

Agenda

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Council

Date: **Monday 24 June 2013**

Time: **5.00 pm**

Place: **Council Chamber, Town Hall**

For any further information please contact:

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The meeting will also be available via a webcast. This means that people may choose to watch all or part of the meeting over the internet rather than attend in person. The webcast will be available to view on the City Council's website after the meeting.

Council

Membership

Lord Mayor

Councillor Dee Sinclair

Deputy Lord Mayor

Councillor Tony Brett

Sheriff

Councillor Mohammed Abbasi

Councillor Mohammed Altaf-Khan

Councillor Alan Armitage

Councillor Laurence Baxter

Councillor Elise Benjamin

Councillor Susan Brown

Councillor Jim Campbell

Councillor Anne-Marie Canning

Councillor Bev Clack

Councillor Mary Clarkson

Councillor Colin Cook

Councillor Van Coulter

Councillor Steven Curran

Councillor Roy Darke

Councillor Jean Fooks

Councillor James Fry

Councillor John Goddard

Councillor Michael Gotch

Councillor Mick Haines

Councillor Sam Hollick

Councillor Rae Humberstone

Councillor Graham Jones

Councillor Pat Kennedy

Councillor Shah Khan

Councillor Ben Lloyd-Shogbesan

Councillor Mark Lygo

Councillor Sajjad Malik

Councillor Stuart McCready

Councillor Mark Mills

Councillor Helen O'Hara

Councillor Michele Paule

Councillor Susanna Pressel

Councillor Bob Price

Councillor Mike Rowley

Councillor Gwynneth Royce

Councillor David Rundle

Councillor Gill Sanders

Councillor Scott Seamons

Councillor Craig Simmons

Councillor Val Smith

Councillor John Tanner

Councillor Ed Turner

Councillor Oscar Van Nooijen

Councillor Ruth Wilkinson

Councillor David Williams

Councillor Dick Wolff

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SUMMONS

A meeting of the City Council will be held in the Council Chamber, Town Hall, on Monday 24 June 2013 at 5.00 pm to transact the business set out below.

Peter Sloman

Proper Officer

AGENDA

Pages

PART 1 – BUSINESS OF THE COUNCIL

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

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

3 MINUTES

1 - 54

Minutes of:

(a) The ordinary meeting of Council held on 22nd April 2013

(b) The Annual meeting of Council held on 20th May 2013.

4 APPOINTMENTS TO COMMITTEES

5 ANNOUNCEMENTS

(a) Lord Mayor

- (b) Sheriff
- (c) Leader of the Council
- (d) Chief Executive, Chief Finance Officer, Monitoring Officer

6 PUBLIC ADDRESSES AND QUESTIONS THAT RELATE TO MATTERS FOR DECISION AT THIS MEETING

Public addresses and questions received in accordance with Council Procedure Rule 11.10 and 11.11. The full text of any address or question must be received by the Head of Law and Governance by 5.00pm on Tuesday 18th June 2013.

Full details of the addresses and questions submitted by the deadline will be provided separately prior to the meeting.

7 CITY EXECUTIVE BOARD RECOMMENDATIONS

No recommendations have been submitted for consideration.

8 OFFICER REPORTS

55 - 64

Constitutional Amendments - Report of the Head of Law and Governance attached.

9 CITY EXECUTIVE BOARD MINUTES

65 - 78

- (a) Minutes of the City Executive Board held on 22nd April 2013;
- (b) Minutes of the City Executive Board held on 7th May 2013;
- (c) Minutes of the City Executive Board held on 12th June 2013

10 QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL

Questions on notice under Council Procedure Rule 11.9(b) may be asked of Lord Mayor, a Member of the City Executive Board or the Chair of Committee.

Questions on notice must, by the Constitution be notified to the Head of Law and Governance by no later than 1.00pm on Monday 17th June 2013.

Full details of any questions and responses will be circulated prior to the meeting.

PART 2 – PUBLIC INVOLVEMENT AND SCRUTINY

11 PUBLIC ADDRESSES AND QUESTIONS THAT DO NOT RELATE TO MATTERS FOR DECISION AT THE COUNCIL MEETING

Public addresses and questions received in accordance with Council Procedure Rule 11.10 and 11.11. The full text of any address or question must be received by the Head of Law and Governance by 5.00pm on Tuesday 18th June 2013.

Full details of the addresses and questions submitted by the deadline will be provided separately prior to the meeting.

12 PETITIONS

None submitted for consideration.

13 OUTSIDE ORGANISATION REPORTS AND QUESTIONS

Reports from and questions to, Members representing the Council on outside organisations.

14 SCRUTINY COMMITTEE - REPORT FROM THE CHAIR

79 - 86

Report of the Chair of the Scrutiny Committee attached.

This report updates Council on the activities of scrutiny and other non executive councillors since the Committee was appointed in May.

15 SCRUTINY COMMITTEE RECOMMENDATIONS

No recommendations have been submitted for consideration.

PART 3 – MOTIONS REPRESENTING THE CITY

16 MOTIONS ON NOTICE

87 - 88

Council Procedure Rule 11.16 refers.

Motions received by the Head of Law and Governance by the deadline of 1.00pm on Wednesday 12th June 2013:-.

1. Financial Transactions Tax – proposed by Councillor Price, seconded by Councillor Fry;
2. Tar Free Oxford – proposed by Councillor Hollick.

Full text of the motions is attached.

17 **MATTERS EXEMPT FROM PUBLICATION**

If Council wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding agenda items it will be necessary for Council to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act 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.

(The Access to Information Procedure Rules – Section 15 of the Council’s Constitution – sets out the conditions under which the public can be excluded from meetings of the Council).

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.

¹Disclosable 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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COUNCIL

Monday 22 April 2013

COUNCILLORS PRESENT: Councillors Abbasi (Lord Mayor), Benjamin (Deputy Lord Mayor), Sinclair (Sheriff), Altaf-Khan, Armitage, Baxter, Brett, Campbell, Canning, Clack, Clarkson, Cook, Coulter, Curran, Darke, Fooks, Fry, Goddard, Gotch, Haines, Hollick, Jones, Kennedy, Khan, Lloyd-Shogbesan, Lygo, Malik, McCready, Pressel, Price, Rowley, Royce, Rundle, Sanders, Seamons, Simmons, Smith, Tanner, Turner, Van Nooijen, Williams and Wolff.

143. CHANGE TO THE ORDER OF BUSINESS

The Lord Mayor asked Council if it would agree to the order of business being changed to take agenda item 11 – Governance Review, after the break for Council Tea.

Council agreed to change the order of business.

144. MINUTES

Council agreed to approve:

- (a) The minutes of the ordinary meeting held on 18th February 2013, subject to the following amendment;

In minute 108 – Medium Term Financial Strategy 2013-14 to 2016-17 and 2013-14 Budget – in the fifteenth paragraph to delete the word “undertake” and insert the words “as a cycle safety measure” in the fourth line.

In minute 132 – Questions on Notice from Members of Council, Question 1 – Councillor Jean Fooks said that she has not received a response from Councillor Steven Curran.

- (b) The minutes of the ordinary meeting held on 25th February 2013;
- (c) The minutes of the extraordinary meeting held on 13th March 2013.

145. DECLARATIONS OF INTEREST

No declarations on interest were made.

146. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rae Humberstone, Mark Mills, Helen O’Hara and Ruth Wilkinson.

147. APPOINTMENTS TO COMMITTEES

No appointments were made.

148. LORD MAYOR ANNOUNCEMENTS

- (a) The Lord Mayor informed Council that he had met the Queen at the Maundy Thursday Service held on 20th March 2013 at Christ Church Cathedral.
- (b) The Lord Mayor on behalf of himself and the Council wished those City Councillors who were standing in the County Council elections on 2nd May 2013 good luck.

149. ANNOUNCEMENTS BY THE SHERIFF

No announcements were made.

150. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council made the following announcements:

- (a) Two teams have been nominated for the Municipal Journal Awards which recognised innovation and best practice in local government. The nominated teams were Law and Governance (under the Legal Services award) and Barton West Development (under Community Investment). The winners will be announced at an awards ceremony in London on 20th June 2013.
- (b) The Secretary of State has called in the planning appeal on the Lord Nuffield Club, which had previously been refused planning permission by the East Area Planning Committee on the grounds of traffic, parking, congestion and the loss of open space.

151. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE, THE CHIEF FINANCE OFFICER AND THE MONITORING OFFICER

No announcements were made.

152. ADDRESSES BY THE PUBLIC

Council received five addresses to Council (the text of these addresses are attached to these minutes)

- (1) Ian Smith (Chair of the City of Oxford Swimming Club) – Temple Cowley Pools
- (2) Peggy Seeger – Temple Cowley Pools
- (3) Sushila Dhall – Campaign to Protect Port Meadow

A note detailing comments by officers was also submitted

- (4) William Clark – Town Green Application Judicial Review
- (5) Sietske Boeles – Surplus Student Accommodation in East Oxford

153. QUESTIONS BY THE PUBLIC

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

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

Roger Dudman Way - Photomontages

Can you please clarify which photomontages in relation to the controversial Roger Dudman Way development (11/02881/FUL) were first available on the City Council website? The briefing note by Michael Crofton-Briggs (April 2013) refers to photomontages dated November 21 2011. However there are no photomontages up on the Council website for that date but only ones dated 21 December 2011 and referred to as additional information.

Can you confirm that these 21 December 2011 photomontages were uploaded on the Council's website at the time of consultation and determination of the planning application?

Response: Adrian Arbib did not attend the Council meeting and received the following written response:

“There were a number of images received on 21st December not the 21st November. These are the ones from Port Meadow showing the general location of Phase 1 and the current proposal however, they are not the wirelines which were received later and loaded up on 8th February.

- (2) **Question to the Board Member, City Development (Councillor Colin Cook) from Sushila Dhall**

Roger Dudman Way – Officer advice

Can Oxford City Council clarify if the West Area Planning Committee (WAPC) acted ultra vires when it instructed the Head of City Development to negotiate with Oxford University to ameliorate the height and mass of the Roger Dudman Way development? If WAPC has acted ultra vires, then who in the City Council has the executive power to take this forward?

Response: Council asked the Head of City Development (HoDC) to bring forward as soon as possible in the New Year, a report to WAPC, setting out any general lessons that need to be learned from the handling of this application and an assessment of the scope for further measures that are legally possible and that would contribute in the long and the short term to mitigate the impact on the views looking south from Port Meadow. The

HoDC submitted a report to the 7th February 2013 meeting of the WAPC. The meeting resolved to:

- (1) instruct the HoDC to negotiate with the University of Oxford in order to ameliorate the size and impact of the development;
- (2) instruct the HoDC to report back on the progress of those negotiations (by the April 2013 meeting at the latest);
- (3) establish a Working Party to recommend to the Council any changes to policies or procedure which the process of handling and determination of the application (including the pre-application and consultation stages) might suggest would be desirable.

(1) and (2) are intrinsic to assessing the scope for further measures as referred to in the resolution of Council. (3) is intrinsic to establishing general lessons to be learned as referred to in the resolution of Council. Officers are therefore content that the WAPC did not exceed the scope of its authority.

(3) Question to the Board Member, City Development (Councillor Colin Cook) from Richard Luff

Roger Dudman Way design specifications

What is the size of the Roger Dudman Way development (11/02881/FUL)

- In m² of floor space
- In m² as its external building footprint
- In elevation (metres above sea level) of each of the 8 buildings
- of overall height of each of the buildings from external ground level to apex of roof (I understand there will be two heights, one for the 2 buildings lower in height and one for the other 6 buildings)

Response:

First bullet point – 13,500 sqm

Second bullet point – The total footprint is approx. 3,250 sqm in the accommodation blocks, plus 140 sqm for the energy centre and pavilion (common room etc.)

Third bullet point – External ground levels range between approximately 58.0 and 59.4 above ordinance datum

Fourth bullet point – The east – west blocks (1,2,3,4,6,7) are 17.1m to ridge: north – south blocks (5,8) are 14.2m to ridge.

(4) Question to the Board Member, Leisure Services (Councillor Van Coulter) from Nigel Gibson

Oxford Spires Academy Gym - Funding

Council recently announced their subsidy of £200,000 to Oxford Spires Academy for a gym, revealed by Councillor Coulter in a newspaper article

as a replacement for Temple Cowley Pools, and without any previous notice to the public. What consultation has the Council carried out to establish that this part-time facility is what the public inside the ring road really want as a replacement, and is Councillor Coulter aware that you can't swim in a gym?

Response: I am aware that you cannot swim in a gym. But I am also aware that you cannot dive in a pool that's not fit for purpose – as has been the case for the dive pool at Temple Cowley Pools since 2002.

In its consideration of the options reviewed in September 2010, a commitment was made by the City Council's Executive Board to provide alternative leisure facilities within the Cowley locality as a result of the community consultation carried out by the City Council.

(5) Question to the Board Member, Leisure Services (Councillor Van Coulter) from Jane Alexander

Temple Cowley Pools running costs

In an interview with BBC Radio Oxford last Wednesday morning, Councillor Coulter admitted that the annual running costs of the Temple Cowley Pools is not over half a million pounds as the Council has maintained previously, but about one hundred thousand pounds. He then went on to say that the running costs of the proposed new pool in Blackbird Leys would be "much lower". Can the Councillors please explain this statement, given that the Council has previously published that the annual payment to Fusion for the proposed new pool will be in the region of £130,000 - £150,000?

Response: In my comments to the BBC, I stated that the costs for maintenance and repairs at the Temple Cowley facility averaged over £100,000 for each of the past five years.

There are sets of additional expenses aside from maintenance and repair costs and I remain confident that the Council is fair in asserting that Temple Cowley Pools and Gym has cost the Council Tax payer's of Oxford half a million pounds a year to run.

(6) Question to the Board Member, Finance and Efficiency (Councillor Ed Turner) from Sietske Boeles

Student Council Tax exemptions

How many properties are currently exempt from paying Council Tax due to being occupied by students. Can you please give a breakdown of N and M categories? How does these figures for N properties compare to the previous year for the same period?

Response:

	01.04.12	01.04.13
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Exemption M – Halls of Residence	2,488	2,595
Exemption N – Student Exemptions	2,846	2,762

(7) Question to the Leader of the Council (Councillor Bob Price) from Ruth Fox

Advertisements

Many of the buses in Oxford carry advertisement for ‘Choose Life’, a campaign run by the organisation Christian Concern. The aim of this campaign, according to their website, is to ‘make abortion history’. ‘Choose Life’ advertises itself as a pregnancy advisory service: they ask ‘Pregnant? Worried? Don’t know what to do?’ The response below: ‘We can help. Choose life’.

Woman who are unsure whether to continue a pregnancy should be offered impartial, medically sound advice on the options available to them. The ‘Choose Life’ campaign will, on the contrary, be offering advice to women with the aim of fulfilling its ambition to ‘make abortion history’. Women will almost certainly be discouraged from seeking an abortion, and very likely be misled about what it will involve. A campaign such as ‘Choose Life’ does not have the best interests of women at heart: rather, it is an attempt to restrict women’s freedom of choice, by convincing them to continue with a pregnancy that they may not want or which may have negative consequences for their physical and mental wellbeing.

My question to the Council is: how can we allow the display of such adverts in a city which, I would like to think, places value on women’s freedom of choice and right to determine the course of their own lives? I would like to request that the Council take whatever action it can to ensure these advertisements are removed from the buses.

Response: Ruth Fox did not attend the Council meeting and received the following written response:

The Council is responsible for advertisement control under the Town and Country Planning Act 1990. An advertisement displayed on a (normally moving) vehicle is however exempted from the Council’s control. Even where adverts are subject to the Council’s control, the purposes for which advertisement control can be exercised are prescribed. The Council can act only in the interests of amenity and public safety. Where advertisement consents are granted the Council is prohibited from imposing any limitation or condition relating to the subject matter, content or design of what is to be displayed. The Council is not able to use advertisement control to exercise a censorship function. The Advertising Standards Authority may be able to assist where the content of an advertisement is considered to be problematic.

Council had before it the following (previously circulated, now appended):

- (1) Report of the Head of Law and Governance which was submitted to the City Executive Board on 10th April 2013. The report presented the outcome of the review of the Council's governance arrangements.
- (2) Extract from the minutes of the City Executive Board held on 10th April 2013;
- (3) A note detailing proposed Green Group amendments to the recommendations listed in the main report.

Councillor Price moved the report.

Councillor Williams thanked Councillor Price and the Liberal Democrat Group Members who came to the Cross Party Working Group throughout the year and for their work in connection to the Governance Review. He also wished to thank Officers, especially William Reed (Democratic Services Manager) and Mathew Metcalfe (Democratic and Electoral Services Officer) for their support and advice.

Green Group amendment 1

Councillor Williams seconded by Councillor Goddard moved his first amendment.

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

Green Group amendment 2

Councillor Williams seconded by Councillor Simmons moved his second amendment.

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

Green Group amendment 3

Councillor Williams seconded by Councillor Fooks moved his third amendment.

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

Green Group amendment 4

Councillor Williams seconded by Councillor Fooks moved his fourth amendment.

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

Green Group amendments 5(a), 5(b) 5(c) and 5(d)

Councillor Williams moved amendment 5(a).

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

Councillor Williams moved amendment 5(b)

Following a debate, Council voted and the amendment was adopted as follows:

With regard to Motions on Notice:

- Substantive amendment to Motions must be submitted no later than 1.5 working days before the meeting so that they may be circulated with the briefing note.
- Minor technical or limited wording amendments may be submitted during the meeting but must be written down and circulated.

Councillor Williams moved amendment 5(c)

Following a debate, Council voted and the amendment was adopted as follows:

With regard to Members reporting to Council to replace the proposed wording on Procedure Rule 11.14 and 11.15 and replace with the following wording:

Members who are Council representatives on external bodies or Chairs of Council Committees who consider that a significant decision or event has taken place, will give notice of up to 1.5 working days prior to the Council meeting to present a written or oral report on the event of a significant decision and how it may influence future events. All Council members will be able to ask for a report to be given at Council by the Council representative on a significant change or important event if they lodge their request up to 4.5 working days prior to the Council meeting.

Councillor Williams moved amendment 5(d)

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

Green Group amendment 6

Councillor Williams seconded by Councillor Simmons moved his sixth amendment.

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

Green Group amendment 7

Councillor Williams seconded by Councillor Campbell moved his seventh amendment.

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

Councillor Price summed up at the end of the debate and Council agreed:

- (a) From the start of the Council Year 2013/14, that:
 - (1) The single executive member arrangements for decision-making be discontinued and to note that the responsibilities of single members have been reallocated by the City Executive Board as set

out in Annex 1 of the report and that the Constitution has been amended accordingly;

- (2) The City Executive Board agenda to contain an additional item relating to addresses by Councillors to the Board and that the Constitution be amended as set out in Annex 3 of the report;
- (3) One Scrutiny Committee (and not two Scrutiny Committees) be appointed as follows:
 - (a) To be responsible for co-ordinating the scrutiny work programme and for commissioning a range of review and standing panels;
 - (b) To consist of 12 members appointed in accordance with political balance requirements.
- (4) The changes in Council procedures set out in Annex 6(a) of the report and contained in the updated Section 11 of the Constitution that forms Annex 6(b) to the report be introduced subject to the following adopted amendments:

With regard to Motions on Notice:

- Substantive amendment to Motions must be submitted no later than 1.5 working days before the meeting so that they may be circulated with the briefing note.
- Minor technical or limited wording amendments may be submitted during the meeting but must be written down and circulated.

With regard to Members reporting to Council to replace the proposed wording on Procedure Rule 11.14 and 11.15 and replace with the following wording:

Members who are Council representatives on external bodies or Chairs of Council Committees who consider that a significant decision or event has taken place, will give notice of up to 1.5 working days prior to the Council meeting to present a written or oral report on the event of a significant decision and how it may influence future events. All Council members will be able to ask for a report to be given at Council by the Council representative on a significant change or important event if they lodge their request up to 4.5 working days prior to the Council meeting.

- (b) That the programme of Council and Committee meetings for 2013/14 and 2014/15 be approved as set out in Annex 2(a) and 2(b) of the report, noting that:
 - (i) The 2013/14 programme replaces that agreed by Council on 20th February 2012;

- (ii) The programme for May and June 2014 may need to be adjusted depending upon the date set for the European Elections (22nd May or 5th June) and any adjustment to the date of the local government elections (1st May at present);
- (iii) 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 the City Council elections are at present programmed), 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).
- (c) 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 2(a) to the report;
- (d) To note that Officers will present an updated Member/Officer Protocol to Council in June 2013 and in the meantime to note that Officers will refresh staff awareness of its provisions in particular as far as Ward references are concerned;
- (e) To note that the City Executive Board on 5th December 2012 agreed the recommendations as detailed in Annex 5 to the report that relate to public engagement and that Officers are working on their implementation;
- (f) To agree that a Governance Working Party should meet each year to review operational practice and decide what changes, if any, to be recommended to Council;
- (g) To authorise the Head of Law and Governance to make all changes to the Constitution to give effect to the agreed recommendations.

155. ANNUAL LETTINGS PLAN - ALLOCATIONS PERCENTAGES 2013/14

Council had before it the following (previously circulated, now appended):

- (1) Report of the Head of Housing which was submitted to the City Executive Board on 10th April 2013. The report presented for approval the proposed percentage targets for the allocation of social housing in 2013/14;
- (2) Extract from the minutes of the City Executive Board held on 10th April 2013

Councillor Scott Seamons moved and spoke to the report.

Council agreed:

- (a) To note the performance against the Annual Lettings Plan for 2012/13 (1st April 2012 to 31st January 2013);
- (b) To approve the Annual Lettings Plan for 2013/14.

156. CITY EXECUTIVE BOARD DECISIONS (MINUTES) AND SINGLE EXECUTIVE MEMBER DECISIONS (MINUTES)

Council had before it minutes (previously circulation, now appended) of the City Executive Board and Single Executive Member meetings held since the last meeting of Full Council.

(a) City Executive Board decisions – 21st March 2013 (Minutes)

- (1) Minute 102 – Finance, Performance and Risk – Quarter 3 Progress 2012/13. In response to Councillor Fooks, Councillor Turner said that he was angry at the welfare cuts and that budget for Local Government from the Department for Communities and Local Government was to be further reduced. He acknowledged that the processing of smaller planning applications under the proposed changes to planning would be yet another burden on Local Authorities. He added that the Council was committed to tackling poverty.

(b) City Executive Board decisions – 10th April 2013 (Minutes)

- (1) Minute 113 – Draft affordable housing and planning obligations supplementary planning document. In response to questions Councillor Turner supported by Councillor Simmons expressed disappointment that the document was being challenged by Merton College.

157. RECOMMENDATIONS AND REPORTS FROM SCRUTINY AND OTHER COMMITTEES

No reports were submitted from Scrutiny and other Committees.

158. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL

(a) Questions notified in time for replies to be provided before the Council meeting

- (1) **Question to the Board Member City Development (Councillor Colin Cook) from Councillor Jean Fooks**

Dial-a-Ride bus service

When will the City Council contract with the County Council Integrated Transport Unit for the provision of a second Dial-a-Ride bus for the elderly and less mobile citizens of Oxford?

Response: We are currently reviewing usage statistics for dial a ride and are looking at alternative community transport methods to ensure that any additional monies committed add usefully to services in the city. I expect that we will have come to a conclusion

within a month from now. I am more than happy to share the data with Councillor Fooks.

Councillor Fooks in a supplementary question asked if the elderly users had been consulted. In response Councillor Cook said that they could continue to use the existing service and it was important that any change to the service was done right.

(2) Question to the Leader of the Council (Councillor Bob Price) from Councillor Graham Jones

Break the bag habit campaign

Will the Leader kindly inform us if replies have been received from our MPs Andrew Smith and Nicola Blackwood in response to the Council's unanimous motion on the issue of plastic bags?

Response: As of the date of this meeting a response had been received from Andrew Smith MP, but not from Nicola Blackwood MP.

(3) Question to the Leader of the Council (Councillor Bob Price) from Councillor Jean Fooks

Town Hall café

The story of the Town Hall café has been an embarrassment to the City Council. How much has been spent on the several refurbishments to date, how many months has it actually been operational since it first opened?

Response: The Town Hall Café first opened in 2006 and was fully operational until November 2011. In October 2011, the contract with the caterers (Fosters) came to an end which provided an opportunity to look at the café provision. A procurement exercise was undertaken and this resulted in the appointment of a new caterer (Ambassador) to run the café. Ambassador proposed changes to the café offer, with an increased space, longer opening hours, higher quality food and a desire to host evening events. A refurbishment was agreed as part of this exercise (£37k allocated from the budgeted Town Hall repairs and maintenance programme) which would give a return on investment based on new rental figures within 3 years.

The café was closed in November 2011 whilst the procurement exercise and refurbishments were being progressed. A pop-up café operated in the space for 6 months in 2012. The refurbished café opened in October 2012. This long period of closure arose because of contractual, design and construction issues.

Unfortunately the new café suffered operating difficulties and was closed for a month in March 2013 whilst another contractor was identified. Lemon Zest now operate the facility successfully on behalf of the Council.

Councillor Fooks in a supplementary question asked how much money had been lost. In response Councillor Price said that the café had been extensively advertised and information was included in literature that promoted the Museum.

(b) Questions notified by the deadline in the Constitution where no reply in advance of the meeting was given

(4) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Jim Campbell

Covered Market - Consultants

Can you tell us how much was paid to the Council's consultants to draw up the terms of the Council's 2012 Rent Review?

Response: The Council went through a competitive tender process. It would be commercially sensitive to confirm fees to be charged for completing the reviews whilst they are still being negotiated.

(5) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Jim Campbell

Covered Market – Rent increase

Can you as the portfolio holder explain to us how some proposed rents in the 2012 Rent Review have increased by more than 50% to cover a 5 year period when inflation was less than 20% and at a time of a severe economic downturn?

Response: The Council has appointed an independent Chartered Surveyor based in Oxford to advise on the values of the individual units. The rental values have been assessed by making reference to the available market evidence, including an open market letting within the Covered Market in 2011.

(6) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Jim Campbell

Covered Market – Arbitration expenses

Following the last Rent Review in 2007 the Council paid out £80,000 in arbitration expenses. Can you tell us how much has been paid so far following the 2012 Review, and how much the final sum is likely to be?

Response: An Arbitrator has only recently been appointed and the fees of both the Arbitrator and the Council's advisor will be payable on completion. It is commercially sensitive to confirm the fee basis of the Council's advisor whilst the rent reviews are being negotiated.

(7) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Jim Campbell

Covered Market - Tenancies

Can you please tell us how many new tenancies have been granted in the last five years to *independent local* traders?

Response: There have been 2 new lettings in the last 5 years. This does not include leases which have been assigned by individual tenants in the Covered Market.

(8) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Jim Campbell

Covered Market – Performance enhancement

In January 2012 a report on the Future of the Covered Market contained a list of 12 recommended next steps. In November it was decided to identify consultants who would prepare a Strategy for Performance Enhancement in the Covered Market. Why has this taken so long?

Response: I too am disappointed by the delay. Consultants are now appointed and their recommendations will be received in the near future following completion of their brief. This is not the only thing that the Council has been doing to help the traders.

(9) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Jim Campbell

Covered Market – Market traders

You were quoted in the *Oxford Mail* of October 18th as saying that the crisis facing the Covered Market is partly due to “the age of some of the traders who are looking to retire and cash in their chips”. Do you accept that you made this remark and do you still stand by it?

Response: It is true that a number of the tenants are approaching retirement age of say 65 plus, and have therefore decided to attempt to sell their businesses, if possible, as going concerns or failing that sell their leases whilst they may have some value. Whatever sales take place, we are only trying to recoup some of our original investment but, unfortunately, in today's market it is much easier said than done. Those are not my words, but the words of the market traders. That was the context of my comments.

Councillor Campbell in a supplementary question asked if Councillor Cook was confident that the long term future of the Covered Market was in safe hands, given that more than 12 months after the review, the Council and traders were still in negotiations.

In response Councillor Cook said that he was confident and that facts and diplomacy were used when negotiating with the traders. Only one trader had taken up the opportunity with the Council to discuss issues of genuine hardship.

(10) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Elise Benjamin

Support for Covered Market traders

Will the Portfolio Holder join me in supporting the Covered Market traders in their campaign to save the market from excessive rent rises?

Response: The new rents are to be set at market rents in accordance with the leases. The Council is being advised by an independent chartered surveyor and officers will consider the situation of individual tenants where there is genuine hardship and some discussions have already taken place.

Councillor Benjamin in a supplementary question asked if the Board Member agreed that the Council should not be obligated to raise the rents to excessive levels.

In response Councillor Cook said that the Council was not raising rents excessively, but taking professional advice and there was an opportunity for the traders to negotiate with the Council.

(11) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Elise Benjamin

Covered Market – Rent increases of 50%

Does the Portfolio Holder agree that rent increases in the Covered Market in excess of 50% are inappropriate in the current economic climate and will place a large number of traders at risk of losing their businesses and their livelihoods, threatening the existence of the historic market?

Response: I say again, the new rents are to be set at market rents in accordance with the leases. The Council is being advised by an independent chartered surveyor and officers will consider the situation of individual tenants where there is genuine hardship and some discussions have already taken place.

(12) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Elise Benjamin

Covered Market – Benchmark data

Can the Portfolio Holder provide benchmark data from other local authorities to justify the average 50%, and in some cases as much as 70% proposed increases in Covered Market rents?

Response: It is accepted practice to make reference to comparable evidence of retail properties in Oxford which is then adjusted appropriately depending on the circumstances of the individual unit. I will try to supply the data, but I suspect that it will be commercially sensitive info.

(13) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Elise Benjamin

Covered Market – Rent rise justification

Can the Portfolio Holder explain the thinking behind such extreme rent rises in the current economic climate?

Response: I say again, the new rents are to be set at market rents in accordance with the leases. The Council is being advised by an independent chartered surveyor and officers will consider the situation of individual tenants where there is genuine hardship and some discussions have already taken place.

Councillor Benjamin in a supplementary question asked if Councillor Cook accepted that there was a huge demand from non-chains for the Cards Galore unit. In response Councillor Cook said that when there was a rental opportunity, the Council had a fiduciary responsibility to get the best value. He acknowledged that he was disappointed not to receive as much interest as on previous occasions when units became available. He added there were 13 expressions of interest and it was right to go out to the open market.

(14) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Elise Benjamin

Covered Market – Precedent of rent rises

Is the Portfolio Holder aware of the precedent such rent rises will set and how worried other independent traders in Oxford are that if the Covered Market rent rises go ahead other landlords will increase rents at similar levels?

Response: I say again, the new rents are to be set at market rents I do not believe the rent increases would set such a precedent.

(15) Question to the Board Member, City Development (Councillor Colin Cook) from Councillor Elise Benjamin

Covered Market - Petition

Will the Portfolio holder be recommending to members of his group that they show support for local independent traders by signing the Covered Market petition?

Response: No that will be a matter of personal judgement for the individuals themselves.

What I will do however is encourage them to continue using the covered market for the excellent range of goods they sell and to continue to talk up the Covered Market despite others efforts to talk it down, and for the traders to sell goods people want to buy at reasonable prices.

Councillor Benjamin in response to a supplementary questions asked if Councillor Cook would object to her passing round a petition. In response Councillor Cook did not object.

(16) Question to the Board Member, Leisure (Councillor Van Coulter) from Councillor Elise Benjamin

Temple Cowley Gym replacement

Can the Portfolio Holder explain the difference between the £200,000 allocated in the budget to replace Temple Cowley Gym with new facilities at Oxford Spires, and the contribution towards the £200,000 cost reported in the recent Oxford Mail article about the new gym.

Response: The investment in OSA is not linked to the repair budget at Temple Cowley Pools. It is part of our commitment to support the provision in Cowley and to deliver the Leisure Strategy. The Leisure Strategy (2009) states; The City also needs to work more closely with schools to increasingly open up their sites to the community..... less than one minute drive from Temple Cowley is Oxford Community School. The school site is already open until 10.00pm offering commendable community access.....

Councillor Benjamin in a supplementary question said that the allocation of the £200k had not been answered and requested a written response.

(17) Question to the Board Member, Leisure (Councillor Van Coulter) from Councillor Elise Benjamin

Opening hours of the Gym at Oxford spires School

Can the Portfolio Holder inform me of the planned opening hours for the new Gym at Oxford Spires School, how this will fit in with the school timetable, and how this will differ from the current opening hours of the Temple Cowley Gym that it will apparently replace.

Response: The gym project is at an early stage and the opening hours have not been developed.

Councillor Benjamin in a supplementary question asked if the Board Member guaranteed that the new gym would give the same

access as the gym at the Temple Cowley Pools. In response Councillor Coulter said that he would take this into account.

(18) Question to the Board Member, Leisure (Councillor Van Coulter) from Councillor Elise Benjamin

Oxford Spires Academy Gym and public safety

Can the Portfolio Holder explain what plans are in place to safeguard school children at Oxford Spires Academy once the gym is open to the public.

Response: This is not a new matter for the school and they have effectively used the school as a community facility for many years. They will of course review their safeguarding arrangements as the plans for the facility progresses.

(19) Question to the Board Member, Housing (Councillor Scott Seamons) from Councillor Craig Simmons

Community co-owned housing – Barton development

Will you consider including community owned co-housing in the Barton development and/or look for suitable sites in Oxford where co-housing could be sited?

Response: Councillors and Officers had met with the Co-Housing Group and were very open to opportunities as they came forward.

With regard to Barton, there is a joint venture in place between the City Council and Grosvenor with set objectives and set procurement policies for sales to householders. There is already a range of pre-qualified house builders drawn up for the bidding process. However this does not preclude other interested parties such as Oxford Co-Housing from joining the list. They will be expected to pay the going rate and Oxford Co-Housing is aware of this.

The Councils priority remains to progress the building of new social rented housing in the City.

(20) Question to the Board Member, Housing (Councillor Scott Seamons) from Councillor Craig Simmons

Rogue Landlord prosecutions

Will the portfolio holder join with me in welcoming tough action on rogue landlords. But could he also explain what went wrong in the recent prosecution of an East Oxford 'slum landlord' that resulted in him being given a lighter sentence because Oxford City Council failed to inform magistrates he had previous convictions.

Response: Councillor Ed Turner, Board Member, Finance and Efficiency responded as follows:

The officer who leads the investigation does not normally attend the first hearing of the case as they are not needed to give evidence. In this instance the defendant pleaded guilty straight away. The legal representative who presented the case to the Magistrates had not been made aware that the defendant had previously been prosecuted.

The system for passing files over for prosecution has now been changed, so that all relevant matters are explicitly referred to. Given that, sentencing is a matter for the Court. We can't be certain that the fines would have been greater had the previous convictions been drawn to its attention. The Court is still obliged to consider the mitigation being put forward by the defendant and obliged to give credit for a timely guilty plea and in particular take into account their means and ability to pay.

(21) Question to the Board Member, Cleaner Greener Oxford (Councillor John Tanner) from Councillor David Williams

Air quality measurement

Measuring air quality is an important function of the local Authority. A few years ago the authority moved from just measuring the quality of the air in the obvious centres such as Carfax to also monitoring standards in numerous other hot spots around the City such as the Plain, Summertown Shops, Weirs Lane and Headington Shops.

The reported failure of the UK to hit targets set by the EU on air quality will very soon become a major issue with perhaps the Government passing on the fine they face to local authorities and holding them responsible for their failure to meet the EU health standards.

Could the Portfolio holder confirm that the local authority has been monitoring the local hot spots away from the City centre. Could he give the measurements taken at those localities and the dates and times of the testing.

Could the Portfolio holder also give an assurance that Oxford has met the EU standards and will not be involved in any dispute with central government about meeting targets.

Response: Some monitoring had taken place away from the City Centre and I will e-mail Members the measurements in due course.

With regard to meeting EU Standards, broadly yes, we have met them and taking steps to prevent polluting buses from coming through the City.

I will be meeting Officers on 23rd April 2013 as this is a very important issue.

Councillor Williams in a supplementary question asked if the Board Member was aware that the Government was facing a substantial fine from Europe and blame will be pushed to Local Authorities. Was he aware that he will need to prepare a defence.

In response Councillor Tanner said that the main concern was that we made sure we have clean air for the people of Oxford. He did not believe that spending more money on monitoring would make the air better.

(22) Question to the Leader of the Council (Councillor Bob Price) from Councillor Craig Simmons

Cycle King shop fire – Fire Service

Will the Leader join me in congratulating the fire service for their prompt action in tackling the serious fire at Cycle King on the Cowley Road on 31st March which was contained without loss of life or serious injury.

Response: I am happy to join Councillor Simmons on this. I can't say what can be done yet to compensate traders, but I will get back to him on this.

(23) Question to the Leader of the Council (Councillor Bob Price) from Councillor Craig Simmons

Cycle King shop fire – Compensation for other traders

Will the Leader consider what can be done to compensate those businesses either side of Cycle King who were forced to close due to the fire - many of whose trade remains affected by the pavement closure.

Response: See response to question 22.

159. STATEMENTS ON NOTICE FROM MEMBERS OF COUNCIL

Councillor Oscar Van Nooijen at the instruction of the West Area Planning Committee in respect of the business it had been dealing with on the Roger Dudman Way development by Oxford University for student accommodation, made the following statement.

“Council will recall it asked in December 2012 for the Committee to receive a report from officers firstly to consider whether or not the development was in compliance with the planning permission that had been granted, and secondly, whether to consider if there were other matters which needed to be looked at. This report came to the February 2013 meeting of the Committee.

The Committee considered the report and noted it and did a number of other things, the most important of which was to instruct Planning Officers to open negotiations with the University to ameliorate the size and impact of the development. The Committee took that decision because it felt that the

emerging size and impact of the development were not acceptable and in line with what it expected to see. In taking that decision the Committee also noted that what was being constructed as it was advised by officers, was in compliance with the planning permission which had been granted, none the less, it still wished to see some changes.

The Committee did a third thing which was to set up a working party which it intended to include representatives of the Civic Society, other amenity societies and the Protect Port Meadow Campaign to learn general lessons about the way in which the application had been handled, and more generally the way in which consultation should be done on applications of that sort.

In respect of that action point, no further action has been taken. The reason for this was that the Council soon afterwards received notice of a legal challenge and the advice to both the Protect Port Meadow Campaign and the City Council was that it should refrain from a meeting of a working group of that sort until after the matter had been dispatched.

At its April meeting last week the Committee received an interim report from the Head of City Development. This report outlined the negotiations that had taken place with the University up to that point, which were nugatory. An exchange of letters were shown to the Committee which showed that the University was resisting any attempts to negotiate a reduction in the size of the buildings of any sort, but that it was open to considering cosmetic measures to reduce the visual impact of the development. However no details of those measures were provided.

The Committee was dissatisfied with this interim report and resolved to receive a full report as soon as possible. Resolved to send the Leader of the Council to negotiate with the Vice-Chancellor directly, resolved to report back to the full Council and resolved that the Chair of the Committee should write to the Vice-Chancellor to explain the position and to remind the University of Oxford that the authority retained the ability to pursue further measures including discontinuance if in the future it decided to do so.

I should emphasise that in the event of the authority wishing to go down that path, that would not be a decision of the West Area Planning Committee, we do not have delegated authority to take a decision of that momentum. So that would be coming back to full Council, which I suppose was part of the reason why the Committee instructed me to update you this evening.”

160. PETITION - "TO BENEFIT THE PEOPLE OF OXFORD"

The Head of Law and Governance submitted a report (previously circulated, now appended) which advised on the procedure that Council needed to follow under the Council's Petitions Scheme in respect of large petitions and provided information specifically on the petition concerning "To benefit the people of Oxford".

Nigel Gibson the head petitioner presented the petition and spoke on its contents.

Following Nigel Gibson's presentation, Council debated the contents of the petition.

Councillor Coulter seconded by Councillor Price proposed the following motion:

"This Council acknowledges the petition before it, but resolves that the City Executive Board should not introduce further delay and that the City Council needs to move towards construction of a new and fit for purpose pool at the earliest possible date"

Council agreed:

- (a) To thank Nigel Gibson for presenting the "To benefit the people of Oxford" petition;
- (b) That this Council acknowledged the petition before it, but resolved that the City Executive Board should not introduce further delay and that the City Council needed to move towards construction of a new and fit for purpose pool at the earliest possible date.

161. PETITION - "SAVE R&R DANCE STUDIOS - HOME OF DANCE CONNECTION"

The Head of Law and Governance submitted a report (previously circulated, now appended) which advised on the procedure that Council needed to follow under the Council's Petitions Scheme in respect of large petitions and provided information specifically on the petition concerning "Save R&R Dance Studios – Home of Dance Connection".

Sam Clifton and William Rodwell as Head Petitioners presented the petition and spoke on its contents.

Following the presentation from Sam Clifton and William Rodwell, Council debated the contents of the petition.

Councillor Price seconded by Councillor Turner proposed the following motion:

"Council welcomes the petition on the retention of the Dance Studios at the Oxford Stadium. Council notes that the petition provides a strong endorsement of the City Council's planning policy which retains the Stadium site for leisure provision and does not identify it as suitable for housing development. Council further notes that the planning application for the site from Galliard Homes will be considered in the near future by the East Area Planning Committee and draws the attention of Officers and the Members of the Committee to the terms of the petition".

Council agreed:

- (a) To thank Sam Clifton and William Rodwell for presenting the petition "Save R&R Dance Studios – Home of Dance Connection"

- (b) To welcome the petition on the retention of the Dance Studios at the Oxford Stadium. To note that the petition provided a strong endorsement of the City Council's planning policy which retained the Stadium site for leisure provision and did not identify it as suitable for housing development. To further note that the planning application for the site from Galliard Homes would be considered in the near future by the East Area Planning Committees and the attention of Officers and the Members of the Committee is drawn to the terms of the petition.

162. MOTIONS ON NOTICE

(1) Expansion of powers of the Planning Inspectorate – (Proposer Councillor Ed Turner)

Council opposes the proposal of September 2012 to remove from local authorities who fail to meet centrally set targets the ability to determine planning applications in their areas, and believes that such a move is an unwarranted assault on local democracy.

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

(2) Practicality of monthly payments – The Universal Credit - (Proposer Councillor Mike Rowley)

This Council notes the serious concerns that have been raised about monthly direct payments of "universal credit" by many charities and professional organisations, with Crisis warning the Government that the system of monthly payments "fails to recognise that many employees are paid on a weekly or fortnightly basis, especially in low paid work. People used to receiving more regular payments may struggle to manage their finances across a month long period".

This Council deplores the potentially seriously damaging effect on gender equality and child poverty, as the Women's Resource and Development Agency have pointed out: "It is estimated that in 80 per cent of cases Universal Credit will be paid to the male partner in the household. This is a hugely retrograde step in terms of progressing gender equality and, we would contend, tackling child poverty. We are very concerned about the transfer of resources from the purse to the wallet and the backward step in terms of enabling women's financial autonomy."

This Council, further notes that Citizens' Advice have calculated that 8.5 million people in Britain have never used the internet and a further 14.5 million people have limited computer skills. We are deeply concerned therefore that some 37% of the population, almost certainly including a disproportionate percentage of benefit claimants, will find it difficult to obtain what they are entitled to if they have to apply online, and help in person is not easily accessible.

This Council believes that, at the very least, the category of "vulnerable" claimants, to be awarded exceptions from this regime of payment, should be drawn broadly, and include residents with problematic credit and debt

problems as well as those with health problems or a disability making money management difficult.

This Council urges the Government to think again about the practicality of monthly payments and of online benefit claims; and requests the Leader and the Chief Executive write to the Prime Minister making our views known.

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

(3) Local Housing Allowance rates in Oxford – (Proposer Councillor Mike Rowley)

Council notes that Oxford is in the centre of a “Broad Rental Market Area” including substantial parts of Oxfordshire for the purposes of calculating Local Housing Allowance rates, despite the fact that rent Oxford within the city boundaries one of the most expensive places to live in the Country, and income here is relatively low. Consequently, for those renting privately, rents take up 55% of average income in Oxford, and this has been predicted by the National Housing Federation to increase by as much as 55% by 2020.

Council further notes that the Local Housing Allowance, the rate at which this Council must pay Housing Benefit, is due to increase by only 1%, rather than CPI, for two years from 2014/15.

Council believes it is likely that the combination of both policies will render Oxford completely unaffordable for anyone needing to rent privately on a low income, and calls on the Chief Executive to lobby for the boundaries of the Broad Rental Market Area to be redrawn and a CPI increase in the LHA rate to be agreed for our city.

Council opposes in the strongest terms government policies which will have the effect of forcing people on low incomes out of Oxford.

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

(4) Campaign for Real Ale (CAMRA) as a consultee on pub-related planning applications – (Proposer Councillor Elise Benjamin)

CAMRA, (the Campaign for Real Ale) is an independent, voluntary organisation campaigning for real ale, community pubs and consumer rights. Formed in 1971, CAMRA has 144,878 members across the world, and has been described as the most successful consumer campaign in Europe. CAMRA has an active Oxford Group including a Planning Sub-Committee.

CAMRA supports well-run pubs as the centres of community life – whether in rural or urban areas – and believes their continued existence plays a critical social and economic role in UK culture.

Council acknowledges that CAMRA have valuable experience that should be given significant weight when determining planning applications with regard to public houses.

Council resolves:

- (1) to include the local CAMRA branch as a statutory consultee on pub-related planning applications.
- (2) that officers should use the Viability Test produced by CAMRA for use by Local Planning Authorities whenever the viability of a pub is questioned in relation to a planning application.

Councillor Colin Cook moved an amendment:

To delete all the text after Council resolves and replace with:

- (1) *To note that whilst the Council does not have the power to make CAMRA a statutory consultee it will facilitate the circulation of the weekly planning list to nominated CAMRA representatives;*
- (2) *To ask Officers to come forward with proposals for strengthening the criteria set out in Policy RC.18 of the Oxford Local Plan, concerning the change of use of Public Houses;*
- (3) *To ask Officers to set out the timescales for formulating, consulting on, and implementing such changes.*

The mover of the substantive Motion, Councillor Elise Benjamin accepted the amendment and following a debate Council voted and the amended Motion was adopted as follows:

CAMRA, (the Campaign for Real Ale) is an independent, voluntary organisation campaigning for real ale, community pubs and consumer rights. Formed in 1971, CAMRA has 144,878 members across the world, and has been described as the most successful consumer campaign in Europe. CAMRA has an active Oxford Group including a Planning Sub-Committee.

CAMRA supports well-run pubs as the centres of community life – whether in rural or urban areas – and believes their continued existence plays a critical social and economic role in UK culture.

Council acknowledges that CAMRA have valuable experience that should be given significant weight when determining planning applications with regard to public houses.

Council resolves:

- (1) To note that whilst the Council does not have the power to make CAMRA a statutory consultee it will facilitate the circulation of the weekly planning list to nominated CAMRA representatives;
- (2) To ask Officers to come forward with proposals for strengthening the criteria set out in Policy RC.18 of the Oxford Local Plan, concerning the change of use of Public Houses;

- (3) To ask Officers to set out the timescales for formulating, consulting on, and implementing such changes.

(5) EDF suing Oxford residents – (Proposer Councillor Craig Simmons)

This Council is committed to playing its part in delivering a low carbon future. It also recognises and respects the rights of its citizens to engage in peaceful protest.

This Council is therefore deeply concerned at the attempt by energy giant EDF to sue 21 protesters, including three Oxford residents, for £5m following a peaceful action at an EDF power station to raise awareness of UK Government policy to build 40 new gas power stations. This is despite the fact that this could lead to carbon emissions in excess of those permitted under the Climate Change Act.

This Council believes that the normal process of law should be allowed to run its course and that this private action which is aimed at intimidating concerned citizens is both inappropriate and disproportionate.

This Council therefore agrees to raise the matter with our local MPs and write to EDF expressing its concern in relation to its own citizens.

Councillor Craig Simmons with the agreement of Council withdrew his Motion on Notice.

(6) Mitigating the impact of the bedroom tax – (Proposer Councillor Sam Hollick)

This Council:

- (a) Notes that on 1 April 2013 new restrictions were introduced by the UK Government affecting working-age households occupying social housing such that reductions are to be applied to housing benefit payments where tenants are deemed to be under-occupying their homes. This has been called the “bedroom tax”
- (b) Notes that the restrictions are estimated to affect 980 households in council and registered social landlord tenancies.
- (c) Notes that there are currently around 2000 households in Housing Need Priority Bands 1-4 on the housing register, with turnover of available housing being severely limited at 550 for 2011/12 (1).
- (d) Therefore resolves that, in determining when and whether to initiate and pursue proceedings to recover a tenancy as a consequence of rent arrears, the council will:
- (i) Calculate the sum by which the household’s housing benefit payment has been reduced by under-occupancy restrictions
- (ii) Disregard that sum in relation to action for recovery of the tenancy (eviction).

- (e) Further resolves to consider all other actions open to this council - including use of discretionary housing payments, offers of alternative accommodation where appropriate, flexibility with rents and service charges, and other possible approaches - to avoid the adverse impact of occupancy restrictions upon the people of Oxford.

Councillor Hollick moved an amendment to his own Motion as follows:

- (a) *To replace point (d) with the following words: Recognises that the bedroom tax is one of a number of changes to social security provision that will hit the most vulnerable and economically disadvantaged hardest.*
- (b) *To change the lettering of the original point (d) to (e);*
- (c) *To change the original point (e) to point (f);*
- (d) *To add a new point (g) with the following words 'Further resolves to identify those tenants that have lost income due to other welfare changes to the purpose of providing protection from eviction as described in point (e)'*
- (e) *To add a new point (h) with the following words 'Supports the building of new social housing especially council housing in Oxford and welcomes the Affordable Homes Project with is providing new affordable housing in partnership with the Homes and Communities Agency'*
- (f) *To add a new point (i) with the following words 'Will welcome any plans to increase security of tenure in the private rented sector and limit rent increases and other welfare changes'*

Councillor Clack moved an amendment as follows:

To replace point (a) with the following words "Notes that on 1 April 2013 the Coalition Government brought in reductions to housing benefit payments where tenants are deemed to be under-occupying their homes. This has been called the "the Bedroom Tax"

To replace point (b) with the following words "Notes that the restrictions are estimated to affect 980 households in Council and registered social landlord tenancies in Oxford"

To replace point (c) with the following words "Notes that there are currently around 2000 households in Housing Need Priority Bands 1-4 on the housing register, with turnover of available housing being severely limited at 565 for 2011/12"

To replace point (d) with the following words "Recognises that the bedroom tax is one of a number of changes to social security provision that will hit the most vulnerable and economically disadvantaged hardest"

To replace point (e) with the following words “Resolves to consider all actions open to this Council – including use of discretionary housing payments, offers of alternative accommodation where appropriate, and other possible approaches – to avoid the adverse impact of occupancy restrictions and other welfare changes upon the people of Oxford”

To insert a new point (f) with the following words “Will support the building of new social housing, especially Council housing in Oxford and welcomes the principle of development on all the sites identified for the partnership programme with the HCA”

To insert a new point (g) with the following words “Will welcome any plans to increase security of tenure in the private rented sector and limit rent increases”

The mover of the substantive Motion (as amended by himself) did not accept the amendment by Councillor Clack.

Following a debate, Council voted and the substantive Motion (as amended by Councillor Hollick) was not adopted. Following a further vote the Motion as amended by Councillor Clack was adopted as follows:

This Council:

- (a) Notes that on 1 April 2013 the Coalition Government brought in reductions to housing benefit payments where tenants are deemed to be under-occupying their homes. This has been called the “the Bedroom Tax”
- (b) Notes that the restrictions are estimated to affect 980 households in council and registered social landlord tenancies in Oxford
- (c) Notes that there are currently around 2000 households in Housing Need Priority Bands 1-4 on the housing register, with turnover of available housing being severely limited at 565 for 2011/12 (1)”
- (d) Recognises that the bedroom tax is one of a number of changes to social security provision that will hit the most vulnerable and economically disadvantaged hardest
- (e) Resolves to consider all actions open to this council - including use of discretionary housing payments, offers of alternative accommodation where appropriate, and other possible approaches - to avoid the adverse impact of occupancy restrictions and other welfare changes upon the people of Oxford”
- (f) Will support the building of new social housing, especially council housing, in Oxford and welcomes the principle of development on all the sites identified for the partnership programme with the HCA.
- (g) Will welcome any plans to increase security of tenure in the private rented sector and limit rent increases.

(7) Destitution and Asylum Seekers – (Proposer Councillor Alan Armitage, seconder Councillor John Tanner)

Council recognises the plight of asylum seekers forced to flee their home countries for expressing political or religious opinions which offend their governments, or after having suffered persecution because they belong to a targeted minority.

As a result of exercising their human right of free speech in their own countries, individuals may have received death threats, suffered beatings or torture and threats to their family members, and have been forced then to abandon their homes, their country and all their possessions. Here in Britain, if their asylum claims are refused by the Home Office, they lose financial support and right of access to accommodation. Current laws also prevent them from working. Adult asylum seekers can be left in a cycle of deprivation and poverty that is impossible to break out of. Many are forced into homelessness on the street, and become entirely dependent on the generosity of others.

Council further asks the City Executive Board and the Chief Executive to address this situation by taking the following actions:

1. Write on behalf of Council to the Minister of State for Immigration deploring Government policies that force "all rights expired" asylum seekers into destitution while they continue to fight for a safe haven from persecution; seeking a change of policy to allow local authorities to assist refused asylum seekers who are in danger of falling into destitution; asking that such asylum seekers should be able to work to support themselves; and demanding that local authorities should be permitted to provide emergency provision to refused asylum seekers as to other homeless people.
2. Ask Oxford's MPs to support the spirit of this motion, to raise the matter in the House of Commons, and to support a change in current laws regarding asylum applications by removing restrictions on local authorities in the support they can provide to destitute asylum seekers.
3. Council officers to produce a report summarising existing support for asylum seekers available in Oxford including housing, training, education, and legal advice open to vulnerable asylum applicants.
4. The council should work closely with the voluntary sector through a designated officer to provide help, support and advice to asylum seekers and enable a coordinated response to be easily available to those in need at this vulnerable time of their lives.
5. Council to join the national campaign "Still Human, Still Here" (a coalition of 29 organisations, including the Church of England and Catholic Archbishop Conferences, Amnesty International and the Red Cross, who are proposing practical solutions to ending the destitution of refused asylum seekers in the UK.)

6. Council to seek further support for this motion and action via the Local Government Association and by encouraging other Councils in the UK to join us on this issue.

Councillor Sam Hollick moved an amendment:

To add a seventh point as follows:

7. *Given that many destitute asylum seekers are not 'failed asylum seekers' but are waiting well over a decade for a resolution to valid claims, to explore how Oxford City Council can help and support all asylum seekers, regardless of their status, in a way that is dignified and empowering.*

The mover of the substantive Motion did not accept the amendment and following a vote the amendment was not adopted.

Following a vote the Motion un-amended was adopted as follows:

Council recognises the plight of asylum seekers forced to flee their home countries for expressing political or religious opinions which offend their governments, or after having suffered persecution because they belong to a targeted minority.

As a result of exercising their human right of free speech in their own countries, individuals may have received death threats, suffered beatings or torture and threats to their family members, and have been forced then to abandon their homes, their country and all their possessions. Here in Britain, if their asylum claims are refused by the Home Office, they lose financial support and right of access to accommodation. Current laws also prevent them from working. Adult asylum seekers can be left in a cycle of deprivation and poverty that is impossible to break out of. Many are forced into homelessness on the street, and become entirely dependent on the generosity of others.

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4. The council should work closely with the voluntary sector through a designated officer to provide help, support and advice to asylum seekers and enable a coordinated response to be easily available to those in need at this vulnerable time of their lives.
5. Council to join the national campaign "Still Human, Still Here" (a coalition of 29 organisations, including the Church of England and Catholic Archbishop Conferences, Amnesty International and the Red Cross, who are proposing practical solutions to ending the destitution of refused asylum seekers in the UK.)
6. Council to seek further support for this motion and action via the Local Government Association and by encouraging other Councils in the UK to join us on this issue.

163. REPORTS AND QUESTIONS ABOUT ORGANISATIONS THE COUNCIL IS REPRESENTED ON

Councillors Fooks asked if a written update on the City Deal could be provided. In response Councillor Price said he was happy to do this and informed Council that workshops would be taking place and information from these would be brought forward for Members information.

164. COLLECTIVE AGREEMENT ON PAY AND PAY POLICY STATEMENT

The Head of Human Resources and Facilities submitted a report (previously circulated, now appended) which detailed the collective agreement on pay and the Pay Policy Statement.

Councillor Bob Price, seconded by Councillor Ed Turner moved and spoke to the report.

Council agreed:

- (a) To note and approve the Collective Agreement on pay dated February 2013, including its non-pay elements;
- (b) To note and approve the amendments to the Council's Annual Pay Policy Statement 2013;
- (c) To authorise the Head of Human Resources and Facilities to make any changes other than pay to collective terms and conditions and Council employment policies in accordance with the collective agreement.

165. REGULATION OF INVESTIGATORY POWERS ACT 2000

The Head of Law and Governance submitted a report (previously circulated, now appended) which detailed the Council's application of its powers under the Regulation of Investigatory Powers Act 2000.

Councillor Bob Price, seconded by Councillor Ed Turner, moved and spoke to the report.

Council agreed to note the use of the powers under the Regulation of Investigatory Powers Act 2000 (RIPA) for the period 1st April 2012 to 31st March 2013 and to note the recent amendments to RIPA relating to judicial approval and custody thresholds.

166. MATTERS EXEMPT FROM PUBLICATION

There were not matters exempt from publication.

The meeting started at 5.00 pm and ended at 9.52 pm

Address to Council from Ian Smith – Chair of City of Oxford Swimming Club

Thank you for the opportunity to speak to you today.

My name is Ian Smith and I am here in my capacity as Chair of City of Oxford Swimming Club to explain the necessity for the new swimming pool at Blackbird Leys to progress.

We have heard much over the past 3 years regarding delays due to legal objections to the project and I firmly believe that the Council should now hear some alternative to the views that have been so widely publicized.

The council now needs to understand that these delays are starting to put the very future of the Club, and the quality of swimming provision in Oxford, at risk.

Considering that there has been an Oxford Swimming Club since 1909 it would be an absolute tragedy if we had to move elsewhere or even folded. It would be an even greater tragedy if swimming provision was affected, reducing the ability of the public to partake and opportunities for children to learn to swim.

At a time when a large number of swimming clubs are experiencing problems the Club is currently growing and becoming more successful. This time last year there was a total of 296 swimmers and 202 Associate members. To date this year we have a total 344 swimmers, an increase of 16%. This has been achieved through the hard work of volunteers, giving their own time to promote swimming (both as a sport and a past time).

I state these figures as it is worth noting that the Club is many times the combined size of the Save Temple Cowley group and the Blackbird Leys group.

We are an inclusive Club and our swimmers cover a large age range, we have 7 year olds entering our Academy squads whilst we have swimmers aged 18 to 70 plus in our very successful Masters Squad. Our disability swimmers have in the past included Danielle Watts – Para Olympian and currently include Rosie Bancroft who is on the Road to Rio programme. Additionally, we are the disability hub club for Oxfordshire which means that if people with disabilities wish to take up swimming, they come through us and we assist at schools and through the club with a wide range of swimmers who have learning as well as physical disabilities.

COSC is also not just about competitive swimming. Many of the swimming teachers in Oxford and the surrounding area have connections past and present with COSC (COSC used to run the council's learn to swim programme). Our Head Coach also helps with schools learn to swim in a voluntary capacity.

We further support schools swimming by running Primary School and Secondary School Galas in cooperation with Oxford Sports Partnership and also assist Fusion with their Swim Fit programme.

As a Club we rely on having a competition pool (8 lanes 25m with spectator seating) to hold our events and raise funds and we would not be viable without such a facility. After all, where would a football club be without a football pitch?

We also currently rely on Temple Cowley pool heavily for our training using upwards of 110 lane hours per week and spending a large amount of money in the process. Pool time is in short supply and closure without a replacement would be devastating.

Our concerns would not be so great should recent experiences not have led us to believe that Temple Cowley's functional lifespan is severely limited. Whilst the building is still open the pool is rapidly becoming unsuitable for use and we have been forced to cancel a number of training sessions.

Opposition to the Blackbird Leys plan, whilst vociferous, originates from a small number of people with a great desire to protest but with little interest or involvement in swimming (certainly at Temple Cowley).

Whilst well organized, their arguments are disjointed and sometimes hypocritical with their leaders:

- Campaigning that swimming provision should stay within the ring road, whilst using Barton pool.
- Decrying the Blackbird Leys project as too expensive, whilst saying that their preferred option would be a new build at Cowley Marsh (which would cost more).
- Not using the facility or only visiting Temple Cowley for a convenient gym visit when there's a photo shoot.
- Encouraging the Blackbird Leys Town Green campaign and saying that the swimming club are 'elitist' whilst conducting a 'campaign of snobbery' regarding the reasoning for not wanting the move to Blackbird Leys to go ahead.
- Misleading people who sign their petitions. Initially some of our members even signed the petition not realizing that this related to the closure of Temple Cowley and a move to a new pool (which was often conveniently omitted from the request).

Having read their blog I am puzzled what the group's real motivation is. A desire for a greater involvement in local politics perhaps? Or aiming for revenge in a well-publicized dispute with a local politician?

It certainly has nothing to do with future leisure provision for the City!

The group claim that a full refurbishment could be achieved for £3m. They don't say how they arrived at this figure, what it would achieve, but do say it would last for 25 years?

Meanwhile:

- The City Council
- The County Council
- COSC
- Two High Court judges
- Fusion Lifestyle
- The ASA (who's raison d'être is to encourage and facilitate participation in swimming!)

All say that the Blackbird Leys plan is sound, just and should proceed.

Let us be honest here! Temple Cowley is a 1930's building, and not one of particular architectural interest!

The current pool perches rather precariously on the previous incarnation and is frankly past its sell by date. Large amounts of money will be required over the next few years to keep it functional.

The City needs to move forward with the development of leisure provision and has put plans in place to do so.

The tragedy is that a small, well motivated, but ultimately misguided group has been able to delay the development for 18 months.

Sadly, this has brought things to a crisis point and benefited no one except lawyers.

I therefore implore Oxford City Council (on behalf of the swimming community (present and future) who actually use Temple Cowley pool!) to proceed with building its replacement without haste, before we are left without a pool at all!

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Address to Council from Peggy Seeger

Once upon a time ... eight Oxford city children went to the swimming pool at the Radley School. November 9, 2012. The occasion was a video shoot. The children were popeyed with wonder. They'd never been in a pool like this. You should have seen them on the two diving boards! There is a diving board at their own pool – Temple Cowley – but it was closed 6 years ago due. Lack of maintenance.

Also, in their pool, many of the lockers don't work, tiles are falling off, paintwork is peeling. Lack of maintenance that would seem to be deliberate for their council has given their pool a very very low budget compared to similar Oxford facilities. But soon these children will have no swimming pool at all because their council has voted to close it, along with the gym, the exercise rooms and the adjacent library. It's a fairy tale with no happily-ever-after.

My name is Peggy Seeger. I'm a singer and songwriter, North American by birth. I settled in the UK in 1956. I've become part of this country, working both for and against various issues. I moved to Oxford in 2010. This year I've identified specifically with the Temple Cowley Pools Campaign. It's my pool too and we've made a song for it. Google it – those children sang in the video along with a dozen other Oxfordians of all ages.

I'm not going to spend my time here talking about the campaign issues. You know all about that. It's because of this Council's attitude towards, and its duplicitous relationship with, such issues that I've decided to come here today. I've joined the Labour Party three times even though my political stance is far left of the Party. I've left the Labour Party twice, each time betrayed by its double-dealing, its conservative policies and the behaviour of its leaders. To me the word labour has positive connotations, among them honest work, democratic practices, community action, listening to others. To all others. I've heard enough about this essentially Labour council, your unilateral decision-making, your overweening ambitions, your statistic-falsifying, your disrespect and actual rudeness to constituents in this council chamber. It's disgraceful.

As I said, I've joined the Labour Party three times and left twice. I've just left for the third time and I'm not ever joining again. This council, this issue, has convinced me that the Labour Party is not worth MY trouble. Does that matter to you? Probably not. If I were Adele, an ex-Spice Girl, Jessica Ennis, then it might. I'm well-known in my field but I'm not a household name so no, I reckon I don't matter.

But then, it seems that there is a lot that doesn't matter to you. It is apparently of no concern to you that an enormous number of Oxford citizens not only don't want a number of your election-driven projects but that they haven't even been consulted before BANG! big old trees come down, SMASH! historic buildings and community facilities are demolished for student residences and questionable commercial ventures. SUPRISE! lovely old Oxford, the unique essence of Port Meadow, is gone, essentially (quote) *developed* (unquote) out of existence.

It also probably doesn't matter to you that the public has the perception that some of your leading members seem to have a conflict of interest in the instigation of many of these new projects - but we won't go into that. Right now.

I have come to the conclusion that this Labour-heavy Council is a law unto itself, rather like a priesthood. One must have faith to support it. I have never supported anything by faith alone. We put you where you are and we are angry – very angry.

A chain is as strong as its weakest link and this council is a very weak link in the Labour Party. I do still care what the Party does but this time I'll watch it from a safe distance and work in the Green Party, where I feel visible and useful. It's a time for Green Grass Growing anyway, for roots strengthening and joining from underneath – witness the Occupation movement. You're going to be left behind, swept away – and you know it, or you wouldn't be trying so hard to stay on top – at any cost.

Sushila Dhall – Campaign to protect Port Meadow – Address to Council

You will recall that I addressed your December meeting about the outrage and upset that people feel about the vandalism to the views of the Dreaming Spires, and most particularly the Grade I listed St Barnabas spire from the unique common land that is Port Meadow. A most exceptionally beautiful view has been needlessly destroyed. You listened with what mostly appeared to be sympathy and understanding, (with a couple of notable exceptions who think the Roger Dudman Way buildings look fine), and referred the matter to WAPC, who agreed to ask Oxford University to work on ameliorating the height and mass of the buildings in order to restore the damaged views for current and future generations. However these fine words have led to nothing, and now it turns out that WAPC do not have a mandate to request officers to hold such talks with Oxford University. In addition very many irregularities in the planning process have been brought to light, not by this Council but by members of the public who have trawled through background documentation using FOI requests. To name but a few: uncompromising heritage advice from within this Council was ignored and suppressed, the apex of roofs being very minimally lowered in order to justify this being shocking and unacceptable, soil contamination surveys were not carried out, trees are said to be able to be planted where they will not be, and anyway trees will never hide these ugly tall blocks, the view cone has been destroyed, consultation that was said to have taken place did not, numbers of rooms have been fudged, and still not EIA has taken place, meaning that the impact of light pollution from these buildings, amongst other things, has not been assessed. A figure of £20 million to rectify the situation has been bandied about without basis as scaremongering to try to get people to react against our campaign, and has not yet been clearly stated by Oxford City Council as a figure without basis. These things have made us lose faith in the workings of this City Council, and we therefore support the legal challenge which is ongoing. However there is still a chance to redeem yourselves, by accepting things have not gone as they should have, and applying to the Sec of State for revocation of this planning permission. You know it is the right thing to do.

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Sushila Dhall – Campaign to protect Port Meadow – Address to Council

Officer comments

West Area Planning Committee (WAPC) mandate

Council asked the Head of City Development (HoCD) to bring forward as soon as possible in the New Year, a report to WAPC, setting out any general lessons that need to be learned from the handling of this application and an assessment of the scope for further measures that are legally possible and that would contribute in the long and the short term to mitigate the impact on the views looking south from Port Meadow.

The HoCD submitted a report to the 7 February 2013 meeting of WAPC. The meeting resolved to

- (1) instruct the HoCD to negotiate with the University of Oxford in order to ameliorate the size and impact of the development
- (2) instruct the HoCD to report back to on the progress of those negotiations (by the April meeting at the latest;
- (3) establish a working party to recommend to the Council any changes to policies or procedure which the process of handling and determination of the application (including the pre-application and consultation stages) might suggest would be desirable

(1) and (2) are intrinsic to assessing the scope for further measures as referred to in the resolution of Council

(3) is intrinsic to establishing general lessons to be learned as referred to in the resolution of Council

Officers are therefore content that WAPC did not exceeded the scope of its authority

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William Clark – Address to Council

I have been told by certain people the only reason we are pursuing this case is to block the development of your state of the art swimming facility to ensure the survival of the Temple Cowley pool, well that's not true. Had you stuck with your original plan you would probably be swimming in it now but then you go and change the location so its facing Pegasus road, that's the reason we are opposing you and have continued to lay before you countless reason why this is a bad idea, but you still continue to heap more onto the ever growing cost by trying to defend your inability to get things right.

I read in the Oxford Mail the other day a letter from a member of this chamber who had a birthday and was looking forward to good news about the town green application to celebrate this momentous occasion. Well for your information it's just started to rain on your parade and by now you will be aware that the town green application has been granted a judicial review and even if you don't think so there is still a long way to go until you can dig up our green space.

May I advise the member if and when he has recourse to tell the public of his desires he must get his facts right and not feed the public with half truths made to confuse and not inform and as my grandmother used to say "never count your chickens until they are hatched"

On Tuesday 16th April the barrister representing the city council in the Royal Courts of Justice stated "we are running down certain swimming pools" was this intentional or was I just hearing things? Also I did notice in the local paper that the development of the Oxpens will not see the ice rink altered or moved, at this time. Can I please ask what your intention is for this structure as your legal team also referred to ice rink in his address, will we see this too placed on the valuable green space called Blackbird Leys Park?

We have not been idle and continue to pursue this action and at its present time scale could easily last until the New Year. Can you afford to wait that long, will your contractor loose his nerve and pull out or perhaps your finances will falter.

It's good news for us as we will do all we can to make you see sense and try to inform you, again, there are alternatives to the scheme you are proposing. Your budget of 13 million pounds could go even higher at this rate. Where is your financial cap which makes the structure unviable? Or perhaps we have already passed it and you are sticking it out in the hope you are successful and can persuade the public it was a great deal and they only need to pay for it for the next 25 years before it breaks even.

When will you see sense and yield to the inevitable will of the public and listen to what we are saying before you charge off like a bull at a gate with the same result, a headache.

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Sietske Boeles – Address to Council

My name is Sietske Boeles. I am speaking on behalf of East Oxford Residents Associations Forum about the surplus of student accommodation in East Oxford particularly since Brookes University has reported an unexpected high drop in its full time student numbers by 800. As result OBU reported to have 250 empty units (including graduate accommodation) on its Headington Hill campus site. We understand there are more empty rooms in the Paul Kent Halls in Temple Cowley and at Harcourt Hill campus.

East Oxford Residents Association Forum has repeatedly warned that the Council has approved too many planning applications for student housing in our area. We are angry and frustrated that the Planning Department and some councillors have refused to listen to the local residents who now have to suffer the consequences of bad decision making.

We are in particular angered at the granting of planning permission for the student housing development at St Clement's Car park which is likely to damage local businesses by taken away a well- used public car parking provision This site also offered an opportunity to build much needed affordable housing in East Oxford , as we believe that since 2008 not one not one affordable house was built in one of the three East Oxford wards .

The council needs to acknowledge that it has made a major mistake in permitting this student housing development, needs to understand the impact on the local community and change its policy to make sure this never happens again .

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COUNCIL

Monday 20 May 2013

COUNCILLORS PRESENT: Councillors Abbasi, Altaf-Khan, Armitage, Baxter, Benjamin, Brett, Brown, Canning, Clack, Clarkson, Cook, Coulter, Curran, Darke, Fooks, Fry, Goddard, Gotch, Haines, Hollick, Humberstone, Jones, Kennedy, Khan, Lloyd-Shogbesan, Lygo, Malik, Mills, O'Hara, Paule, Pressel, Price, Rowley, Royce, Rundle, Sanders, Seamons, Sinclair, Smith, Tanner, Turner, Van Nooijen, Wilkinson, Williams and Wolff.

1. ELECTION OF LORD MAYOR FOR THE COUNCIL YEAR 2013/14

Councillor Laurence Baxter proposed and Councillor Saj Malik seconded, and there being no other nominations, Council resolved that Councillor Dee Sinclair be elected as Lord Mayor of Oxford for the Council Year 2013/14.

Councillor Sinclair took the Chair from Councillor Abbasi and then made and subscribed the Declaration of Acceptance of Office.

2. APPOINTMENT OF DEPUTY LORD MAYOR FOR THE COUNCIL YEAR 2013/14

Councillor Graham Jones proposed and Councillor Elise Benjamin seconded, and there being no other nominations, Council resolved that Councillor Tony Brett be appointed Deputy Lord Mayor of Oxford for the Council Year 2013/14.

Councillor Brett then made and subscribed the Declaration of Acceptance of Office.

3. APPOINTMENT OF SHERIFF FOR THE COUNCIL YEAR 2013/14

Councillor Bob Price proposed and Councillor Jean Fooks seconded, and there being no other nominations, Council resolved to appoint Councillor Mohammed Abbasi Sheriff of Oxford and Conservator of Port Meadow and City Fisheries for the Council Year 2013/14.

Councillor Abbasi then made and subscribed the Declaration of Acceptance of Office.

4. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Campbell, McCready and Simmons.

5. ANNOUNCEMENTS BY THE LORD MAYOR

The Lord Mayor made two announcements:-

- (1) That Chris Scanlan, a Liberal Democrat Councillor for Barton and Sandhills between 2006 and 2010 had died recently. Could stand for a minute in silent memory.
- (2) That at the City bye-elections on 2nd May 2013 Susan Brown had been elected as councillor for Churchill Ward and Michele Paule had been elected councillor for Rose Hill and Iffley Ward. The Lord Mayor welcomed both councillors to their first Council meeting and Council congratulated the councillors on their election.

6. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive made two announcements:-

- (1) The first in the new series of members' briefings would take place on 22nd May starting at 6.00 pm. Code of conduct refresher training would take place on 23rd May starting at 5.30 pm
- (2) To thank David Edwards (Executive Director, City Regeneration and Housing) and Steve Sprason (former Head of Corporate Property) for their work on the Westgate redevelopment project that had culminated a few days ago in the signing of the development agreement.

7. ELECTION OF THE LEADER OF THE COUNCIL

Council noted that at the Annual Meeting of Council in 2012 (minute 9) it had elected Councillor Price as Leader of the Council for a four year term to 2016, as the law required.

8. APPOINTMENT OF COMMITTEES FOR THE COUNCIL YEAR 2013/14

The Head of Law and Governance submitted a report (previously circulated, now appended) which invited Council to appoint Committees for the Council Year 2013/14 and Member to serve upon those Committees.

Council agreed:

- (a) To appoint a Licensing Committee to discharge the responsibilities contained in the Licensing Act 2003 and the Gambling Act 2005, with powers and duties as set out in paragraphs 5.4 and 5.5 of the Constitution and with a membership as set out in the appendix to these minutes;
- (b) To appoint an East Area Planning Committee, a West Area Planning Committee, a Planning Review Committee, an Audit and Governance Committee, a General Purposes Licensing Committee, a Standards Committee, an Appointments Committee and a Disciplinary Committee for the Chief Executive, Directors and Heads of Service, with powers and duties as set out in Sections 5 and 7 of the Constitution, and members to serve upon them (and with one co-opted member on the Standards Committee, namely a parish council member from one of the Oxford

parish councils to represent parish council interests) as set out in the appendix to these minutes;

- (c) To appoint a scrutiny committee with a membership as set out in the appendix to these minutes;
- (d) That all members of Council should constitute the pool of members from which an observer representative would be invited to observe at appeals bodies as described in paragraph 4 of this report;
- (e) To appoint Councillor Susanna Pressel to the Oxfordshire Joint Health Overview and Scrutiny Committee;
- (f) To authorise the Head of Law and Governance to make any changes to the Constitution in consequence of Council's decisions on committee appointments and powers and duties.

9. REPORT OF THE LEADER OF THE COUNCIL

Councillor Bob Price, Leader of the Council, informed Council of the Board Members for 2013/14 along with their portfolios:

Councillor Bob Price (Leader)

Councillor Ed Turner (Deputy Leader)

Councillor Susan Brown – Benefits and Customer Services

Councillor Bev Clack – Youth and Communities

Councillor Pat Kennedy – Education, Crime and Community Safety

Councillor Mark Lygo – Parks, Sports and Events

Councillor Mike Rowley – Leisure Services

Councillor Scott Seamons – Housing

Councillor John Tanner – Cleaner Greener Oxford

10. COUNCIL SCHEME OF DELEGATION

Council agreed to reaffirm for the council Year 2013/14 the Council's Scheme of Delegation as set out in Section 5 of the Council's Constitution.

The meeting started at 4.30 pm and ended at 4.45 pm

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**APPOINTMENT OF COMMITTEES FOR THE COUNCIL YEAR
2013 – 14 - MEMBERSHIPS**

<u>Name of Committee</u>	<u>Numbers of Seats</u>	<u>Labour</u>	<u>Liberal Democrat</u>	<u>Green</u>
Disciplinary Committee for Directors and Heads of Service	4	Price	Campbell Fooks Wilkinson	-
Appointments Committee	5	Price Sanders Turner	Fooks	Benjamin
Audit and Governance Committee	7	Darke Fry (C) Rowley Seamons	Brett Rundle	Simmons
Standards Committee	7	Fry Pressel Sanders (C) Smith	Gotch Royce	Wolff
Planning Committee East	9	Clarkson Coulter Curran Darke (C) Lloyd- Shogbesan Paule	Altaf-Khan Rundle	Hollick
Planning Committee West	9	Canning Clack Cook Price Tanner Van Nooijen (C)	Gotch Jones	Benjamin

Planning Review Committee	9	Baxter (C) Kennedy Khan Lygo Sinclair Turner	Armitage Fooks	Wolff
General Purposes Licensing Committee	10	Clarkson Cook (C) Coulter Humberstone Lloyd-Shogbesan Lygo	Goddard Gotch Royce	Williams
Scrutiny Committee	12	Abbasi Coulter Darke Fry Lloyd-Shogbesan Paule Sanders (VC) Smith	Altaf-Khan Campbell Mills	Simmons
Licensing and Gambling Acts Committee	15	Baxter Canning Clarkson Cook Coulter Curran Khan Lygo Smith	Armitage Brett Campbell Goddard	Hollick Williams

Restrictions on Committee Memberships

- ❖ Disciplinary Committee – must include at least one Board member
- ❖ Appointments Committee – must include at least one Board member

- ❖ Planning Committees East and West – no councillor may be a member of more than one planning committee
- ❖ Planning Review Committee – a member of this committee may not be a member of either of the two area planning committees
- ❖ Scrutiny Committees – No Board member may be a Scrutiny Committee member. The Council must appoint at least one Scrutiny Committee.
- ❖ Licensing and Gambling Acts Committee – members on this committee should be sufficiently available to serve on licensing casework panels that meet reasonably frequently (at 5.00 pm on Thursdays). This Committee does **not** have to be politically balanced. This committee must be appointed by Council.

Political Balance

The principle that the proportion of the total number of seats on the total of all committees are allocated to the same proportion to the full Council takes precedence over the principle that the number of seats on each Committee are allocated in the same proportion to the full Council.

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To: Council

Date: 24 June 2013

Item No:

Report of: Head of Law and Governance

Title of Report: Changes to Council's constitution

Summary and Recommendations

Purpose of report: To propose miscellaneous changes to the Council's constitution.

Report Approved by:

Finance: Nigel Kennedy

Legal: Jeremy Thomas

Policy Framework: None

Recommendation(s): That the changes to the whistle blowing policy and the Council scheme of delegation as detailed in the report be approved with immediate effect.

Whistle blowing policy

1. The Council is required to have a whistle blowing policy under the Public Interest Disclosure Act 1998 (inserted into the Employment Rights Act 1996). This enables whistleblowers to "blow the whistle" on customs or behaviour of legitimate concern to the whistleblower, including concerns about the commission of a crime, civil offence or similar. The whistleblower is then afforded legal protection such as from suffering detriment and/or dismissal.
2. The Enterprise and Regulatory Reform Bill 2013 introduces a requirement that the whistleblower must raise their concern in the public interest in order to gain protection (this replaces the current requirement to make a

disclosure in 'good faith'). However, if an employment tribunal thinks that the disclosure was made in bad faith, then it will have the power to reduce compensation by up to 25%. 'Public interest' is not defined, but it probably means something that affects a class of people and not just one individual. The policy has been amended to reflect these statutory changes and other minor miscellaneous changes have been made. The revisions are shown in bold and underlined in the Policy which is attached as Appendix 1 to this report.

Council scheme of delegation - planning

3. Recent changes to permitted development rights for dwelling house e extensions allow larger extensions subject to a potential prior approval procedure. The Applicant must give details to the Council. The Council must then in turn give notice to adjoining owners and occupiers who must be given at least 21 days to object. If an adjoining owner or occupier objects the prior approval of the Council is required as to the impact of the proposal upon adjoining premises.
4. In order for this prior arrival process to prevent the development proceeding, notice that prior approval is required and refused must be given to the applicant within the 42 day period starting with the day after the application was made. (This is similar to certain telecoms permitted development rights in respect of which there is currently specific provision in the constitution.)
5. As it may not be known whether prior approval is required until less than 21 days of the 42 day period are left it is not practical for these approvals to be referred to committee. Given this and the undesirability of objectionable development proceeding by default, it is recommended that these applications be excluded from the provisions that would otherwise require their determination by committee.

Name and contact details of author:-

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Background papers: None

Appendix 1

25 WHISTLE BLOWING POLICY

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25.1 Who can use this policy?

This policy is for Council officers whether they be full or part-time employees, secondees, casual workers or volunteers, or contractors. Members of the public can use the Council's complaints procedure or complain to the ombudsman.

25.2 What does this policy apply to?

This policy applies to anything illegal, improper, unethical or wrong that is done by:

- officers
- Councillors
- co-opted committee members
- anyone representing the Council
- partner organisations
- contractors, consultants or other suppliers.

Examples would include a criminal offence, fraud or corruption, damage to the environment, theft or misuse of public money or failure to follow the Council's finance, contract or other rules.

The Council has other policies and procedures, for example on recruitment and selection, discipline, grievances, **bullying and harassment** and diversity. The

whistle blowing policy should only be used when other policies are inappropriate.

25.3 Purpose of whistle blowing policy

Officers with serious concerns about any of the Council's work **or activities** are expected to blow the whistle. This policy:

- encourages officers to blow the whistle within the Council rather than say nothing or take their concerns elsewhere
- protects whistle blowers from reprisals as long as they have acted honestly **and in the public interest**
- provides a procedure for whistle blowing
- ensures whistle blowers get a response
- gives advice on what to do if the response is not good enough.

25.4 Protecting the identity of whistle blowers

The Council cannot guarantee to protect the identity of whistle blowers as it may, during an investigation, have to say where it got its information from and disclose the original complaint. The whistle blower may also have to act as a witness in any subsequent hearing.

25.5 How will the Council protect whistle blowers?

The Council will protect whistle blowers from reprisals as long as they had a reasonable belief that the allegations were true and made them in good faith. Reprisals will be treated seriously as a disciplinary offence and dealt with through the disciplinary procedure. Where workers blow the whistle but do not cite the policy they will still be protected under it.

The Council will try to minimise any difficulties resulting from whistle blowing. For example, it will advise whistle blowers about the procedure if they have to act as witnesses.

25.6 Anonymous allegations

This policy encourages workers to put their names to allegations but the Council may investigate allegations made anonymously. In deciding whether to investigate an anonymous allegation, the Council will consider how serious it is, whether it is believable and whether evidence can be obtained from a non-anonymous source.

25.7 Untrue allegations

Workers will not suffer reprisals for making allegations that turn out to be untrue, as long as they had a reasonable belief that the allegations were true and made them in **the public interest**.

Allegations that are made without a reasonable belief as to their truth or not made in **the public interest are likely to** be treated as a disciplinary offence and dealt with through the disciplinary procedure.

25.8 Role of trade unions and professional associations

Workers can raise concerns themselves or ask their trade union or professional association to act on their behalf. Whistle blowers can bring a trade union or professional association representative or a friend **with them to meetings**

25.9 How do workers blow the whistle?

(a) Saying that the whistle blowing procedure is being used

The whistle blower should wherever possible make it clear from the start that they want to use the whistle blowing procedure.

(b) Putting concerns in writing

Whistle blowers should wherever possible put their concerns in writing, giving as much detail and including relevant dates. Whistle blowers are not expected to prove that their allegations are true but they need to show that there are reasons for **raising their concern and it was made in the public interest**. If a whistle blower does not feel they can put their concerns in writing, they can be interviewed instead – see 25.10(c).

(c) Who should whistle blowers go to with their allegations?

Whistle blowers should normally go to their line manager or head of service but if the whistle blower does not want to go to their line manager or head of service, they can go to the chief executive, a director, the Monitoring Officer, the Chief Finance Officer or the Head of Human Resources and Facilities.

If the whistle blower suspects fraud or corruption, they can also go to the Council's internal auditors or to the Council's **appointed** external auditors who are **currently Ernst and Young. LLP**

25.10 How will the Council respond to whistle blowing?

(a) Notification of allegation

Upon receipt of an allegation under this policy the person receiving the allegation must **immediately** notify the Monitoring Officer, the Chief Finance Officer and the Head of Human

Resources and Facilities (unless the allegation relates to **one or more** of them).

(b) Appointment of an officer to investigate

The person receiving the complaint will agree, in consultation with the Monitoring Officer, the Chief Finance Officer and the Head of Human Resources and Facilities how (unless the allegation relates to one **or more of them**) the allegation will be investigated and write to the whistle blower within 10 working days. The letter should:

- acknowledge that the whistle blower has used the whistle blowing policy
- say how their concern will be dealt with and how long they think this will take
- tell them whether any initial enquiries have been made
- say what further action will be taken (or say why no further action will be taken)
- Tell them they have the right to bring someone with them to any meetings they have to attend about the allegation.

(c) Interviews

If the whistle blower has not put their concerns in writing, they may be interviewed. A summary of the interview will be made which **should** be signed by the person conducting the interview and the whistle blower.

(d) Further action

After preliminary investigation the Council will take further action if the investigation officer decides it would be in the public interest to do so. Further action may include:

- Arranging an investigation by management or internal auditors
- Arranging a disciplinary process
- Referring allegations to the police
- Referring allegations to the external auditor
- Arranging an independent inquiry if the allegations are very serious or complicated

(e) Response to whistle blowers at the end of the investigation

If the law allows, the Council will tell the whistle blower the outcome of any investigation within 10 working days of it ending.

25.10 (f)

Whistleblowers are encouraged to obtain support and advice that may include their Trade Union representative or HR team contact, a designated representatives for bullying and harassment or the charity Public Concern at Work, the whistleblowing charity, which provides a confidential independent [helpline](#) for whistleblowers.

<u>Public Concern at Work</u> <u>(Independent whistleblowing charity)</u>	<u>Helpline: (020) 7404 6609</u> <u>E-mail: whistle@pcaw.co.uk</u> <u>Website: www.pcaw.co.uk</u>
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25.11 Taking concerns further

If a worker has sought advice and feels it is right to raise their concerns outside the Council, people they could approach include their local Council, their local Councillor, the external auditor, the health and safety executive, a government department, a solicitor, the police, an MP or a relevant professional body or regulatory organisation. If a worker does raise their concerns outside the Council, they must do it without passing on confidential information. The Monitoring Officer can give advice on this.

25.12 Monitoring and reporting

The Chief Finance Officer will report on a quarterly basis to the audit and governance committee on the number (if any) of whistle blowing complaints made as part of the Council's anti-fraud and corruption awareness framework.

25.13 Responsibility for this policy

The Monitoring Officer has overall responsibility for this policy and how it is used and how the policy is working.

Appendix 2

5.3 Planning

(a) Description of responsibility

All the responsibilities in Paragraph A and Part 1 of paragraph I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the duty to deal with complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003 and the power to preserve trees under the Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999.

(b) Who carries out the responsibility?

The following responsibilities are carried out by area planning committees:

- deciding planning applications for more than five residential units or for residential developments on sites with a site area of over 0.25 hectares
- deciding planning applications for non-residential developments on sites over 0.5 hectares
- deciding planning applications for non-residential developments with new or increased floor space of more than 500 m²
- deciding planning applications by the Council or by Councillors or officers
- deciding planning applications where a Councillor or an officer is the agent
- agreeing significant amendments or planning conditions where those conditions were originally imposed by area planning committee
- agreeing significant amendments to approved plans subsequent to the grant of planning permission or listed building consent
- deciding planning applications that have been called in during the 21-day consultation period (see 17.3)

- deciding listed building consent applications for total or substantial demolition of listed buildings
- deciding planning applications for phone masts where there are objections (except applications that can go ahead, unless the Council refuses them within 56 days)
- to confirm Article 4 Direction where there have been objections
- confirming and revoking tree preservation orders when there are objections
- dealing with complaints about high hedges when the hedge is on the Council's land or land occupied by a Councillor or officer or when the complaint has come from a Councillor or officer.

Whether or not any of the preceding applies, applications for the prior approval of details for the extension of a dwellinghouse where the development can go ahead unless the council gives notice of the refusal of prior approval within 42 days (under condition A4 of Part 1 Class A permitted development rights) are not carried out by area planning committees and are dealt with by the head of city development.

Where a planning applications straddles area planning committee boundaries the area planning committee with the majority of the application site will determine the application.

The planning review committee decides planning applications that have been called in from an area planning committee (see 17.3).

The head of city development does everything else including deciding applications to renew a planning permission where there has been no change of circumstances.

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CITY EXECUTIVE BOARD

Monday 22 April 2013

COUNCILLORS PRESENT: Councillors Price (Leader), Turner (Deputy Leader), Cook, Coulter, Curran and Tanner.

OFFICERS PRESENT: Peter Sloman (Chief Executive), Lois Stock (Democratic and Electoral Services Officer), Lindsay Cane (Law and Governance), Ian Brooke (Head of Leisure, Parks and Communities) and Lucy Cherry (City Leisure)

122. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Lygo, Sinclair and Smith.

123. DECLARATIONS OF INTEREST

No declarations of interest were received

124. PUBLIC QUESTIONS

Questions were submitted from Mr Gibson in relation to agenda item 5 – Fusion Lifestyle Annual Service Plan 2013/14.

His written questions with answers were distributed at the start of the meeting. These are attached to the minutes as appendix one.

125. SCRUTINY COMMITTEE REPORTS

None submitted.

126. FUSION LIFESTYLE ANNUAL SERVICE PLAN 2013/14

The Head of Leisure and Parks submitted a report (previously circulated, now appended) concerning Fusion Lifestyle's Annual Service Plan for 2013/14. Councillor Van Coulter, Board Member for Leisure Services presented the report to the Board and provided some background and context.

He asked the Board to note that:-

- (1) The contract with Fusion will deliver savings of £7 million (over base budget) over ten years;
- (2) To date it has delivered £3.5 million in investment and has increased participation in sports and physical activities;

- (3) There were 1.1. m recorded visits to leisure facilities in the past year, with the subsidy per visitor dropping to 57p for the year to date.

Councillor Coulter congratulated both Fusion and the leisure staff for their hard work. He noted that there was a need to drive up participation, especially from the more deprived areas of the City. He commended the report to City Executive Board.

Ian Brooke added that the Council and Fusion were keen to rise to the challenges, and that whilst many sports nationally were having difficulties with participation levels, Oxford had seen a 40% increase since 2009. In answer to a question, Lucy Cherry reported that there had been an 85 tonne carbon saving in the past year, and that savings in water usage were expected.

Resolved to endorse Fusion Lifestyle's Annual Service Plan for the management of the Council's leisure facilities for 2013/14.

127. YOUTH AMBITION STRATEGY

The Head of Leisure and Parks submitted a report (previously circulated, now appended) concerning the Council's Youth Ambition Strategy. Ian Brooke presented the report to the Board and provided some background and context. He emphasised the following points:-

- (1) Oxford has an above average number of young people living in the City – almost 60,000 aged between birth to 24 years;
- (2) The diverse nature of Oxford is expected to continue, with almost half the births in the City being to mothers from outside the UK;
- (3) Almost 6,000 children in Oxford live in poverty and over 2,500 households with dependant children have no adult in work;
- (4) There are 250 people in Oxford defined as "NEET" (not in employment, education or training);
- (5) It can be seen that there are some significant challenges for young people living in Oxford.

Councillor Curran, Board Member for Young People, Education and Community Development added that young people in Oxford were especially affected by unemployment and cuts to services. Oxford was right to be concerned. To make its work successful, the City Council needed to work with other agencies.

Ian Brooke confirmed that the consultation would start at the end of April, run throughout May, and report the results to a meeting of CEB in the summer – probably early July.

Resolved to:-

- (1) Thank Ian Brooke and his team for their work on this issue;

(2) Approve the Youth Ambition Strategy for consultation.

128. FUTURE ITEMS

Nothing was raised under this item.

129. MATTERS EXEMPT FROM PUBLICATION

None.

The meeting started at 2.30 pm and ended at 2.51 pm

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CITY EXECUTIVE BOARD

Tuesday 7 May 2013

COUNCILLORS PRESENT: Councillors Price (Chair), Cook, Coulter, Curran, Lygo, Seamons, Sinclair and Tanner.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Tim Sadler (Executive Director Community Services), Graham Bourton (Head of Direct Services), Jeff Ridgley (Business Improvement and Development Manager), David Edwards (Executive Director City Regeneration) and Lindsay Cane (Law and Governance)

130. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Turner and Smith

131. DECLARATIONS OF INTEREST

No declarations of interest were received

132. PUBLIC QUESTIONS

None

133. BUILDING MAINTENANCE AND REPAIR SERVICES - TENDER

The Executive Director, Community Services, submitted a report (previously circulated, now appended) concerning a proposal to submit a tender for, and if successful to enter into, arrangements to provide services to South Oxfordshire Housing Association (SOHA).

Graham Bourton and Jeff Ridgley presented the report to the Board and provided some background and context.

Resolved: That the Executive Director Community Services be delegated authority to compile and submit a tender for the supply of services to South Oxfordshire Housing Association ("SOHA") for responsive and void property building maintenance work; and, in the event that such tender is accepted, to enter into an appropriate contract with SOHA to undertake such work.

The proposed contract would follow the principles set out in the report, and would be intended to optimise the contribution to Council overheads while minimising the risk to the Council.

134. FUTURE ITEMS

Nothing was raised under this item.

135. MATTERS EXEMPT FROM PUBLICATION

Resolved to exclude the press and public from the meeting during consideration of the items in the exempt from publication part of the agenda in accordance with the provisions in Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (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 and that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Summary of business transacted by the Board after passing the resolution contained in minute 133

The Board received and noted the contents of not for publication appendix to the reports at item 4 - Building Maintenance and Repair Services – Tender (minute 133 refers)

The meeting started at 1.30 pm and ended at 2.02 pm

CITY EXECUTIVE BOARD

Wednesday 12 June 2013

COUNCILLORS PRESENT: Councillors Price (Leader), Brown, Turner (Deputy Leader), Clack, Kennedy, Lygo, Rowley and Seamons.

OFFICERS PRESENT: Peter Sloman (Chief Executive), Helen Bishop (Head of Customer Services), Lindsay Cane (Law and Governance), Michael Crofton-Briggs (Head of City Development), Richard Hawkes (Corporate Asset Manager), Nigel Kennedy (Head of Finance), Jane Lubbock (Head of Business Improvement and Technology), Lois Stock (Democratic and Electoral Services Officer) and Jackie Yates (Executive Director Organisational Development and Corporate Services)

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Cook and Tanner.

2. DECLARATIONS OF INTEREST

No declarations of interest were received

3. PUBLIC QUESTIONS

There were no public questions.

4. SCRUTINY COMMITTEE REPORTS

The Scrutiny Committee submitted a report (previously circulated, now appended) concerning Discretionary Housing Payments. Councillor Mark Mills, Chair of the Scrutiny Committee, presented the report to the Board and provided some background to it.

Resolved that this would be discussed under the relevant agenda item (minute 10 refers)

5. COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA

There were no Councillor Addresses

6. END OF YEAR INTEGRATED PERFORMANCE REPORT 2012 - 2013

The Head of Finance and the Head of Business Improvement and Technology submitted a report (previously circulated, now appended) that updated the Board on matters of finance, risk and performance as at 31st March 2013.

Councillor Ed Turner (Board Member for Finance and Efficiency) presented the report and provided some background and context.

He gave further details of the temporary car parking arrangements at Westgate. This was a key scheme for the City, and, should it not proceed, there would be a financial liability for the Council. Therefore, it was wise to set aside funds to cover this. The Council would revisit the Medium Term Financial Strategy later in the summer. It was expecting a 12.5% cut in the revenue support grant; which would clearly hit finance hard. Councillor Turner acknowledged that there were some performance challenges, not least that the City had not qualified for "Bellwin" funding following flooding; however steps were being taken to address these. He commended the report to the Board.

Councillor Bob Price (Leader) noted the improvements in the budget and performance monitoring processes, and thanked officers for all their hard work to achieve this.

Councillor Jean Fooks (Leader of the Liberal Democrat Group) attended the meeting and addressed the Board on this subject.

Resolved to:-

- (1) Note the financial outturn and performance of the Council for the year 2012/13 and also the risks outstanding at 31st March 2013;
- (2) Agree the transfer to earmarked reserves of unspent budgets detailed in paragraph 7 of the report to be used in 2013/14 and beyond;
- (3) Agree the transfer to earmarked reserves from the HRA as detailed in paragraph 10 of the report, and recommend to Council the approval of appropriate budgets in 2013/14 and beyond for these items.

7. CORPORATE DEBT MANAGEMENT POLICY

The Head of Finance submitted a report (previously circulated, now appended) seeking the approval and formal adoption of the Oxford City Council Corporate Debt Management Policy.

Councillor Ed Turner presented the report to the Board. He commended officers for their hard work on investigating how the Council can better manage its debts. Greater use of direct debit is being encouraged, as this saves the Council money and helps prevent debts from mounting out of control.

The Board noted that commercial tenants were not obliged to use direct debits, but, when leases are up for renewal, they are strongly encouraged to do so.

Resolved to approve the Corporate Management Policy and associated Action Plan, as set out in Appendices A and B of the report.

8. DATA PROTECTION POLICY REFRESH

The Head of Business Improvement and Technology submitted a report (previously circulated, now appended) seeking the approval of the Board for a new Data Protection Policy to reflect the Data Protection Act amendments in 2008. Jane Lubbock presented the report to the Board and explained the purpose of the proposed policy.

Councillor Price observed that Councillors needed clear instructions about the data that they held, and how it should be treated. The Board would welcome the appropriate registration of all Members as soon as possible, and the Head of Law and Governance was urged to arrange this.

Resolved to:-

- (1) Approve the Data Protection;
- (2) Note the new Data Protection guidance framework.

9. OXPENS DRAFT MASTERPLAN - PUBLIC CONSULTATION

The Head of City Development submitted a report (previously circulated, now appended) seeking approval for public consultation the draft Oxpens Masterplan Supplementary Planning Document (SPD). Michael Crofton Briggs introduced the report and provided the background to it.

The Board noted that this document would go out for public consultation, and would return to CEB (and ultimately Council) towards the end of the year.

Resolved to:-

- (1) Approve the Draft Oxpens Masterplan Supplementary Planning Document for public consultation;
- (2) Approve the Draft Oxpens Masterplan Supplementary Planning Document as a material consideration in determining planning applications;
- (3) Endorse the accompanying Strategic Environmental Assessment (SEA) Combined Screening and Scoping Report-Appendix 1a of the report;
- (4) Authorise the Head of City Development to make any necessary editorial corrections to the document prior to publication, in consultation with the Board Member.

10. DISCRETIONARY HOUSING PAYMENTS POLICY

The Head of Customer Services submitted a report (previously circulated, now appended) seeking approval for the request for additional Discretionary Housing Payment (DHP) funding, and approval for the new Discretionary Housing Payments Policy.

Councillor Susan Brown and Helen Bishop presented the report to the Board and provided further background to it. It was important to be aware that the DHP fund of £525,000 was a relatively small amount and that the aim was to help people move towards a more sustainable solution for their financial issues. DHP was intended as a temporary measure. The Council had to administer what was a national policy at a local level. It was not inappropriate to ask people to take some steps to reduce their reliance on DHP, and such steps would of necessity be tailored towards individual circumstances.

Councillors Sam Hollick and Van Coulter attended the meeting, and addressed the Board on this matter.

Resolved to:-

- (1) Approve the revised Discretionary Housing Payment policy laid out in Appendix 1 of the report;
- (2) Delegate authority to the Head of Customer Services to vary the amount and duration of Discretionary Housing Payment awards in line with changing demand;
- (3) Agree the following recommendations from the Scrutiny Committee:-
 - (a) To organise a general campaign of clear advice through as many agencies, partnerships and offices as possible, making clear the temporary nature of DHP, and the requirements to engage in more sustainable solutions;
 - (b) To keep the DHP Policy under review and in particular to revisit it once regulations on further Welfare Reform are clear;
 - (c) For the Scrutiny Committee to be included in the monitoring arrangements for this policy in both financial and outcome terms. To see this at the September Scrutiny Committee;
- (4) Amend (in italics below) and agree the following recommendation from the Scrutiny Committee;
 - (d) To extend the current outreach work to included benefit take-up to maximise benefits to current and potential claimants *once the changes to the welfare system are fully known*

11. OUTSIDE BODIES - APPOINTMENT OF REPRESENTATIVES 2013/14

The Head of Law and Governance submitted a report (previously circulated, now appended) concerning the Council's appointments to outside and other bodies for 2013/14.

Councillor Jean Fooks attended the meeting and addressed the Board on this subject.

Resolved to:-

(1) Retain Council representatives on:-

- Alice Smith Trust and Sarah Nowell Educational Trust
- Oxfordshire Ethnic Minorities Enterprise Unit (OEMEU)
- Florence Park Community Association.
- Oxford Asian Cultural Association (*with reduced membership to 2 representatives*).

(2) Reduce Council representation to one representative on the following bodies:-

- Headington Parish Charity
- Katherine Rawson Trust
- Parochial Charities of St Clements
- South Oxford Adventure Playground

(3) Delete the following appointment because the group is inactive:-

- Oxford City Local Area Police Board

(4) Delete members' involvement from the following bodies, because the Council's interests are not served:-

- National Association of British Market Authorities
- Environmental Protection UK
- Tourism South East
- The Pathways Project.

(5) Make appointments to outside bodies as shown in Appendix 3 of the report, and appoint Councillor Kennedy to the Police and Crime Panel.

12. AFFORDABLE HOMES PROGRAMME - AWARD OF MAIN CONTRACT

The Regeneration and Major Projects Manager submitted a report (previously circulated, now appended) concerning the appointment of the main contractor for the Affordable Homes Programme 2015.

Councillor Scott Seamons presented the report to the Board. He urged the Board to consider bringing forward more sites, and going beyond Environmental Code 4 for the sites, as the budget allowed.

Richard Hawkes (Corporate Asset Manager) informed the Board that 10 planning applications would shortly be submitted and that it was expected that these would be considered by the relevant Committees in August/September.

Michael Crofton Briggs (Head of City Development) indicated that he would be happy to provide an informative briefing to members of the Planning Committee/s before the applications were considered.

Resolved to:-

- (1) Authorise the Executive Director for Regeneration and Housing to select the final sites for the 112-114 new homes to be built on (in consultation with the Portfolio Holder);
- (2) Agree the Cost Plan in Exempt Information Annex 3 of the report;
- (3) Authorise the Executive Director for Regeneration and Housing to let the main build contract and any subsequent "call off" contracts where total build costs (including contingencies) are equal to the Cost Plan; and
- (4) Authorise the Executive Director for Regeneration and Housing to agree any cost overruns that can be contained within the overall budget envelope of the Affordable Homes Programme to be certified as such by the Project Manager

13. MINUTES

Resolved to approve as a correct record the minutes of the meetings held on 10th and 22nd April and 7th May 2013.

14. FUTURE ITEMS

Nothing was raised under this item.

15. MATTERS EXEMPT FROM PUBLICATION

Resolved to exclude the press and public from the meeting during consideration of the items in the exempt from publication part of the agenda in accordance with the provisions in Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (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 and that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

16. AFFORDABLE HOMES PROGRAMME - AWARD OF MAIN CONTRACT

The Regeneration and Major Projects Manager submitted confidential appendices containing not for publication information on certain financial aspects of the Affordable Homes Programme (minute 12 refers)

Summary of business transacted by the Board after passing the resolution contained in minute 12

The Board received and noted the contents of the not for publication appendices to the reports at agenda item 12 (minute 12 refers).

The meeting started at 5.00 pm and ended at 6.20 pm

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To: Council

Date: 24th. June 2013.

Report of: Chair of the Scrutiny Committee.

Title of Report: Scrutiny Briefing

Purpose of report: To update Council on the activities of scrutiny and other non executive councillors since the Committee was appointed in May.

Introduction

1. This is my first briefing to Council this Municipal Year and I would like to take this opportunity to tell Council what is happening currently within the programme and also outline some of the standard information that I will report on behalf of scrutiny at every meeting of Council. If members would like to see other areas or issues included then please let Pat Jones or I know using the contact details at the end of this report.
2. I would like to remind all members of Council that if there is an issue they wish to see scrutinised then they are able to either ask a Scrutiny Councillor to place this on the agenda of the Scrutiny Committee or with 3 supporter add this to the agenda themselves.

Standard Information

3. I will always include the following information:
 - Current Panel work showing membership and progress.
 - Forward agendas – these will be indicative only.
 - Recommendations made and the outcome from these.
 - The number and result of any called in decisions or councillor calls for action.
4. This information is now included at Appendix 1 to this briefing.

Current Activity

5. At the time of writing the Scrutiny Committee has only met once and outside of pre-scrutinising issues on their way to the City Executive Board has concentrated on agreeing new working arrangements and deciding which of the Panels open from the previous work plan should continue.
6. Operating arrangements have been agreed and the detail can be obtained from Pat Jones. I would like to highlight some of the these:
 - The Scrutiny Committee will act as a Commissioning Committee but will also conduct its “holding to account” role at the scheduled formal meetings.
 - Formal meetings have been agreed to link into the City Executive Board cycle allowing any report to be pre-scrutinised.
 - The administrative management of the programme will be undertaken by the Chair and Vice Chair but the Scrutiny Committee will take overall control of the work programme.
 - All Scrutiny Members will be encouraged to take a lead on particular topics or issues and provide advice and a link back to the Committee.
 - Scrutiny Councillors and the Scrutiny Officer will actively engage other non executive councillors in the work programme and as many opportunities as possible will be provided for those who wish to be involved to do so.
 - Opportunities will be sort to engage as many residents and “experts” in the work of the Committee in an effort to broaden opinion and improve conclusions.
7. The Council will be hosting a meeting of the Police and Crime Panel on the 12th. July in the Old Library starting at 10.00am. This will be attended by the Police and Crime Commissioner who will be there to answer the questions of the Panel. This is a public meeting so any residents or members who wish to attend are welcome. The agenda will be available by 4th. July and can be accessed via a link on the Councils web site.
8. By the time Council meets again in September Scrutiny will have considered the suggestions made by members for inclusion in the work programme, set any Standing Panels and looked at performance, finance and risk data to help to focus its inquiries. I will report further on this then.

Councillor Mark Mills – Chair of the Scrutiny Committee
Email: cllrmills@oxford.gov.uk
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Appendix 1

Scrutiny Committee Agendas

Each agenda will have 2 standing items:

- Work programme and recommendation progress
- Forward Plan

Date	Agenda Item
4 th . June	<ol style="list-style-type: none"> 1. Scrutiny operating arrangements. 2. Forward Plan. 3. Pre-scrutiny – Discretionary Housing Payments. 4. Pre-scrutiny – End of Year Integrated Report. 5. Pre-scrutiny – Corporate Deb Management Policy. 6. Pre-scrutiny – Appointment of Main Contractor for Affordable Homes Programme.
2 nd . July	<ol style="list-style-type: none"> 1. Work programme selection and set up. 2. Fusion Contract End of Year Performance 2012 - 2013. 3. Pre-scrutiny – Emissions Strategy and Air Quality Action Plan. 4. Youth Ambition Strategy.
5 th . September	<ol style="list-style-type: none"> 1. Pre-scrutiny - Housing Strategy Action Plan 2. Discretionary Housing Payments – Monitoring Report.
1 st . October	<ol style="list-style-type: none"> 1. Pre-scrutiny - Oxpens Master Plan – consultation outcome.
5 th . November	TBC
3 rd . December	TBC
14 th . January	TBC
4 th . February	TBC
4 th . March	TBC
1 st . April	TBC

Scrutiny Recommendations

Discretionary Housing Payments 4th. June Scrutiny Committee		
Recommendation	Date considered	Outcome
To organise a general campaign of clear advice through as many agencies, partnerships and offices as possible making it clear the temporary nature of Discretionary Housing Payments and the requirements to engage in more sustainable solutions.	CEB 12 th . June	Agreed
To extend current out reach work to include benefit take-up to maximise benefits to current and potential claimants.	CEB 12 th . June	Agreed
To keep the Discretionary Housing Payment Policy under review and in particular to revisit it once regulations on further Welfare Reform are clear.	CEB 12 th . June	Agreed
For the Scrutiny Committee to be included in the monitoring arrangements for this policy in both financial and outcome terms. To see this at the September Scrutiny Committee.	CEB 12 th . June	Agreed

Current Panels

Details can be obtained from Pat Jones phjones@oxford.gov.uk or any of the Lead Members.

Panel	Comment
<p>Covered Market Strategy and Leasing Strategy.</p> <p>Councillors Fooks , Campbell(Lead), Van Nooijen, Clarkson and Benjamin</p> <p>Scope:</p> <ul style="list-style-type: none"> • Pre-scrutiny and engagement with the developing Covered Market Strategy and Leasing Strategy. • Independent engagement with the Covered Market Traders Association. • Review of the leasing decision for the unit formerly occupied by Palm’s Delicatessen. • Consideration of comparative data from similar markets. 	<p>The Group is currently observing the Covered Market Stakeholder engagement and is planning to talk directly to Market Tenants when the draft Vision Document is available.</p> <p>In addition visits are being considered to other markets and managers of commercial trading centres to learn from their experience. Bristol Market is the most likely comparator.</p> <p>Programmed to finish in October.</p>
<p>Recycling Rates – Are our targets ambitious enough.</p> <p>Councillors Fry(Lead), Simmons and Jones</p> <p>Scope:</p> <ul style="list-style-type: none"> • Consider our current policies and their effects. • Review with service officers barriers to improvement alongside best practice and new initiatives. 	<p>The Group have identified a number of areas for potential improvement and are currently working with officers to explore these.</p> <p>The Group is considering focusing its efforts around reward and penalty schemes taking in a broad range of suggestions.</p> <p>Programmed to finish no later than October.</p>
<p>Enfranchisement and Empowerment.</p> <p>Councillors Jones, Darke(Lead) and O’Hara.</p> <p>Scope:</p> <p>As census data is published we begin to see the diverse and changing</p>	<p>Planning is underway for the Group to run 3 focus groups talking to the Somali, Pakistani and Polish communities to understand the extent of their knowledge of public services and issues they have with engagement.</p>

<p>nature of Oxford and the number of people who failed to complete details without a least 1 reminder. Alongside this there are a number of properties with no one registered to vote.</p> <ul style="list-style-type: none"> • What effect does this have on our understanding of Oxford's communities? • Do we understand why some households/communities choose not to engage? • What is the extent of this democratic deficit? • What does this mean for communities, services and funding? 	<p>Programmed to finish in October.</p>
<p>The effects and value of the City's investment in educational attainment at primary level.</p> <p>Councillors Campbell, Jones, Coulter, Paule and Khan.</p> <p>Scope: To partner with a participating school to:</p> <ul style="list-style-type: none"> • See the on the ground effects of the KRM model. • Understand the effects for children of all ability types. • Hear and see how the school copes with the cultural and professional challenges. • See how school inspectors respond. • Understand the targets set by the school management team and the part KRM plays in this. <p>Latterly the group has also decided to look at absenteeism.</p>	<p>The Group has agreed continuing discussions with its partner school which will happen in July.</p> <p>The Group has 5 members 1 of which has had no involvement in the partnership work and 2 others have been replaced because they became Executive Members.</p> <p>Work with the school will continue for a third term.</p>
<p>Mutual Exchanges between Council Tenants.</p> <p>Housing Panel with Linda Hill (Lead)</p>	<p>This has just started so no progress report is available. This work is being conducted by Linda Hill (co-opted tenant) supported by the scrutiny and</p>

<p>tenant.</p> <p>Scope: To consider the under occupancy in the Council's stock and the potential for mutual exchanges to support those tenants affected by the changes to benefits and in particular the "bedroom tax".</p> <p>To consider what changes and support is needed to make mutual exchanges a more useful tool for tenants.</p> <ul style="list-style-type: none"> • Interview a range of tenants who have just registered to move. • Interview a range of tenants at the point of swap within the mutual exchange system. 	<p>housing officers. This work links to a significant issue for the City.</p>
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Called in Decisions and Councillor Calls for Action

None.

Item 16: Motions on Notice.

1 Financial Transactions Tax (Proposed by Councillor Bob Price, seconded by Councillor James Fry)

This Council declares its support for the introduction of a Financial Transactions Tax across the European Union and G12 economies as an important contribution by the banking and finance sector to the funding of public investment in education, housing, infrastructure and social security.'

2 Tar Free Oxford (Proposer by Councillor Sam Hollick, seconded by...)

This council notes that: Canada's tar sands are the biggest energy project in the world. Already, millions of barrels of tar sands oil have been extracted from the Canadian wilderness, decimating the landscape and producing 3.2 to 4.5 times more greenhouse gas emissions than conventional oil extraction (as calculated for example by the US Government's National Energy Technology Laboratory). Nearby First Nations communities are also being devastated by the loss of their traditional lands and access to food and medicine. In 2008, Alberta Health confirmed a 30 per cent rise of cancer rates between 1995 – 2006 in Fort Chipewyan, a nearby community.

Although tar sands oil hasn't yet arrived in the UK in significant quantities, its large-scale import is highly likely as Canada attempts to find new markets for export. Opening up Europe and the UK to tar sands would be a green light for more reckless expansion of this huge industry.

This council also notes that the City Council's Carbon Management Plan states that the council "places environmental sustainability and carbon reduction at the heart of everything that the Council does", and believes that an important part of the city's responsibility in "provid[ing] wider leadership...in reducing the overall carbon footprint of the City" is rejecting tar sands for the carbon-intensive fuel that they are.

This council therefore resolves to:

1. Rejects tar sands as an acceptable source of liquid fuel, and declare Oxford a 'Tar Free City';
2. Include measures in its future liquid fuels procurement policies which will ensure that tar sands will not be part of the fuel mix it purchases for its vehicle and plant fleet.

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