. A grant allocation of £442,279 has been allocated for the commissioning of homelessness services in 2013-2014.

24. In line with the City Council's prospectus and strategic objective "safer communities/homelessness", OCC are committed to the provision of accommodation, day centre support, a full range of day centre activities and meaningful occupation as well as tenancy sustainment from this grant.

25. It is recommended that the grant allocation be made as follows for 2013 - 2014:-

<b>Organisation and Purpose of Grant</b>	<b>Allocation for 13/14</b>
<b>Outreach, Reconnection and Move-on</b>	
<b>Young Peoples' Project – One Foot Forward (Bournemouth Churches Housing Association)</b> This grant jointly commissions the service with the County Council. The hostel works with young people aged between 16 – 25 years old who are homeless or about to become homeless.	£42,992
<b>O'Hanlon House (Oxford Homeless Pathways)</b>	£133,432

<p>This grant jointly commissions the service with the County Council. The money specifically commissions the day service that works with vulnerable adults who present with needs such as substance misuse, mental health and alcohol needs. The day service aims to provide a bridge between the services users and other meaningful services such as the GP, Social services, DAAT teams and mental health teams.</p>	
<p><b>Improving Mental Health/Complex Needs</b></p>	
<p><b>Elmore Community Services</b>  This funds one post within the Elmore team; the post is called a Tenancy Sustainment officer. The officer works with residents of OCC who are finding it difficult to manage their tenancies.</p>	£40,757
<p><b>Elmore Anti-Social Behaviour Services</b>  This amount is in addition to the £8,690 from the Preventing Homelessness Grant. The joint amount provides half a post to work with offenders and sex workers in the community. It aims to reduce the offending level by directing them towards meaningful activities.</p>	£11,310
<p><b>Improving Positive Activities</b></p>	
<p><b>Emmaus Oxford Furniture Store</b>  This money supports Emmaus to provide accommodation for homeless people but also gives them an opportunity to work in their social enterprise which is a second-hand furniture store.</p>	£25,000
<p><b>Aspire Oxfordshire</b>  Aspire provide social enterprises, work placements, employment opportunities and benefits' advice to Oxford's homeless network in order to develop progression pathways into sustainable independent living.</p>	£112,690
<p><b>The Gatehouse Café</b>  This provides some core funding to the Gatehouse daycentre to open up six evening out of seven to engage with the hard to reach clients that traditionally do not use mainstream services.</p>	£9,502
<p><b>Steppin Stone Day Centre</b>  This provides core funding to the Steppin Stones daycentre to work with vulnerable adults who are aiming to get back into training, education and employment. Steppin Stones also provide individuals with an opportunity to train in their social enterprises; their allotment,</p>	£55,000



the daycentre kitchen or Porch Pickle enterprises. The daycentre is based away from the city centre, which allows for individuals to move away from the street activities such as begging, drinking and other anti-social behaviour.	
<b>Homelessness Prevention</b>	
<b>Simon House (Respite Beds)</b> This money funds Simon House to provide two respite beds for clients who have tenancies in the community but are struggling to manage usually due to alcohol issues. Respite is for 28 days and the client is then able to return to their tenancy with additional support if necessary.	£11,596
<b>Total</b>	<b>£442,279</b>

### Level of Risk

26. Please see attached matrix (Appendix 1)

### Climate Change/environmental impact

27. There are no significant climate change or environmental impact issues related to this report.

### Equalities Impact

28. All services in receipt of funding are subject to rigorous monitoring which includes equality and diversity.

### Financial Implications

29. In addition to the 2013-2014 DCLG grant, a sum of circa £221,000 is predicted to be held in reserves at the end of March 2013. These funds will be called upon as required to meet specific spending needs as and when they arise with any unspent allocation held over into reserves for the following year.

30. The reason that such large amounts are held in reserve is the on-going risk linked to previously Supporting People funded budgets, pressures from rising homelessness and welfare reform, the potential need for capital investment to generate future revenue (cross-subsidy models) and the fact that a number of schemes will come to the end of their 2-year funding agreements during 2013-2014 and should OCC want to renew them all we will need this additional money in reserves.

### Legal Implications

31. In distributing these grants the Council should ensure that organisations are clear as to the outcomes that the Council expects to them to achieve and these specifications and targets are monitored through service agreements.

**Staffing Implications**

32. All external staff are employed by external organisations for whom the Council has no liability.
  
33. There will be quarterly performance monitoring meetings with Oxford City Council's Preventing Homelessness Grant Steering Group to review and ensure the delivery of services, and that outcomes and targets are achieved
  
34. The Preventing Homelessness Grant funding programme and OCC's homelessness grant will be managed by the existing Rough Sleeping and Single Homelessness Manager in Housing Services.

**Name and contact details of author:**

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**List of background papers: None**

**Version number: 4.0**

APPENDIX 4

CEB Report Risk Register

Risk Score Impact Score: 1=Insignificant; 2=Minor; 3=Moderate; 4= Major; 5=Catastrophic      Probability Score: 1=Rare; 2=Unlikely; 3=Possible; 4=Likely; 5=Almost Certain

No.	Risk Description Link to Corporate Obj.	Gross Risk		Cause of Risk	Mitigation	Net Risk		Further Management of Risk: Transfer/Accept/Reduce/Avoid		Monitoring Effectiveness				Current Risk	
		I	P			I	P	Action	Outcome Required:	Q 1	Q 2	Q 3	Q 4	I	P
1	Grant funding awarded is not spent on the activity or items it was awarded for. (Reduction of Rough Sleeping and Prevention of Homelessness)	1 2	P 1	Terms & conditions for grant awarded not clear.	Mitigating Control: Award letter and service agreements in place.  Monitoring forms  Level of Effectiveness: High as agreements are closely monitored	1 1	P 2	Action: Reduce  Action Owner: Nerys Parry  Mitigating Control: Quarterly monitoring reports  Report through Community & Partnership Scrutiny  Control Owner: Nerys Parry	Outcome Required:  Clear and detailed service agreements signed by each organisation.  All monitoring forms returned  Milestone Date: on going	Q 1	Q 2	Q 3	Q 4	I	P
2.	Commissioned organisations unable to deliver service or project they have been funded to deliver	3	3	Loss of other funding to continue delivery	Maintain good working relationship and be aware of funding cuts within the relevant sectors	3	2	Action: Reduce Provide support to plan for cuts  Action owner Nerys Parry  Mitigating Control Maintain good working relationship	Continued delivery of services						

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**To: City Executive Board**

**Date: 10<sup>th</sup> April 2013**

**Report of: Head of City Development**

**Title of Report: ECONOMIC GROWTH STRATEGY ACTION PLAN**

## **Summary and Recommendations**

**Purpose of report:** This report presents the recommendations from the Oxford Economic Growth Strategy recently agreed and adopted by the Oxford Strategic Partnership and outlines those proposed actions, to assist the OSP, to be led and delivered by Oxford City Council

**Key decision;** Yes

**Executive lead member:** Cllr Bob Price

**Policy Framework:** Corporate Plan -A vibrant and sustainable economy

**Recommendation(s):**

**(1) to endorse the Oxford Economic Growth Strategy as commissioned and agreed by the Oxford Strategic Partnership, and**

**(2) to approve the City Council action plan in response to it. .**

## **Introduction**

1. The Oxford Strategic Partnership (OSP – a partnership of key public sector, universities, private sector and voluntary bodies in the City co-ordinated by the City Council) commissioned the development of a new Economic Growth Strategy in May 2012.
2. The purpose of the new Strategy was to update and replace the economic development action plan that formed part of the Regeneration Framework that was adopted by the OSP and the City Council in 2009.
3. Economic development, growth and regeneration is one of the OSP's key priority areas of work in the recently revised and adopted vision statement, aims and priorities.

## **Development of the Economic Growth Strategy**

4. Consultants Shared Intelligence were contracted to work with and on behalf of the OSP to develop the Strategy. A small Steering Group oversaw the project chaired by Cllr Bob Price, Leader of Oxford City Council. Other members of the Steering Group are:
  - Phil Clare, University of Oxford City Council
  - Richard Venables, VSL and Partners
  - Tom Flanagan, Oxfordshire County Council
  - David Edwards and Michael Crofton-Briggs, Oxford City Council
  - Sebastian Johnson, Oxford Strategic Partnership
  - Lee Shostak and Patrick McVeigh, Shared Intelligence
5. As part of the development of the Growth Strategy an Oxford Economic Narrative was produced and shared with partners in July 2012. The narrative sets out the state of Oxford's economy as of early 2012. It is intended to support the development of the Economic Growth Strategy. The narrative builds on the wealth of existing work that has been carried out previously, and uses up-to-date statistics to provide a complete understanding of Oxford's economy as at 2012.
6. As part of the development of the Growth Strategy a wide-ranging series of interviews, focus groups and workshops took place – the participants are listed in appendix one of the Oxford Economic Growth Strategy.
7. Draft versions of the Economic Growth Strategy were presented to the OSP in the summer and autumn of 2012. In November 2012 comments on the draft Strategy were invited from all who were informed at the outset of the process to develop the Strategy and invited to participate in interviews, focus groups and workshops. This included businesses, business and professional groups, universities and colleges, Local Enterprise Partnership Board and other partnerships, public sector organisations/partners (including Leaders, Chief Executives and Economic Development Officers of all Oxfordshire local authorities).
8. Comments were received from a number of respondents including businesses, County Council, adjoining district councils, University of Oxford and others.
9. The Steering Group met on 20th December 2012 to consider all comments and noted how the overwhelming response to the draft Strategy at meetings and presentations has been welcoming and positive.

## **Agreement and Adoption of the Strategy by the Oxford Strategic Partnership**

10. Following the Steering Group's review of all comments, a further revised draft version of the Strategy was presented to the Oxford Strategic Partnership on 17<sup>th</sup> January 2013 where a few minor amendments were agreed.
11. The OSP has now agreed and adopted the Oxford Economic Growth Strategy and has also invited the Oxfordshire LEP to use the Economic Growth Strategy, evidence and recommendations as part of the county wide growth plan.
12. The OSP has asked the Steering Group to continue to oversee the development of the action plan and confirmed that it will continue to act as the governance body for this work.

## **Summary of recommendations in the Strategy**

13. In summary, the Strategy identifies 11 main elements and recommendations for growth (see section 4) which are as follows:
  1. Expand Oxford's knowledge economy using Oxford's universities and major large employers to attract new companies and to promote new start-ups.
  2. Support the growth of existing employers.
  3. Ensure sufficient supply of employment land.
  4. Strengthen Oxford city centre's retailing offer.
  5. Expand the value of Oxford's tourism across the region.
  6. Improve educational and skills attainment
  7. Increase housing development in locations easily accessible to the city centre.
  8. Investment in broadband infrastructure.
  9. Address environmental challenges and opportunities
  10. Invest in physical and transport infrastructure.
  11. Secure an effective partnership for implementation and 'single team' delivery

## **Next Steps**

14. The next steps to be led by the OSP are for the Economic Growth Strategy Action Plan to be developed by partners and to build stakeholder commitment to delivery of the action plan
15. As part of this, an officers group at Oxford City Council have been developing the City Council's support for the Strategy through the preparation of a list of the actions that need to be undertaken by the City Council. This draft Action Plan is presented to CEB for approval and is appended to the report. .

## **Comments from Communities and Partnership Scrutiny Committee on 30<sup>th</sup> January**

16. At its meeting on 30<sup>th</sup> January 2013, the CP Scrutiny Committee considered the Economic Growth Strategy. The Committee highlighted the following issues as recommendations to CEB when the Strategy is presented:-

1. To include the development of District centres as part of the Strategy. Accepting that this strategy is about what makes Oxford "Oxford" ; these centres are a significant part of what makes Oxford special.
2. The significant issues around the A34 and A40 are not given much prevalence with in the strategy. Issues of congestion on these routes are a barrier to economic growth and so solutions are essential.
3. Oxford clearly cannot resolve issues around housing on its own and the proposals we have for building at the moment whilst welcome will not provide the solution needed. Evidence shows that the availability and price of housing is a barrier to economic growth. All Oxfordshire districts must work together on this for the benefit of all and an emphasis in partnerships must be placed on the "duty to co-operate" which still exists
4. The Committee also wished to see strengthening of the sustainability item. Whilst this is good, the conclusions were felt to be too narrow.

### **Response to scrutiny:**

1. District Centres: vitality is addressed well in the Core Strategy and will continue to be an important element of the retail and community 'offer'. As such it remains an important feature of a balanced future economic growth strategy.
2. A34/A40: This is already covered by Action 10. Both A40 at Northern Gateway and more diffuse A34 congestion issues are included in the City Deal
3. Housing: This is already covered by Action 7 and Action 11 and housing is a key role for the Oxfordshire Strategic Planning and Infrastructure Partnership. Oxford cannot resolve the issues around housing on its own hence all Oxfordshire Districts must work together for benefit of all.
4. Sustainability: There is scope in Action 9 to revisit this.

### **Draft Action Plan**

17. The draft Action Plan is appended. This seeks to focus on those actions in particular that the City Council is able to deliver on behalf of the OSP, together with how the City Council will seek to work with the OSP partners on other actions. For each action information has been set out in the draft,



to explain the key stages into which each action is being sub-divided, who is to deliver each key stage and by when together with what resources are available for each action. More work is underway to refine further each City Council action identified to clarify milestones, outcomes sought and measurable outputs. A meeting is to be held soon with the OSP Economic Growth Strategy Steering Group to clarify where partners can work alongside the City Council, prior to reporting back to the OSP in May.

### **Level of risk**

18. A Risk register has been prepared and is appended, to address: challenges of partnership; need to achieve better dialogue with Business; challenge of attracting funds to deliver 'open ready' projects.

### **Climate change / environmental impact**

19. Important and covered by Action 9 in the Action Plan

### **Equalities impact**

20. Important and covered by Action 6 in the Action Plan

### **Financial implications**

- 21 £150k has been included in the 2013/14 budget. Work still in hand to decide how best to use budget for delivery of the Economic Growth Strategy and City Deal. Current proposals are that part will be used to appoint an Economic Development Manager and two existing officers will be seconded to a new economic development team (with some backfilling).
22. Changes in the methodology for the funding of local authorities partly through Retained Business Rates with effect from 1<sup>st</sup> April 2013 will mean that authorities could lose in financial terms if businesses are wound up through economic or financial hardship. Conversely the local authority could gain in financial terms if new businesses come into the city and occupy business premises. Although only one factor to consider an economic regeneration strategy which assists in retaining or introducing new businesses to the City will have a favourable effect on the councils finances

### **Legal Implications.**

23. None

Appendices to report: *Oxford Economic Growth Strategy Action Plan  
Risk Register*

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**Version number: 6**

**Background Papers: None**

## Oxford Economic Growth Strategy Draft Action Plan

<p><b>Economic Growth Strategy element One</b></p> <p>1. Expanding Oxford's knowledge economy: frameworks for key sector growth using the global connections of Oxford's universities and major /large employers to attract new companies and promote new start-ups</p>
<p><b>Recommended action</b></p> <p>1. Delivery strategy 2. Delivery Plan for major city employment sites</p>
<p><b>Plan for delivery</b></p> <p><b>Develop a delivery strategy for growth sectors</b></p> <p><b>Key stage:</b> To discuss with the University the wish to sit on the Steering Group that manages the work coming out of the Oxford Phenomenon Report (SQW).</p> <p><b>Who/when:</b> City Council with key partner (University) (April 2013)</p> <p><b>Resource:</b> Staff time from Senior Managers to attend and contribute to these meetings.</p> <p><b>Key stage:</b> To set up a 'brain-storming' event with key partners, such as University, Brookes, LEP to discuss the key elements of the delivery plan that are required to develop this strategy.</p> <p><b>Who/when:</b> City Council with key partners (May 2013)</p> <p><b>Resource:</b> Staff time to organise and facilitate.</p> <p><b>Key stage:</b> To develop a clear assessment of the growth potential for the key existing and emerging knowledge sectors for Oxford and sub-region together with a robust marketing assessment.</p> <p><b>Who/when:</b> City Council in partnership with consultants and County Inward investment team (Summer 2013)</p> <p><b>Resource:</b> Consultant specialist advice required to collect and analyse the detailed evidence base for each particular sector / cluster in Oxford.</p> <p><b>Key stage:</b> To develop the key elements of the City Deal to show how the 'new alignment' will work in practise; bringing greater benefits to knowledge networks, increase and improve access to accommodation facilities, together with the alignment of strategic infrastructure plans that will improve connectivity between sites within the 'knowledge-spine'. A phased delivery plan should be developed to show what needs to be done to achieve success.</p> <p><b>Who / when:</b> City Council with key partners and support from consultants. (Summer 2013)</p> <p><b>Resource:</b> Consultant support helpful.</p> <p><b>Key stage:</b> To work with key partners, the business community and providers within the knowledge economy to ensure that technical skills shortages are targeted to meet existing and future demands. Need to establish clearly what assistance is required and funding required.</p> <p><b>Who / when:</b> City Council in partnership with the Oxfordshire Skills Board and key</p>

partners. (Summer 2013)  
**Resource:** Skills Board should be encouraged to lead, with some funding if required provided by SPIP, LEP and key partners.

**Delivery plan for major city employment sites**

**Key stage:** To undertake a strategic review of the employment land requirements for Oxford in the context of a Green Belt review to identify opportunities for employment growth.

**Who / when:** City Council to carry out initial assessment but update of Employment Land Study would provide useful supporting evidence. (Summer 2013)

**Resource:** Could be undertaken in-house but critical assessment from consultant would be useful.

**Key stage:** To use the Sites and Housing DPD, West End AAP and Core Strategy to identify key employment sites then align key transport and infrastructure projects to individual sites. (Autumn 2013)

**Who / when:** City Council to carry out this assessment

**Resource:** Staff time to be allocated

**Key stage:** To undertake regular reviews of these key sites involving discussions with landowners and agents to provide support for future appropriate development schemes to come forward

**Who / when:** City Council initiative (Autumn 2013)

**Resource:** Staff time to be allocated

**Key stage:** To identify opportunities to improve existing employment sites used for starter units, such as Cave Street, Cowley Bus Depot and to work up schemes that would add benefit and or unlock more space or better conditions. These would be priced and ready for 'funding opportunities' to be aligned with these schemes to fit RGF or GP funding bids.

**Who / when:** City Council to undertake this work (Autumn 2013)

**Resource:** Staff time to be allocated

**Economic Growth Strategy element Two**

2. Supporting the growth of existing employers including large, global companies, high value small and medium sized enterprises, the universities, and the health sector

**Recommended action**

1. Review supply and choice of start-up businesses
2. Set up an account management function for existing businesses

**Plan for delivery**

**Review supply and choice of start-up businesses**

**Key stage:** To research and fully understand the diverse needs of start-up businesses in Oxford and seek to match need with supply. This should include an assessment of the size, location and affordability of premises to ensure that there is a range throughout the City. This should include the specific needs of social entrepreneurs and or those within Regeneration Areas where the cost of accommodation could be a significant factor.

**Who / when:** City Council working with partners such as the local estate agents and other organisations including the University social enterprise hub who work with students wishing to set up businesses in Oxford both from the University and some from the wider community. (Summer 2013)

**Resource:** Staff time to be allocated.

**Key stage:** Undertake an assessment of the amount and choice of start-up business accommodation available within Oxford and their spatial locations throughout the City to provide a clear picture of the supply.

**Who / when:** City Council

**Resource:** Staff time to be allocated

**Key stage:** Review the condition of existing start-up accommodation, such as Cave Street and Bus Depot site and explore options for potential improvements through funding opportunities.

**Who / when:** City Council (City Development and Property Team)

**Resource:** Staff time to be allocated

**Key stage:** Review employment sites and identify potential opportunities to bring forward new developments and or changes of use, with a focus on scope within established industrial areas, City and District centres and Regeneration Areas; that could add to the supply of small / grow on business units. Highlight any existing barriers and show what measures could be employed to unlock these sites. The City centre already appears under-provided and even temporary solutions should be explored.

**Who / when:** City Council

**Resource:** Staff time to be allocated

### **Establish an account management function to support existing businesses**

**Key stage:** To map business accommodation by location and type and then to create a new list of the Top 100 businesses in Oxford with key contacts identified for each company. This should include a range of businesses from some of the key firms, those from important sectors / clusters and representative networks for SME's.

**Who / when:** City Council (Spring 2013)

**Resource:** Staff time to be allocated

**Key stage:** To set out a programme for carrying out regular visits to these Top 100 businesses. This should comprise arranged visits to individual companies, together with sector / cluster meetings with a small groups. This would be serviced by a pool of Senior Managers together with a secretariat role to organise meetings and attend to record actions arising and responses required. For individual visits need to assign the same officers to visit particular companies to build relationship.

**Who / when:** City Council (Summer 2013 onwards)

**Resource:** Senior Managers and Economic Development Portfolio Holder (Cllr. Bob Price)

<p><b>Key stage:</b> To use these meetings to actively engage with the business community and provide an important two-way channel of communication between the public and private sector.</p> <p><b>Who / when:</b> City Council</p> <p><b>Resource:</b> Senior Managers time allocated together with</p>
<p><b>Key stage:</b> To use information from the analysis of key sectors undertaken for inward investment work to clearly highlight sector opportunities and identify opportunities for strengthening the supply chains.</p> <p><b>Who / when:</b> City Council working with consultants.</p> <p><b>Resource:</b> Staff time together with some funding for consultants (but same piece of work as for key stages for Recommendation 1).</p>
<p><b>Key stage:</b> To work with partners to develop a co-ordinated approach to growing key clusters in the Oxford economy.</p> <p><b>Who / when:</b> City Council</p> <p><b>Resource:</b> Staff time to be allocated.</p>

<p><b>Economic Growth Strategy element Three</b></p> <p>3. Ensuring a sufficient supply of employment land</p>
<p><b>Recommended action</b></p> <p>1. County-wide review of employment sites 2. Delivery Plan for major employment sites</p>
<p><b>Plan for delivery</b></p> <p><b>County-wide review of employment sites</b></p> <p><b>Key stage:</b> Complete work on the Strategic Employment Land Availability Assessment (SELAA) and use as the starting point for the City's review of employment land supply.</p> <p><b>Who / when:</b> City Council work already underway (Spring 2013)</p> <p><b>Resource:</b> Staff time already allocated</p> <p><b>Key stage:</b> To carry out an update of Oxford's Employment Land Study, which is now some 7 years old, to assess future need and the availability of land within the City to be able to meet the long-term need.</p> <p><b>Who / when:</b> Commission consultants to undertake a refresh of their study and the potential implications of changes to PD rights to allow offices to go to residential. Could have a significant impact on supply of offices available. Await Gvt decision on City Council request for 'exemption' of Protected Employment sites in (Summer 2013)</p> <p><b>Resource:</b> Funding required for consultants estimated 20K.</p> <p><b>Key stage:</b> Undertake initial exploratory work on a partial Green Belt review of sites around Oxford, such as the Oxford Science Park (Grenoble Road) and Begbrooke to see what potential opportunities are considered suitable</p>

to meet future employment needs.  
**Who / when:** City Council (Summer 2013)  
**Resource:** Staff time (Senior Management) to carry out review

**Key stage:** To work with partners to carry out a county-wide assessment through SPIP to complete a strategic review of the employment land requirements for Oxford in the context of a Green Belt review to identify opportunities for employment growth as part of the County-wide review through SPIP. The focus should include Northern Gateway, Begbroke Science Park, Park Hospital, Oxpens, City centre sites, Summertown and the Oxford Science Park Village at Grenoble Road.

**Who / when:** City Council to carry out initial assessment but update of Employment Land Study would provide useful supporting evidence.  
**Resource:** Could be undertaken in-house but critical assessment from consultant would be useful.

### Delivery plan for major city employment sites

**Key stage:** To use the Sites and Housing DPD, West End AAP and Core Strategy to identify all major employment sites then align key transport and infrastructure projects to individual sites.

**Who / when:** City Council to carry out this assessment

**Resource:** Staff time to be allocated

**Key stage:** To undertake regular reviews of these key sites involving discussions with landowners and agents to provide support for future appropriate development schemes to come forward.

**Who / when:** City Council initiative

**Resource:** Staff time to be allocated

**Key stage:** To identify opportunities to improve existing employment sites used for starter units, such as Cave Street, Cowley Bus Depot and to work up schemes that would add benefit and or unlock more space or better conditions. These would be priced and ready for 'funding opportunities' to be aligned with these schemes to fit RGF or GP funding bids.

**Who / when:** City Council to undertake this work

**Resource:** Staff time to be allocated

### Economic Growth Strategy element Four

4. Strengthening Oxford's city centre retailing offer

#### Recommended action

1. Use the proposed **Westgate** redevelopment as a catalyst to raise the quality and range of the retail offer, including investment in **public spaces**, transport and environment.
2. Support and revitalise the independent retail offer where this is practical.

## Plan for delivery

### Westgate as a catalyst to improve retail offer and public realm

**Key stage:** Retail Needs Study Update to revise the capacity figures for the amount of floorspace that can be supported for food and non-food provision in Oxford based on recent surveys of the patterns of shopping behaviour, together with updated forecasts of population and expenditure levels. The Study should also consider the potential impacts of the Westgate development on the existing City centre provision and the wider public realm benefits that could flow from the redevelopment of Westgate.

**Who / when:** Specialist retail consultants

**Resource:** Funding required

**Key stage:** To review the emerging Westgate proposals, together with the master planning work from Oxpens and the Station site to see what potential there is for improving the retail offer in the West End.

**Who / when:**

**Resource:**

**Key stage:** Identify proposed public realm improvements and their relationship to key infrastructure and transport projects in the West End that will require investment.

**Who / when:**

**Resource:**

**Key stage:** Review 'Transform Oxford' programme and other potential projects that would support retail performance and regeneration opportunities.

**Who / when:** County/City/private sector to develop a programme in the context of the Local Transport Plan

**Resource:**

**Key stage:** Improve the quality and distribution of footfall by seeking to attract more 'county/high value' shoppers and by encouraging shoppers/visitors into lower footfall retail areas. This to be done by a high profile and high quality series of events.

**Who / when:** GR; 13-14 and annually

**Resource:** Financial plan being prepared, but achievable at no cost (and potentially profit generating)

**Key stage:** Targeted inward investment programme. Prepare a retailer gap analysis, a list of priority targets, their likely property requirements and a database of properties. Use to proactively approach targets as suitable property becomes available.

**Who / when:** GR; 13-14 and annually

**Resource:** Incidental sums for document production and travel. Gap analysis can be done internally, or bought in.



**Key stage:** Develop the evening economy retail and leisure offer including the promotion of extended retail trading hours and inward investment where appropriate.

**Who / when:** GR via Town Team

**Resource:** Private sector investment

**Key stage:** Facilitating business start-ups and development in the retail sector by providing trading pavilions. These to be leased on favourable short term leases with mentoring.

**Who / when:** City and Town Team in partnership

**Resource:** Capital resource required

**Key stage:** Develop an initiative to address long term vacancies, such as those in Gloucester Green and Cross Keys

**Who / when:** City and private sector (GR, TM, SS)

**Resource:** To be determined

**Key stage:** BID and/or micro BIDs

**Who / when:** Led by Town Team and timescale to be determined by the private sector, but not before 2015

**Resource:** To be determined

### **Support and revitalise the independent retail offer**

**Key stage:** Covered Market strategic review. Consultancy advice commissioned March 13. Due for completion June 13. Investment decisions thereafter.

**Who / when:** City Council

**Resource:** TBC

**Key stage:** 'Oxford Local' initiative to provide direct support to independent retailers, including retail apprenticeships, customer marketing loyalty systems

**Who / when:** City in partnership with Town Team

**Resource:** Town Team

**Key stage:** 'Open Oxford' project to increase customer accessibility and increase retail performance and investment.

**Who / when:** County/City/Town Team/private sector

**Resource:** Initial resources from County and City. Heavy investment by transport operators and retailers in due course

**Key stage:** Provision of sufficient car parking provision during the construction phase of the regeneration of Westgate (quantity and quality) and new pricing policy to generate greater levels of off-peak use. To include review of investment opportunities and signage.

**Who / when:** County/City/Town Team/private sector

**Resource:** County/City/Town Team/private sector

<b>Economic Growth Strategy element Five</b>
5. Expanding the value of Oxford's tourism across the region
<b>Recommended action</b>
<ol style="list-style-type: none"> <li>1. Extend the tourism and cultural offer</li> <li>2. Extend the range of tourist accommodation</li> </ol>
<b>Plan for delivery</b>
<b>Extend the tourism and cultural offer</b>
<p><b>Key stage:</b> To develop a strategy to extend the tourism and cultural offer across the City and county.</p> <p><b>Who / when:</b> City Council working with Visit Oxfordshire (the Destination Management Organisation – Experience Oxfordshire and partners)</p> <p><b>Resource:</b> City Council Senior management staff</p> <p><b>Key stage:</b> To set up a 'brain storming' workshop between Visit Oxfordshire, and key partners to review what is already working well and identify where improvements or new ideas could positively improve the tourism and cultural offer. It should specifically explore where greater links could be made between tourism and culture that would bring significant economic benefits. This could take the form of a Forum with presentations from guest speakers in the morning followed by workshop in the afternoon.</p> <p><b>Who / when:</b> Specialist consultants on tourism and culture could facilitate the event and suggest suitable speakers to stimulate discussion on key issues with key partners and business and cultural community.</p> <p><b>Resource:</b> Limited funding for consultants</p> <p><b>Key stage:</b> To prepare a summary report of the outcome of the workshop identifying the main opportunities to improve the growth of tourism and culture. It should use best practise and relevant examples from other similar cities to show the potential opportunities. This should be used as the narrative and the basis for developing a new strategy with clear recommendations for implementation. The report could then be presented to Oxford Strategic Partnership, City and District Councils and the LEP.</p> <p><b>Who / when:</b> Visit Oxfordshire, with City Council co-ordination.</p> <p><b>Resource:</b> City Council and Districts with overseeing role.</p>
<b>Extend the range of tourist accommodation</b>
<p><b>Key stage:</b> To provide a summary fact sheet setting out the over-arching policy within the Core Strategy for the location of new short-stay accommodation in Oxford; together with a complete list of all the key sites within the city that are allocated for further provision. This would act as both an inward investment tool and delivery plan for hotel operators.</p> <p><b>Who / when:</b> City Council</p> <p><b>Resource:</b> Staff time to be allocated.</p>

**Key stage:** To review the existing supply of short-stay accommodation in Oxford and provision with the County. Assess the demand for accommodation within the sub-region in parallel with the emerging and future trends to establish the amount and type of provision lacking within the City and the scope for additional provision.

**Who / when:** Visit Oxfordshire to provide information on existing provision within Oxford and sub-region. Consultants could be employed to provide 'market testing' exercise and analysis of future market direction, so that Oxfordshire is positioned to target key sectors and gaps in provision.

**Resource:** Visit Oxfordshire to provide strategic direction and co-ordination of project. Consultants to be joint funded with contributions from City Council, Districts and LEP.

**Key stage:** The findings of this assessment should be reported to Visit Oxfordshire Board any changes made and then action plan with priorities for implementation to be presented to the LEP for their approval of the broad strategic direction of future policy.

**Who / when:** Visit Oxfordshire working with partners, including City Council.

**Resource:** Funding contribution towards joint study.

#### **Economic Growth Strategy element Six**

6. Continuing to improve educational and skills attainment to support future economic growth opportunities

#### **Recommended action**

1. Extend current initiatives to raise school attainment
2. Strengthen apprenticeship and skills programme

#### **Plan for delivery**

##### **Extend current initiatives to raise school attainment**

**Key stage:** To embed the new City Council Educational Attainment KRM and Leadership Programmes and provide support for schools in the programmes. To monitor and evaluate progress. To seek opportunities to further enhance the programme e.g. Arts Funding for Story Telling in schools.

**Who / when:** City Council, the Universities and the OSP partners, working alongside the Oxfordshire County Council Transforming Education Attainment Programme. Sept 2012 – Sept 2016.

**Resource:** City Council Education Attainment Programme £400, 0000 per annum For 5 years.

##### **Strengthen apprenticeship and skills programme**

**Key stage:** Implement Youth Ambition Programme to aid transition from school into

training and employment.

**Who / when:** The City Council working with partners, such as the Early Intervention Hubs, young people's bodies, community and voluntary groups, sports, leisure, cultural groups, schools, advice and support groups. The work will be overseen by a Youth Ambition Steering Group, reporting to the OSP, Stronger Communities Delivery Group.

**Resource:** Restructuring of existing resources. The Youth Ambition Programme Community Grant Scheme £50,000 per annum.

**Key stage:** The City Council, Universal Credit Pilot Scheme, providing support to tenants and residents to get into training and employment. Including the mapping of services provided by Oxford City Council and others

**Who /when:** The City Council working with partners such as DWP, Job Centre Plus, Advice Services, Oxfordshire County Council , Skills UK. The Pilot scheme has started.

**Resource:** Within existing services plus 2 FTE funded by DWP for 1 year.

**Key stage:** The City Council is working with partners, such as the Thriving Families Programme, the Early Intervention Hubs, the back to Work Group, the Central NEETs Group and the Central Area Positive Activities Group, to map and coordinate services that provide support to young people. For example apprenticeships, work experience placements and working with NEETs. This work informs the development of the Breaking the Cycle of Deprivation, Employment and Skills Action Plan.

**Who / when:** The City Council working with the Breaking the Cycle of Deprivation Group of the OSP.

**Resource:** Within existing services.

**Key stage:** Oxford City Council is working with the Economy and Skills team at the County Council to support the work of the Oxfordshire Skills Board and to promote the learning and skills needs within the city. The Leader of the Council is the District member representative on the Board.

**Who / when:** The City Council working with the Breaking the Cycle of Deprivation Group of the OS.

**Resource:** Within existing services.

### **Strengthening the Youth Voice**

**Key stage:** The City Council to develop a credible voice for young people in the city and to encourage agencies working with young people in the city to develop a coproduction method of delivering services and to improve services for young people.

**Who / when:** The City Council working in partnership with the OSP partners.

**Resource:** We are intending to change a current port so it is focused on youth voice, they will have a delivery budget of circa £15,000.

### **Economic Growth Strategy element Seven**

7. Increasing the annual rate of housing development in locations which are easily accessible to the City centre, and other main employment areas by cycle, bus, and rail.

### **Recommended action**

1. Review City housing requirement within County-wide assessment
2. Develop a set of compacts, through SPIP, to share the costs and benefits to support economic growth

**Plan for delivery**

**Review City housing within County-wide assessment**

**Key stage:** Strategic Housing Market Assessment (SHMA) brief now agreed and tenders to go out to prospective consultants.

**Who / when:** West Oxfordshire co-ordinating project but working with City Council and Districts. Briefs to go out in March / April with completion late Summer / Autumn.

**Resource:** Funded by LAA reward grant.

**Key stage:** Discussion at SPIP and through 'duty to co-operate' requirement to take forward the findings of the SHMA in a 'joined up' way.

**Who / when:** City Council together with Districts at SPIP

**Resource:** Senior staff time to attend and contribute to discussion.

**Key stage:** Following discussion on the findings of the SHMA likely to lead to a wider review of the Green Belt to explore potential opportunities to accommodate further housing and or employment growth.

**Who / when:** City Council, Districts and County through SPIP (Autumn / Winter)

**Resource:** Staff time to be allocated, with potential for some consultant involvement.

**Develop set of compacts**

**Key stage:** Need to explore how the findings of the background research (SHMA) and the wider review of the Green Belt will impact on the future transport and infrastructure priorities that need to be taken forward in partnership with SPIP and the City Deal.

**Who / when:** City Council with partners in SPIP (Winter)

**Resource:** Staff time to be allocated with potential for some consultant involvement.

**Economic Growth Strategy element Eight**

8. Ensuring continued investment in broadband infrastructure
- Recommended action**
1. Work with OxOnline to enhance broadband provision across County and links to

**Plan for delivery****Finalise Revised Bid to Government**

**Key stage:** Revised bid in form of PID submitted to Govt

**Who / when:** Oxford City Council leading with County as partners. Working version of PID to be submitted by 1/3/13.

**Resource:** From existing resource internally (SJ) with consultancy support

**Key stage:** Govt announces funding amounts for each city and confirms spend timeframe

**Who / when:** BDUK, mid March 2013

**Resource:** Internal resource point of contact with BDUK (SJ)  
Programme Broad set up with partners (City, County, Universities, Business and BDUK) – Chair and project management provide by Oxford CC (DE and SJ)

**Voucher Scheme to support Fibre to the Premise (SMEs and Public Sector Service Providers)**

**Key stage:** Voucher Scheme to support fibre to the premise in white and grey areas agreed by Government (DCMS, BDUK)

**Who / when:** Discussions currently taking place at DCMS (BDUK) about the development of a voucher scheme – this could be a nationally developed scheme administered either locally or nationally – yet to be decided.

Timescale is scheme likely to be agreed in Spring 2013 with immediate roll out and likely to run through to March 2015

**Resource:** BDUK leading the development – Oxford City Council one of four cities on the Voucher Scheme Working Group, therefore small resource required from SJ

**Key stage:** Voucher Scheme to support fibre to the premise in white and grey areas rolls out in Oxford (with total value of vouchers for Oxford agreed)

**Who / when:** this could be a scheme administered either locally or nationally – yet to be decided.

Timescale is scheme likely to be agreed in Spring 2013 with immediate roll out and likely to run through to March 2015

Business stimulation will fall to mix of contracted providers and partners (with Oxford City Council and Oxfordshire County Council [as part of County Plan] leading)

**Resource:** Staff time to undertake necessary administration of scheme and demand stimulation to be allocated out of existing Oxford City Council resource – no additional revenue funding available. (SEE OVERALL RESOURCING TABLE BELOW)

**Wireless Concession**

**Key stage:** When Govt confirms funding we will start process of provider engagement, procurement and asset upgrade (asset upgrade - using

Urban Broadband Fund (UBF) money)

**Who / when:** Lead by Oxford City Council (major procurement project)

**Resource:** SEE OVERALL RESOURCING TABLE BELOW

### Fixed Infrastructure Project

**Key stage:** Awaiting Govt guidance on two options –

i) Ducting project where UBF money used to create a network of ducting in the city – open to use by any provider on lease or concessionary basis

ii) Fixed broadband infrastructure – if state aid issues resolved and time permits we will undertake fibre to the premises funded by UBF

**Who / when:** Lead by Oxford City Council (major procurement project)

**Resource:** SEE OVERALL RESOURCING TABLE BELOW

### OVERALL RESOURCING

The details provided in the PID on the Project Management Team are as follows (signed off by David Edwards)

In addition to this external advice will be sought to assist with state aid, procurement, legal and technical advice and evaluation.

Position	Name	% of FTE resource
SRO	Dave Edwards	5%
Project Manager	Sebastian Johnson	40%
Project Support - County Lead	Llewelyn Morgan	20%
Procurement	Nicky Atkin	40%
Finance	Nigel Kennedy	10%
Technical Support	Gary Thomas	10%
Business Support	Tom Morris	15%
M&E	Jane Lubbock	10%
Legal Support	Lindsay Cane	5%
Administration	Rachel Walker	20%
Commercial Support	Jane Lubbock	5%

It should be noted that the time commitments are an indication and there will be peaks and troughs depending on stage and activity (e.g. procurement). Resource commitments also depend on the voucher scheme and whether it is a centrally or locally administered scheme.

### Economic Growth Strategy element Nine

9. Addressing the environment challenges and opportunities presented by economic growth

#### Recommended action

1. Develop a more strategic framework to link projects and increase involvement of private sector
2. Identify with the Universities, LEP and partners applied research projects to deliver low carbon solutions

### **Develop a strategic framework**

**Key stage:** Consolidate and develop the Low Carbon Oxford partnership to meet the 40% carbon reduction by 2020 target adopted by Oxford City Council, (Climate change is a priority of OSP - LCO was set up out of OSP to deliver against this target. Pathfinders represent more than 50% of Oxford's carbon footprint)

**Who / when:** Oxford City Council/LCO Governance. Timescale -2020

**Resource:** Low Carbon Hub contracted by City Council, Pathfinder input. Successful funding bids such as from DECC EU

**Key stage: Oxford** Green Deal Plus task force established to network supply chain, community and commercial actors and promote joined up delivery of building retrofit for carbon reduction in Oxford, including the Green Deal.

**Who / when:** Oxford City Council - first phase funded by DECC by end financial year 12-13, then ongoing

**Resource:** Low Carbon Hub contracted by City Council, in partnership with Energy Saving Coop

**Key stage:** Establish the OxFutures Fund to mobilise private and public sector investment in renewable energy and retrofitting projects.

**Who / when:** Oxfordshire County Council in partnership with Oxford City Council. Established by November 2013 with first round investments in early 2014

**Resource:** Oxfordshire County Council staff plus consultancy funded by the Oxfordshire Total Refit project

### **Identify new projects for low carbon solutions**

**Key stage:** Create a prioritised pipeline of public estate projects for the first round of OxFutures funding

**Who / when:** Oxfordshire County Council in partnership with Oxford City Council. November 2013.

**Resource:** Oxfordshire County Council and Oxford City Council staff funded by the Oxfordshire Total Refit project

**Key stage:** Develop a pipeline of commercial renewable energy projects through the Low Carbon Oxford partnership and the Low Carbon Hub.

**Who / when:** Oxford City Council by November 2013 and on-going until November 2015

**Resource:** Low Carbon Hub contracted by City Council funded by the Oxfordshire Total Refit project

**Key stage:** Develop and implement approach for heritage building to play their role in local carbon reduction

**Who / when:** Oxford City Council, approach will be developed and piloted by early 13/14.

**Resource:** BRE contracted to develop and pilot approach by Oxford City Council



using funding from DECC

**Key stage:** District heating potential. eg West End – Arup study; Regeneration areas eg. BBL area (pool, school, tower blocks low rise, BMW, Unipart etc), eg. Barton existing, new development?; University town centre buildings- study with City Development; Brookes have plans for fuel cell chp for Gypsy Lane site and surround; 5 x Tower block refurb – block heating systems, overcladding

**Who / when:**

**Resource:**

### Economic Growth Strategy element Ten

10 Investing in the Physical Infrastructure and Transport required to enable Economic Growth

#### Recommended action

1. Ensure comprehensive infrastructure & transport strategies that are supported by investment and delivery plans.
2. Use strategic enhancements to the rail infrastructure and services and the possibilities of station redevelopment as a catalyst for central area regeneration and mixed use development to create employment and residential opportunities.

#### Plan for delivery

#### Ensure comprehensive infrastructure & transport strategies that are supported by investment and delivery plans.

**Key stage:** Agree the priorities, phasing and timescales for the key pieces of refresh work on the Oxford Transport Strategy. This should include agreeing the high level economic objectives that will influence the selection of work priority areas.

**Who / when:** City working with County who are responsible for the Oxford Transport Strategy and provision of other infrastructure such as schools. Participation in County Infrastructure Leadership Meetings to support matrix based workload management. Ongoing.

**Resource:** Staff time to be agreed.

**Key stage:** Refresh Oxford Transport Strategy to agreed timetable. Ensure management of interfaces with city centre accessibility work led by GR.

**Who / when:** Oxfordshire County Council to carry out/commission the work. City Centre Stage 1 (Westgate) already completed. City Centre (Wider) Stage 2 planned for summer 2013. Headington area work underway. Northern Gateway work currently being scoped. Exact Timeframes to be agreed with County. Management of interfaces by City in collaboration with County localities manager.

**Resource:** County staff time to be negotiated. City staff time to be agreed.

**Key Stage:** Prepare cost, investment and delivery plans for transport and infrastructure in Oxford with relevant input from SPIP and LEP and

fundern.

**Who/When:** Oxfordshire County Council to prepare plans. City to have ongoing support role to help craft the plans and broker investment agreements. Timetable to be agreed.

**Resource:** County staff time to be negotiated. City staff time to be agreed. Capital investment/funding opportunities to be identified.

**Use strategic enhancements to the rail infrastructure and services and the possibilities of station redevelopment as a catalyst for central area regeneration and mixed use development to create employment and residential opportunities.**

**Key Stage:** Creation of a Board for strategic oversight of Oxford Station Infrastructure and rail enhancements to include City, County, Network Rail, DfT, LCR and TOC.

**Who/When:** Ongoing. MOU & Scope of work agreed.

**Resource:** Staff time: DE/MCB/FP.

**Key Stage:** Develop a gateway vision, masterplan (inc. architectural competition) and delivery strategy for Oxford Station & its environs including links with Botley Road Bridge, Frideswide Square and Oxpens site.

**Who/When:** City and County in collaboration with Network Rail (and TOCs) and masterplanning consultants. Estimated completion of masterplan summer/late summer 2013.

**Resource:** FP/MCB. County and NR internal resources. External consultants. Required Budget £55K.

**Key Stage:** Develop SPD for station and bridge.

**Who/When:** City council. Timetable to suit masterplanning activities above.

**Resource:** FP/other internal staff time to be agreed, funding required.

**Economic Growth Strategy element Eleven**

11. Securing an effective partnership for implementation and 'single team' delivery

**Recommended action**

1. Create a single City-County-Universities executive – with LEP resources as appropriate -- to take responsibility for ensuring the delivery of each of the elements of this Economic Growth Strategy. This would result in a visible 'step change' in partnership working.
2. Develop a clear proposition for a single executive serving the LEP and SPIP to implement a measurable 'step change' in integrated partnership working across the city and regional partnerships and institutions, which if successful, will move towards a 'single team' delivery in driving employment and growth.

**Plan for delivery**

**Single City/County/University Executive**

**Key stage:** The City Council to build stronger working relationship between its new Economic Development Team and the County Council Economy and Skills Section, sharing information and knowledge and agreeing how to work together on joint projects as appropriate

**Who / when:** embryonic Economic Development Team/ immediately.

**Resource:**

**Key stage:** The City Council to work with the OSP Steering Group to oversee the preparation of a wider based Economic Growth Strategy Action Plan

**Who / when:** embryonic Economic Development Team/ immediately

**Resource:**

**Key stage:** *The City and County Councils and the Universities should establish a dedicated delivery team to lead efforts for growing the knowledge based economy in Oxford and across the wider region. This will formulate – and if successful proceed to deliver - the Oxford narrative for raising the profile of the location for inward investment and growth*

**Who / when:**

**Resource:**

### **Clear Proposition for a single Executive**

**Key Stage:** . A clear proposition needs to be developed for a single independent executive for the LEP and SPIP to improve efficiency, capacity and transparency, supported by seconded staff on a project basis.

**Who/When:**

**Resource:**



No.	Risk Description Link to Corporate Obj	Gross Risk		Cause of Risk	Mitigation	Net Risk		Further Management of Risk: Transfer/Accept/Reduce/Avoid		Monitoring Effectiveness				Current Risk	
		I	P			I	P	Action: Action Owner:	Outcome required: Milestone Date:	Q 1	Q 2	Q 3	Q 4	I	P
					Mitigating Control: Level of Effectiveness: (HML)			Action: Action Owner:  Mitigating Control: Control Owner:	Outcome required: Milestone Date:	Q 1 ⊗ ☹ ☺	Q 2 ⊗ ☹ ☺	Q 3 ⊗ ☹ ☺	Q 4 ⊗ ☹ ☺		
1	Challenges of partnership	3	3	Progress with delivery of EGS Action Plan dependencies on partnership working	<b>Mitigating control:</b> Active role in cross partner boards and groups. 1.2.1 dialogue outside formal meetings  <b>Level of Effectiveness: M</b>	2	2	<b>Action:</b> Director to monitor risk level and agree action. <b>Action Owner:</b> Economic Growth Team leader <b>Mitigating Control:</b> Head of Service <b>Control owner:</b> Director	<b>Outcome required:</b> <b>Milestone Date:</b>						
2	Poor dialogue with Business	3	3	Unable to improve meaningful debate with local businesses to understand their needs	<b>Mitigating control:</b> Active 'account management' and 1.2.1 meetings, to listen and engage with business  <b>Level of Effectiveness: M</b>	2	1	<b>Action:</b> Director to monitor risk level and agree action. <b>Action Owner:</b> Economic Growth Team leader <b>Mitigating Control:</b> Head of Service <b>Control owner:</b> Director							
3	Challenge of attracting funds to deliver 'open ready' projects.	3	4	Actions require funding from external sources.	<b>Mitigating control:</b> Active to prepare good quality bids for funds, and learning from each submission. Active lobbying of decision makers  <b>Level of Effectiveness: M</b>	3	3	<b>Action:</b> Director to monitor risk level and agree action. <b>Action Owner:</b> Economic Growth Team leader <b>Mitigating Control:</b> Head of Service <b>Control owner:</b> Director							

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To: City Executive Board – 10<sup>th</sup> April 2013  
Council – 22 April 2013

Report of: Head of Law and Governance

Title of Report: GOVERNANCE REVIEW

## Summary and Recommendations

**Purpose of report:** This report presents the outcome of the review of the Council's governance arrangements, and makes recommendations for changes.

**Key decision;** No

**Executive lead member:** Councillor Price

**Policy Framework:** Not applicable

**Background papers:** None

**Recommendation(s):**

A. The City Executive Board is RECOMMENDED:-

1. That the single executive member arrangements for decision-making be discontinued and that the responsibilities of single members be reallocated as set out in Annex 1 to this report and that the Constitution be amended accordingly.

2. That the Board agenda should contain an additional item relating to addresses by councillors to the Board and that the Constitution be altered as set out in Annex 3 to this report.

3. That the programme of City Executive Board meetings be as set out in Annex 2A and 2B to this report.

B. Council is RECOMMENDED:-

1. That the programme of Council and committee meetings for 2013/14 and 2014/15 be approved as set out in Annex 2A and 2B to this report, noting:-

(a) that the 2013/14 programme replaces that agreed by Council on 20<sup>th</sup> February 2012;

(b) that 10 City Executive Board and 10 Scrutiny Committee meetings have been programmed for 2013/14 with no such meetings programmed for May 2014 (the month when City Council elections occur), and that 11 City Executive Board and 11 Scrutiny Committee meetings have been programmed for 2014/15 with meetings programmed for May 2015 (the month when a General Election could occur).

2. That the areas of work for the Council's two Scrutiny Committees (as set out in paragraph 8.1 of the Constitution) be added to so that either scrutiny committee may scrutinise, in advance of its consideration by the City Executive Board, any report that is being submitted to the Board regardless of its subject matter, noting that both scrutiny committees already have the authority to deal with any call in matter or councillor call for action regardless of its subject matter.\*

3. So far as Council procedures are concerned, to approve the changes in procedure set out in Annex 6A to this report and contained in the updated Section 11 of the Constitution that forms Annex 6B to this report.\*

C. The City Executive Board and Council are RECOMMENDED:-

1. To note that monthly Board member briefings on current issues, open to all members, will be arranged and conducted by officers, and that dates for these briefings are contained in the programme of Council and committee meetings that forms Annex 2A.

2. To note that officers will present an updated Member/Officer Protocol to Council in June and in the meantime to note that officers would refresh staff awareness of its provisions in particular as far as Ward references are concerned.

3. To note that the City Executive Board has agreed the recommendations in Annex 5 to this report that relate to public engagement and that officers are working on their implementation.

4. To agree that a Governance Working Party should meet each year, in November, to review operational practice and decide what changes, if any, to recommend.

D. To authorise the Head of Law and Governance to make all changes to the Constitution to give effect to the recommendations in this report.

*\*Recommendations 2 and 3 need to be read in the context of Annex 7 to this report which modifies/changes them.*



## **APPENDICES TO REPORT**

- Appendix 1 – Reallocation of responsibilities for decisions reached by single members.
- Appendix 2A – Programme of Council and committee meetings 2013/14 and 2014/15
- Appendix 2B – Scrutiny, City Executive Board and Council Meetings – 2013/14 and 2014/15
- Appendix 3 – Enhancing Member Engagement – Speaking at City Executive Board meetings
- Appendix 4 – Member/Officer Protocol as it appears in the Constitution
- Appendix 5 – Public Engagement – Decisions reached on the Scrutiny Review of Area Forums
- Appendix 6A – Council Meetings – Proposed Changes in Procedures
- Appendix 6B – Council Meetings – Update to Section 11 of the Constitution (Procedure at Council Meetings)
- Annex 7 – Majority Group views on the recommendations in the report

### **Introduction**

1. The Council's current governance (decision making) arrangements are the (strong) leader and cabinet executive model. These arrangements are one of a number of prescribed models contained in the Local Government Act 2000 (as amended) and associated regulations. The Council's governance arrangements came into operation in October 2001. The strong leader element came into operation in May 2012 by virtue of the requirements in the Local Government and Public Involvement in Health Act 2007.
2. The Localism Act 2011 amends the 2000 Act and enables local authorities to discharge their functions either by executive arrangements (as the City Council does at present) or by committee arrangements or by any other arrangements that the Secretary of State may prescribe. A cross party working group (Councillors, Price, Tanner, Fooks, Rundle, Williams and Simmons) has reviewed the Council's present governance arrangements to see how they might be improved.

### **A New Governance System**

3. There is no right or wrong governance structure. The 'right' structure for Oxford is that which delivers our values and policies and reflects our culture and community aspirations. The working party looked at three models of committee governance to see whether a new governance system might better deliver our values. There was no consensus over changing to a committee system so the working party concentrated upon how to improve present governance arrangements.

## **The Present Governance System**

4. The working party looked at five issues concerning the present governance system that it felt needed to be addressed. These are:-
  - (a) That the governance system should be efficient and effective.
  - (b) That there should be clear accountability for decision-making along with a good understanding of how the Council is run.
  - (c) That there should be better engagement of backbench councillors allowing them to make a contribution to decision making.
  - (d) That there should be engagement and influence by the public with proper consideration of localised decision making with clear processes for local influence.
  - (e) That there should be better clarity about the purpose of Council meetings and that the content, management and control of Council should be improved.

## **Improvements to the Existing Executive Arrangements**

### **(a) Single Member Decisions**

5. The working party felt that the concerns over single member decision making, and the perception that this concentrated power and undermined access to decision making was best addressed by discontinuing the single member decision making arrangements. As to the executive responsibilities of single members, the working party for its part suggested that some of those responsibilities should be delegated to officers and some should become the responsibility of the City Executive Board. Annex 1 to this report sets out the recommended re-allocation of single member responsibilities.

### **(b) City Executive Board**

6. The working party decided that there should be an increased number of programmed City Executive Board meetings, evenly spaced throughout the year, and that there should be a related scrutiny meeting for each CEB meeting. The Working Party considered that this would make for greater member and officer certainty over meeting dates and decision process. Annex 2A to this report contains the proposed programme of council and committee meetings for 2013/14 and 2014/15. Eleven CEB meetings are programmed in each year, with the Board not meeting in August. Annex 2B extracts from the programme the dates for Scrutiny, the Board and Council. As far as quarterly performance reporting is concerned, the timetable provides

reasonably for timely reporting given the lead-in time in terms of report preparation and clearances, as follows for 2013/14:-

- Quarter 1 – April – June – CEB 11 September (no meetings in August)
- Quarter 2 – July – September – CEB 13 November
- Quarter 3 – October – December – CEB 12 February
- Quarter 4 – January 2014 – March – CEB 11 June (no meetings in May because of City Council elections)

### **(c) Scrutiny**

7. The working party considered whether to reduce scrutiny committees from two committees to one (with the one committee commissioning review and standing panels and co-ordinating the scrutiny work programme) or whether to maintain the status quo both so far as the number of committees and the balance of work is concerned. A consensus could not be reached over change and so the status quo will prevail.<sup>1</sup> Officers wish to emphasise that if the balance changes so that there is more pre-scrutiny work with no diminution of review work, that could challenge present resources.
8. The programme of council and committee meetings at Annex 2A shows each scrutiny committee meeting every other month. Each committee relates to one of the monthly CEB meetings. It is important that scrutiny recommendations on any reports pre-scrutinised are made to the Board without delay. In order to achieve this the responsibilities of the two scrutiny committees are recommended to include the ability to pre-scrutinise any report regardless of whether the subject matter falls within the committee's subject brief.

### **Enhancing Member Engagement**

9. The working party, for its part, agreed a number of enhancements which it believes would improve member engagement. They are described below:-
  - (a) The City Executive Board's agenda should contain an item for members of opposition groups (shadow spokespersons) to address the Board for up to three minutes on items on the Board agenda. This represents a formalisation of what happens informally at present. The wording is set out in Annex 3.
  - (b) Monthly Board member briefings on current issues, policies and strategies, open to all members should be arranged and conducted by officers. This happens in an ad hoc way at present. What officers will

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<sup>1</sup> This report which reflects and builds upon the views expressed by the cross-party meetings referred to in paragraph 2 has been seen by the majority group. The group would like Council to be recommended to appoint one scrutiny committee only – see paragraph 2 of Annex 7.

now do is to put together a programme of Board member briefings. Annex 2A (the programme of council and committee meetings) contains dates for these briefings.

- (c) Review the Member/Officer Protocol, in particular as far as press releases and Ward activities are concerned. The working party felt that Ward members should be better briefed on matters affecting their Wards. For information, Annex 4 contains the current Member/Officer Protocol that appears in the constitution. Officers will review and recast the Protocol, and report upon it.

### **Public Engagement**

- 10. The recommendations of the scrutiny review of area forums that were agreed by the City Executive Board on 5<sup>th</sup> December 2012 are contained in Annex 5 to this report. When implemented, these decisions should bring about improvements to councillors' community leadership roles and through this the access and influence communities can have. It is inevitable that even with these or any other improvements, if decisions or solutions do not fit with the desires of communities they will be disappointed and are likely to feel aggrieved.

### **Council Meetings**

- 11. The working party held a separate meeting on Council meetings. It is fair to say that there were different views on the purpose of Council meetings and the balance that needed to be struck between dealing with defined business on the agenda, debating matters affecting the City and hearing the concerns of members of the public. The Working Party has suggested a way (better to) strike this balance by re-ordering the business of Council into a Business part, a Public Involvement part and a Proclamation part (ie where the Council makes its views known through Motions on behalf of the Oxford public). There was also general agreement on the need to improve the transaction of business at Council meetings. Annex 6A and 6B to this report sets out what the working party for its part suggested should be done to improve things. Annex 6A details the changes and Annex 6B contains the Constitution changes to the Council Procedure Rules that result from the changes.<sup>2</sup>

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<sup>2</sup> This report which reflects and builds upon the views expressed by the cross-party meetings referred to in paragraph 2 has been seen by the majority group. The group supports most of the recommendations for improvements in the transaction of business at Council meetings but would like some changes to be made to the proposals in Annex 6A. These changes are set out in paragraph 3 of Annex 7.

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**Version number: 3**

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**Responsibilities delegated in the Constitution to single members – re-allocation**

- appointing representatives to outside bodies – **Board decision**
- adoption of supplementary planning guidance – **Board decision**
- agreeing transfers between cost centres of £100,000 to £250,000 that are consistent with the policy framework – **Delegate to officers**. *This means that officers will be able to agree transfers of up to £250,000, over which transfers are a Board responsibility.\**
- writing off business debts of over £10,000 and personal debts of over £5,000 – **Delegate to officers**. *This means that officers will be responsible for all write offs.\**
- bidding for work outside Oxford where the value of those arrangements exceeds £100,000 – **Delegate to officers**. *This means that officers will be responsible for bidding for all work outside Oxford regardless of the value. Where bids are successful then either the Board will be involved depending upon the value of the work or officer decisions will be the subject of a public statement in accordance with the government's Executive Regulations (see the footnote to this Annex).*
- acquiring or disposing of freeholds or leaseholds with a consideration or premium over £500,000 – **Board decision**
- acquiring or disposing of leases with a rental value over £125,000 each year – **Board decision**
- disposing of property or leases for less than best consideration – **Board decision**
- making control orders – **Delegate to officers**
- changing eligibility for services – **Board decision**

- agreeing the community and voluntary organisations grants prospectus - **Board decision**
- giving grants (except small and emergency grants, historic buildings grants and renovation, improvement and adaptation grants for private properties) – **Board decision**
- setting fees and charges - **Board decision**
- setting minimum service standards - **Board decision**
- designations of conservation areas - **Board decision**
- naming and numbering of streets if there are unresolved objections following consultation - **Board decision**
- responding to consultations by outside bodies where the leader wishes a single executive member to approve a response – **Board decision** but change wording to read ‘Board’ rather than ‘a single executive member’.
- Receiving scrutiny recommendations and reconsidering single executive member decisions that have been referred back from scrutiny following the call in of a single executive member decision – **this falls because there will be no single executive member decisions.**

\* The Government has made Regulations that came into force on 10 September 2012 that require a written statement to be prepared and made available at our offices and on our website of executive decisions taken by officers. Officers need to take a judgement on whether an executive decision is caught by the Regulations. The judgement must have regard to the general principle of the Regulations which is that the public should have access to information relating to decisions reached by local authorities. Some at least of officer decisions taken under the asterisked delegations will need to be publicised in a written statement. Officers also intend to add wording to the agenda for the City Executive Board to say that officer executive decisions may be viewed on our website. And, as far as write-offs are concerned, a summary will appear in the quarterly performance reports.





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Programme of Meetings 2013/2014

	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri
Apr-13	1	2	3	4	5	8	9	10	11	12	15	16	17	18	19	22	23	24	25	26	29	30			
			VAP	CAP				CEB				APE	APW	AGC		C	(APE)	PRC	LIC (APW)			HCPH			
May-13			1	2 County Elections	3	6	7	8	9	10	13	14	15	16	17	20	21	22	23	24	27	28	29	30	31
							APE	APW	(APE)				(APW)	LIC		C (A)	LGA GPL	MBRIEF					PRC		
Jun-13	3	4	5	6	7	10	11	12	13	14 ST	17	18	19	20	21	24	25	26	27	28					
		SC C	APE	LIC			APW	CEB	(PLAN)			HCPH	MBRIEF			C		PRC	AGC						
Jul-13	1	2	3	4	5	8	9	10	11	12	15	16	17	18	19	22	23	24	25	26	29	30	31		
	PAR	SC V	APE	LIC			APW	CEB	(PLAN)				MBRIEF							LIC		HCPH	PRC		
Aug-13				1	2	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30
								APE				APW		(PLAN)									PRC	LIC	
Sep-13	2	3	4	5	6	9	10	11	12	13 ST	16	17	18	19	20	23	24	25	26	27	30				
		SC C	APE				APW	CEB	(PLAN)			HCPH	MBRIEF			C	LGA GPL	PRC	AGC						
Oct-13		1	2	3	4	7	8	9	10	11	14	15	16	17	18	21	22	23	24	25	28	29	30	31	
		SC V	APE	LIC			APW	CEB	(PLAN)				MBRIEF									HCPH	PRC	LIC	
Nov-13					1	4	5	6	7	8	11	12	13	14	15	18	19	20	21	22	25	26	27	28	29
							SC C	APE				APW	CEB	(PLAN)				MBRIEF			C		PRC	AGC	
Dec-13	2	3	4	5	6	9	10	11	12	13 ST	16	17	18	19	20	23	24	25	26	27	30	31			
		SC V	APE	LIC		PAR	APW	CEB	(PLAN)			HCPH	MBRIEF			PRC									
Jan-14			1	2	3	6	7	8	9	10	13	14	15	16	17	20	21	22	23	24	27	28	29	30	31
							APW	APE	(PLAN)			SC C					LGA GPL	CEB				HCPH	PRC		
Feb-14	3	4	5	6	7	10	11	12	13	14	17	18	19	20	21	24	25	26	27	28					
	C	SC V	APE	LIC			APW	CEB	(PLAN)					C (B)		(C)		PRC	AGC						
Mar-14	3	4	5	6	7	10	11	12	13	14 ST	17	18	19	20	21	24	25	26	27	28	31				
		SC C	APE	LIC		PAR	APW	CEB	(PLAN)			HCPH	MBRIEF					PRC							
Apr-14		1	2	3	4	7	8	9	10	11	14	15	16	17	18	21	22	23	24	25	28	29	30		
		SC V	APE	LIC			APW	CEB	(PLAN)		C		MBRIEF							AGC		HCPH	PRC		
May-14				1 City Elections	2	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30
												M IND	M IND	M IND		C (A)	LGA GPL	LIC							

**Key**  
 AGC- Audit and Governance Committee  
 AP E - East Area Planning Committee  
 AP W - West Area Planning Committee  
 C- Council

CEB - City Executive Board

HCPH - Hackney Carriage and Private Hire Licencing Sub - Committee  
 GPL - General Purposes Licencing Committee  
 LGA - Licencing and Gambling Acts Committee  
 M BRIEF - Member Briefing  
 M IND - Member Induction

PLAN - Overflow Planning Committee  
 PRC - Planning Review Committee  
 PAR - Meeting with Parish Councils

SC C - Communities and Partnership Scrutiny Committee  
 SC V - Value and Performance Scrutiny Committee  
 ST - Standards Committee

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Programme of Meetings 2014/2015

	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri
Apr-14		1	2	3	4	7	8	9	10	11	14	15	16	17	18	21	22	23	24	25	28	29	30		
		SC V	APE	LIC			APW	CEB	(PLAN)		C		MBRIEF												
May-14				1	2	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30
				CITY ELECTIONS								M IND	M IND	M IND		C(A)	LGA GPL	LIC							
Jun-14	2	3	4	5	6	9	10	11	12	13 ST	16	17	18	19	20	23	24	25	26	27	30				
		SC C	APE				APW	CEB	(PLAN)			HCPH	MBRIEF			C	LIC	PRC	AGC		PAR				
Jul-14		1	2	3	4	7	8	9	10	11	14	15	16	17	18	21	22	23	24	25	28	29	30	31	
		SC V	APE				APW	CEB	(PLAN)				MBRIEF				LIC					HCPH	PRC		
Aug-14					1	4	5	6	7	8	11	12	13	14	15	18	19	20	21	22	25	26	27	28	29
								APE				APW		(PLAN)			LIC						PRC		
Sep-14	1	2	3	4	5	8	9	10	11	12 ST	15	16	17	18	19	22	23	24	25	26	29	30			
		SC C	APE				APW	CEB	(PLAN)			HCPH	MBRIEF	LIC			LGA GPL	PRC			C	AGC			
Oct-14			1	2	3	6	7	8	9	10	13	14	15	16	17	20	21	22	23	24	27	28	29	30	31
			APE				SC V	APW	(PLAN)			MBRIEF	CEB				LIC					HCPH	PRC		
Nov-14	3	4	5	6	7	10	11	12	13	14	17	18	19	20	21	24	25	26	27	28					
			APE				SC C	APW	(PLAN)			MBRIEF	CEB				PRC	LIC		LAB					
Dec-14	1	2	3	4	5	8	9	10	11	12 ST	15	16	17	18	19	22	23	24	25	26	29	30	31		
	C	AGC	APE			PAR	SCV	APW	(PLAN)		MBRIEF	HCPH	CEB	LIC			PRC								
Jan-15				1	2	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30
								APE				APW	MBRIEF	(PLAN)			SC C	LIC			PAR	LGA GPL	CEB		
Feb-15	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27					
	C	SC V	APE	HCPH			APW	CEB	(PLAN)			MBRIEF	C(B)			(CEB) (C)	LIC	PRC	AGC						
Mar-15	2	3	4	5	6	9	10	11	12	13 ST	16	17	18	19	20	23	24	25	26	27	30	31			
		SC C	APE			PAR	APW	CEB				HCPH	MBRIEF	(PLAN)			SC V			LIC		PRC			
Apr-15			1	2	3	6	7	8	9	10	13	14	15	16	17	20	21	22	23	24	27	28	29	30	
			CEB					APE			C	APW	(PLAN)					MBRIEF	AGC			HCPH	SC C	PRC	LIC
May-15					1	4	5	6	7	8	11	12	13	14	15	18	19	20	21	22	25	26	27	28	39
								APE	GENERAL ELECTION			APW	CEB	(PLAN)		C(A)	LGA GPL	MBRIEF					PRC	LIC	

<p><b>Key</b></p> <p>AGC- Audit and Governance Committee</p> <p>AP E - East Area Planning Committee</p> <p>AP W - West Area Planning Committee</p> <p>C- Council</p>	<p>CEB - City Executive Board</p>	<p>HCPH - Hackney Carriage and Private Hire Licencing Sub - Committee</p> <p>GPL - General Purposes Licencing Committee</p> <p>LGA - Licencing and Gambling Acts Committee</p> <p>M BRIEF - Member Briefing</p> <p>M IND - Member Induction</p>	<p>PRC - Planning Review Committee</p> <p>PAR - Meeting with Parish Councils</p>	<p>SC C - Communitites and Partnerships Scrutiny Committee</p> <p>SC V - Value and Performance Scrutiny Committee</p> <p>ST - Standards Committee</p>
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**GOVERNANCE REVIEW – SCRUTINY, CITY EXECUTIVE BOARD AND COUNCIL MEETINGS**

**2013/14**

<b>SCRUTINY (all Tuesdays)</b>	<b>CITY EXECUTIVE BOARD (all Wednesdays)</b>	<b>COUNCIL (all Mondays except as indicated)</b>
		20 May 2013 (Annual)
4 June 2013 (CAP)	12 June 2013	24 June
2 July (VAP)	10 July	
3 September (CAP)	11 September	23 September
1 October (VAP)	9 October	
5 November (CAP)	13 November	25 November
3 December (VAP)	11 December	
14 January 2014 (CAP)	22 January 2014	3 February 2014
4 February (VAP)	12 February	19 February (Wednesday) and 24 February (both Budget only)
4 March (CAP)	12 March	
1 April (VAP)	9 April	14 April
Not May – City Elections	Not May – City Elections	19 May (Annual)
<b>Number of Meetings</b>	<b>Number of Meetings</b>	<b>Number of Meetings</b>
<b>10</b>	<b>10</b>	<b>5 + 1 (Annual) + 1 (Budget)</b>

2014/15

<b>SCRUTINY (all Tuesdays except as indicated)</b>	<b>CITY EXECUTIVE BOARD (all Wednesdays)</b>	<b>COUNCIL (all Mondays except as indicated)</b>
		19 May 2014 (Annual)
3 June 2014 (CAP)	11 June 2014	23 June
1 July (VAP)	9 July	
2 September (CAP)	10 September	29 September
7 October (VAP)	15 October	
11 November (CAP)	19 November	1 December
9 December (VAP)	17 December	
20 January 2015 (Monday) (CAP)	28 January 2015	2 February 2015
3 February (VAP)	11 February	18 February (Wednesday) and 23 February (both Budget only)
3 March (CAP)	11 March	
24 March (VAP)	1 April	13 April
28 April (CAP)	13 May	18 May (Annual)
<b>Number of Meetings</b>	<b>Number of Meetings</b>	<b>Number of Meetings</b>
<b>11</b>	<b>11</b>	<b>5 + 1 (Annual) +1 (Budget)</b>



**GOVERNANCE REVIEW – ENHANCING MEMBER ENGAGEMENT –  
SPEAKING AT CITY EXECUTIVE BOARD MEETINGS**

**1. Additional standard item for the Board agenda:-**

After the item 'Reports from Scrutiny Committees' add an item  
'Councillor Addresses on any Item for Decision on the Board's Agenda'

**2. Additional item for the Constitution:-**

Delete Procedure Rule 12.9 and replace it with the following:-

**12.9 Councillors speaking at meetings**

City Councillors may, where the chair agrees, address the Board on an item for decision on the agenda (other than on the minutes). The member seeking to make an address must notify the Head of Law and Governance by no later than 9.30 am on a day so that there is at least one working day before the meeting. An address may last for not more than three minutes. If an address is made, the Board member who has political responsibility for the item for decision may respond or the Board will have regard to the points raised in reaching its decision.

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## GOVERNANCE REVIEW – MEMBER/OFFICER PROTOCOL AS IT APPEARS IN THE CONSTITUTION

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#### 23.1 Status of this code

This code gives guidance only but it may be taken into account if there is a complaint about a Councillor or an officer. Councillors are obliged to observe the members' code of conduct. Any complaints received in relation to alleged breaches of the code of conduct will be considered initially by the Monitoring Officer. Officers are also obliged to comply with a code of conduct. Any complaints received about officers behaviour or conduct will be considered by the relevant managers.

#### 23.2 Roles of Councillors and officers

Officers and Councillors both serve the public but they have different roles. Officers are employees of the Council and are politically neutral. Their role is to advise Councillors and implement the policies of the Council to the best of their abilities. Councillors are office holders and will often belong to a political party. They are obliged to exercise their own judgement in respect of matters before them but may also legitimately pursue party political objectives.

### **23.3 Politeness and respect**

Councillors and officers should show each other politeness and respect. Councillors have the right to criticise officers' reports or actions, but they should:

- avoid personal and/or public attacks
- ensure their criticism is fair and constructive
- try to improve things for the future, not just criticise

Officers should not criticise Council decisions even if they do not personally agree with those decisions.

### **23.4 Unfair pressure**

When they deal with each other, Councillors and officers should not try to take advantage of their position.

Councillors should generally restrict their discussion on strategic or significant issues to more senior officers, for example heads of service or team leaders.

Councillors should be aware that officers (especially junior officers) may feel unable to respond appropriately. Councillors, in particular those with special responsibilities should be particularly aware of this.

Councillors should not pressure officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work.

Councillors should normally make appointments before visiting officers and should try to avoid frequent unscheduled interruptions.

Officers should not try to persuade individual Councillors to make a decision in their personal favour or raise things to do with their employment with individual Councillors. Nor should they approach individual Councillors with allegations about other officers. They should use the Council's consultations, grievance, whistle blowing and disciplinary procedures instead.

### **23.5 Councillors' enquiries**

Officers should answer Councillors' enquiries within five working days. If that is not possible, they should send a holding reply.

### **23.6 Close personal relationships**

Close personal relationships between individual Councillors and officers should be avoided.

### **23.7 Complaints about Councillors or officers**

If an officer feels a Councillor is not treating them with politeness and respect, they should consider talking to the Councillor directly. If they do not feel they can talk to the Councillor or talking to the Councillor does not help, they should talk to their line manager, head of service or director immediately. The manager approached will talk to the Councillor or the leader of their political group and may also tell the chief executive. The officer will be told the outcome. Officers may also make a complaint alleging a breach of the members' code of conduct.

If a Councillor feels an officer is not treating them with politeness and respect, they should consider talking to the officer directly. If they do not feel they can talk to the officer or talking to the officer does not help, they should talk to the officer's line manager, head of service or director immediately. If the problem continues the manager approached will consider whether to discipline the officer under the Council's procedures.

### **23.8 Information and advice**

#### **(a) General information and advice**

Councillors can ask the chief executive or a director or a head of service for information or advice that relates to their work as a Councillor. As long as it does not involve giving the Councillor exempt information, officers will provide the best information and advice they can with the resources available.

If it is possible that a Councillor will use the information at a meeting, the Board member will be told what information has been asked for and given.

#### **(b) Advice for Councillors with special responsibilities**

The lord mayor, Board members and committee chairs can ask the chief executive, directors and heads of service for extra background information and advice on different courses of action.

The leaders of minority political groups can ask the chief executive or directors or heads of service for background

information or more details about items coming to the next meeting of a committee or the Board or to a single executive member. The appropriate chair or Board member will be told about any information given.

Party group leaders can ask for advice on presenting their budget in a correct form. This will be given in confidence.

**(c) Help with casework**

When data protection laws allow, Councillors will be given the information they need to do their casework. This will be done in confidence.

### **23.9 Political activity**

**(a) Restrictions on officers' political activities**

Most senior officers and some other officers are politically restricted. These officers cannot be Councillors or MPs and cannot say, publish or do anything in their private capacity that seems intended to affect public support for a political party.

The Head of Human Resources and Facilities keeps a list of politically restricted posts. Any Council officer in their official capacity must not publish things that seem intended to affect support for a political group on the Council.

No one can be both an officer and a Councillor on the same Council

**(b) Lines of reporting**

Employees answer to the chief executive, not to individual Councillors, whatever office they hold. But there should be good communication between senior officers and Councillors with special responsibility for their area of work

### **23.10 Support services to Councillors and political groups**

Support services should only be used for Council business. They should never be used for private purposes, for party political or campaigning activity or for the benefit of other groups or bodies.

### **23.11 Correspondence**

#### **(a) Between Councillors and officers**

If emails or letters between officers and Councillors are copied to someone else, they should say so. Blind copies should not be sent.

#### **(b) Letters on behalf of the Council**

Letters on behalf of the Council will normally be sent by officers rather than Councillors. The leader or committee chairs may write some letters on behalf of the Council, for example representations to government ministers. These should be copied to the Board or the appropriate committee. Councillors must never send letters that create obligations or give instructions on behalf of the Council.

### **23.12 Officer advice to political groups**

Political groups can invite officers to their meetings to give information and advice on Council business but cannot insist they attend. Officers who do attend must make themselves available to all groups on the same basis.

Officers must not do anything at a political group meeting that goes beyond giving information or advice on Council business.

Officers must not interpret group decisions as Council decisions.

### **23.13 Councillors' briefings, agendas and reports**

#### **(a) Briefings on agendas**

Directors and heads of service will give briefings on full Council, Board and committee agendas to the leader and deputy leader and committee chairs and vice chairs.

#### **(b) Consultation on agendas**

The leader will be consulted on agendas for the Board. Scrutiny committee chairs will be consulted on agendas for their committees. This should happen at least two weeks before the meeting.

**(c) Requests for reports**

Instructions for reports to come to the Board or committees can only come from the leader, the Board, a Board member, a committee or a committee chair.

**23.14 Media Releases and Publicity**

**(a) Code of practice**

The Media and Communications Team will follow the government's code of recommended practice on local authority publicity.

**(b) Media enquiries**

Officers must refer all media enquiries to the Media and Communications Team and must co-operate promptly with requests for information from the team.

**(c) Content of media releases**

Media releases can contain quotes from the leader, Board members, committee chairs, the lord mayor, the deputy lord mayor or the sheriff and information about how to contact them. They must not contain quotes from other Councillors or information about how to contact them. Any quotes from officers must be either factual or consistent with Council policy.

When a media release is issued after a meeting, it must be about things discussed at the meeting. Media releases issued before a meeting should contain factual information only.

**(d) When to issue media releases**

The Media and Communications Team will be guided by the leader, Board member or committee chair on whether to issue a media release before or after a meeting. The Media and Communications Team will advise these Councillors on when a media release would be appropriate, taking into account any recommendations made by directors or heads of service. If there is a disagreement about what a media release should say, the chief executive will decide.



**(e) Publicity in the run-up to elections**

Once a notice has been published of an election in the Council's area, there can be no publicity about anything controversial until after polling day. Nor can there be any publicity that links policies or achievements to specific Councillors.

**(f) Invitations to media events**

Representatives of each political group will be invited to all media events involving Councillors. The Media and Communications Team will liaise with the leader, Board member or committee chair when setting up media events involving Councillors.

**(g) Media releases by party groups and individual Councillors**

When individual Councillors or spokespeople for political groups issue media releases, they should make it clear that they are not issuing them on behalf of the Council.

**23.15 Specific ward issues and ward Councillors**

If the Council organises a public meeting, about a specific ward issue it should invite all the Councillors for that ward and give them as much notice as possible.

If the Council does any consultation about a specific ward issue it should consult the Councillors for that ward at the start of the consultation.

Ward Councillors should be told in advance about anything which particularly affects their ward and is potentially controversial and any press releases about their ward.

**23.16 The Council as an employer**

**(a) Fairness in employment**

Councillors should not take part in a recruitment process where any of the candidates are friends, relatives, partners or other people they live with. Nor should they have any role in disciplinary action or grievances involving these people.

Councillors should not try to influence appointments (except as members of the appointments committee or when appointing a political assistant). Nor should they help any particular candidate by giving them information that the other candidates could not get.

Councillors should not discriminate unfairly against officers and should judge candidates for employment or other rewards on merit.

Councillors should not take part in a recruitment process without having undertaken appropriate training.

**(b) Grievances and disciplinary procedures**

Councillors should not try to influence the handling of any grievance. Councillors can report their concerns about an officer's performance or behaviour to a line manager. But they should not try to influence any disciplinary procedure (except as members of the disciplinary committee for the chief executive, directors and heads of service).

Councillors serving on the disciplinary committee for the chief executive, directors and heads of service must base their decisions on the facts and in accordance with the Council's employment obligations. They should not be influenced by party political or personal factors.

Councillors should not take part in any disciplinary process without having undertaken appropriate training.

**(c) Accountability and confidentiality**

Councillors are accountable for the decisions they make as employers but they should keep individual employment matters confidential.

**23.17 Responsibility for this code**

The Monitoring Officer has overall responsibility for this code and will review how the code is working.

## GOVERNANCE REVIEW – PUBLIC ENGAGEMENT

These recommendations from the Scrutiny review of area forums were agreed by the City Executive Board on 5<sup>th</sup> December 2012:-

- On area structures -

***That an informed debate takes place between councillors in their area groupings and community development officers to agree how councillors community leadership roles can best be delivered and supported in their areas within the councillor, officer and likely resident resources available.*** (Note: Deployment of community development workers has been discussed at XPWG)

- On linking area structures and community views to the Organisation -

***That the council considers within its governance structures how the “community voice” can be heard in a way that allows:-***

- ***Ideas and solutions from communities to be heard by decision makers through their ward councillors in a timely manner.***
- ***For service and officer protocols to exist that link community views within service construction and outcomes***

***In all circumstances for the views and challenges of communities to be responded to via their local ward councillors or decision makers whichever is more appropriate.***

- On the powers already available to ward councillors -

***That the various mechanisms already available to members to champion the views of their communities within the organisation are detailed in protocols and made clear to all.***

- On councillor’s roles and skills -

***That the Chief Executive facilitates a cross party debate on the various roles played by elected councillors as ward representatives and members of the Council. The aim of these debates would be to get broad agreement on the expectations and requirements to allow training and***

***support programmes to be designed, put in place and command the respect and engagement of all.***

This table shows which Service Area is primarily responsible for progressing the decisions, and an indicative timetable.

<b>Recommendation</b>	<b>Responsible</b>	<b>Implementation date</b>
Area structures	Community Development	February - June
Linking area structures	Democratic Services	April - June
Powers available to ward councillors	Democratic Services	April
Councillor roles and training and support systems	Democratic Services	April

## GOVERNANCE REVIEW – COUNCIL PROCEDURES

<u>ISSUE</u>	<u>CURRENT PROCEDURE</u>	<u>PROPOSED PROCEDURE</u>
1. Order of business at Ordinary Council Meetings	The Constitution sets out the Order of Business at Council meetings.	<p>Order of Business to be as follows:-</p> <p><b><u>Part 1 – Business – start at 5.00 pm</u></b></p> <ul style="list-style-type: none"> <li>• Minutes, declarations and sundry announcements – <i>no time limit</i></li> <li>• Board recommendations – <i>no time limit</i></li> <li>• Officer reports – <i>no time limit</i></li> <li>• Board minutes – <i>15 minute maximum (PR11.9(a))</i></li> <li>• Member questions – <i>no time limit</i></li> </ul> <p>THEN A BREAK and resume at a set time described in the Constitution and on the web as ‘not before 7.00 pm’</p> <p><b><u>Part 2 – Public Involvement and Scrutiny</u></b></p> <ul style="list-style-type: none"> <li>• Public addresses and questions – <i>question and address circulated in advance of the meeting – 45 minute time limit (PR11.10 and 11.11)</i></li> <li>• Petitions – <i>5 minute address by head petitioner then 15 minute time limit (PR11.13)</i></li> <li>• Outside organisation reports and questions – <i>no time limit (PR11.14)</i></li> <li>• Scrutiny chair reports – <i>no time limit (PR11.15)</i></li> <li>• Scrutiny recommendations – <i>no time limit</i></li> </ul>

		<p><b><u>Part 3 – Proclamations – Representing the City</u></b></p> <ul style="list-style-type: none"> <li>Motions – 15 minutes time limit per Motion and a maximum of 6 Motions per meeting (PR11.16)</li> </ul>
2. Frequency of Council Meetings	<p><u>2012/13</u> Annual Meeting, then July, October, December, February and April.</p>	<p>Proposed pattern of Council meetings to be Annual Meeting, then June, September, November, January, February (Budget only) and April.</p>
3. Motions on Notice (a) <u>Numbers of Motions</u>	<p>Unlimited number permitted at present but they must be about things the Council is responsible for or about something that directly affects people in the City.</p>	<p>Maximum of six Motions per meetings, three of those Motions for submission by the largest political group and three of those Motions for submission by the other political groups combined. The present rules to apply on content. Each Motion to be limited to 15 minutes (PR11.16). *Alternative proposals from the majority group are included in Annex 7.</p>
----- (b) <u>Amendments to Motions</u>	<p>----- Amendments may be proposed/submitted at any time including during the Council meeting itself.</p>	<p>----- Amendments to Motions <u>as printed with the Council agenda</u> to be submitted not later than 4 ½ working days before the Council meeting (i.e typically by 1pm on the Monday before the Monday of the Council meeting) (PR11.18(f)). <u>Amendments arising from debate on the Motion</u> to be formulated and submitted during the Council meeting itself (PR11.18(g)).</p>
4. Statements on Notice by Members	<p>Councillors can make statements to the Leader, a Board Member or to the Chair of a Scrutiny Committee.</p>	<p>Discontinue statements. The facility is rarely used.</p>

5. Questions on Notice by Members	There is an informal deadline and a formal deadline. The informal deadline enables replies to be prepared and issued before the Council meeting.	Make the informal deadline (4½ working days before Council) the formal deadline thus enabling replies to be issued before the Council meeting (PR11.9(b)).
6. Public Addresses (including the submission of Petitions as part of an Address) and Public Questions	Submission by 1 pm, 1½ working days before the Council meeting. No requirement in the Constitution to respond at the meeting. The Constitution says that unless an address or question is about a matter on the Council agenda the address or question is referred to the Chief Executive without debate for him to arrange for a response to be made outside the Council meeting.	Submission by 1pm eight working days before the Council meeting on a topic about something the Council is responsible for or about something that directly affects people in the City. Questions and addresses can then be included in the Council agenda. Up to two addresses and two questions permitted at this stage (PR11.10 and 11.11). Submission by 1 pm 4½ working days before the Council meeting for matters that <u>are for decision</u> at the Council meeting. Questions and addresses can then be included in the briefing note. Up to two addresses and two questions permitted at this stage (PR11.10 and 11.11). Addresses and questions on the same subject to successive meetings to continue to be permitted. As at present a member of the public may only ask one question at a Council meeting. Members of the public still to be permitted to ask their questions or make their addresses at Council. <i>*Alternative proposals from the majority group are included in Annex 7.</i>
7. Public Addresses – Numbers of speakers	The Constitution says that a group of up to 4 people can speak to full Council for up to 5 minutes. This wording has led to difficulty in dealing with members of the public.	Change the Constitution so that it says that there shall be no more than 4 addresses to any one Council meeting, that each address shall be for no more than 5 minutes and that where more than one person wishes to address on the same subject they must share one of the 4 x 5 minute slots (PR11.10(g)).

8. Member reporting to Council	Does not feature as a self-standing item at present. Certain members may make announcements. Members may make statements (but see 4. above).	Add to the revised order of business at ordinary meetings of Council an item 'Reports from Chairs of Scrutiny Committees' (on the work of their committee since the last meeting of Council). This will increase knowledge and understanding of scrutiny. Reports must be written (PR11.15).
9. Petitions	Can be submitted within an address by a member of the public but they are not debated until the next following Council meeting.	15 minute time limit for each petition debate (PR11.13). This is the same time limit as proposed for debates on Motions on notice.
10. Special Meetings of Council	Any five councillors may call a special meeting.	Change to 12 members (ie one quarter of the total number of members on the Council). This number is the same as the number of members needed to call in a planning application from an area planning committee to the Planning Review Committee (PR11.3).



## 11. FULL COUNCIL PROCEDURES

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**Note:** The expression 'clear working days' for the purposes of this section of the Constitution does not include the day on which notice is given or the day of the meeting. So, to use 11.9(b) (Councillor Questions on Notice) as an example, if the meeting at which the question is to be taken is on a Monday, the question must be received by 1.00 p.m. on the previous Monday, with the four clear working days being the intervening Tuesday to Friday.

### 11.1 Order of business at annual meeting of full Council

The order of business will be:

- (a) elect the lord mayor
- (b) appoint the deputy lord mayor
- (c) appoint the sheriff

- (d) receive any announcements from the lord mayor or the head of paid service
- (e) elect the leader (in the year in which this is required)
- (f) receive a report from the leader on the appointment of the deputy leader, Board members and the executive scheme of delegation
- (g) appoint any committees required by law
- (h) appoint any other committees
- (i) agree how Council responsibilities will be carried out (see section 5)
- (j) deal with any other business on the agenda

## **11.2 Order of business at ordinary meetings of full Council**

The order of business will be:

### **Part 1 –Public Business**

- (a) election of chair (if the lord mayor and deputy lord mayor are absent)
- (b) approval of minutes as a correct record
- (c) declarations of interests from councillors
- (d) appointments to committees
- (e) announcements from the lord mayor, sheriff, leader, head of paid service, chief finance officer and monitoring officer
- (f) any unfinished business from the last meeting
- (g) recommendations from the Board
- (h) reports for decision by the meeting
- (i) decision sheets from the Board
- (j) questions by councillors (see 11.9 (b))

### **Part 2 – Public Involvement and Scrutiny**

- (k) addresses by the public (see 11.10)
- (l) questions by the public (see 11.11)
- (m) consideration of petitions (see 11.13)
- (n) reports and questions about organisations the Council is represented on (see 11.14)
- (o) reports by chairs of scrutiny committees (see 11.15)
- (p) recommendations and reports from scrutiny committees

### **Part 3 – Proclamations – Representing the City**

- (q) motions on notice (see 11.16)
- (r) anything else on the agenda.

### **11.3 Special meetings of full Council**

The chief executive can be required to call a special meeting by full Council, the lord mayor, the monitoring officer, the chief finance officer or any twelve councillors.

The chief executive may also call a special meeting at her or his discretion.

Special meetings will only deal with the business they have been called for but they may receive addresses (see 11.10 (d))

### **11.4 Time and place of full Council meeting**

Ordinary meetings usually start at 5.00 p.m. The annual meeting will usually start at 4.00 p.m. The times of special meetings are decided by the chief executive. Meetings are usually held in the council chamber in the town hall.

For ordinary meetings, Part 2 of the order of business as set out in 11.2 shall not commence before 7.00 p.m.

### **11.5 Quorum for full Council**

The quorum will be a quarter of all councillors.

If a quorum is not present at the time the meeting is due to start, the start time of the meeting will be put back by 15 minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged. If a meeting becomes inquorate part of the way through, business will halt for five minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged.

### **11.6 Changing the order of business**

The lord mayor can ask full Council to agree to change the order of business (see 11.1 and 11.2), except for the first two items at annual meetings.

### **11.7 Minutes**

#### **(a) Signing the minutes**

At the first ordinary meeting when the minutes are available, the lord mayor will move that the minutes are correct and sign them. Full Council will not discuss the minutes.

#### **(b) No minutes at annual or special meetings**

Minutes are not signed at annual meetings or special meetings. They are signed at the next ordinary meeting instead.

### **11.8 Reports to full Council**

- (a) Officers can be asked to introduce reports.
- (b) Reports and recommendations from the Board will be moved by the leader or one of the Board members. Reports and recommendations from committees will be moved by the chair (or another member of the committee they have nominated). Reports from officers may be moved by any member.
- (c) The person moving a report can withdraw all or part of it, correct mistakes or make minor changes.
- (d) After any questions, statements and amendments to recommendations to Council have been acted upon, the Board or committee or officer recommendation will be voted upon and adopted subject to any agreed amendments.

## **11.9 Questions and statements by Councillors**

### **(a) Questions and statements without notice**

- A Councillor can ask a question without notice to anyone making an announcement under 11.2 (e).

A Councillor can ask a question or make a statement without notice to:

- the leader or a Board member about a recommendation, report or action of the Board
- the leader or a Board member about a decision of the Board
- the chair of a scrutiny committee about a recommendation, report or action of the committee

Questions on Board decisions (11.2 (i)) are limited to 15 minutes in total.

### **(b) Questions on notice**

Questions on notice must be about something the Council is responsible for or something that directly affects people in the city.

The full wording of these questions must be emailed to [fullCouncil@oxford.gov.uk](mailto:fullCouncil@oxford.gov.uk) or received by the head of law and governance by 1.00 p.m. at least four clear working days before the full Council meeting.

Questions must be directed to the lord mayor, a Board member or a committee chair. A Board member can nominate another Board member to reply.

### **(c) Supplementary questions**

One supplementary question can be asked without notice. This must be addressed to the councillor who replied to the first question and must arise directly from the first question or the reply. No further supplementary questions are allowed.

## **11.10 Addresses by the public**

**(a) Addressing full Council**

Members of the public may address full Council for up to five minutes. This can be about anything the Council is responsible for or something that directly affects people in the city or something for decision at the meeting. An address can also be put in writing. A member of the public making an address may be accompanied by up to three other members of the public.

Addresses will be taken in the order in which they are received by the head of law and governance.

**(b) Number of addresses to full Council**

There shall be no more than four addresses to any full Council meeting. No more than two addresses may be made where notice has been given under 11.10 (e) and no more than two addresses may be made where notice has been given under 10.10 (f).

**(c) Annual meeting**

There will not be any addresses to the annual meeting.

**(d) Special meetings**

Addresses will only be taken at a special meeting if they are about a topic the special meeting is discussing.

**(e) Notice – matters that affect people in the city**

Where an address is about something the Council is responsible for or that directly affects people in the city the full wording of the address must be received by the head of law and governance by 1.00 p.m. at least seven clear working days before the full Council meeting.

**(f) Notice – matters for decision at the meeting**

Where an address is about something that is for decision at the meeting the full wording of the address must be received by the head of law and governance by 1.00 p.m. at least four clear working days before the full Council meeting.

**(g) Number of addresses**

Normally full Council will hear just one spoken address on each topic. If there is more than one request to speak on

a topic, the five minute limit for the address shall be shared by those wishing to speak.

On issues where there are arguments for and against, full Council can hear one speaker for and one against.

**(h) Addresses that are about something for decision at the meeting**

If an address is about something that is for decision at the meeting it will be considered with that recommendation or report or motion.

**(i) Addresses that are not about something that is for decision at the meeting**

If an address is about something that is for decision at the meeting, it will be referred to the chief executive without discussion. The chief executive will send a written reply after having it investigated by an officer or discussed by the Board or a committee

**(j) Personal attacks**

Addresses must not contain personal attacks. If an address contains a personal attack, the lord mayor will ask the speaker to stop. If the personal attack continues, the lord mayor will ask the speaker to leave. If the speaker refuses to leave straight away, the lord mayor can halt the meeting until they do.

### **11.11 Questions by the public**

**(a) Asking questions at full Council**

Members of the public can ask questions at ordinary meetings. These can be addressed to the leader or other Board member. Questions must be about something the Council is responsible for, something that directly affects people in the city or something for decision at the meeting.

Members of the public cannot ask questions at an annual or special meeting.

Questions will be taken in the order in which they are received by the head of law and governance.

**(b) Notice – matters that affect people in the city**

Where a question is about something the Council is responsible for or that directly affects people in the city the full wording of the question must be given to the head of law and governance by 1 pm at least seven clear working days before the full Council meeting.

**(c) Notice – matters for decision at the meeting**

Where a question is about something that is for decision at the meeting the full wording of the question must be given to the head of law and governance by 1.00 p.m. at least four clear working days before the full Council meeting.

**(d) Number of questions**

Members of the public cannot ask more than one question per meeting. Supplementary questions are not allowed.

No more than two questions may be asked where notice has been given under 11.11 (b) and no more than two questions may be asked where notice has been given under 11.11 (c)

**(e) Asking the question**

The lord mayor will ask the questioner to ask their question. The member asked the question will answer it either orally at the meeting or by referring to the availability of the answer at the meeting. If the questioner or the councillor to whom the question is addressed is not present, the chief executive will have a reply sent with 10 working days. This will be copied to the councillor who would have been asked the question.

**(f) Length of questions and answers**

Questions and answers to questions cannot take longer than three minutes unless the lord mayor agrees.

**(g) Referring questions to the Board or to committee**

After a question has been answered, there will be no discussion.

Any councillor can propose that a matter raised by a question is referred to the Board or to a committee. If the



proposal is seconded, it will be voted on without discussion.

**(h) Total length of addresses and questions**

Full Council will not spend more than 45 minutes taking addresses (11.10) and questions (11.11). If it cannot take all the addresses and questions, it will take them in the order that notice was given of them until there is no time left.

**(i) Written answers**

If a question is not taken because there is no time left, the chief executive will have a reply sent within 10 working days.

**11.12 Rejecting addresses and questions**

The head of law and governance can reject a question or an address on notice by a member of the public or a question on notice by a councillor, and the lord mayor can reject a question or statement without notice, if:

- it is not about something the Council is responsible for or about something that directly affects people in the City or about a matter for decision at the meeting
- it is defamatory, frivolous, trivial or offensive
- it requires the Council to make public exempt or confidential information (see 15.4)

If a question or statement is rejected, reasons must be given.

**11.13 Petitions to full Council**

Under the Council's petitions scheme (annexed to this part of the Constitution), if a petition contains at least 1,500 signatures it will be debated at full Council. Any petition presented as part of an address (see 11.10) directly to full Council and that contains at least 1,500 signatures will not be debated at that meeting but at the next ordinary meeting. The petition organiser may address full Council upon the petition for up to five minutes before the debate upon the petition.

Following any address by the petition organiser full Council will debate the petition in any way that full Council chooses and decide one of the following:

- note the petition
- take the action the petition requests
- not take the action the petition requests
- commission further investigation into the matter
- where the matter is one which the executive is required to make the final decision, decide whether to make recommendations to inform that decision.

There is a limit of 15 minutes for dealing with each petition

#### **11.14 Reports and questions about organisations on which the council is represented**

A councillor who has been appointed to represent the council on another organisation may present an oral or written report to full Council on the work of that organisation. Notice of the presentation of such a report and, where a written report is to be presented, that report, shall be received by the head of law and governance by 1.00 pm at least seven clear working days before the meeting.

A councillor who wants to ask a question about an organisation on which the council is represented shall give the full wording of the question to the head of law and governance at least four clear working days before the meeting.

Questions must be directed to the councillor who represents the council on the organisation. The councillor may nominate another councillor to reply.

#### **11.15 Reports by chairs of scrutiny committees**

Each ordinary meeting of council shall receive a written report from at least one of the council's scrutiny committees on the work of the committee. That report shall be included in the agenda of the meeting. The chair of any other scrutiny committee may report orally if there are matters arising from the work of the committee that the chair considers Council should know about without delay.

#### **11.16 Motions on notice**

##### **(a) Giving notice of motions**

Some motions may be moved without notice. These are listed at 11.17. For all other motions, the full wording

must be emailed to [fullcouncil@oxford.gov.uk](mailto:fullcouncil@oxford.gov.uk) or received by the head of law and governance by 1.00 pm at least seven clear working days before the meeting. These motions will be reproduced on the agenda for the meeting.

**(b) Number of motions**

No more than six motions may be included on the agenda of an ordinary meeting of Council. Up to three of those motions may be from members of the largest political group and up to three of those motions may be from members of all of the other political groups combined. If more than three motions from the largest political group or more than three motions from all of the other political groups combined are received by the head of law and governance before the deadline in 11.16 (a) the head of law and governance will ask the leader of the largest political group and the leaders of the other political groups which motions shall be included on the agenda. In the event that agreement cannot be reached as to the inclusion of motions, the head of law and governance shall include the first three motions received from the largest political group and the first three motions received from the other political groups combined but so that (if submitted) there is at least one motion from each of the other political groups and (if submitted) at least one motion from any member independent of a political group.

**(c) Topic of motions**

Motions must be about things the Council is responsible for or something that directly affects people in the city.

**(d) Listing motions on the agenda**

Motions will appear on the agenda in the order they were received by the head of law and governance

**(e) Time limits**

There is a time limit of 90 minutes for dealing with all motions and a time limit of 15 minutes for dealing with each motion.

**(f) Motion to remove the leader**

Any motion to remove the leader and replace her or him with another leader must be signed by no less than twelve members and received by the head of law and

governance by 1.00 pm must be emailed to [fullcouncil@oxford.gov.uk](mailto:fullcouncil@oxford.gov.uk) or at least seven clear working days before the meeting. This motion will be reproduced on the agenda for the meeting.

The motion may be emailed to [fullcouncil@oxford.gov.uk](mailto:fullcouncil@oxford.gov.uk)

### **11.17 Motions without notice**

There is no need to give notice of motions to:

- appoint a chair of the meeting
- agree or correct the minutes
- change the order of business
- refer something somewhere else
- agree or amend recommendations of the Board, Council committees or officers
- withdraw a motion
- amend a motion during a debate on it – see 11.18 (g)
- got to next business
- move to a vote
- adjourn a debate or meeting
- suspend a full Council procedure – see 11.24 (a)
- hold a discussion in private (when allowed under the access to information and key decision procedures – see 15)
- hear a Councillor no further – see 11.22 ©
- exclude a Councillor from the meeting – see 11.22 (d)
- give full Council's agreement when it is required by the Constitution.

### **11.18 Rules of debate**

**(a) No speeches until motion moved and seconded**

No speeches can be made on a motion until it has been moved and seconded.

**(b) Seconder's speech**

A councillor who formally seconds a motion or amendment can speak later in the debate.

**(c) Contents and length of speeches**

Speeches (except for points of order and personal explanations (see (m) and (n)) must be about the item being discussed.

**(d) When a Councillor can speak again**

A councillor who has already spoken in a debate cannot speak again except to:

- exercise their right of reply – see (j)
- make a point of order – see (m)
- make a point of personal explanation – see (n)

**(e) Amendments to motions - relevance**

An amendment must be relevant to the motion and must be a proposal:

- to refer a motion somewhere else
- to add, replace or leave out words.

Amendments to add, replace or leave out words must not negate the motion.

**(f) Amendment to a motion on notice on the council agenda**

An amendment to add, replace or leave out words on a motion included on the agenda for an ordinary meeting must be received by the head of law and governance by 1.00 pm on a day so that there are at least four clear working days before the Council meeting.

**(g) Amendment arising during a debate on a motion**

An amendment that a councillor wants to make in the course of a debate on a motion and that arises directly as a result of that debate must be written down and read or circulated at the meeting.

**(h) Debate on amendments**

The lord mayor can allow two or more amendments to be discussed together. But they must be voted on separately.

If any amendment is carried, the amended motion replaces the original motion. Any further amendments will be to the motion

If any amendment is not carried, any further amendments will be to the original motion.

The same amendment cannot be moved twice.

**(i) Councillor changing their own motion**

A councillor can change a motion they have moved without notice if both the meeting and the seconder agree. The meeting will accept or reject the change without discussion.

The councillor can only make changes that could have been made as an amendment.

**(j) Right of reply**

A councillor who moves a motion has a right to reply at the end of the debate, immediately before the vote.

If an amendment is moved, the councillor who moved the original motion has the right to reply at the end of the debate on the amendment but not before.

A councillor who moves an amendment has the right to reply immediately before the councillor who moved the original motion.

**(k) Motions that can be moved during debate**

When a motion is being debated, no other motions can be moved except for the following procedural motions:

- to withdraw a motion

- to go to next business
- to move to a vote
- to adjourn the meeting or debate
- to hold a meeting in private (when allowed under the access to information and key decision procedures – see 15)
- to hear a Councillor no further – see 11.22 (c)
- to exclude a Councillor from the meeting – see 11.22 (d)

**(l) Motions to end or postpone the debate**

After a speaker has finished speaking any councillor can move next business or propose to move to a vote or adjourn the debate or meeting. They must do this without comment.

If a motion to go to next business is seconded and the lord mayor thinks the meeting has discussed the item enough, the mover of the original motion will have the right of reply. Full Council will then vote on whether to go to next business. If full Council agrees to go to next business, the original motion will not be voted on and will not become a resolution of full Council.

If a motion to move to a vote is seconded and the lord mayor thinks the meeting has discussed the item enough, full Council will vote on whether to take the vote on the original motion. If full Council decides to take the vote, the mover of the original motion will have the right to reply. Then full Council will vote on the original motion without further debate.

If a motion to adjourn the debate or meeting is seconded and the lord mayor thinks it is not possible to give the item enough discussion at the current meeting, full Council will vote on whether to adjourn. The mover of the original motion will not have the right of reply before this vote.

**(m) Points of order**

A councillor can make a point of order at any time. The lord mayor will hear a point of order immediately. A point of order must be about the law or a full Council procedure

being broken. The councillor must say which law or procedure is being broken and how. The lord mayor will consider the monitoring officer's advice when deciding on a point of order and the lord mayor's decision will be final.

**(n) Points of personal explanation**

A councillor can give a personal explanation at any time. This must be about something they have said in the past that they feel is now being misunderstood or misrepresented. The lord mayor will have the final say over what counts as a personal explanation.

**11.19 Voting**

**(a) Majority**

Unless the Constitution says otherwise, votes will be decided by a simple majority of Councillors in their seats and voting.

**(b) Lord mayor's second or casting vote**

If there is the same number of votes for and against, the lord mayor will have a casting vote.

**(c) Method of voting**

Votes can be:

- by the general agreement of the meeting, if there is no one against
- by show of hands
- named or recorded – see (d) and (e).

**(d) Named votes**

Any ten councillors present at the meeting can ask for the minutes to name who voted for, who voted against and who abstained on a vote.

**(e) Right to have individual vote recorded**

Any councillor can ask for the minutes to record whether they voted for or against or abstained on a vote. The request must be made immediately after the vote.



**(f) Voting on appointments**

If there are three or more candidates for a position and none has more than half the votes, the candidate with the fewest votes will be eliminated and a new vote taken. This will continue until one candidate has more than half the votes.

**11.20 Officers**

Full Council will consider whether to exclude the public before discussing the conditions, supervision, dismissal or conduct of any officer or former officer.

**11.121 Excluding the public**

The public can only be excluded if it is under the access to information rules (see 15) or if they are making a personal attack (see 11.10 (i)) or disrupting the meeting (see 11.23).

**11.22 Councillors' behaviour**

**(a) Standing to speak**

When they speak at full Council, councillors must address the lord mayor. Only one councillor may speak at any one time.

**(b) Lord mayor standing**

If the lord mayor stands during a debate, any councillor who is speaking must stop speaking. The meeting must be silent.

**(c) Councillor not to be heard further**

If a councillor keeps on disrupting the meeting, the lord mayor can move that the councillor is not heard further. If seconded, the motion will be voted on without being discussed.

**(d) Councillor to leave the meeting**

If full Council has voted not to hear a councillor further and the councillor continues to disrupt the meeting, the lord mayor can move that the councillor leaves the

meeting or that the meeting is adjourned. If seconded, the motion will be voted on without being discussed.

**(e) General disturbance**

If a group of councillors are making it impossible for full Council to do its business, the lord mayor can halt the meeting for as long as necessary.

**11.23 Disruption by the public**

**(a) Disruption by an individual**

If a member of the public is disrupting the meeting, the lord mayor will warn them. If they carry on disrupting the meeting, the lord mayor can halt the meeting until they leave.

**Clearing part of the meeting room**

If there is a general disturbance in a part of a meeting room open to the public, the lord mayor can have the area cleared.

**11.24 Suspending and changing the procedures in this section**

**(a) Suspending the procedures in this section**

All the full Council procedures in this section can be suspended except 11.6 (changing the order of business), 11.7 (b) (no minutes at annual or special meetings) and 11.19 (e) (right to have individual vote recorded). A procedure can be suspended if at least half of all councillors are present and there is a simple majority in favour. No notice is needed for a motion to suspend a procedure. Procedures can only be suspended until the end of the meeting.

**(b) Changing the full Council procedures in this section**

Any motion to change the procedures in this section must be proposed and seconded. After this, it will not be discussed until the next ordinary meeting of full Council.



## **Oxford City Council Petitions Scheme**

### **Introduction**

The City Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition, and if it contains a minimum of 1000 signatures where it relates to a Citywide matter or 500 signatures where it relates to a matter that affects one Ward.

The Council encourages use of the e-petition feature of the website. An e-Petition is a petition which collects signatures online. This allows petitions and supporting information to be made available to a potentially much wider audience than a traditional paper based petition. Paper petitions are still accepted and should be sent to:-

Head of Law and Governance  
Oxford City Council  
Town Hall  
St Aldate's  
Oxford, OX1 1BX

Petitions can also be presented to a meeting of the council. Ordinary meetings take place four or five times a year. Dates, times and agenda can be found on our Council Meetings pages. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact the Head of Law and Governance or telephone 01865 252214 at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1500 signatures or more it will also be scheduled for a council debate.

### **What are the guidelines for submitting a petition?**

Petitions submitted to the council must include:

A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take.

The name and address and signature of any person supporting the petition. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does

not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

### **What will the council do when it receives my petition?**

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures can be obtained from the Head of Law and Governance or by telephoning 01865 252230.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reason for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our Accepted Petitions page, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

### **How will the council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

Taking the action requested in the petition

Not taking the action the petition requests

Considering the petition at a council meeting

Holding an inquiry into the matter

Undertaking research in to the matter

Holding a public meeting

Holding a consultation

Holding a meeting with petitioners

Referring the petition for consideration by a scrutiny committee\*

Calling a referendum

Noting the petition

Writing to the petition organiser setting out our views about the request in the petition

(\*Scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council - in other words, the scrutiny committee has the power to hold the council's decision makers to account.)

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and partnerships and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible on our About Us page on our website.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding

to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

### **Full council debates**

If a petition contains more than 1500 signatures it will be debated by the full council (unless it is a petition asking for a senior council officer to give evidence at a public meeting - see later in this Scheme for details on such requests). This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.

The council will endeavour to consider the petition as its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors. The council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee, or simply to note the petition.

Where the issue is one on which the Council's Executive is required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

### **Officer evidence**

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the council's scrutiny committee. The following list of senior staff that can be called to give evidence:

Head of Paid Service

Monitoring Officer

Head of Human Resources and Facilities

Chief Finance Officer

Executive Director, City Regeneration

Executive Director, City Services

Executive Director, Finance and Efficiency

You should be aware that the scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs.

The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting us on 01865 252230 up to three working days before the meeting.

**What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The scrutiny committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee decide we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council Executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.



## GOVERNANCE REVIEW – POLITICAL GROUP VIEWS

### Majority Group

1. The majority group has considered the Governance review report. Whilst the Group supports most of the recommendations from the cross-party meetings, it wishes to propose some changes to the recommendations concerning Council procedures, and to make an alternative recommendation concerning scrutiny arrangements.
2. On **scrutiny arrangements** (see paragraph 7), the report says that the working party could not reach a consensus over change (eg. reducing scrutiny committees from two committees to one). The majority group wishes to recommend Council that from the 2013/14 Council Year Council appoints one scrutiny committee that will be responsible for co-ordinating the scrutiny work programme and for commissioning a range of review and standing panels. The scrutiny committee will be politically balanced and will consist of twelve members. This recommendation would, if implemented, not require any consequential variations to the proposed programme of Council and committee meetings. However, the Council's Constitution would need to be changed and Council would be recommended to authorise the Head of Law and Governance to make changes to the Constitution that would give effect to the recommendations in the report (see recommendation D).
3. On **Council procedures** (see Annex 6A and 6B), the majority group wishes to recommend the following amendments to those contained in the report:-
  - (a) **Public addresses – response by Board Member** – the report does not recommend any changes to the Constitution in terms of responses to addresses. It says (PR11.10(h) and (i)) that addresses that relate to something for decision at the meeting will be considered with that recommendation or report or motion, and addresses that are not about something for decision at the meeting will be referred to the Chief Executive without discussion. The majority group would like to recommend that the appropriate Board member be able, if they choose, to make a response to an address for a maximum of three minutes. If this recommendation is adopted PR11.10(h) and (i) will be amended by the addition of these words:-
 

“..... but the relevant Board member may respond for up to three minutes immediately following the address.”

(b) **Public addresses – numbers** – the report is recommending to Council that there should be a maximum of four addresses to Council, with up to two of those being on matters that are not for decision at the meeting and up to two of those being on matters that are for decision at the meeting. The majority group would like to recommend that there is no restriction on numbers of addresses. However, the majority group would like addresses ordered so that those that relate to matters on the agenda are heard first. If this recommendation is adopted PR11.10(f) will be deleted, PR11.10(e) will be adjusted and the deadline for addresses will be 1.00 p.m. at least four clear working days before the meeting.

(c) **Motions on notice** - the report is recommending to Council that there should be a limit on the number of Motions taken at each meeting and a limit on both the time taken to debate each Motion and on the length of time for dealing with all Motions. The majority group would like to change this so that there is no limit on the number of Motions included on the agenda for an ordinary meeting and no limit on the time taken to debate each Motion. It would like to recommend that the order in which Motions appear is sequential between groups. If this recommendation is adopted PR11.16(b), (d) and (e) would be deleted and replaced by the following:-

**(b) Number of motions**

There shall be no limit on the number of motions included on the agenda for an ordinary meeting of Council. No motions shall be taken at a special meeting of Council or at the annual meeting.

(c) .....

**(d) Listing motions on the agenda**

Motions will appear on the agenda in the order received and in the following order where received:

- One motion in the name of a member of the majority group
- One motion in the name of a member of the next largest group
- One motion in the name of a member of the next following largest group (where there is one),

and so on until ungrouped members are reached. The motion first received from ungrouped members will be taken.

Once one motion (where received) from each group and the first motion (where received) from any ungrouped members has been included on the agenda, the sequence will be repeated until all motions have been included.

**(e) Time limits**

There is a limit of 60 minutes for dealing with motions. Any motions where the debate has not started when the time limit is reached shall fall and not be taken at another meeting unless resubmitted in accordance with (a) and they will then be included on the agenda in the order set out in (d).

If the time limit is reached after a motion has been proposed and seconded and debate upon it has commenced the Lord Mayor shall direct Council to move immediately to 11.18(j) and to follow the procedure set out there to conclude the debate.

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## CITY EXECUTIVE BOARD

**Thursday 21 March 2013**

**COUNCILLORS PRESENT:** Councillors Price (Leader), Turner (Deputy Leader), Cook, Coulter, Curran, Seamons and Tanner.

**OFFICERS PRESENT:** Lois Stock (Democratic and Electoral Services Officer) and Lindsay Cane (Law and Governance)

### **97. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Val Smith, Dee Sinclair and Mark Lygo. Councillor Scott Seamons sent apologies for his anticipated late arrival.

### **98. DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **99. PUBLIC QUESTIONS**

Full written questions with answers were distributed at the start of the meeting. These are attached to the minutes as appendix one.

### **100. SCRUTINY COMMITTEE REPORTS**

None submitted.

### **101. CUSTOMER FEEDBACK - PERIODIC REPORT**

The Head of Customer Services submitted a report (previously circulated, now appended) concerning customer feedback received by the organisation. Peter Sloman presented the report to the Board and explained its background.

Councillor Jean Fooks addressed the Board.

Resolved to agree to the following enhancements to how the Council deals with its customer feedback:-

- (i) Ensure all service areas review their web content and literature by 30th September 2013, and where possible involve customers in sense checking how well we are explaining our services.
- (ii) Develop our policy to always explore the immediate actions required for the customer concerned and those actions needed to improve the process and stop a reoccurrence for other customers.

- (iii) Clarify what constitutes a complaint within our policy in order to provide more capacity and focus for genuine complaints and service improvement potential. This should be underpinned in our procedure, and staff supported to deliver this through training and on line guidance. Particular areas to be covered include:
  - a) Service requests should not constitute a complaint;
  - b) Complaints about policies should be recorded and used to inform future policy direction;
  - c) Letters from Members of Parliament requesting advice and information should not be logged as complaints.
- (iv) Amend our policy and procedure to ensure all service areas always make contact with the customer before closing any complaint on the system, use email whenever possible to allow this to be done electronically, and advise where appropriate of the corrective and preventive action taken as a result of any investigations.
- (v) Include the ability to report customer feedback within the marketing strategy for the City Council's web site.
- (vi) Capture the best practice that exists within the organisation for handling feedback reports in an efficient manner, and ensure this is rolled out to all service areas.
- (vii) Develop our processes and analysis tools to enable further insight into key themes; this could be within a service area or corporately.

## **102. FINANCE, PERFORMANCE AND RISK - QUARTER 3 PROGRESS 2012/13**

The Head of Finance and the Head of Business Improvement and Technology submitted a report (previously circulated, now appended) updating the Board on Finance, Risk and Performance at the end of Quarter 3, 31<sup>st</sup> December 2012. Councillor Ed Turner presented the report to the Board and explained the background. He pointed out that this was a monitoring report and not the final outturn.

Councillor Jean Fooks addressed the Board.

Resolved to note the report.

## **103. EMPTY HOMES STRATEGY**

The Head of Housing submitted a report (previously circulated, now appended) that sought approval for the refreshed Empty Property Strategy 2013-2018 for Oxford City. Councillor Scott Seamons presented the report to the Board and explained the background.

Resolved to:-

- (1) Note the good area of work and confirm the Council's commitment to ensuring empty property is brought back into use;
- (2) Endorse the refreshed Empty Property Strategy

#### **104. WRITE OFFS**

The Head of Customer Services submitted a report (previously circulated, now appended) concerning the write off of uncollectible debts. Councillor Ed Turner presented the report to the Board.

Nigel Kennedy agreed to send information regarding Rovacraft to Board Members.

Resolved that the amounts shown in the body of the report be written off subject to the proviso that if new information or payments are received, the debts written off will be resurrected and credits applied.

#### **105. TOWER BLOCKS - APPOINTMENT OF PROJECT MANAGER**

The Head of Corporate Property submitted a report (previously circulated, now appended). Councillor Scott Seamons presented the report to the Board and explained the background.

Resolved to approve the award to E.C.Harris of a contract to project manage (including full consultation of all stakeholders and multi disciplinary design services) this key refurbishment project for the Council's tower blocks.

#### **106. FUTURE ITEMS**

Nothing was raised under this item.

#### **107. MINUTES**

Resolved to confirm as a correct record the minutes of the meeting held on 13<sup>th</sup> February 2013.

#### **108. MATTERS EXEMPT FROM PUBLICATION**

None

**The meeting started at 5.00 pm and ended at 5.50 pm**

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