

Agenda

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Council

Date: **Monday 30 September 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 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 Louise Upton

Councillor Oscar Van Nooijen

Councillor Ruth Wilkinson

Councillor David Williams

Councillor Dick Wolff

HOW TO OBTAIN AGENDA

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SUMMONS

A meeting of the City Council will be held in the Council Chamber, Town Hall, on Monday 30 September 2013 at 5.00 pm to transact the business set out below.

Peter Sloman

Proper Officer

AGENDA

	Pages
1 APOLOGIES FOR ABSENCE	
2 DECLARATIONS OF INTEREST	
3 MINUTES	1 - 52
Minutes of the ordinary meeting of Council held on 24 th June 2013.	
4 APPOINTMENTS TO COMMITTEES	
5 ANNOUNCEMENTS	53 - 54
Announcements by:	
(1) The Lord Mayor	
(2) The Sheriff	
(3) The Leader of the Council	
(4) Chief Executive, Chief Finance Officer, Monitoring Officer	
The Chief Executive has been supplied with and has submitted the results of the North Ward By-election held on 19 th September 2013.	

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 24th September 2013.

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

CITY EXECUTIVE BOARD RECOMMENDATIONS - ITEMS 7 TO 13

7 PAVILIONS PROGRAMME - PROJECT APPROVAL

55 - 80

The Head of Leisure, Parks and Communities has submitted a report which details the Pavilions Programme and seeks Project Approval.

This report was presented to the City Executive Board on 10th July 2013. An extract from the minutes of this meeting is also attached.

Council is asked to approve an increase to the project budget to £3.143 million subject to securing external funding, and the Capital and Asset Management Group agreeing the virements noted in Appendix 1 of the report.

8 HOMELESS ACCOMMODATION SUPPLY

81 - 104

The Head of Housing and Property Services has submitted a report which details recommendations to improve the supply of suitable temporary accommodation in order to meet the Council's duties to homeless households.

This report was presented to the City Executive Board on 11th September 2013. An extract from the minutes of this meeting is attached.

Council is asked:

- (a) To agree that the 2013/14 General Fund Capital Budget be updated with the inclusion of a new scheme, namely "Homeless Property Acquisitions", estimated at £5 million, funded from borrowing, and to include a further £5 million budget in 2014/15;
- (b) To approve an increase in the General Fund external borrowing of up to £10 million to finance capital expenditure.

9 ALLOCATIONS REVIEW AND CHANGES TO THE ALLOCATIONS SCHEME

105 - 222

The Head of Housing and Property Services has submitted a report which

seeks approval for the proposed new Allocations Scheme.

This report was presented to the City Executive Board on 11th September 2013. An extract from the minutes of this meeting is attached.

Council is asked to approve the proposed new Allocations Scheme as amended.

10 TRANSFER OF CASH AND ASSETS BETWEEN THE HOUSING REVENUE ACCOUNT (HRA) AND THE GENERAL FUND

223 - 246

The Head of Finance has submitted a report which seeks approval to transfer assets from the HRA to the General Fund, together with a proportion of HRA cash balances.

This report was presented to the City Executive Board on 11th September 2013. An extract from the minutes of this meeting is attached.

Council is asked:

- (1) To transfer the non-dwelling assets identified in Appendix B to the report with a net book value of around £18 million from the HRA to the General Fund;
- (2) To transfer with immediate effect, cash balances of £7 million from the HRA to the General Fund in order to fund future projects that achieve on-going General Fund savings.

11 STATEMENT OF GAMBLING AND LICENSING POLICY

247 - 310

The Head of Environmental Development has submitted a report which details the recommendation of the Licensing and Gambling Acts Committee of 5th September 2013 in relation to the draft revised Statement of Gambling Licensing Policy.

This report was presented to the City Executive Board on 11th September 2013. An extract from the minutes of this meeting is attached.

Council is asked to approve the recommendation of the Licensing and Gambling Acts Committee that the draft revised Statement of Gambling Licensing Policy be adopted.

12 HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES: AGE LIMITS AND EURO EMISSIONS

311 - 418

The Head of Environmental Development has submitted a report which asks Council to consider the recommendation of the General Purposes Licensing Committee of 5th September 2013 in relation to the proposed amendments to the "Conditions of Fitness" applicable to the licensing of hackney carriages and private hire vehicles.

This report was presented to the City Executive Board on 11th September

2013. An extract from the minutes of this meeting is attached.

Council is asked to approve the recommendation of the Licensing and Gambling Acts Committee to approve the "Conditions of fitness" application the licensing of hackney carriages and private hire vehicles.

13 POLICY ON HACKNEY CARRIAGE QUANTITY CONTROL

419 - 442

The Head of Environmental Development has submitted a report which asks Council to consider the recommendation of the General Purposes Licensing Committee of 21st May 2013 in relation to the Policy on Hackney Carriage Quantity Control

This report was presented to the City Executive Board on 11th September 2013. An extract from the minutes of this meeting is attached.

Council is asked to:

- (1) approve the recommendation of the General Purposes Licensing Committee that accepted the conclusions of the Hackney Carriage "Unmet Demand" survey report prepared by Halcrow Group Limited, that there is currently no significant unmet demand for hackney carriage vehicles;
- (2) agree that there is currently no significant demand for the services of hackney carriage vehicles which is unmet and to therefore resolve to maintain the Council's policy of quantity control on the number of hackney carriage vehicle licences; and
- (3) agree that a further Unmet Demand survey be commissioned in 2015, subject to any future changes to legislation.

OFFICER REPORTS - ITEMS 14 TO 16

14 PARTNERSHIP REPORTING TO COUNCIL

443 - 448

The Head of Law and Governance has submitted a report which addresses the request of the Leader at the June 2013 Council meeting that a proposal be brought forward as to how Council Procedure Rule 11.14 might pro-actively be used to highlight the work of significant partnerships.

Council is asked to approve the procedures for partnership reporting to ordinary meetings of Council, and the consequent amendment to Council Procedure Rule 11.14.

15 COMMUNITY INFRASTRUCTURE LEVY (CIL) - APPROVAL

449 - 472

The Head of City Development has submitted a report which seeks approval to: the CIL Charging Schedule, the date on which the CIL will come into effect, and the revised CIL instalments policy.

Council is asked to:

- (a) Approve the CIL Charging Schedule in line with the recommendation of the independent examiner;
- (b) Approve the revised CIL instalments policy;
- (c) Approve the date on which the CIL will come into effect.

16 GOVERNANCE REVIEW - PROTOCOLS

473 - 498

The Head of Law and Governance has submitted a report which presents an updated Code on Councillor-Officer Relations and Publicity as part of the Governance Review which was considered by Council at its meeting on 22nd April 2013. It also presents a draft Councillor Call for Action Protocol.

Council is asked to:

- (1) Approve and adopt the revised Code on Councillor-Officer Relations and Publicity;
- (2) Approve the draft Councillor Call for Action Protocol subject to any amendments required by the Scrutiny Committee; and
- (3) Authorise the Head of Law & Governance to make the necessary changes to the Constitution to give effect to the recommendations arising from the report.

17 CITY EXECUTIVE BOARD MINUTES

499 - 530

Minutes of the City Executive Board held on:

- (a) 10th July 2013
- (b) 31st July 2013
- (c) 11th September 2013

18 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 23rd September 2013.

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

PART 2 - PUBLIC INVOLVEMENT AND SCRUTINY

19 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 24th September 2013.

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

20 PETITIONS

None submitted for consideration.

21 OUTSIDE ORGANISATION REPORTS AND QUESTIONS

531 - 536

(a) Oxfordshire Local Enterprise Partnership

The Head of Policy, Culture and Communications has submitted a report which informs members of the work of the Oxfordshire Local Enterprise Partnership and to answer questions about the work of the Partnership.

Council is asked to comment on and note the report.

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

22 SCRUTINY COMMITTEE BRIEFING

537 - 552

The Chair of the Scrutiny Committee has submitted a report which updates Council on the activities of scrutiny and other non-executive Councillors since the Committee was appointed in May 2013.

Council is asked to comment on and note the report.

PART 3 - MOTIONS REPRESENTING THE CITY

23 MOTIONS ON NOTICE

553 - 558

Council Procedure Rule 11.16 refers.

Motions received by the Head of Law and Governance by the deadline of 1.00pm on Wednesday 18th September 2013 are attached to this agenda.

24 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.

COUNCIL

Monday 24 June 2013

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

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jones, Malik, Paule, Rundle and Wilkinson.

12. DECLARATIONS OF INTEREST

There were no declarations of interest from Councillors present at the meeting.

13. MINUTES

- (1) The Minutes of the Ordinary meeting of Council held on 22nd April 2013 were agreed as a correct record and signed by the Lord Mayor.
- (2) The Minutes of the Annual meeting of Council held on 20th May 2013 were agreed as a correct record and signed by the Lord Mayor.

14. APPOINTMENTS TO COMMITTEES

There were no appointments to committees.

15. ANNOUNCEMENTS

(1) Lord Mayor

The Lord Mayor made four announcements as follows:-

- (a) A request to film the proceedings of Council had been received from a member of the public. Councillors discussed the request. Views ranged from noting that the meeting was filmed already and the outcome was placed on the Council's website, through concern that private filming could result in extracts of that exercise being edited and used out of

context to the view that council meetings should generally be fully opened to public scrutiny.

The Lord Mayor noted that the request to film has only that day been received and the matter had not been discussed by the political groups.

Councillors then voted upon the request to film but this was not approved, 7 members voting in favour and 30 members voting against.

- (b) Mathew Metcalfe (Democratic and Electoral Services Officer and Clerk to Council) had undergone medical tests and was currently receiving treatment as a result. Council asked that its best wishes be sent to him for a full recovery.
- (c) The Lord Mayor had attended a number of mayoral engagements since being elected Lord Mayor. The Lord Mayor's Parade had gone well. She had already met many visitors from various parts of the world.
- (d) On behalf of Council the Lord Mayor expressed congratulations to Councillor Turner and his partner on the recent birth of their son, Freddie.

(2) Sheriff

The Sheriff reported upon the Sheriff's annual Inspection of Port Meadow and Aunt Sally match between the Lord Mayor's team and the Freeman and Commoners that had taken place on Friday, 21st June. The inspection had included a visit to the Trap Grounds allotments and to Burgess Field Nature Reserve. The Sheriff had also observed the University Graduate accommodation newly built in Roger Dudman Way. As to the Aunt Sally match, the Lord Mayor's team had not been successful this year.

(3) Leader

The Leader made four announcements as follows:-

- (a) To congratulate the Customer Services Contact Team in being accredited recently with the Customer Service Excellence Standard. The Team had met all 57 inspection criteria. 90% of the calls to the Contact Centre were resolved at first call. In excess of 250,000 calls were dealt with in a year.
- (b) The Legal Services Team and the Corporate Property Team had been short listed for the Municipal Journal Legal Team of the Year and Public/Private Initiative of the Year respectively. Whilst neither Team had gained the final award, it was to their credit that they had been included on the national short list.
- (c) The Member / Officer Protocol update referred to in resolution (d) of Minute 154 (Governance Review) in the Minutes of Council of 22nd April would be the subject of an item for a Cross-Party Working Group meeting agenda in the near future.
- (d) The Leader congratulated the City Councillors who had been elected to the County Council at the May 2013 County Council elections.

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

Mr Jack Bloomer addressed Council on the matter of a financial transactions tax. The full text of the address forms Appendix I of the signed minutes of this Council meeting.

In accordance with Procedure Rule 11.10(g) the address was considered with the Motion on the same matter (Minute 22 refers).

17. CITY EXECUTIVE BOARD RECOMMENDATIONS

Council had before it the following:-

- (a) Report (previously circulated now appended) of the Head of Finance and the Head of Improvement and Technology concerning the Fourth Quarter financial and non-financial performance monitoring that had been considered by the City Executive Board on 12th June.
- (b) The related minute of the City Executive Board of 12th June 2013 circulated at minute 19 of this Council meeting.

Councillor Simmons seconded by Councillor Fooks moved opposition to the recommendation. Following a debate, Council voted on the proposition to oppose the recommendation, but this was not carried, 14 Members voting in favour and 26 Members voting against. The recommendation of the City Executive Board was then agreed by general assent.

18. CONSTITUTION - CHANGES

The Head of Law and Governance submitted a report (previously circulated now appended).

Council agreed that the proposed changes to the Council's Constitution in respect of the Whistleblowing Policy and the Council's scheme of delegation in relation to permitted development rights be approved with immediate effect.

19. CITY EXECUTIVE BOARD MINUTES

Council had before it the Minutes (previously circulated, now appended) of the City Executive Board meetings held on 22nd April 2013, 7th May 2013 and 12th June 2013.

Questions were asked and responded to on the Minutes as follows:-

- (a) Councillor Simmons, noting that the 22nd April meeting had taken place on the same day as the last Ordinary Council Meeting, asked in relation to that meeting, when the benchmark data concerning the Covered Market referred to in the answer to question 12 in Minute 158 (Questions on Notice from Members of Council) would be available.

In reply Councillor Cook said that the information was commercially sensitive but that in any case he did not believe such data from other places was meaningful. What was meaningful however was comparable evidence in relation to retail properties in Oxford.

- (b) Councillor Simmons, noting that the 22nd April meeting had taken place on the same day as the last Ordinary Council meeting asked, in relation to that meeting, when the air quality data referred to in the answer to question 21 in Minute 158 (Questions on Notice from Members of Council) would be available.

In reply Councillor Tanner said that he was still awaiting the data himself but would be meeting officers shortly on the matter.

- (c) Councillor Fooks on Minute 6 of the minutes of the Board meeting on 12th June 2013 (End of Year Integrated Performance Report 2012-2013) asked about the level of contingencies, on transport for people with disabilities and on Westgate.

In reply Councillor Turner said that Service Heads were encouraged to be bold in their savings initiatives. The savings contingency was a safeguard against those bold savings not fully being realised. On transport for people with disabilities he had sought a meeting with the County Council on the matter. He was optimistic that better arrangements would be achieved by the end of the financial year. On Westgate, he said it was too soon to be able to apportion the contingency.

- (d) Councillor Hollick on Minute 11 of the minutes of the Board meeting of 12th June 2013 (Outside Bodies – Appointment of Representatives 2013/2014) asked which members had been appointed to which bodies. Councillor Fooks expressed concern that the appointments had been made on party political lines. Councillor Benjamin asked why the City Executive Board had decided that the Council should no longer be involved in the bodies referred to in resolution (4).

In reply, the Leader said that Councillor Hollick would be sent the list of appointments. On the bodies to which the City Executive Board had decided no longer to appoint, the relevant Board members said that for the two of the bodies the

appointee had not been invited to attend meetings. The reasons why the Council was no longer to be involved were included in the report to the City Executive Board.

20. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL

17 questions on notice were submitted to Council. Those questions, the replies to them and any supplementary questions and answers to them are set out below:-

1 Question to Board Member for Youth and Communities (Councillor Bev Clack) from Councillor David Williams

Donnington Recreation Ground

Would the Board Member care to elaborate what plans she has for the development of Donnington Recreation Ground and the supposed rebuilding of the Community Association building in a new grandiose format.

Could she give details of the planned leasing arrangements with the Community Association for the management of this grand pavilion and indicate how much will be spent and where the money is coming from?

Could the Board Member also explain why the plans for this new venture have only been discussed in private with former Labour Councillor Bill Baker and the Chair of the present Community Association and why the local Councillors for the area (myself and Councillor Elise Benjamin) have been excluded from these discussions?

Further to the point could the Board Member give a precise timescale for the implementation of this project with a clear commitment that a period of local consultation will be included in the proposal?

Reply

The Committee of the Donnington Community Association has been pressing for some time for improvements to the site and to their building, and discussions had taken place over the past year with the Chair and the Secretary about the scope for partially funding an improved centre from additional housing. No plan has yet emerged from those discussions, and there would be a strategic review this coming year of our community centres that would include Donnington. The Chair and Secretary at Donnington were also the main officers of the Federation and I have had discussions with them about this review since taking on this portfolio.

In a supplementary question, Councillor Williams asked that local members be involved in the development. He asked where the money was coming from for the development and when the plans would be available for public inspection.

In reply Councillor Clack referred to her reply to the initial question in which she said that a strategic review of community centres would be taking place.

2 Question to Board Member for City Development (Councillor Cook) from Councillor Elise Benjamin

Covered Market rent rises.

Will the Portfolio Holder please provide an update on negotiations with the Covered Market traders, who are fighting the Council's attempt to increase rents by up to 70%?

Reply

Five reviews are currently going to arbitration. The outcome of the arbitration is expected in July. At the request of the Covered Market Tenants' Association (CMTA), the Council had agreed to a separate consolidated arbitration in respect of the CMTA reviews with the same arbitrator. The respective agents are in contact regarding the consolidated arbitration to agree the process going forward.

3 Question to Board Member for City Development (Councillor Cook) from Councillor Elise Benjamin

Covered Market Charter

Will the Portfolio Holder please reassure the Council that, unlike his predecessor, he will ensure that the Covered Market Charter is followed, and that no more chain stores are allowed into the Covered Market, thus preserving its character?

Reply

I am not aware of the document Councillor Benjamin refers to. If Councillor Benjamin is referring to the Covered Market Leasing Strategy I can reassure her that all lettings have been, and will continue to be, in compliance with that Strategy.

4 Question to Board Member for Corporate Governance, Strategic Partnerships and Economic Development (Councillor Bob Price) from Councillor Craig Simmons

Supporting Oxford's Turkish Community

Will the Labour and Liberal Democrat leaders join me in supporting Oxford's Turkish community who recently staged a vigil in Cornmarket Street in support of those peaceful protesters in Gezi Park and Taksim Square, suffering violence at the hands of the Erdogan Government?

Reply

I am sure that all members of Council will support the right of the Turkish people to express peaceful opposition to the policies of the current

government, and will deplore the use of violence leading to some deaths in breaking up these protests.

5 Questions to the Board Member for Corporate Governance, Strategic Partnerships and Economic Development (Councillor Bob Price) from Councillor Dick Wolff.

Castle Mill development, Roger Dudman Way

(a) Regarding the planning process for the Castle Mill development:-

Could the Leader confirm that the construction of the Oxford University buildings on the former railway siding at Roger Dudman Way not only went ahead but that the structural works were completed without carrying out the required land contamination surveys and resulting remediation prior to the start of development, despite the fact that both officers and applicants believed the land to be contaminated (as minuted in a meeting between officers and developers on February 5th 2011) and the Phase 1 Environmental Review (dated July 2011) recommended that “the presence of . . . historical contamination should be investigated in detail”?

Could he also confirm that the Planning Committee was not informed, that the University had not only failed to research contamination adequately and supply the necessary information within the required time, but had also erroneously declared on their application dated 1st Nov 2011 that contamination was *not* “suspected for all or part of the site” when both officers and applicant knew this to be incorrect?

Would the Leader confirm that it is therefore not possible to justify the claim (made by both City Council and University developers) that correct planning process was followed with respect to this application?

Given the persistent claims being made that the planning process was *not* flawed, would the Leader therefore agree with the MP for Oxford West & Abingdon that an independent inquiry into the whole handling of this application by Oxford City Council “may be the only way we will get to the bottom of it”, and would he agree that the very fact that this statement has been so publicly made by a local MP brings our Council into disrepute?

Reply

The report to West Area Planning Committee in February 2013 advised that there were a number of conditions, including number 16, where details were still required to be formally submitted and agreed. It did not advise Members that information required by part of condition 16 had not been received in a timely manner as the University was seeking to remedy this. Officers gave a verbal assurance that the conditions were being complied with, in good faith. A subsequent review of the evidence shows that in the case of one of the conditions

(Condition 16) the University was late in submitting information and the Council has requested additional analyses, so the condition is not discharged. It is open to the University to remedy this, which it has been doing through further analyses and reports. The University had completed a risk assessment before commencing development, but had not agreed the content of the report and submitted this to the Council prior to starting on site.

If there has been a breach of a part of this condition it is open in the first instance to the University to remedy this after the event. Retrospective compliance is a possibility in view of the nature of the breach and its timing. While the matter is still under investigation there is no ground for litigation or pursuing the partial demolition of the development.

(b) Regarding the *potential environmental hazard* presented by the Castle Mill development :

Would the Leader confirm that the builders of the Castle Mill development have chosen, against the recommendations of the ground investigation undertaken by the Frankham Consultancy Group to set the buildings on piles, to set the buildings on spread foundations some 2m below ground level and below the water table by a depth of between 2m and 4m, and that this use of excavated deep foundations (as opposed to piles) made a completed contaminated land risk assessment even more important prior to building?

Could he also confirm that the developer has still not satisfied the Council or the Environment Agency that the development does not represent an environmental hazard?

Will the Council, given the risk to public health and environment, consider issuing a stop notice as for 10 months the University has been given the opportunity to deal with the breach of condition retrospectively without resolving this serious matter?

Reply

It was agreed some time ago that there would be an enquiry that would review the planning processes and would seek to identify lessons to be learnt and potential changes to future procedures for handling planning applications. The structure and terms of reference of that enquiry are under discussion and it is of course intended to be thorough.

Councillor Wolff in the supplementary questions pursued his question about the development representing an ongoing environmental hazard. He asked where the soil that had been removed from the contaminated site had gone. He also asked about progress on a landscape mitigation survey.

In reply the Leader referred to his answer to part (c) of Councillor Wolff's questions in relation to the landscape mitigation survey

commissioned by the University. The Leader said that a report was due to be submitted soon on contamination including soil removal.

(c) Regarding the visibility of the Castle Mill development :

Would the leader confirm that, contrary to the wording in the planning proposal “will not be visible from the majority of Port Meadow”, that the Roger Dudman Way buildings are in fact highly visible from most of Port Meadow even as far as Wolvercote and from the other side of the river, as well as from every other vantage point (Oxford Canal, railway station etc.)?

Therefore would the Leader please suggest any measures which could be taken to restore the views of the ‘Dreaming Spires’ and Grade I listed St Barnabas’ tower from Port Meadow, which would not involve lowering the roofs of the buildings? And if unable to do so would he agree that in order to restore the view the roofs must be lowered?

Does he believe that the choice of white painted walls and reflective roofs is the best choice for minimising the visibility of the buildings? If he does not, would he agree that the developer appears to have made not the slightest effort to minimise their visual impact?

Reply

The officers’ report to West Area Planning Committee of 15th February 2012 referred at some length to the matter of its built form and visual impacts, including views from Port Meadow. Paragraphs 7 to 18 of that report in particular referred to these issues and concluded by indicating that a judgement had to be made by members of the committee:

“...as to whether the degree of change to the views and landscape setting in this direction which would result from the proposed development is sufficient to warrant refusal of planning permission, taking into account other benefits and objectives to be weighed in the balance. Certainly it is not the case that the development would be entirely hidden from view from Port Meadow or that there would be no impact from the development on the landscape setting and on public views. Rather officers have come to a conclusion, on balance, that with the mitigation described in place then in similar fashion to the extant permission the impact is not such that taken in context with the benefits of the development in providing much needed purpose built student accommodation at an allocated site, that planning permission should be denied.”

The report to committee included views of Oxford from the Port Meadow “View Cone” at Wolvercote with advice on the character and significance of the view so that the officers’ recommendation could be understood and Members could in turn weigh in the balance the

positive and negative impacts with an understanding of the heritage significance of the view.

Members were not misled about the height of the development. The report clearly stated that the development would not be screened from view from Port Meadow, though the intended mitigation would assist in the development sitting more comfortably within its wider context. Rather, in this view it would sit between a line of trees and greenery set along the edge of Willow Walk in front of it and a second line of trees and greenery along the eastern side of the railway line set behind it. An image was submitted with the planning application which showed the intended position of the development compared with the extant 2002 planning permission. This constituted a suitable representation of the intended development to assist committee in coming to its decision on the application.

In addition attached to the report to the Committee in Feb 2013 was an image taken on 24th January 2013 of the development as built. These and other images were displayed at the committee and showed that the tree line and the 'red line' photograph were accurate.

The Head of City Development submitted a report to the West Area Planning Committee on 7th February 2013 which reviewed the 2012 planning permission (reference 11/02881/FUL). The Committee resolved:-

- To instruct the Head of City Development to negotiate with the University of Oxford in order to ameliorate the size and impact of the development given planning permission under 11/02881/FUL
- To instruct the Head of City Development to submit a report back to this Committee at the earliest opportunity on the progress of his negotiations, and by the scheduled April 2013 meeting at the latest
- To establish a working party to recommend to the Council any changes to procedures or policies which the process of handling and determining the application 11/02881/FUL (including the pre-application and consultation stages) might suggest would be desirable.

The University has commissioned consultants, LDA Design, to prepare a Landscape Mitigation Strategy. This will consider a wide range of options for mitigation, including options on the buildings, on site, near but off site and also further afield.

- (d) Regarding the legacy of the building, is the Leader content that the Castle Mill development should stand in its present form as a

permanent memorial to his term of office as Leader of Oxford City Council?

If so, will he encourage the Council's tourism officer to build on the little stream of people currently visiting Port Meadow in order to wonder at this example of contemporary "environmentally sensitive" (sec. Longcross builders) architecture by promoting such visits and including views of the development in the city's tourism literature?

If he is not so content, what remediation measures does he believe could be undertaken that might restore his pride, and what steps has his administration taken so far in this direction?

Reply

Development Control is not an executive function and hence is not determined by the policies of the administration. The planning process is regulated in a quasi-judicial manner through the application of Council approved policies, and, in particular, the Core Strategy. The West Area Planning Committee will no doubt be able to comment on the mitigation measures proposed by the University of Oxford, as the developers of this scheme.

6 Question to Board Member for Finance, Efficiency and Strategic Asset Management (Councillor Ed Turner) from Councillor Craig Simmons

Council Tax exempt houses

Can the Board Member please tell me how frequently the Council checks that properties with Council Tax exemptions are still eligible?

Reply

With the exception of student exemptions, all awards of Council Tax discounts and exemptions are reviewed on an annual rolling review basis.

Student exemptions are awarded to the end date of the course they are attending or end of the tenancy, whichever is the sooner.

In a supplementary question Councillor Simmons asked if Scrutiny could consider the matter. He felt that more checks conducted with greater rigour would result in more Council Tax revenue for the Council.

Councillor Turner said that he supported generally work undertaken by Scrutiny. If members individually had reason to suppose that a property was not eligible for Council Tax exemption, they should report the details to the officers.

7 Question to the Board Member for Youth and Communities (Councillor Bev Clack) from Councillor Dick Wolff

Communities and Neighbourhoods Team

Can the Board Member please explain how a reduction in the Communities and Neighbourhoods Team will impact on support for area fora?

Reply

The original restructure documents were agreed by a cross-party group. There is no reduction in the Communities and Neighbourhoods Team in terms of full time equivalent posts. What we have done is to realign resources to focus on council priorities especially for areas of greatest need. The Communities and Neighbourhoods Team will provide the following resource to Area Forums:

- There will continue to be a co-ordinated support service to the organisational aspects of Area Forums;
- Support to the annual planning meeting for agreeing Area Forums topic/location etc;
- Publicising meetings and minutes via the website, using social media, production of standard posters and emailing residents on database;
- The Communities and Neighbourhoods Team will administer the booking of venues for Area Fora up to a total cost of £150 per annum (Additional costs will have to be met through ward members' budgets);
- We have also developed an Area Support Officer post within the new structure which is currently being advertised. This post will carry out the organisational aspects for the Area Fora. In the meantime the planning meetings for the Area Fora have been arranged and are taking place;
- In addition each Area Forum meeting will be attended by a member of the council's Corporate Management Team to provide a strategic oversight and deal with any service issues/questions arising.

In a supplementary question, Councillor Wolff said, by way of information, that whilst his Group knew about the restructure, he had not agreed to it at the cross-party working group. He asked if the restructure would result in a complete withdrawal of all community work on the ground.

In reply, Councillor Clack said that the aim of the restructure was to achieve a more directional nature of working for the Communities and Neighbourhoods Team.

8 Question to Board Member for Housing (Councillor Scott Seamons) from Councillor Craig Simmons

Council House Rent Increases

In the light of the unexpected £1million surplus in the Housing Revenue Account reported to CEB on 12th June, will the Board Member re-consider the above inflation rent (average 4.6%) and service charge (average 3/.6%) increases it had levied on Council house tenants this year?

Reply

I think it is important to make clear that the £1.2m benefit to the HRA wasn't unexpected but couldn't be guaranteed. It was a result of our prudent accounting which made provision to cover the risk of an adverse result of a rent review at Southfield Park and a successful negotiation that meant that the provision was not needed. The Council tonight will be asked to confirm a CEB decision to allocate some of this money for service improvements such as tenancy fraud and environmental works on estates and a much needed stock survey that will enable us to have even more effective targeting of our housing investment programmes.

I think it is also important to point out that this was a one off benefit and if used to effectively reduce rents then that would erode the income base of the HRA going forward and would restrict our abilities to provide excellent services, invest in our existing housing and continue to build new housing for those most disadvantaged in the City. The City Council with average rents of £96.83 continues to offer good value for money when compared with other social housing providers and certainly the private rented sector. Indeed in a recent survey 77% of our tenants thought this was the case.

In a supplementary question Councillor Simmons asked why service charges had been increased above inflation. Councillor Seamons said that he would ask officers to prepare a full note for all councillors on the matter.

9 Question to Board Member for Housing (Councillor Scott Seamons) from Councillor Sam Hollick

Re-classifying spare rooms

In response to the Government's appalling new bedroom tax, will the Board Member consider the approach taken by Leeds Council to help vulnerable tenants and look into the possibility of re-classifying "spare" rooms as "non-specific" rooms in Council housing?

Reply

There is an assumption in the question that is not correct. As one of the leading authorities in a national pilot in welfare reform we have examined a whole range of measures that will mitigate the impact of the changes on our residents including the actions that Leeds and other authorities have taken. Clearly Oxford is in a very different situation to Leeds in not having lots of difficult to let stock and in already having a classification system that is much tighter in its interpretation. The reclassification is not as simple as it sounds and could carry with it risks of retrospective claims for reductions. The net effect would be a reduction in the income base which would impact negatively on our HRA Business Plan and put at risk our continuing aspiration to provide excellent services, a well maintained stock and new council housing going forward. Our strategy to mitigate the impact of welfare reform agreed by Council is to target resources to help people on a case by case basis with exchanging homes, moving homes and helping people get back to work.

In response to a supplementary question from Councillor Hollick, Councillor Seamons referred to a recent letter from the Department for Work and Pensions which said that housing authorities could lose housing benefit if room classifications were made on a blanket basis.

10 Question to Board Member for Housing (Councillor Scott Seamons) from Councillor Sam Hollick

Container Housing

Has the Board Member considered any innovative solutions to meeting the City's housing crisis, for example the provision of high quality "container" housing, which the Public Sector and Local Government magazine called "a cost effective and sustainable approach to building design"?

Reply

This Council cannot be accused of lacking in innovation given our ground breaking joint venture with Grosvenor Estates to build 350 new Council homes to a very high standard and for social rent, and our own new build programme that will provide 112 new units over the next 2 years. Our main problem of course is the availability of land and we will explore all opportunities to maintain a supply programme going forward.

11 Question to Board Member for Housing (Councillor Scott Seamons) from Councillor Sam Hollick

Houses in Multiple Occupation (HMOs)

The Board Member will be aware of the case brought to councillors' attention in an email on 15th June, where the Council's policy on HMOs is requiring people to move out of a house where they are living as a family, because they are not considered a family by the definition of the policy. Could the Board Member explain what options they are considering to prevent Council policy from causing disruption to people's lives as in this case?"

Reply from Councillor Ed Turner

Firstly, it is not the Council's policy that defines a house in multiple occupation and what constitutes a family; this is defined in national legislation made under the Housing Act 2004.

The Council has a policy of licensing houses in multiple occupation, which clearly needs to be applied consistently, but with appropriate flexibility.

The situation in this case is rather more complicated than it would appear: although the person affected has raised it in both the press and with many councillors, I do not think it is appropriate to divulge personal details in this forum, but am happy to speak with the councillor about the details outside the meeting, and will also be writing to the person affected.

In a supplementary question, Councillor Hollick suggested that the Council had not developed flexible enough options to address cases such as the one he had referred to in his question.

In reply Councillor Turner said that the Council was bound by the terms of the Housing Act 2004. He considered that officers were as flexible as they could be within the constraints of the law.

12 Question to the Board Member for Cleaner, Greener Oxford (Councillor John Tanner) from Councillor Craig Simmons

Electric vehicle charging points

Will the Board Member please explain the reason for the delay in the installation of electric vehicle charging points, and when we can expect to see the promised number installed?

Reply

The City Council has provided charging points at car parks as we said we would. ChargeMaster has responsibility for any increase in the numbers of electric charging points.

The existing network was installed by Scottish and Southern Energy (SSE) now owned by ChargeMaster and consists of dual charging points at each of the following Council owned car parks:

- Pear Tree, Redbridge and Seacourt Park and Ride
- Headington Car Park
- Summertown Car Park
- Union Street
- Westgate Car Park
- Worcester Street Car Park

Usage figures for June 2011 to December 2012 (79 charging sessions in total).

Westgate	9
Worcester Street	36
Summertown	19
St Clements	5
Headington	0
Unions Street	1
Peartree	1
Seacourt	1
Redbridge	7

In response to a supplementary question by Councillor Simmons pursuing the matter of charging points, Councillor Tanner said that this was a matter for Chargemaster and not the Council.

13 Question to Board Member for Finance, Efficiency and Strategic Asset Management (Councillor Ed Turner) from Councillor Jim Campbell

Oxford Pound

Following recent interest in the media and the apparently successful introduction of the Bristol Pound in collaboration with the Bristol Credit Union, will you consider looking into the feasibility of introducing the Oxford Pound in this City?

Reply

This is an interesting idea, and I understand one which is currently taken up by 0.2% of Bristol's population (although arguably one with some pitfalls, for instance in the appropriate payment of tax!). However, given the savage cuts imposed upon Oxford City Council by the Tory / Lib Dem coalition, and recent reports of at least a further 10% average to be hacked off government grant, I do not think I should ask finance officers to prioritise the promotion of such a scheme when there are more urgent priorities. However, if another organisation were to take on the promotion of this, or if the Scrutiny Committee decided it should be a priority, I am sure we would look at such work with interest.

In response to a supplementary question from Councillor Campbell urging that the matter be pursued, Councillor Tanner said that, given officers' other priorities, he did not consider that priority could be given to the matter.

14 Question to Board Member for Cleaner, Green Oxford (Councillor John Tanner) Cllr Jean Fooks

Charging point for electric vehicles in North Oxford

Oxford is committed to reducing its carbon footprint each year for the foreseeable future. One way to do this is to encourage electric vehicles. North Oxford is trying to set up an e-car club, which needs charging points for the vehicles. There is a charging point in the Diamond Place car park but it is not reserved for electric vehicles so is not always available – and an allocated space is needed. Apparently the Council is claiming that to reserve this space for electric vehicles would lose the city £3,500 per year so it is not being progressed.

This seems totally at odds with the aims of the City Council – why is the Council not supporting this venture? Is the £3,500 figure really accurate?

Reply

I am continuing to pursue this issue with officers and I will advise Cllr Fooks when I have made satisfactory progress.

15 Question to the Board Member for Finance, Efficiency and Strategic Asset Management (Councillor Ed Turner) from Cllr Jean Fooks

Westgate Temporary Car Park

The administration is proposing to put almost the entire underspend of £3.3m for 2012/13 towards temporary car parking to facilitate the Westgate development. How was this figure arrived at? Where can Council and the public see the itemised costs?

Reply

In advance of completion of the revised legal documentation for the Westgate redevelopment between the Council and the Westgate Oxford Alliance, an informal report was considered by the Cross Party Working Group on 13th May 2013 in relation to Westgate which, amongst other things, set out suggested proposals for both temporary car and coach parking during the scheme of redevelopment. The estimate of the costs of the works quoted was based on professional knowledge and enquiry but with only limited information on site conditions and the like that was available at the time. Following completion of the conditional development documentation with the Alliance full design has now been commissioned, detailed investigations are taking place and detailed costs are being produced. Clearly the final cost will depend both on the outcome of the investigations and also the extent of provision which is necessary, so no breakdown can yet be given.

The intention is that a report will be presented in September to seek approval to the inclusion of the scheme within the Council's capital programme. Pending that approval, the Council has prudently established a suitable earmarked reserve to cover the cost of these works. The Council's support in this matter is set in the overall context of the investment and the outcomes of the Scheme, and the desire by the Council to endeavour to protect, to the extent possible during the construction phase, the prosperity of Oxford and the City Centre. I would also note that, were the Westgate not to proceed, we would need to earmark substantial investment to bring the existing Westgate car park up to scratch.

In response to a supplementary question from Councillor Fooks suggesting that the matter was taking a long time, the Leader disagreed. He said that there was likely to be special City Executive Board in August to reach decisions on the issue.

16 Question to Board Member for Cleaner, Green Oxford (Councillor John Tanner) from Councillor Jean Fooks

Bulky Waste Collection service

What kinds of domestic waste can be collected by the Bulky waste collection service?

Reply

Bulky waste refers to items that are too large to be taken away with the normal refuse collection. This can mean items such as furniture, beds and mattresses, white goods, fridges and freezers.

We collect the following white goods.

- a. Washing Machines
- b. Dish Washers
- c. Microwaves
- d. Cookers
- e. Hobs
- f. Tumble Dryers

We also collect televisions, computers and screens from residential properties.

Due to WEEE regulations we are not able dispose of small electrical items in landfill. Examples of items covered by the WEEE regulations are deep fat fryers, electric fires, fans and fan heaters, Hi-Fi's, hoovers, irons, kettles, lamps, printers, speakers, and stereos. Some of the Bring Bank sites around the city offer small electrical recycling facilities.

We are unable to collect the following items through the Bulky Waste Collection Service as they cannot be disposed of at landfill sites.

Asbestos	Laminate Flooring
Air Conditioning Units	Lawn Mowers (Electric & Petrol)
Baths	Mirrors from built in wardrobes - this does not included mirrors on wardrobe doors. These types of mirrors and wall hanging mirrors must be wrapped in newspaper and taped down to prevent shattering when crushed.
BBQ's - Gas, Electrical and drum BBQ's	Oil - Cooking Oil, Car, Diesel
Black Bags - must specify what is in a bag, collection of general rubbish is not allowed on the Bulky Service.	Paint
Boilers	Paving Slabs

Bricks	Photo Copiers
Building Rubble	Pianos
Car Parts	Planks of Wood
Cardboard - large amounts must be flat packed and placed out on the blue box collection day	Polystyrene
Ceiling/Plaster Board	Radiators
Cast Iron items / Iron made	Roof guttering/down pipes
Carpet or carpet underlay	Rubbish Bags - must specify what is in a bag, collection of general rubbish is not allowed on the Bulky Service.
Concrete	Sheds
Copper Piping	Sun Tanning Beds
Doors - internal or external	Sinks - kitchen or bathroom
Down Pipes	Storage Heaters - only if the heating bricks are removed, we will not collect the bricks
Electrical Items - Due to WEE regulations we are not able to dispose of electrical items in landfill. Examples of items covered by the WEE regulations - Deep Fat fryers, Electric fires, Fans & Fan Heaters, Hi-Fi's, Hoovers, Irons, Kettles, Lamps, Printers, Speakers, Stereos.	Tiles - wall or floor
Exercise equipment - depending if it is made of aluminium or steel and if it can be lifted	Toilets
Fencing Panels	Tyres
Gas Bottles	Water Heating Boilers
Garden Waste - more than what will fit into a garden bag i.e. trees or bushes	Windows
Garages and Garage Doors	Wooden Flooring
Heating Boilers	
Kitchen Work Tops or Units	
Ladders	

We aim to recycle as much of the bulky waste we collect as possible, but if it is not suitable for reuse or recycling then it will go to landfill. Each household is entitled to 2 free collection visits per year of up to 3 items per visit.

In response to a supplementary question about the exclusion of lawn movers from the bulky waste collection service and the response given by the Council when a constituent of Councillor Fooks asked how the item could be disposed of, Councillor Tanner acknowledged that the response, (namely to take the lawnmower) on a bus to the Redbridge waste disposal site) was perhaps odd at first sight. He went on to say that for some household items, retailers were required to remove the old items that were being replaced, either free of charge or at a small cost.

17 Question to the Board Member for Corporate Governance, Strategic Partnerships and Economic Development (Councillor Bob Price) from Cllr Jean Fooks

Email messages to Councillors

We have recently discovered that messages sent by officers to all councillors have not been getting through - they have disappeared into the ether. How did this happen and will all 'lost' messages be resent? What measures are being taken to ensure that the new electronic system provides Councillors with all the reports and attachments they need?

Reply

The "Councillor all members" e mail address is limited to be used by only certain groups of officers to avoid Councillors being included in group e mails that are only relevant to a smaller group of Councillors.

Officers are being reminded that if they wish to send an "all Councillor" e mail that this needs to be sent via either;

- The Democratic Services Team
- The Communications Team
- Their Service Head

Any other officer that uses this e mail address will receive an automatic e mail advising that their e mail has not been sent as they do not have the authorisation to do this.

The officer that sent an e mail to all councillors which raised the concern that e mails to councillors were not getting through the e mail system did not spot the automatic e mail he received after sending the e mail advising him that his e mail had not got through as he was not authorised to send e mails to this e mail address.

Officers attaching a copy of an earlier e mail within any message to a Councillor have been advised that they must attach this as a word document or PDF so that this can be read on an iPad.

21. CHANGE TO ORDER OF BUSINESS

At this point Council agreed under Procedure Rule 11.6 to change the order of business in order to deal with the Motion on Notice on a Financial Transactions Tax.

22. MOTION ON NOTICE - FINANCIAL TRANSACTIONS TAX

Councillor Price seconded by Councillor Fry moved the following Motion:-

“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 for the funding of public investment in education, housing, infrastructure and social security”.

Following a debate, Council resolved under procedure Rule 11.19(d) to have a named vote. The result of the named vote was as follows:-

For the Motion: the Lord Mayor (Councillor Sinclair) the Deputy Lord Mayor, (Councillor Brett), the Sheriff (Councillor Abbasi), Councillors Altaf-Khan, Baxter, Benjamin, Brown, Canning, Clack, Clarkson, Cook, Coulter, Curran, Darke, Fry, Haines, Hollick, Humberstone, Kennedy, Khan, Lloyd-Shogbesan, Lygo, O’Hara, Pressel, Price, Rowley, Sanders, Seamons, Simmons, Smith, Tanner, Turner, Van-Nooijen, Williams and Wolff.

Against the Motion: no Councillors voted against.

Abstentions: Councillors Armitage, Campbell, Fooks, Gotch, McCready, Mills and Royce.

The Motion was therefore adopted, 35 members voting in favour, no members voting against and 7 abstentions. Council agreed upon a subsequent suggestion by Councillor Tanner that the adoption of the Motion be brought to the attention of Oxford’s two MPs and to the attention of the MEPs for the South East Region.

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

The following public addresses and questions that did not relate to matters for decision at the meeting were made and asked at Council. All of the addresses are attached to the signed minutes of Council as Appendix II. The questions and replies are set out below:

(1) Mark Stone, Motor Neurone Disease Charter – Address

Following the address, the Leader proposed on behalf of Council that the Council should sign the Charter and support the five principles of it. Council agreed the Leader’s proposal by general assent.

(2) Fran Ryan – Community Led Homes in Oxford – Address

Following the address, Councillor Seamons said that although in terms of land it was unlikely the Council could help, he would be happy to convene a meeting to discuss the matters raised in the address.

(3) William Clark – The Consultation Process – Address

Following the address, Councillor Rowley said that the matter of the swimming pool had undergone full consultation and had been fully debated by Council.

Council had decided that a new swimming pool be provided at Blackbird Leys. That decision would not be changed. It was for these reasons that he had chosen not to enter into a dialogue with members of the public.

(4) Nigel Gibson – Openess and Transparency – Address

The following response (which had been circulated in advance) was given to the address:-

In July 2011 CEB delegated authority to the Executive Director Community Services, in consultation with the Monitoring Officer, to award a contract for the build of the new pool. That report recognised that legal challenges may mean that the contract would not "go live" for some time. After a procurement exercise was completed the contract was let in March 2012 to Willmott Dixon. Due to legal challenges and anticipating further delays that contract contained two conditions precedent relating to the dismissal or withdrawal of two legal challenges - the request for Judicial Review of the Council's decision making process by Nigel Gibson and the a request for Judicial Review by Mrs Zani of the County Council's decision to reject an application to have Blackbird Leys Park declared a Town Green.

On satisfaction of these two conditions precedent, the contract by definition became unconditional, and therefore active.

Mr Gibson applied for Judicial Review of the CEB's July 2011 decision in regard to closing the Temple Cowley pool, but after twice failing to obtain consent from the Administrative Court, he finally discontinued his application in March 2013.

Mrs. Zani's application to have the County's decision judicially reviewed has now been withdrawn and therefore the County Council's decision not to register the land as a Town Green stands.

From the above it can be seen that the conditions precedent in the contract have been met, and as a consequence the contract is now active. There has been no material change in the relevant circumstances concerning the need for the facility or the Council's ability to pay for it, and preparations to commence on site are therefore now well advanced.

(5) Rowen Smith – Full Circle and Charity Mentors – Address

Following the address, Councillor Clack said that she would be happy to meet with the speaker.

(6) Question to the Board Member for Leisure (Councillor Mike Rowley) from Andrew Brough (the questioner was not present at the meeting)

It is very important that children living in the vicinity of rivers and waterways are able to learn to swim and have proper swimming pool facilities near to where they live, to avoid the tragedies that have happened in recent years. When there is only one pool in Blackbird Leys, instead of the existing two pools in Blackbird Leys and Temple Cowley, how will the Council make sure that children still have the same amount of time for learning to swim?

When Temple Cowley Pool was completely rebuilt in 1987, the Oxford Branch of

the British sub-aqua club was unable to regain their training session slots on Wednesday and Friday evenings. The existing Blackbird Leys Pool has many small group users. Examples have included canoe safety training and aqua aerobics. How will all these groups be accommodated when the two pools in Blackbird Leys and Temple Cowley are replaced by one in Blackbird Leys?

Reply

The new pool has a teaching pool, splash water and an eight lane 25m pool. The eight-lane pool also has a moveable floor that enables greatly improved programming for both swimming lessons and mobility water sessions. We have also continued to offer free swimming and targeted free swimming lessons to young people in the city.

(7) Question to the Board Member for Leisure (Councillor Mike Rowley) from Sue Brough (the questioner was not present at the meeting)

Could you please give full details (dates, names of people present, points discussed, any outcomes or action points, etc.) of the public consultation meeting(s) which took place before the City Council decided to spend £9.2 million building one new 25m pool in Blackbird Leys, closing the two existing pools and selling off the Temple Cowley site; and has the decision been reviewed since the latest Census Data from 2011 became available?

Reply

While we would not provide names, the Council's web pages contain the detailed consultation information.

(8) Question to the Leader of the Council (Councillor Bob Price) from Cathy Wheeler, Oxford Voice (the questioner was not present at the meeting)

I am increasingly concerned at how Oxford City Council is profiting from selling or donating land and retreating from providing services, particularly in East Oxford; this is bewildering to the hard-pressed Council Tax payers of Oxford.

It is imperative for the open and transparent local authority democracy at Oxford City to be able to effectively hold our elected councillors and the overly financially rewarded executive officers to account for their decisions, and that the governance structure is properly understood.

Can you please explain the legal and corporate status of Oxford City Council: for example, is Oxford City Council a for profit corporation? If Oxford City Council is a corporation, what is the trading name, and what happens to the profits? Is Oxford City Council a co-operative? Is Oxford City Council a Public Limited Company? Or is Oxford City Council a Company limited by shares? If Oxford City Council has shareholders, who are these shareholders?

Reply

Oxford City Council is a local authority with powers regulated by the various Local Government Acts. All financial and other monitoring information about the Council's policies and services to the people of the City can be found on the Council's website.

(9) Question to the Leader of the Council (Councillor Bob Price) from Sietske Boeles (the questioner was not present at the meeting)

Regarding the potential risk to public health and the environment posed by the Castle Mill development, could the Leader confirm:-

- (i) that the Council has allowed this development to go ahead on land which it knew to be contaminated with highly toxic pollutants such as asbestos and polycyclic aromatic hydrocarbons (PAHs), which are linked to birth defects and cancer; and elevated levels of metals such as lead which are linked to brain abnormalities in children;
- (ii) that the Council's environmental health officer identified in December 2012 that adjacent allotments may be at risk and requested further surveys to assess risk on surrounding sites;
- (iii) that surveys submitted recently on behalf of the developers have shown that groundwater is contaminated with PAHs, that these are well above safe levels, and that the Environment Agency has required further surveys.

In view of the above, what reassurances can the Leader offer the people of Oxford that this development has not posed, and does not continue to pose, a risk to public health and the environment? Specifically, can the Leader confirm:-

- (i) that no contaminants, including contaminated dust, has spread outside the development site;
- (ii) that it is safe for people to visit Cripsey Meadow allotments, and consume the food produced there;
- (iii) that an assessment has been carried out to determine whether any damage has been caused, or is being caused by the development to Port Meadow, which is both a SAC and SSSI.

If the Leader cannot offer the above reassurances, will the Council issue an immediate stop notice or explain why it does not believe that this is necessary?

Reply

The Planning Committee imposed a condition as part of the planning permission for the development which required the developer to undertake tests and produce data and reports which would indicate whether any significant risk exists and what, if any, steps might be taken to address that risk. That condition has not yet been discharged.

Interim results were received and this led the Council, working in conjunction with Environment Agency (EA), to require a detailed quantitative risk assessment

in accordance with model procedures. This has just been completed and the results are now being analysed by the EA and the Council.

There are no data or reports that demonstrate an unacceptable risk exists to public health on the allotments. Site investigations were carried out between 2008 and 2011 and levels of contaminants were below the threshold for determining the site as contaminated land. Precautionary advice was given to allotment holders which included washing hands before eating and washing/peeling vegetables grown on the site before consumption. This advice remains sound today.

No assessment has been made to determine whether any damage has been caused or is being caused by potential contamination on the land of the Castle Mill development. This is because such an assessment has not been requested by Natural England or the EA as the statutory consultees and because Port Meadow is separated from the development site by the allotments and the Castle Mill Stream.

(10) Question to the Board Member for Leisure Services (Councillor Mike Rowley) from Jane Alexander

The Oxford City Council Summer 2013 'Your Oxford' paper had a small article within it which headlined 'Better Access to Leisure Facilities'. Does Oxford City Council accept this as an oxymoron because:-

- (i) You are actually closing two swimming pools and replacing them with one and removing a gym which is open from 6am until 10pm and replacing it with a gym that cannot be open to the general public in school hours;
- (ii) Individuals with the concessions membership scheme will be unable to use this facility;
- (iii) Without canvassing those who already regularly use the Temple Cowley pool and fitness centre it is unclear how many people will want to attend a school to use the gym, especially one that will be open for a much shorter period and that will be busy in terms of mechanical and pedestrian traffic at very particular times (excluding some morning use if it was offered) and that is in a poorly lit area at night.

And how will the Council either remedy this inaccurate article or actually improve in real terms access to leisure facilities inside the ring road in East Oxford, for example by keeping Temple Cowley Pools open?

Reply

The article is entirely accurate. The new pool is a City-wide facility and when it opens the east of Oxford will for the first time have a top-quality, modern, integrated leisure centre to compare with what North Oxford has in Ferry Leisure Centre. The partnership with Oxford Spires Academy will help to ensure that Temple Cowley continues to have a good local leisure offer.

Our approach to leisure is detailed in the City's leisure strategy, and it is a continuing success. Since 2006 the City has had the third highest increase in activity nationally with 27.8% of adults now doing at least 3 x 30 minute

sessions of exercise each week. This puts Oxford City Council in the top 20 Councils in England for leisure participation.

(11) Question to the Board Member for City Development (Councillor Colin Cook) from Adrian Arbib

Re: Red line photo montages, dated December 21, 2011 and now available on the planning portal, regarding the Roger Dudman Way development.

Can the Board Member confirm that these photo montages, including the red line, were submitted by the developer and if so when? And when were they made available to (a) the public and (b) councillors? Were they submitted with the wirelines?

There are 13 of them in total and presumably they were all loaded at the same time?

Were these photo montages available to councillors when they determined the planning application in February 2012?

Reply

The photographs including the 'red line' plan or wireline were submitted by the Applicant, the University of Oxford.

The photographs from Port Meadow indicating the location of the development were received and uploaded to the website on 21st December 2011. They were available to be viewed by the public and councillors from this date.

The red and white wirelines were mounted up on the website at a later date, on 8th February 2012, having been received a day or two earlier. The planning committee met on 15th February 2012 and all these images were available to Councillors when they met.

24. PETITIONS

There were no petitions to debate at this meeting of Council.

25. OUTSIDE ORGANISATION REPORTS AND QUESTIONS

The Leader proposed that for the future, under this item, there should be a report back upon the work of one or two of the 'outside organisations' by the representatives appointed to those bodies. Council concurred and the Leader asked officers to draw up a schedule of such reporting for consideration by the Cross-Party Working Group

26. SCRUTINY COMMITTEE - REPORT FROM THE CHAIR

The Chair of the Scrutiny Committee submitted a report (previously circulated, now appended).

Discussion ensued on Scrutiny staffing capacity. A number of councillors suggested that Scrutiny staff were stretched to capacity, thus militating against reviewing and scrutinising to any greater extent. Members recognised that staff resources for scrutiny had not been cut but that to expand resources would require additional financing for which there was no currently no budget.

27. SCRUTINY COMMITTEE RECOMMENDATIONS

There were no Scrutiny recommendations for Council to consider.

28. MOTIONS ON NOTICE

(1) Community Budgets

Councillor Fooks, seconded by Councillor Campbell proposed the following Motion:-

“Public sector cuts would have been made whichever party was in national government (as the former Labour Chief Secretary to the Treasury put it, “There is no money left”) and all parties have to work together to find a solution to this problem.

This Council is facing increasing pressures on available budgets due to the cuts in Government funding and the extra burdens placed on it by the welfare cuts. Staff are working to help those affected by cuts in benefits with advice and support but are limited by the particular local situation of an acute shortage of affordable homes and the highest rents outside London.

Council recognises that the whole-place Community Budget pilots have shown the potential for delivering better services at less cost by the approach to transforming public services by integration and demand reduction. It believes that Oxford would benefit hugely from such an approach.

Council notes that the Local Government Association commissioned Ernst and Young to review the potential for the aggregation of whole place community budgets. The report notes that community budgets have the potential to deliver better outcomes and realise substantial financial benefits; with the potential of a net benefit of five years of between £9.4bn and £20.6bn.

Council also recognises that the current government has been working with councils across the country on the Troubled Families programme, with an additional £448 million to support this work. Council urges the government to build on this cross departmental working and extend Community Budgets

Council therefore asks the Leader to write to the Oxford MPs asking them to support the LGA’s call for Community Budgets to be extended nationally as the

preferred local delivery mechanism for government departments, with appropriate support to local areas to ensure that the maximum benefits are felt from the change”.

Following a debate, the Motion was voted upon but this was not carried, 10 members voting in favour of the Motion and 30 members voting against.

(2) Tar Free Oxford

Councillor Hollick seconded by Councillor Benjamin proposed the following Motion:-

“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”.

Following a debate the Motion was voted upon and was carried out by general assent.

29. SUSPENSION OF COUNCIL PROCEDURES

At this point, the 60 minutes time permitted in the Council’s Constitution for dealing with Motions on Notice having been fully used, Councillor Simmons proposed that the time permitted for Motions be extended for a further 30 minutes to enable the remaining four Motions to be debated. Council voted upon this proposition, but this was not carried. The following four Motions were not

debated and therefore fell unless they were reintroduced at a future Council meeting:-

- (1) Supermarket Levy
- (2) Supporting Youth Employment
- (3) Impartiality of Planning Process
- (4) Supporting the Robin Hood Tax

The meeting started at 5.00 pm and ended at 8.29 pm

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

Relates to: Item 16 – Motions on Notice

1 Supporting the Financial Transactions Tax- Jack Bloomer

We the undersigned are writing to ask you to show Oxford City councils' support for the introduction of a Financial Transaction Tax (FTT) otherwise known as the Robin Hood Tax.

Many of us students in Matthew Arnold school live in the city and West Oxford which is why we decided to approach the Oxford City Council through the local councillor for West Oxford – Susanna Pressel.

As students from Matthew Arnold's sixth's form we believe that the impact of the cuts is making the country more unfair and unequal, restricting our future opportunities, and making it a place that we do not want to grow up in. Three issues of particular concern to us, as students and teenagers, are the abolition of EMA, the increase in university of tuition fees, and lack of funding to combat climate change

We recognize that this has largely been due to the actions of central government in cutting grants to local authorities, but we believe this Council could be doing more to stand up for our country's future by speaking up for alternatives to the austerity approach of central government.

With unemployment at 2.5 million, growth stagnant across the country, frontline public services strapped for resources, and lack of action on climate change, we believe that without an alternative approach the world that the youth of this country will inherit looks bleak. This is why we think the Council should take a formal stand against this – and the FTT would be an important step in doing so.

An FTT would raise up to £20bn a year in the UK. It would see wealthy people and institutions in the financial sector help clear up the mess they caused, rather than today's youth paying with our futures and ordinary people paying with their jobs, frozen or lower wages, and declining public services . Local government has felt the cuts more than most, and should be at the forefront of the fight back against these centrally-imposed measures.

I write to ask you to bring forward a motion calling on the government to introduce an FTT, and secure formal backing for it from this Council. In doing so, you would be making a real, and popular, contribution to our collective future.

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

Part 1: Public Addresses.

1 The MND Charter – Mark Stone

Thank you very much for allowing me to speak to you about how Oxford City Council can demonstrate its support for Oxfordshire residents who are living with Motor Neurone Disease by signing the MND Charter.

MND is a rapidly progressive and terminal condition. It can affect any adult at any time - it attacks the motor neurones that send messages from the brain to the muscles, leaving people unable to walk, talk or feed themselves. In Victorian times, it was known as 'creeping paralysis' and that still serves as a good description of what happens.

The cause of the disease is unknown and there is no known cure. Around 5,000 people in the UK have MND at any one time, with half of people with the disease dying within 14 months of diagnosis. It kills five people every day in the UK.

I was diagnosed with MND in January of last year at the John Radcliffe Hospital, after going to my GP about a slight limp in my right foot. As I am sure you can imagine, the diagnosis was an unexpected – and a totally devastating piece of news.

I have lived in Oxford for more than 20 years – originally in Jericho, but now in East Oxford, off the Cowley Road. My wife is a professional cellist and we have two daughters, Emma and Isabel, both of whom were born at the JR & both of whom are at local schools.

Since my diagnosis, I have had the honour of being elected as a Trustee of the MND Association, the national charity, whose vision is a world free of MND.

The Association funds and promotes research to understand what causes MND, how to diagnose it and, most importantly, how to treat it so that it no longer devastates lives. It provides support and care for people living with MND, their families and their carers, both nationally – and locally, through its branch network of volunteers.

I come here supported by

- Rachael Marsden, a specialist nurse and Care Co-ordinator of the Oxford MND Care and Research Centre at the John Radcliffe Hospital
- Lynda Wigley, volunteer and chair of the Oxfordshire Branch of the MND Association
- Moira McIver, person living with MND, who has lived in Oxford for more

than 20 years, first in East Oxford and now in Cumnor.

The Charter is a simple five-point document, created by the Association, to ensure that people with MND receive the right care, in the right place, at the right time.

Since its publication in May last year, the Charter has won widespread support including from:

- **national organisations** like the Royal College of GPs, the Royal College of Nursing, Rare Diseases UK, the British Association of Occupational Therapists and the Association of Directors of Adult Social Services
- **local organisations** like Gloucestershire Care Services, Wiltshire Council, South Warwickshire NHS Trust and Royal Devon & Exeter NHS Trust
- **prominent individuals** like Professor Stephen Hawking, Terrence Higgins, Baroness Susan Greenfield and Lord Antony Giddens.

Last month I attended a workshop at the Royal Society, hosted by HRH Princess Anne, which focused specifically on the MND Charter.

At the event, leaders from the Royal College of GPs, the Royal College of Nursing, the National Council for Palliative Care, the Association of Directors of Adult Social Services and the Carers Trust all spoke about the importance of the Charter – and how they supported its adoption both nationally and locally. Indeed the representative from ADASS spoke of how he would like to see the Charter adopted by every council in the country.

Here in Oxford, it has been signed by Oxford University Hospitals Trust, the Bishop of Oxford John Pritchard, Sir Roger Bannister, Professor Colin Blakemore and Oxford MPs Andrew Smith & Nicola Blackwood. Indeed more than a dozen of you here have signed the Charter, representing all three parties in the City Council.

With its internationally renowned MND Care and Research Centre, Oxford is recognized as a centre of excellence for both MND care and for MND research. Its team of specialists, including Rachael Marsden, who is supporting me here – is almost unparalleled. I know that some of you went to the inaugural lecture by Professor Kevin Talbot in Nov 2011 – who has the first Professorship of Motor Neuron Biology in the UK.

In March 2012, the Parliamentary Public Accounts Committee produced a devastating report on Services for People with Neurological Conditions. Introducing the report, the Chair, Margaret Hodge MP, said: “individual care is often poorly coordinated and the quality of services received depends on where you live.”

With the structural changes in the last 2 years to public services – and particularly to the NHS - local authorities like Oxford City Council have an increasingly important role to play, alongside the NHS, in the support and care of people with long-term and neurological conditions like MND.

The MND Charter is an important tool for raising awareness of MND across both the general public and those in the health and social care professions. It helps raise standards and demonstrates publicly an organisation's support for those living with MND, their families and their carers.

Each of its 5 points addresses specific issues. For example, 'People with MND have the right to early diagnosis and information' speaks to the difficulty of diagnosing MND and the lack of accurate information & awareness, particularly amongst those providing care and support.

Diagnosis can take months or even years, with inappropriate referrals common (as happened to myself) – and it is common to find care professionals who have no realization of the seriousness of the condition and speed of progression. When life expectancy after diagnosis can be measured in months, any delay in providing essential support or equipment is not merely an inconvenience – but may have a devastating impact on somebody's last few months.

For all the above reasons, I hope you will agree that it is entirely appropriate that the City of Oxford should sign the MND Charter in support of its citizens living with Motor Neurone Disease.

I would therefore like to propose, with the support of a number of Councillors, including Councillors Bob Price, Bev Clack, Graham Jones and Elise Benjamin, that:

“Oxford City Council shows its support for people living with Motor Neurone Disease by affirming the five principles of the MND Charter:

- 1. People with MND have the right to an early diagnosis and information**
- 2. People with MND have the right to access quality care and treatments**
- 3. People with MND have the right to be treated as individuals and with dignity and respect**
- 4. People with MND have the right to maximise their quality of life**
- 5. Carers of people with MND have the right to be valued, respected, listened to and well-supported.**

The City Council demonstrates its affirmation for the above principles by signing the MND Charter on behalf of the City of

Oxford."

On behalf of all of us living with this devastating condition, I hope that you will support this proposal.

Thank you.

2. Building Community Led Homes in Oxford – Fran Ryan, Oxford Co-Housing

INTRODUCTION

Would you like to live where you know all your neighbours, where your children can play outside safely and where there's always someone to watch out for you as you get older? Where you have the privacy of your own home and also access to shared facilities such as gardens, dining room, workshops? This is cohousing. We are a group of Oxford residents who believe that by pooling our resources we can build such a community. It won't just be for ourselves, but to invite others to join.

We will each have our own front door but we will support each other and share our skills. Crucially we will reduce our carbon footprint and our demands on public services.

We know it can be done. There are long established cohousing developments in Dorset and Gloucestershire, and in the last twelve months two new ones in Lancaster and Leeds.

Here in Oxford we face great challenges, but with your help we can succeed.

SO WHO ARE WE?

We are a diverse group but most of us have houses to sell to fund the project. We started planning about three years ago. We have set up a Company Ltd by Guarantee and we have local support from both councillors and Oxford residents. We have been looking for land within the ring road to build 20-40 homes including the usual quota of affordable ones. But we're having to compete with developers who have deeper pockets than ours. So we're finding it really hard.

WHY WOULD COHOUSING BE GOOD FOR OXFORD?

Lots of benefits with cohousing: energy efficient homes with small gardens and shared green space. Car sharing, so we'll need less land for parking. Bulk purchase of food will ensure high quality even for people on £53 a week.

Cooperating with each other and being good neighbours helps meet our social needs. We already have several members with a disability and that is a critical strand in our thinking as some of us are feeling our age. All can be involved in joint activities such as cooking and shared meals. We know that such cooperatively run housing reduces demand on local services, and leads to greater wellbeing, citizenship and happiness.

Our scheme will be a good place for children to play together or join in with adults, such as when they are gardening and maintaining the site. Everyone in a cohousing community feels more secure.

We could say much more now but instead invite you to read more by looking at the attached leaflet or visiting us via our website (see end).

HOW YOU CAN HELP

We invite you to join us but even more to support our enterprise. You could make Oxford City a leading edge council in supporting community-led housing projects.

There are three specific things we'd like you to do:

1. LAND: Help us find land: We need 1½ acres or so within the ring road. But most of all we need some kind of preferred bidder status because we can't raise money as quickly as the big developers. For example having some extra time between contract and completion would help us raise the cash to pay for land. If we buy at a below-market price we will lock in the benefit to keep the homes permanently affordable.

2. POLICY: Enable this project by being flexible with your policies.

2.1 Planning: It may be that the only suitable land is not currently designated for housing. We may need flexibility around parking (we'd want fewer cars than is usual). We may want higher density homes to keep land for gardens.

2.2 Nominations: We will need flexibility around nominations. We want a mixed community. If nearly half our residents are going to come from the Housing Needs Register we need to think about how best to do this so as not to compromise the social viability of the project. We want people who will commit to our cooperative way of working and put time into our project. So we need to find them early to **participate** in our planning process. Several officers and councillors have already shown openness to this. We need a firm agreement in principle now, pending formalizing it in the planning legal agreement. There needs to be a double hurdle for access to the cohousing social rented homes: people being nominated for social homes must show not just evidence of housing need but also commitment to the project.

2.3 Local lettings: We want to benefit people from our immediate area: if we build in Wolvercote we would want some social rented homes to go to people with a Wolvercote connection. Your current policy doesn't allow this.

2.4: Existing council tenants: We want members who already live in social rented homes to be able to move into cohousing. Currently there is no provision for that without downsizing.

3. PROJECT WORKER: Take the lead and joint-fund a project worker with us to support community-led homes including cohousing. No other city has done this.

We have some cash to fund a project worker. Meet us half way and help us to do this.

AND FINALLY...

Picture a future in which you have enabled us to set up several supportive mixed tenure communities in the city. And a model for others to follow across the UK.

(Contact: Fran Ryan, Oxford Cohousing, June 14th 2013 07889 209448 fran@peopleincharge.co.uk)

3 The Consultation Process - William Clark

I was heartened by the last meeting to hear the encouraging words coming from the opposition benches on the topic of consulting with groups who are opposed to the new swimming pool on Blackbird Leys. However the councillor on this side said it would be a clear waste of his time and effort. Well let me refer him to a national statesman who lies only a few miles north of Oxford in Bladon and he stated "it is better to jaw jaw than to war war" and he should know as he endured both activities.

It does make me wonder just what the Labour group are all about! I thought "naively" it was to support all members of a parish/district not just those who voted them into office.

I can see the Liberal Democrats, Greens and Independents have a system which allows for a free vote whatever the topic, unless I'm missing something" As for the Labour group I am ashamed to say your idea of democracy leaves a lot to be desired. I have been attending this place for a good few meetings and witnessed a fair few votes taken and it strikes me that if the leader puts his hand up they all do just like good little puppies. Well let me tell you something for free you are creating the perfect storm scenario, you have alienated countless residents and groups across the city and as my grandmother used to say, [wise old lady she was] "as you sow the wind so you reap the whirlwind" which will come sooner rather than latter which will see large chunks of this chamber turned to other colours other than red. And what about the Conservative party they own all areas outside Oxford City but there is not one representative on this council, so who will support the Tory voter if not you, where is their voice in this chamber.

It's my view you don't care about the voter who put you here, you don't care about the lives you have blighted with accommodation blocks or swimming pools. Let's just examine the last statement again, "who is affected most by the closure of the Blackbird Leys swimming pool – the elderly and the young – why because it is a nice warm pool suitable for their bodies. Who will be affected most by the creation of your white elephant – the elderly and the young – why the population facing the green space is predominantly pensionable age who only want a quiet life not this noisy thing they will get, and the young – why at the moment the other residents living along Pegasus Road want their children to play safe and the park opposite offers that choice, after all said and done they can't play on the green outside their house because you have erected signs saying no ballgames so it has to be across the road and into the playing field. I do think there is more than a touch of discrimination in this chamber as you only appear to be looking after yourselves and always toe the party line.

But what do I know I am only one of the ageing population who had to earn respect the hard way by doing what is right and treating people fairly which brings me right back to the councillor responsible for leisure why won't you talk with us, is it too much of an effort to fit into your busy schedule or have I been speaking the truth all along and you are afraid your leader will use the whip on you?

4 Openness and Transparency – Nigel Gibson.

At the last Full Council Meeting on the 22nd of April, I gave an address introducing the latest petition from the Save Temple Cowley Pools Campaign. Over 1,500 people had signed the petition, asking you to explain openly and transparently, in complete contrast to how you have responded before, your reasons for removing a leisure centre from Temple Cowley, the focus of so many communities across East Oxford and beyond, and key to many thousands of people maintaining their fitness and quality of life. We were extremely disappointed that the then Labour CEB Member for Leisure Services refused to engage, and we were all left wondering, as articulated by Green Councillor Benjamin, “What have you got to hide?”

The lack of transparency was only underlined by the reference to the minutes of the meeting between the Campaign and the MACE architects. I have clearly demonstrated, it seems endlessly, that all the information from the Council concerning the proposed new swimming pool and the close of Temple Cowley Pools is a combination of misleading, inaccurate, incomplete and untrue, and the minutes of this meeting are an exemplar. The meeting between the Campaign and the MACE architect was authorised by one of your Executive Directors, Tim Sadler, at the public meeting in August 2010 when MACE presented their plans for the proposed new swimming pool in Blackbird Leys. It seems a long time ago, but it is the only meeting that we have had with council representatives. The minutes, as you like to call them, were taken without reference to the Campaign, we have never been asked to check or validate them, and they completely misrepresent what actually happened. They were incorrectly used in Planning meetings, and were again incorrectly referenced at the last Council Meeting.

This lack of openness and transparency in the Council’s dealing with the public has been a theme running through the Campaign over nearly four years, and is becoming increasingly pervasive in your dealings with other campaigns as well, where members of the public quite rightly expect their council to properly explain what is going on.

In my address at the last meeting, I explained that any local authority has a public law obligation to review its decisions if circumstances change. I further explained that circumstances had changed significantly in relation to your decision to close Temple Cowley Pools, taken back in July 2011. I expected that the Council would respond, but I heard nothing. So I then wrote to our Chief Executive, Peter Sloman, and asked him, very clearly, to provide the Council’s position on two points:

- Does Oxford City Council acknowledge that there is an obligation on local authorities to review their decisions, and if so,

- Will Oxford City Council review its decision to close Temple Cowley Pools given that circumstances have changed?

These were not trick questions, just very simply trying to find out the Council's position. Bizarrely, Mr Sloman's response was firstly to not answer the question and secondly to dismiss my enquiry as vexatious. Now, I have many better things to do with my time than try and annoy a Council Chief Executive.

And this refusal to deal with the public is becoming a very worrying trend within Oxford City Council. When I challenged Cllr Rowley, the new CEB Member for Leisure Services, with evidence that his interviews were misleading the public, he also refused to respond. And we learn recently that your legal department's advice to councillors, which apparently you have to follow, is not to meet with members of the Campaign. Is it any Campaign, or just this one, we wonder?

No explanation. No openness. No transparency. What have you got to hide?

Well, we're going to try again to find out. There are several stages to a Judicial Review. The first is to try and resolve things without going to law. I've done that, and Mr Sloman, for reasons that are unclear and in a response that will be seen in an unfavourable light by a court, has refused to respond positively. The next stage is a pre-action protocol – this is where I formally set out why I think the Council should be reviewing its decision to close Temple Cowley Pools. The Council can then respond, and if I am satisfied with the answer, the matter goes no further.

The final stage is then moving formally to an application for a Judicial Review. You have a choice. If you commit funds while this process is going on, in the knowledge that you may lose a Judicial Review, then you are not only wasting public funds but are also guilty of maladministration. Or, you have the opportunity to resolve matters now, by stopping any more work on the proposed new pool, while establishing clearly, openly and transparently why you won't review your decision.

The choice is yours.

Response

In July 2011 CEB delegated authority to the Executive Director Community Services, in consultation with the Monitoring Officer, to award a contract for the build of the new pool. That report recognised that legal challenges may mean that the contract would not "go live" for some time. After a procurement exercise was completed the contract was let in March 2012 to Willmott Dixon. Due to legal challenges and anticipating further delays that contract contained two conditions

precedent relating to the dismissal or withdrawal of two legal challenges - the request for Judicial Review of the Council's decision making process by Nigel Gibson and the a request for Judicial Review by Mrs Zani of the County Council's decision to reject an application to have Blackbird Leys Park declared a Town Green.

On satisfaction of these two conditions precedent, the contract by definition became unconditional, and therefore active.

Mr Gibson applied for Judicial Review of the CEB's July 2011 decision in regard to closing the Temple Cowley pool, but after twice failing to obtain consent from the Administrative Court, he finally discontinued his application in March 2013.

Mrs. Zani's application to have the County's decision judicially reviewed has now been withdrawn and therefore the County Council's decision not to register the land as a Town Green stands.

From the above you will see that the conditions precedent in the contract have been met, and as a consequence the contract is now active. There has been no material change in the relevant circumstances concerning the need for the facility or the Council's ability to pay for it, and preparations to commence on site are therefore now well advanced.

5 Oxford University Students Union Charities and Community – Daniel Tomlinson and Sarah Santhosham

Thank you for allowing us to address you today. My name is Sarah Santhosham and I am the outgoing Vice President for Charities and Community at Oxford University Student Union. A year ago I came along to Full Council to introduce myself and outline my vision for the year by working with you to achieve a stronger community. I'm here today to outline what we have achieved by working in partnership and to introduce my successor, Daniel Tomlinson, whom I hope you will work with over the year ahead to continue the progress we have made.

Over the last year we have made a lot of progress in a number of areas, through our new initiatives and projects, the representation of students in the community and through our charitable fundraising. The permanent establishment of our Community Warden scheme has made a lot of difference to the relationship between students and residents on the ground; the wardens visit households to foster good relations and spread useful information, and they are well equipped to deal with the new intake of students next term. Another project I have been pleased to work on is a scheme to foster partnerships between local primary schools and College sports grounds; we have worked with a number of local organisations, including the Council's Leisure and Parks Department, to lay the groundwork and I am confident that this will translate into actual schemes next year. I am particularly grateful to City Councillors for part funding the first Oxford Volunteering Showcase earlier this year; the event attracted 47 stall holders and provided a good opportunity for students and permanent residents to interact around shared activities, from community volunteering, to environmental work, and educational volunteering in the City.

On the representation front, the Oxford Student Community Partnership Group, a group which brings together stakeholders from across the city to discuss matters affecting students as residents, has been going strong, and I am grateful to the Councillors who have made a valuable contribution to this group over the year. We have also continued to represent students through area forums, NAGs and police groups. One of the highlights of my year has been the ability to work with and direct Oxford RAG, the main student fundraising groups in the University. Since April 2012 we have raised around £109,000 for a range of charities, including the local charities Jacari, Helen & Douglas House, Crisis Skylight Oxford and the Oxford Food Bank; hearing how this money will be used for the benefit of the local community has been a real privilege and Oxford RAG is in a good place to be able to raise even larger amounts next year.

It has been a pleasure to work with students at the University to effect change, and in particular with the City Council and individual Councillors this year. This year has taught me how much can be achieved when organisations work together on issues that affect us all

and I hope that the partnership we have as a student union with Councillors and the City Council will remain strong in the future.

(Daniel Tomlinson)

I will be taking on Sarah's role as Vice-President for Charities and Community at the Oxford University Student Union for the next academic year.

I plan on continuing many of the projects that Sarah, and yourselves, have worked on up to this point. Notably, in the 'community' part of my role I will continue to work on:-

- The Community Wardens Scheme
- The project to open up Oxford Colleges Playing Fields to Local Schools
- The Living Wage Campaign

I also want to thank you for assisting with funding the Oxford Volunteering Showcase and hope that we will be able to work together in similar ways over the next year.

Further to the projects that Sarah, and OUSU, already work on I hope that we will be able to work together on 3 further issues:-

- Increasing student engagement with the issue of homelessness in our city
- Increasing cycle safety and reducing cycle theft
- Making the University and its buildings more accessible to the local community

If you would like to contact me you should be able to find my contact details in the agenda. Over the summer I plan to meet with a large number of partners such as yourselves and I look forwards to working with you over the next year.

Daniel Tomlinson, Vice President (Charities & Community), Oxford University Student Union (charities@ousu.org)

6 Full Circle and Charity Mentors – Rowen Smith

About Full Circle

Full Circle is a charitable organisation which began working in Oxfordshire in 2000. Currently based in primary and secondary schools, it brings children and older people together on a weekly basis, with the aim of nurturing friendship and understanding between generations.

About Charity Mentors

Charity Mentors supports charity and social enterprise managers to improve the all round performance of services. It provides mentors who can help clarify goals, consider options and plan outcomes. The mentoring is free. All the mentors have had senior leadership roles and experience, in the voluntary sector.

What we can do – the innovation of the project and how it can benefit Councillors?

Part 2: Public Questions

Q1 Question to the Board Member for Leisure (Councillor Mike Rowley) from Andrew Brough

It is very important that children living in the vicinity of rivers and waterways are able to learn to swim and have proper swimming pool facilities near to where they live, to avoid the tragedies that have happened in recent years. When there is only one pool in Blackbird Leys, instead of the existing two pools in Blackbird Leys and Temple Cowley, how will the Council make sure that children still have the same amount of time for learning to swim?

When Temple Cowley Pool was completely rebuilt in 1987, the Oxford branch of the British sub-aqua club was unable to regain their training session slots on Wednesday and Friday evenings. The existing Blackbird Leys Pool has many small group users. Examples have included canoe safety training and aqua aerobics. How will all these groups be accommodated when the two pools in Blackbird Leys and Temple Cowley are replaced by one in Blackbird Leys?

Reply

The new pool has a teaching pool, splash water and an eight lane 25 meter pool. The eight-lane pool also has a moveable floor that enables greatly improved programming for both swimming lessons and mobility water sessions. We have also continued to offer free swimming and targeted free swimming lessons to young people in the city.

Q2 Question to the Board Member for Leisure (Councillor Mike Rowley) from Sue Brough

Could you please give full details (dates, names of people present, points discussed, any outcomes or action points, etc.) of the public consultation meeting(s) which took place before the City Council decided to spend £9.2 million building one new 25m pool in Blackbird Leys, closing the two existing pools and selling off the Temple Cowley site; and has the decision been reviewed since the latest Census Data from 2011 became available?

Reply

While we would not provide names, the council's web pages contain the detailed consultation information.

Q3 Question to the Leader of the Council (Councillor Bob Price) from Cathy Wheeler, Oxford Voice.

I am increasingly concerned at how Oxford City Council is Profiting from Selling or donating land and retreating from providing Services, particularly in East Oxford; this is bewildering to the hard-pressed Council Tax payers of Oxford.

It is imperative for the open and transparent local Authority Democracy at Oxford City to be able to effectively hold our elected councillors and the overly financially rewarded Executive Officers to account for their decisions, and that the governance structure is properly understood.

Can you please explain the Legal and Corporate Status of Oxford City Council: for example, is Oxford City Council a for profit Corporation? If Oxford City Council is a Corporation, what is the Trading Name, and what happens to the Profits? Is Oxford City Council a Co operative? Is Oxford City Council a Public Limited Company?

Or is Oxford City Council Company limited by Shares?

If Oxford City Council has shareholders, who are these Shareholders?

Reply

Oxford City Council is a local authority with powers regulated by the various Local Government Acts. All financial and other monitoring information about the Council's policies and services to the people of the City can be found on the Council's website.

Q4 Question to the Leader of the Council (Councillor Bob Price) from Sietske Boeles

Regarding the *potential risk to public health and the environment* posed by the Castle Mill development, could the Leader confirm:-

- (i) that the Council has allowed this development to go ahead on land which it knew to be contaminated with highly toxic pollutants such as asbestos and polycyclic Aromatic Hydrocarbons (PAHs), which are linked to birth defects and cancer; and elevated levels of metals such as lead with are linked to brain abnormalities in children;
- (ii) that the Council's environmental health officer identified in December 2012 that adjacent allotments may be at risk and requested further surveys to assess risk on surrounding sites;
- (iii) that surveys submitted recently on behalf of the developers have shown that groundwater is contaminated with PAHs, that these

are well above safe levels, and that the Environment Agency has required further surveys.

In view of the above, what reassurances can the leader offer the people of Oxford that this development has not posed, and does not continue to pose, a risk to public health and the environment ?

Specifically, can the leader confirm:-

- (i) that no contaminants, including contaminated dust, has spread outside the development site;
- (ii) that it is safe for people to visit Cripsey Meadow allotments, and consume the food produced there;
- (iii) that an assessment has been carried out to determine whether any damage has been caused, or is being caused by the development to Port Meadow, which is both a SAC and SSSI.

If the leader cannot offer the above reassurances, will the Council issue an immediate stop notice or explain why it does not believe that this is necessary.

Reply

The Planning Committee imposed a condition as part of the planning permission for the development which required the developer to undertake tests and produce data and reports which would indicate whether any significant risk exists and what, if any, steps might be taken to address that risk..

That condition has not yet been discharged.

Interim results were received and this led the Council, working in conjunction with Environment Agency (EA), to require a detailed quantitative risk assessment (DQRA) in accordance with model procedures. This has just been completed and the results are now being analysed by the EA and the Council.

There are no data or reports that demonstrate an unacceptable risk exists to public health on the allotments. Site investigations were carried out between 2008 and 2011 and levels of contaminants were below the threshold for determining the site as contaminated land. Precautionary advice was given to allotment holders which included washing hands before eating and washing/peeling vegetables grown on the site before consumption. This advice remains sound today.

No assessment has been made to determine whether any damage has been caused or is being caused by potential contamination on the land of the Castle Mill development. This is because such an assessment has not been requested by Natural England or the Environment

Agency as the Statutory Consultees and because Port Meadow is separated from the development site by the allotments and the Castle Mill Stream.

Q5 Question to the Board Member for Leisure Services (Councillor Mike Rowley) from Jane Alexander

The Oxford City Council Summer 2013 'Your Oxford Paper' had a small article within it which headlined 'Better Access to leisure facilities'. Does Oxford City Council accept this as an oxymoron because:-

1. You are actually closing two swimming pools and replacing them with one and removing a gym which is open from 6am until 10pm and replacing it with a gym that cannot be open to the general public in school hours;
2. Individuals with the concessions membership scheme will be unable to use this facility;
3. Without canvassing those who already regularly use the Temple Cowley pool and fitness centre it is unclear how many people will want to attend a school to use the gym, especially one that will be open for a much shorter period and that will be busy in terms of mechanical and pedestrian traffic at very particular times (excluding some morning use if it was offered) and that is in a poorly lit area at night.

And how will the council either remedy this inaccurate article or actually improve in real terms access to leisure facilities inside the ring road in East Oxford, for example by keeping Temple Cowley Pools open?

Reply

The article is entirely accurate. The new pool is a city-wide facility and when it opens the East of Oxford will for the first time have a top-quality, modern, integrated leisure centre to compare with what North Oxford has in Ferry Leisure Centre. The partnership with Oxford Spires Academy will help to ensure that Temple Cowley continues to have a good local leisure offer.

Our approach to leisure is detailed in the city's leisure strategy, and it is a continuing success. Since 2006 the city has had the third highest increase in activity nationally with 27.8% of adults now doing at least 3 x 30 minute sessions of exercise each week. This puts Oxford City Council in the top 20 Councils in England for leisure participation.

Q6 Question to the Board Member for City Development (Councillor Colin Cook) from Adrian Arbib

Re: Red line photo montages, dated December 21, 2011 and now available on the planning portal, regarding the Roger Dudman Way development.

Can the portfolio holder confirm that these photo montages, including the red line, were submitted by the developer and if so when? And when were they made available to (a) the public and (b) councillors? Were they submitted with the wirelines?

There are 13 of them in total and presumably they were all loaded at the same time?

Were these photo montages available to councillors when they determined the planning application in February 2012?

Reply

The photographs including the 'red line' plan or wireline were submitted by the Applicant, the University.

The photographs from Port Meadow indicating the location of the development were received and uploaded to the website on 21st December 2011. They were available to be viewed by the public and councillors from this date.

The red and white wirelines were mounted up on the website at a later date, on 8th February 2012, having been received a day or two earlier. The committee met on 15th February 2012 and all these images were available to Councillors when they met.

DECLARATION OF RESULT OF POLL

Oxford City Council

Election of a City Councillor for North ward

Thursday 19 September 2013

I, Martin John, being the Deputy Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
BEARDER, Timothy Martin	Liberal Democrat	330
DHALL, Sushila Devi	Green Party	262
UPTON, Ann Louise	The Labour Party Candidate	367 Elected
WALSH, John Patrick	The Conservative Party Candidate	100

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	0
D being unmarked or wholly void for uncertainty	3
E rejected in part	0
Total	4

Vacant Seats: 1

Electorate: 4642

Ballot Papers Issued: 1063

Turnout: 23.00%

And I do hereby declare that

Louise Upton

is duly elected.

Dated Friday 20 September 2013

Martin Lewis John
Deputy Returning Officer

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To: City Executive Board

Date: 10 July 2013

Report of: Head of Leisure, Parks and Communities

Title of Report: PAVILIONS PROGRAMME - PROJECT APPROVAL

Summary and Recommendations

Purpose of report: The report seeks project approval for the pavilion programme and requests delegated authority for the Executive Director of Community Services to award the various construction contracts when they arise.

Key decision? Yes

Executive lead member: Councillor Mark Lygo – Portfolio Holder for Sport and Parks

Policy Framework: Playing Pitch Strategy 2012-16

Recommendation(s):

- 1.** To grant Major Project Approval of £3.143million for the Pavilion Programme as set out in appendix one, subject to securing the relevant external funding
- 2.** Recommend to Council an increase to the project budget to £3.143million subject to securing external funding, and Capital & Asset Management group agreeing the virements noted in appendix one.
- 3.** To give delegated authority for the Executive Director, Community Services to undertake a procurement exercise for the construction contracts for the various pavilion projects detailed within the report and award the construction contracts to the successful tenderer(s) subject to them being within the overall budget.

Appendices to report –

- Appendix 1 – Pavilion programme summary document
- Appendix 2 – Risk Assessment
- Appendix 3 – Equalities Impact Assessment

1. Introduction

- 1.1 Oxford City Council is looking to modernise 12 of its sports pavilions across the city and to potentially build a new facility at Grandpont Recreation Ground. An overview of this is shown in appendix 1. The pavilions accommodate eight different sports, over 260 teams (or over 3,500 individuals) on a weekly basis.
- 1.2 The pavilions review (an internal document) and the Council's Playing Pitch and Outdoor Sport Strategy 2012-2026 have provided a solid evidence base for the present and future needs of our sports pitches and pavilions. This work involved non-technical condition surveys, needs analysis, working with the relevant National Governing Bodies of Sport including the Oxfordshire Football Association, Sport England and significant consultation with clubs, officials and leagues. A football forum has also been held.
- 1.3 The current condition of the pavilion stock attracts regular complaints from the users with most sports teams registering complaints at the start of the season. These comments have also been replicated at the football forums that the City Council has held.
- 1.4 A 2007 repairs backlog estimate was approximately £1.6 million to bring the pavilions to an average/good standard. This spend would help improve the facilities but not make any significant material changes so that the sites would still have the inherent problems that they have now in terms of security, inefficiency, site placement and vandalism.
- 1.5 The improvement works will help enable improved access, security, provide greater opportunity to ensure clubs are sustainable, meet modern day standards and help to meet user expectations. Although most of the works will be refurbishment, we will be taking the opportunity to improve carbon performance and improve the external appearance to make them more appealing to a wider audience.
- 1.6 The approved capital budget for the project is £2.708 million and is detailed in appendix one. However we will be looking to secure funding from external sources to increase this including the Football Foundation and Sport England to give a total project budget of £3.143 million.
- 1.7 A significant amount of pre-works have been undertaken including title / legal searches, benefits mapping, site massing, work with the Environment Agency and County Highways Department and several surveys. We have also undertaken consultation and

communication with sports clubs and key stakeholders who use the pavilions in the first phase of the project.

1.8 The project manager and design team were appointed on the 8th February 2013. The successful tenderer was MACE who submitted a strong bid.

1.9 The renewed Barton Pavilion that was completed before this programme has received a great deal of praise from the clubs, leagues and governing bodies. The facility has also been instrumental in making the associated clubs sustainable.

2. Proposal

2.1 There are three phases within the project which are shown in appendix one. The phase one sites that are targeted to be completed in 2013/14 are Cutteslowe top pavilion, Cowley Marsh Pavilion, Blackbird Leys and Grandpont pavilion.

2.2 In line with appendix one, it is proposed that the majority general refurbishment works are undertaken in-house by Direct Services. Refurbishments that are of a more technical nature or facilities that are new builds will be tendered externally completing a sub-Official Journal of the European Union (OJEU) Open Tender utilising the South East Business Portal.

2.3 The tender for the new pool at Blackbird Leys incorporated the option to build the Blackbird Leys sports pavilion to enable economies of scale to be achieved and avoid the risk of two contractors on one site. Willmott-Dixon are submitting a fixed cost for this work. Subject to their quote providing value for money when compared to the market, it is proposed that this is added as an additional element to the existing contract.

2.4 The other proposed new build projects include Grandpont recreation ground and also Quarry fields (Margaret road). The tenders for the construction of these projects are likely to be £500,000 to £600,000 each

2.5 If our in-house team are unable to undertake the necessary refurbishment works in line with the budget and programme then the works will be tendered externally.

2.6 The Council will look to continue to communicate and consult with key stakeholders and users at each of the pavilion sites.

3. Risk

- 3.1 The Council has delivered a successful new build pavilion at Barton and has a good awareness of the construction market for sports pavilions through its work with Sport England and National Governing Bodies of Sport (NGB's).
- 3.2 There is a risk that external funding is not achieved. However officers have been working with various funding bodies in regards to their funding criteria and a good case can be made to attract this.
- 3.3 Each pavilion project has an indicative budget against it. It is proposed that this is not exceeded unless there is scope to vire between the various projects whilst remaining within the total budget. In line with financial regulations this would be limited to no more than £250,000 between schemes and this would be adjusted at half and full year budget reviews. Capital & Asset Management Group shall approve each of the individual schemes prior to authorisation of work commencement.
- 3.4 In the case that external funding is not achieved and there is a shortfall in the budget then the following sequence of activities will be put into practice in sequential order.
- Review external funding and sponsorship plan
 - Value engineering
 - Virements between projects within the pavilion programme (no impact to bottom line)
 - Use the existing Barton Pavilion as a replacement within the scheme or use the capital receipt from the sale of the building
 - Reduce specification.
- 3.5 The approach to this programme is similar to that which occurred within the Play Area programme where there was a gap in overall capital funding and external funding was sought during the course of the program to make up the deficit and provide added value.

4. Climate Change

- 4.1 The project team is carefully considering and implementing relevant technologies throughout the programme including improved insulation, LED lighting, efficient plant and grey-water harvesting.
- 4.2 Photo-voltaic and solar panels have been considered but not incorporated due to the cost of installing these against the actual payback and also the risk that these types of facilities are more exposed to vandalism and theft.

5. Equalities

5.1 The programme will help improve access to facilities by those with disabilities, children and young people and women and girls. This will help increase participation in sport and physical activity.

5.2 There is a very real opportunity to transform sport within the city not only in regards to the facility element but also in regards to club development. In line with the investment in facilities the sports development team will also look to ensure that those clubs who will be benefitting from this will sign up to achieve the relevant standards in their sport such as the F.A.'s Charter Standard and will also ensure that each club has a fit for purpose sports development plan for their club. This will enable improved governance, sustainability and development.

6. Financial Summary

6.1 The table below shows the outline financial summary;

	2012-13	2013-14	2014-15	2015-16	Total
Capital Spend	£'000	£'000	£'000	£'000	£'000
Phase 1 Total	72	1,167	-	-	1,240
Phase 2 Total	-	-	460	-	460
Phase 3 Total	-	-	-	890	890
Total Construction Costs	72	1,167	460	890	2,590
Total Fees and Other Costs	82	195	126	150	553
Total Projected Spend	154	1,362	586	1,040	3,143

Budget	£'000	£'000	£'000	£'000	£'000
Capital Programme Total	154	1,446	805	103	2,509
Developer Contributions	-	23	-	135	158
External Funding- Football Foundation	-	100	100	100	300
External Funding- Sport England	-	27	150	-	177
Total Budget	154	1,596	1,255	338	3,143

6.2 In paragraph 3.3 it highlights the risk that external funding is not achieved. In these circumstances there is a clear sequential plan in place to bring projects within budget and not exceed the agreed capital budget. This approach is similar to that which occurred with the Play Area programme.

6.3 It should be noted that the indicative budgets by pavilion have been based in most cases on condition surveys from 2007, and could change. This along with the need to achieve external income targets will be managed as outlined in 3.4, to ensure the project remains on budget.

7. Legal implications

7.1 The Council would be looking to undertake a tender exercise and enter into construction contracts for various projects including Grandpont Recreation ground.

7.2 Planning permission needs to be obtained for relevant projects to progress.

Name and contact details of author:-

Name: Hagan Lewisman

Job title: Development Manager

Service Area / Department: Leisure, Parks and Communities

Tel: 01865 252706 e-mail: hlewisman@oxford.gov.uk

List of background papers:

Version number: 1.5

Appendix 1 Pavilion Programme

Pavilion	Condition	Modelling	Procurement Opportunity	Total Expected Cost	External Funding options	Anticipated External Income	Outline programme dates
PHASE 1			2013/14				
Cotteslowe Park Upper	Average	Refurbishment of existing	In house	£318,000			Feb 2013 to Aug 2013
Cowley Marsh	Good	Refurbishment of existing	In house	£45,000	S106 Contribution	-£23,083	June 2013 to Aug 2013
Grandpont (Hinksey AFC)	Need for a new pavilion established	New build	External	£576,500	Football Foundation Sport England (Pitch Improvements)	-£100,000 -£26,500	Aug 2013 to Mar 2014
Blackbird Leys	Condemned	Adjoin to leisure centre	Willmott Dixon (Pool contract)	£300,000			March 2014 completion (start dependent on start of the new pool)
PHASE 2			2014/15				
Cotteslowe Park Lower	Poor	Refurbishment of existing	In house	£200,000	Football Foundation Sport England	-£50,000 -£150,000	2014
Sandy Lane	Very Poor	Refurbishment of existing	In house	£170,000	Football Foundation	-£50,000	2014
Five Mile Drive	Condemned	Demolish and replace with toilet and referees changing facility	In house	£70,000			2014

							(potential town green issue)
Alexandra Courts	Average	Investigate opportunities for investment in line with tennis and kiosk procurement	In house	£10,000	External tennis investor / Tennis Foundation		2014 (Cost to demolish or seed funding to attract external funding)
Bury Knowle	Condemned	Investigate opportunities for investment in line with tennis and kiosk procurement	In house	£10,000	External tennis investor / Tennis Foundation		2014 (Cost to demolish or seed funding to attract external funding)
PHASE 3 2015/16							
Quarry	Very Poor	Demolish and rebuild	External	£500,000	Developer contribution	-£100,000	2015
					S106 Contribution	-£31,873	2015
Horspath	Average	Refurbishment of existing	External	£150,000	Football Foundation	-£100,000	2015 (Budget for Pavilion only with further £200k for athletics track in separate scheme)
Court Place Farm Pavilion	Average	Refurbishment of existing	In house	£135,000	S106 Contribution	-£3,480	2015
Blackbird Leys Bowls Pavilion	Average	Demolish football changing and make good	External	£105,000			2015
Forecast Cost excluding Fees and Contingency				£2,589,500		-£634,936	
Project Management Fees				£288,550			
Surveys and Other Costs				£74,000			
Contingency				£191,000			
Total Forecast Cost				£3,143,050			

Projected External Income	-£634,936
Net Budget Requirement after External Income	£2,508,114

Available Budget

Sports Pavilions	New Capital Bid Approved 2012-13	£920,000
Leisure - Pavilions	(Back-log Repairs and Maintenance)	£1,460,500
Pavilions Grey Water Harvesting	New Capital Bid Approved 2013-14	£28,000
Toilet Improvements	Virement to Cutteslowe Lower Pavilion Budget	£70,000
Community Centres	Virement to Pavilions Budget	£30,000
		£2,508,500

Appendix 2 Risk Register

Risk ID	Risk					Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/Contracts Only)
	Category-000-Service Area Code	Risk Title	Opportunity/ Risk Threat	Description	Risk Cause		Consequence and mitigation	Date raised	1 to 6	I	P	I			
001-Pav	Budget	Threat	Tender bids exceed the budget for specific pavilion projects	Budget does not cover tendered costs	Value engineering of projects, reduced specification, reduced budget for other projects within the program. In line with paragraph 3.4.			4	3	4	2	4	3	HL	
002-Pav	Finance	Threat	Pavilion stock budget insufficient to meet requirement	We do not achieve the external funding that is highlighted.	Value engineering of projects, reduced specification or worst case reduced programme. In line with paragraph 3.4.			5	3	5	2	5	3	HL	

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Form to be used for the initial assessment (Equality Impact Assessment)

Service Area: Leisure, Parks and Communities 67	Section: City Services	Key person responsible for the assessment: Hagan Lewisman (Development Manager)	Date of Assessment: 5 June 2012	
Is this assessment in the Corporate Equality Impact assessment Timetable for 2013-2015?			Yes	No
Name of the Policy to be assessed: Pavilion Modernisation Programme			Is this a new or existing policy	New

1. Briefly describe the aims, objectives and purpose of the policy

The need for the pavilion modernisation programme was clearly established through the council's Playing Pitch and Outdoor Sports Strategy 2012-2016. The overriding purpose of the strategy was to help ensure that the City has a good supply of well managed, maintained, efficient, accessible & affordable playing pitches and other outdoor sports facilities, which meet identified needs and encourage all residents to maintain and increase their participation in sport and active recreation.

Ancillary facilities such as our pavilion stock are also an important aspect of this assessment to ensure that these facilities meet modern day standards, are suitable for all and meet Disability Discrimination Act (DDA) requirements. We will be looking to improve 12 of our existing pavilion facilities and also look to build a new facility at Grandpont Recreation ground. A full list of these can be found in appendix 1.

In tandem with the programme the Sports Development team will be working with the sports clubs located at the facilities to help them further develop through meeting relevant national standards, development plans and improving their sustainability.

The pavilion modernisation programme supports the delivery of three objectives in the Council's corporate plan;

- Strong and Active Communities
- Cleaner Greener Oxford
- An Efficient and Effective Council

It also clearly links into the Leisure and Parks service areas objectives of;

- Support the Physical Regeneration of Oxford through the delivery of key projects
- Support the Social Regeneration of Oxford.
- Improves the operational performance of the service

2. Are there any associated objectives of	As noted above.
3. Who is intended to benefit from the policy and in what way 69	<ul style="list-style-type: none"> • All users (existing and future) of the pavilion and playing pitch facilities • Residents/local tax payers • Visiting teams/sports people • Key stakeholders (Sport England, Oxfordshire Sports Partnership, National Governing Bodies of Sport) • Disabled people through improved access <p>Improvements to the Council's pavilion stock will help meet modern day aspirations of both users and non-users. It will ensure greater accessibility to users such as those with particular disabilities such as those that use wheelchairs. It will also help improve access to women and girls.</p>
4. What outcomes are wanted from this policy? <ul style="list-style-type: none"> • Improved quality and accessibility of pavilion facilities • Increased participation in sport including from target groups • Improved energy and carbon performance • Improved customer satisfaction 	

<p>5. What factors/forces could contribute/detract from the outcomes?</p>	<ul style="list-style-type: none"> • Not attracting enough external funding so that the level of improvements is reduced. • Existing facilities that may have a structure that would make some improvements difficult or very expensive. • Not gaining planning consent. 		
<p>6. Who are the main stakeholders in relation to the policy</p>	<ul style="list-style-type: none"> • Oxford City Council (leisure, parks, planning and corporate assets) • City Councillors • Sport England • National Governing Bodies of Sport and League Secretaries • Existing and future facility users • Residents • Sports clubs/teams 	<p>7. Who implements the policy and who is responsible for the policy?</p>	<p>Oxford City Council Leisure, Parks and communities</p>
<p>8. Are there concerns that the policy <i>could</i> have a differential impact on racial</p>	<p>Y</p>	<p>N</p>	

<p>What existing evidence (either presumed or otherwise) do you have for this?</p> <p>7 1</p>	<p>Oxford City Council provides a wide variety of sports and sports facilities to ensure that there is active engagement from its residents within the City including target groups.</p> <p>Oxford City Council does not discriminate or restrict access to their services (pitches and outdoor sports facilities in this instance) on the grounds of; Age, Disability, Gender, Reassignment, Marriage or Civil Partnership, Pregnancy and Maternity, Race/ethnicity, Religion or Belief, Sex (gender) and Sexual Orientation (Equality Act 2010). The council are committed to equality and diversity and to ensure that services are reflective and responsive to local need.</p> <p>Owners of the other accessible pitches in the City also have policies and procedures in place in respect of ensuring equitable and not discriminatory access to their facilities. The Council would hope to influence all potential providers to adhere to its commitment to inclusive participation and access to leisure/ sporting facilities</p> <p>Oxford City Council host and support a number of projects to increase participation amongst residents within Oxford irrespective of race, gender, sexual orientation, age or religious beliefs (in addition to those covered with the Equality Act 2010). Projects, where feasible, will accommodate for people with disabilities liaising closely with the Disability and Inclusion Sports Development Officer. Examples of projects include; Get Oxfordshire Active (GO Active), Active Women, StreetSports, 3v3 Basketball League and 50+ Fit as a Fiddle projects (Swimming and Badminton).</p>		
<p>9. Are there concerns that the policy <u>could</u> have a differential impact due to gender</p>	<p>∓</p>	<p>N</p>	

<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>Oxford City Council provides a wide variety of sports and sports facilities to ensure that there is active engagement from its residents within the City including target groups.</p> <p>Oxford City Council does not discriminate or restrict access to their services (pitches and outdoor sports facilities in this instance) on the grounds of; Age, Disability, Gender, Reassignment, Marriage or Civil Partnership, Pregnancy and Maternity, Race/ethnicity, Religion or Belief, Sex (gender) and Sexual Orientation (Equality Act 2010).</p> <p>The council are committed to equality and diversity and to ensure that services are reflective and responsive to local need.</p> <p>Owners of the other accessible pitches in the City also have policies and procedures in place in respect of ensuring equitable and not discriminatory access to their facilities.</p> <p>Oxford City Council host and support a number of projects to increase participation amongst residents within Oxford irrespective of race, gender, sexual orientation, age or religious beliefs (in addition to those covered with the Equality Act 2010). Projects, where feasible, will accommodate for people with disabilities liaising closely with the Disability and Inclusion Sports Development Officer. Examples of projects include; Get Oxfordshire Active (GO Active), Active Women, StreetSports, 3v3 Basketball League and 50+ Fit as a Fiddle projects (Swimming and Badminton).</p>		
<p>10. Are there concerns that the policy <u>could</u> have a differential impact due disability</p>	<p>Y</p>	<p>N</p>	

<p>What existing evidence (either presumed or otherwise) do you have for this?</p> <p>73</p>	<p>Oxford City Council provides a wide variety of sports and sports facilities to ensure that there is active engagement from its residents within the City including target groups.</p> <p>Oxford City Council does not discriminate or restrict access to their services (pitches and outdoor sports facilities in this instance) on the grounds of; Age, Disability, Gender, Reassignment, Marriage or Civil Partnership, Pregnancy and Maternity, Race/ethnicity, Religion or Belief, Sex (gender) and Sexual Orientation (Equality Act 2010).</p> <p>The council are committed to equality and diversity and to ensure that services are reflective and responsive to local need.</p> <p>Owners of the other accessible pitches in the City also have policies and procedures in place in respect of ensuring equitable and not discriminatory access to their facilities.</p> <p>Looking ahead in regards to potential improvements to the pavilions it would be encouraged to undertake further consultation with key disability user groups in the City such as Oxfordshire Unlimited and the Oxfordshire Disability Forum (amongst others), in respect of the new facilities, as much of the current pavilion stock is not currently Disability Discrimination Act (DDA) compliant.</p> <p>As discussed above, all of the projects hosted or supported by the City Council will accommodate for disabled participants wherever feasible. For particular disability and inclusion projects, a Disability and Inclusion development officer is hosted by the Oxfordshire Sports Partnership and the City Council are fully supportive on any project. Recent projects within the City to increase participation amongst this client group are: 'Have a Go Sports Day' hosted at Horspath Sports Ground, Parallel Youth Games, Wheels for All taster day and supported the development of the Oxford City Casuals Football Team (part of Oxford City Football Club).</p>		
<p>11. Are there concerns that the policy <u>could</u> have a differential impact on people due to sexual orientation</p>	<p>¥</p>	<p>N</p>	

<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>Oxford City Council provides a wide variety of sports and sports facilities to ensure that there is active engagement from its residents within the City including target groups.</p> <p>Oxford City Council does not discriminate or restrict access to their services (pitches and outdoor sports facilities in this instance) on the grounds of; Age, Disability, Gender, Reassignment, Marriage or Civil Partnership, Pregnancy and Maternity, Race/ethnicity, Religion or Belief, Sex (gender) and Sexual Orientation (Equality Act 2010).</p> <p>The council are committed to equality and diversity and to ensure that services are reflective and responsive to local need.</p> <p>Owners of the other accessible pitches in the City also have policies and procedures in place in respect of ensuring equitable and not discriminatory access to their facilities.</p> <p>Oxford City Council host and support a number of projects to increase participation amongst residents within Oxford irrespective of race, gender, sexual orientation, age or religious beliefs (in addition to those covered with the Equality Act 2010). Projects, where feasible, will accommodate for people with disabilities liaising closely with the Disability and Inclusion Sports Development Officer. Examples of projects include; Get Oxfordshire Active (GO Active), Active Women, StreetSports, 3v3 Basketball League and 50+ Fit as a Fiddle projects (Swimming and Badminton).</p>		
<p>12. Are there concerns that the policy <u>could</u> have a differential impact on people due to their age</p>	<p>Y</p>	<p>N</p>	

<p>What existing evidence (either presumed or otherwise) do you have for this?</p> <p>75</p>	<p>Oxford City Council provides a wide variety of sports and sports facilities to ensure that there is active engagement from its residents within the City including target groups.</p> <p>Oxford City Council does not discriminate or restrict access to their services (pitches and outdoor sports facilities in this instance) on the grounds of; Age, Disability, Gender, Reassignment, Marriage or Civil Partnership, Pregnancy and Maternity, Race/ethnicity, Religion or Belief, Sex (gender) and Sexual Orientation (Equality Act 2010).</p> <p>The council are committed to equality and diversity and to ensure that services are reflective and responsive to local need.</p> <p>Owners of the other accessible pitches in the City also have policies and procedures in place in respect of ensuring equitable and not discriminatory access to their facilities.</p> <p>Oxford City Council host and support a number of projects to increase participation amongst residents within Oxford irrespective of race, gender, sexual orientation, age or religious beliefs (in addition to those covered with the Equality Act 2010). Projects, where feasible, will accommodate for people with disabilities liaising closely with the Disability and Inclusion Sports Development Officer. Examples of projects include; Get Oxfordshire Active (GO Active), Active Women, StreetSports, 3v3 Basketball League and 50+ Fit as a Fiddle projects (Swimming and Badminton).</p>		
<p>13. Are there concerns that the policy could have a differential impact on people due to their religious belief</p>	<p>Y</p>	<p>N</p>	

What existing evidence (either presumed or otherwise) do you have for this?	<p>Oxford City Council provides a wide variety of sports and sports facilities to ensure that there is active engagement from its residents within the City including target groups.</p> <p>Oxford City Council does not discriminate or restrict access to their services (pitches and outdoor sports facilities in this instance) on the grounds of; Age, Disability, Gender, Reassignment, Marriage or Civil Partnership, Pregnancy and Maternity, Race/ethnicity, Religion or Belief, Sex (gender) and Sexual Orientation (Equality Act 2010).</p> <p>The council are committed to equality and diversity and to ensure that services are reflective and responsive to local need.</p> <p>Owners of the other accessible pitches in the City also have policies and procedures in place in respect of ensuring equitable and not discriminatory access to their facilities.</p> <p>Oxford City Council host and support a number of projects to increase participation amongst residents within Oxford irrespective of race, gender, sexual orientation, age or religious beliefs (in addition to those covered with the Equality Act 2010). Projects, where feasible, will accommodate for people with disabilities liaising closely with the Disability and Inclusion Sports Development Officer. Examples of projects include; Get Oxfordshire Active (GO Active), Active Women, StreetSports, 3v3 Basketball League and 50+ Fit as a Fiddle projects (Swimming and Badminton).</p>		
14. Could the differential impact identified in 8-13 amount to there being the potential for adverse impact in this policy	<p>Y</p>	<p>N</p>	
15. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason	<p>YES</p>	<p>N</p>	

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16. Should the policy proceed to a partial impact assessment	Y	NO	If Yes, is there enough evidence to proceed to a full EIA		Y	N
			Date on which Partial or Full impact assessment to be completed by			
17. Are there implications for the Service Plans?	YES	NO	18. Date the Service Plan will be updated	n/a	19. Date copy sent to Equalities Officer in Policy, Performance and Communication	05/06/13
20. Date reported to Equalities Board:			Date to Scrutiny and EB	19.06.13	21. Date published	

Signed (completing officer): __ __ Signed (Lead Officer) __ __

Please list the team members and service areas that were involved in this process:

Leisure Service:

Development Manger

People & Equalities:

Jarlath Brine

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MINUTE EXTRACT FROM THE CITY EXECUTIVE BOARD – 10TH JULY 2013

24. PAVILIONS PROGRAMME – PROJECT APPROVAL

The Head of Leisure, Parks and Community Services submitted a report (previously circulated, now appended).

Councillor Fooks spoke on the item. She raised the matter of public expectation concerning the upgrading generally of pavilions and in particular she suggested that the condition of the Alexandra Courts pavilion was below the average condition referred to in Appendix 1.

In response the Leader said that, depending upon budgets, public demand for quality pavilions would be met. But he emphasised that the programme did depend upon the availability of finance. On the Alexandra Courts pavilion the Board Member, Parks, Sports and Events referred the councillor to the remarks in Appendix 1 concerning the opportunities for investment in the pavilion.

Resolved to:-

- (1) Grant Major Project Approval of £3.143million for the Pavilion Programme as set out in Appendix 1, subject to securing the relevant external funding;
- (2) RECOMMEND to Council an increase to the project budget to £3.143million subject to securing external funding, and Capital and Asset Management group agreeing the virements noted in Appendix 1;
- (3) Give delegated authority for the Executive Director, Community Services to undertake a procurement exercise for the construction contracts for the various pavilion projects detailed within the report and award the construction contracts to the successful tenderer(s) subject to them being within the overall budget.

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To: City Executive Board
Council

Date: 11th September 2013
30th September 2013

Report of: Head of Housing and Property Services

Title of Report: HOMELESS ACCOMMODATION SUPPLY

Summary and Recommendations

Purpose of report: To make recommendations to improve the supply of suitable temporary accommodation in order to meet the Council's duties to homeless households.

Key decision? Yes

Executive lead member: Councillor Scott Seamons, Housing
Councillor Ed Turner, Finance

Policy Framework:

Corporate Plan (Meeting Housing Needs & Efficient, Effective Council)
Housing Strategy 2012-15 & Homelessness Strategy 2013-18 (Prevent and Respond to Homelessness)

Recommendation(s): The City Executive Board are recommended:

(1) To note the report and endorse the approach being taken to procure additional properties for temporary accommodation as part of our discharge of homelessness duties.

(2) To recommend to Council that the 2013/14 General Fund Capital Budget be updated with the inclusion of a new scheme, namely "Homeless Property Acquisitions", estimated at £5 million, funded from borrowing and to include a further £5m budget in 2014/15

(3) To recommend to Council an increase in General Fund external borrowing of up to £10million to finance the capital expenditure;

(4) To give project approval to the Homeless Accommodation Supply project identified in this report, and to grant delegated authority to the Executive Director for Regeneration and Housing in consultation with the Chief Executive, to decide on the final management model, to tender contracts to set up and operate a scheme, and to award appropriate contracts, and as necessary, agree property acquisitions, that are the

most financially advantageous for the Council with respect to the Council's Medium Term Financial Plan, following approval from the Council's Head of Finance; and

(5) To request that Officers report progress to CEB after the first £5m spend to evaluate the impact of the scheme.

Appendices to report:

Appendix A - Risk Register

Appendix B - Equality Impact Assessment

Context

- 1 Local housing authorities have a statutory duty to ensure that households believed to be homeless, eligible for assistance, and in priority need (primarily if the household is vulnerable or has dependents) are provided with interim accommodation. Following homeless investigations, the Council may accept that it has a statutory duty to find suitable settled (permanent) accommodation for that household. Temporary accommodation is the accommodation provided by the Council on either an interim basis or, where it has accepted a statutory homeless duty, for the period until it discharges that duty. The Council may exercise its discretion and continue to accommodate households that are appealing a negative homeless decision, or, for a limited time period, those families that may have been found intentionally homeless.
- 2 Best practice, as recognised by the Homeless Code of Guidance, is to try to prevent statutory homeless applications and acceptances, by taking action at the earliest possible stage to either prevent homelessness (by keeping the household in their current accommodation) or to alleviate it by finding alternative suitable accommodation available to them. This is recognised in Oxford City Council's Homelessness Strategy (2013-18) approved by CEB on 13th Feb 2013. As part of this report, the Council also agreed to use new powers in the Localism Act (commenced from 9th Nov 2012) to discharge the Council's homeless duty into suitable private rented accommodation, where this was appropriate. This report is concerned with trying to ensure a ready supply of suitable accommodation for this purpose.
- 3 Nationally statutory homeless acceptances have been increasing. In Oxford, we have presently 'bucked' this trend, reducing acceptances by 13%, and reducing households in temporary accommodation by 7% (from 129 to 120) over the same period. The number of households in temporary accommodation in Oxford has steadily declined from a peak of around 1,000 households in 2004, to 120 as at the end of March 2013. As at the end of June 2013, 123

households were in temporary accommodation (excluding any accommodated pending appeal). The significant reductions in temporary accommodation have been through exemplary and innovative combined work across Housing Needs. Specific initiatives in homelessness prevention; in temporary accommodation management; in the allocation of housing; and in the supply of permanent housing, have all contributed to targets being consistently exceeded.

- 4 The Council’s target is to ensure that the number of households in temporary accommodation, at any one time, is 120 or less. However, concerns exist that the impact of the following factors could lead to an increase in homelessness presentations namely.
- Welfare Reform – LHA changes (to 30th percentile); Benefit Cap; Bedroom Tax; Universal Credit (and direct payments)
 - Deficit reduction/ public sector cuts – impacting in various ways, including increased pressure on the resources of partners; reduced house building; and less mortgage lending
 - Rising living costs and increasing personal debts

Temporary Accommodation

- 5 The Council uses a variety of models of temporary accommodation. This comprises of:

First Stage	
First stage accommodation is generally the initial accommodation that a household is placed in, should they be deemed to need temporary accommodation. The accommodation is actively and intensely managed by the Council’s own Accommodation Team.	
Nightly Charge (NC)	Accommodation that is usually provided on a night by night basis only (including out of hour’s placements). Accommodation is procured as required, and is now predominately guest house or hotel rooms (as available). <i>A typical nightly charge is around £350-500 per week, (£18,000 to £26,000 per annum), per unit, and is the most expensive form of accommodation</i>
Council-owned Hostel (OCC)	Accommodation that is owned and managed by the Council for this purpose. This consists of one property of 8 units. This has been supplemented by two decommissioned sheltered housing schemes (albeit on a shorter term basis) and two further ‘hard to let’ properties. <i>The cost to the Council of this accommodation is broadly cost neutral and is</i>

	<i>accounted for in the HRA.</i>
Private Sector Lease (PSL)	Property that is leased by the Council (typically on 1 to 5 year leases) from the private sector. This comprises of the majority of first stage accommodation. <i>The net cost is around £2,800 per annum, per unit (exc staff costs).</i>
Second Stage	
Second stage accommodation was generally for households to whom the Council had accepted a statutory homeless duty. It mostly comprises of family accommodation.	
Oxford Social Lettings Agency (OSLA) – Now operated by Green Square only and being wound-up	OSLA comprised of Oxford Citizens Housing Association and Catalyst Communities Housing Association (formerly Ealing Family HA) who worked together to operate the scheme. They leased property from the private rented sector to be used as temporary accommodation, with the Housing Association effectively acting as the managing agent – This is under a Housing Association Leasing Scheme (HALS) model. This scheme is now in a wind-down period with the providers no longer willing to continue with this ‘non-core/higher risk’ activity for much smaller numbers of households than originally housed. <i>The net cost is now around £1,400 per annum, per unit, this being the Nomination fee. (The Council is also liable for voids costs on ready property, but this is now negligible).</i>

- 6 As at 30th June 2013, the breakdown of households, by the type of temporary accommodation (TA) used, was as follows*:

First Stage			Second Stage		Total
NC	OCC Hostel	PSL	OSLA	Hard to Lets	
0	40	70	8	5	123

* These figures use the Government definition for the P1e return and exclude a small number of households in temporary accommodation, where homeless duties have ended; that the decision has not been appealed; and where the household is not yet evicted. (This comprised of only 1 household at the end of June 2013).

7 At the same date, the status of households in TA was as follows:

Status	Number
Pending case	41
Accepted case	73
Negative decision/ appealing/ exiting	9
Total	123

Current Expenditure

8 The current cost (2013/14) of temporary accommodation to the General Fund is set out below:

Reason	(£)
Nightly Charge expenditure	40,000
Nightly Charge rental income (capped at HB subsidy)	- 20,000
Nightly Charge bad debt provision	10,000
Nightly Charge Net Cost	30,000
PSL lease expenditure	750,000
PSL utility costs	75,000
PSL & OCC Hostel council tax costs	10,000
PSL damage/ dilapidations costs	35,000
PSL rental income (capped at HB subsidy cap levels, plus service charge)	- 700,000*
PSL bad debt provision	30,000
PSL Net Cost	200,000
OCC Hostel costs to the General Fund (other costs and income in the HRA)	5,000
Second Stage (OCHA) costs (£1,400 pa nomination fee and void losses) – wind-down	15,000
Sub-total (accommodation costs)	250,000
Staffing costs (managing PSL and OCC units)	250,000
Vehicle costs	15,000
Storage/ Removal costs	6,000
Sub-total (other costs)	271,000
Total	521,000

* PSL rental income may hit £740,000 this year, due to very low void rates – presently at about 0%. The target is for void rates to be at 10% to ensure sufficient units are available and ready when needed – to avoid ‘overspill’

into expensive nightly charge accommodation, and to ensure officers have a range of property type, size & location in order to make suitable placements.

- 9 The main pressure point in spend is on Nightly Charge accommodation because if additional accommodation is required, that is either unexpected, or because it cannot be sourced elsewhere, then this costs in the region of £350-£500 per week per household. We are very restricted as to the rent that can be charged for such accommodation under Housing Benefit subsidy regulations, that effectively limits this charge to £160 per week.
- 10 The Council has operated a very successful Home Choice scheme for the past ten years, helping to prevent homelessness by providing clients that might otherwise have required temporary accommodation (under the Council's statutory duties) with a deposit or bond in order to secure access to private rented sector (PRS) accommodation. Approximately 1,000 households are currently supported in this way through the scheme. The number of new tenancies established by the scheme has fallen significantly however – from 200 in 2010/11 to 110 in 2012/13. The changes to LHA rates and concern over other benefit changes, plus a very buoyant local rental market, have resulted in landlords increasing rent charges significantly above LHA rates, and favouring working tenants over those more reliant on benefits and with less favourable tenancy histories. About 10% of existing Home Choice clients are in property which is outside of Oxford City, and the team increasingly have to look beyond Oxford to access additional property, although the disparity between supply and demand, and LHA rates and actual rents, are increasingly similar across the County.
- 11 Budgeted revenue expenditure on the Home Choice scheme in 2013/14 is expected to be approximately:

Reason/ Costs	(£)
Staffing	230,000
Deposits, Bond Settlements, Finders Fees, Rent in Advance, Rent Top-ups	400,000
Deposit Returns	- 50,000
Total	580,000

- 12 This is a similar cost to past years, but less new starts of accommodation are being achieved. At present however, the team are still able to sustain most existing tenants in the scheme, albeit that this is requiring some to move to alternative landlords or properties.

Challenges and Pressures

- 13 Since the Council's Private Rented Discharge Policy went live from

1st April 2013, the immediate opportunities have been limited because of the limited supply of affordable private rented accommodation (within the Local Housing Allowance) in the city and surrounding area. Officers are now searching the next nearest urban areas out of County. Households at imminent risk of homelessness are usually prioritised over households already placed in temporary accommodation, in order to prevent their homelessness. Access to more PRS accommodation is needed, both short and medium term, to address this need.

- 14 A number of measures have been put in place to mitigate the impact of some pressure on the service, including:
- Increased funding for DHP payments
 - Welfare reform outreach work
 - Funding for additional debt surgeries to prevent homelessness
 - Developing more affordable homes (e.g. Barton West/ HCA programme)
 - Improved homeless prevention and casework
- 15 There are pressures on current temporary accommodation. These include:
- Opportunities to release Council owned accommodation for the redevelopment of permanent housing (namely Alice Smith House and Eastern House)
 - The winding-up of the OSLA (second stage) contract
 - Further minimising Nightly Charge use
 - Maintaining approximately a 10% void rate in TA to ensure sufficient suitable property is available when required (currently the void rate is close to 0%).
- 16 In the absence of more accommodation, the Council will need to secure increasing volumes of temporary accommodation in order to meet its statutory homeless obligations. If such accommodation cannot be secured, increased use of nightly charged bed and breakfast style accommodation will be necessitated, having negative impacts on both the households placed there, and on the Council's budgets.

New Approaches

Efficiency Improvements

- 17 In order to improve the financial efficiency of homelessness accommodation, the Council intends to focus increasingly on assisting clients into suitable private rented accommodation, and to keep the number of households in temporary accommodation to the minimum possible. It is recognised that to do so in the local private rented market, the Council needs to explore a number of other options. This approach is therefore one where we are intending to adopt a more sustainable approach, and also to remodel from a revenue to a capital

investment one, for homelessness accommodation.

- 18 In addition to our use of PRS discharge, It is proposed that an additional complementary approach is used to provide flexible options for the Council to address homelessness in Oxford.

Local PRS accommodation at LHA Rates

- 19 Temporary accommodation within the City or as near as possible will continue to be required when homelessness prevention fails and discharge in the private rented sector is unachievable or otherwise not appropriate. Placement of households in this accommodation will be subject to Chief executive and director approval and will only be available for those where there is an ongoing housing liability and there are particular circumstances where PRS discharge and out of area would be inappropriate. In these cases, the supply of more local accommodation, that can be sustained at LHA rates, is required. It is increasingly becoming apparent that the local private rented market is unable to provide this, at the rates required, for both homeless prevention accommodation and for temporary accommodation. To address this, it is proposed that the Council procures a limited number of properties (approximately 45-50) as part of a revised capital programme, and this accommodation is made available, for homeless clients to access at LHA rates. **This report seeks approval for this.**

Options Considered

- 20 Delegated authority to enter into a new contract to provide temporary accommodation, under a 'Temporary to Permanent' model, was agreed, under the Single Member Decision (Housing Needs) process, on 9th November 2011. However, following that, there were significant changes in the banking and finance markets, and the loans required by the successful tenderer in order to operate the scheme were no longer available. The Council has continued to explore options, and has considered a number of alternative options, including a 'Long Term Affordable' model, using private pension fund equity. However, this option was dropped as there were unacceptable risks with the funding over 35 years and the Council can fund or borrow more cheaply.

- 21 Do Nothing

This is not an option. Without sufficient accommodation, increased use of temporary accommodation will be required, and this is most likely to have to take the form of B&B accommodation, due to the lack of other accommodation available. The cost, currently around £18,000 to £26,000 per family, per year, is predicted to grow year-on-year in line

with homeless presentations, as existing households in temporary accommodation have few viable move-on options.

Alternative Models to supply suitable PRS Accommodation

- 22 Various approaches, such as the 'Long Term Affordable' model (described above) have been considered by officers, but discounted as the cost and risks are considered to outweigh the benefits. It may be possible to re-tender for a 'Housing Association Leasing Scheme' type model (as used for the OSLA scheme previously), but this would also be dependent on the PRS market for the supply of accommodation, and it would require the payment of a nomination fee which would not allow for the Council to make savings in temporary accommodation costs. The 'Temporary to Permanent' model (using an organisation that will secure 10-15 year bank lending to procure property) is also no longer viable.
- 23 Alternatives, such as an Equity Investment model, with the Council entering into a long-term partnership with another organisation, such as a Registered Provider, to provide accommodation in return for an equity investment, are innovative new approaches and will be explored as a medium term option. Other approaches also being pursued, as 'business as usual', include exploring whether any large scale accommodation providers may wish to lease surplus accommodation, although, to date, this does not appear likely.

Recommended Option

Overview

- 24 Under this model, the Council would use additional General Fund borrowing to purchase properties on the open market. These properties would then be let on license or be leased and then let on Assured Shorthold Tenancies, at Local Housing Allowance (LHA) rates, to households that would otherwise be homeless or to whom the Council has accepted a homeless duty.
- 25 It is proposed that the capital borrowing envelope for this scheme is capped at £10m. That should procure approximately 45-55 properties.

Benefits

- 26 This model is beneficial, compared to alternatives, as:
- It could deliver access to new units of accommodation, in or close to Oxford, to a good quality standard, that are well managed, and rented at LHA rates.
 - The Council can secure better interest rates than the alternative

models discussed to date

- Operationally, the scheme would be under the Council's direct ownership. This provides more flexibility, including allowing for the disposal of units (at the end of lease terms), should unforeseen changes occur in the future
- The model is flexible enough, to allow for the property to be used for other purposes (social or market renting) if the need for homeless accommodation declines at any point in the future
- The model is more sustainable and will provide a Council saving in that no nomination fees; finder's fees; deposits/ bonds; agent admin fees; top-up payments; or DHPs are required. If homeless approaches to the Council stay constant, the model will allow for further temporary accommodation reductions and make further budget savings as a result. If homeless approaches increase, then this initiative should help to contain that growth within existing resource provision.
- It is assumed within the model that purchasing the properties will save in the region of £60k per annum from the existing budgeted homeless accommodation costs which is in addition to the £100k per annum saving currently allowed for in the Medium Term Financial Plan.

27

Model Sensitivities

Assumptions around key factors such as numbers of units purchased, cost of units, property improvements, running costs, rent and rent increases and borrowing rates have been modelled. All assumptions could change and the most sensitive is around borrowing rates and whether internal as opposed to external borrowing is undertaken. PWLB borrowing rates for 30 year money are currently running at around 4.75% with shorter 10 years monies running at around 3.7%. In addition a Minimum Revenue Provision would be charged to the revenue account based on the life of the asset (currently estimated at 60 years). The Minimum Revenue Provision is to 'ensure that debt is repaid over a period that is commensurate with that over which the capital expenditure provides benefit'.

Whilst the rate of interest on borrowing will be determined and fixed at the time borrowing is taken out at the prevailing rates, based on current rates this would be around 4.75% and at the rate it is estimated that there would be a small deficit over the 30 year period in the order of £476k (average £15k per annum) without any MRP charge. Should this scenario occur then the £60k saving used in the model will be reduced to around £45k.

28

Procurement Options

A procurement strategy for this project is to be developed. This will need to consider a number of issues including the approach taken to each of the key elements:

- Acquisition
- Management
- Maintenance

29 The following framework will inform the development of this approach:

Properties – Good quality property standards - ideally to Decent Homes (although this is not be mandatory). Accessible to local transport and amenities. Any units procured should be capable of being brought up to suitable letting standards within 4 weeks of purchase, and should not require more than £5,000 of initial refurbishment works (unless the purchase price presents a clear business case for an exception). Properties may be flats or houses, and may include ex-Council homes bought under the Right to Buy, or flats where the Council has the leasehold.

Location – Likely to be Oxford or neighbouring urban areas, should property be secured at better value in these areas.

Acquisition – Initially, to be phased over a period of 9-12 months to ensure that property values are not impacted, although this may be subject to review pending the financial impact of the scheme. Purchases could be directly from individuals, via agents, or direct from developers. The initial preference is that this should be outsourced to ensure that sufficient resources are quickly mobilised to undertake this work. Properties should be secured for under 90% of the marketing value. The Council will need to undertake independent valuations in order to comply with the need to meet and seek value for money.

Management – The initial preference is that the operation of the scheme will need to be outsourced. This will ensure the scheme is managed arms-length from the Council, identifying this product as a very different one from social rented housing. Legally, a third party is also required, in order for Assured Shorthold Tenancies (ASTs) to be used if some of the properties were to be used for prevention. Detailed contractual arrangements will clearly identify the expectations and responsibilities for performance around key areas such as rent collection; void relet times; bad debts; and service standards.

It is proposed that a business case for an internal model of management is also developed as a comparator to ensure the Council achieves value for money and that the final decision on the management model to be adopted, be delegated to the Corporate Director for Regeneration and Housing following procurement. This final decision whilst delegated to the Director for Regeneration and

Housing will be made in consultation with the Board Members for Finance and Housing.

Maintenance – There are possible benefits of tendering this as a parcel with the above two elements. This will provide a more viable scheme for a third party to tender for and operate. It is likely to minimise ‘hand-over’ issues between acquisition, management and maintenance functions. The opportunity for maintenance work to be carried out by Direct Services as additional Council trading should also be explored.

Governance

- 30 It is proposed that an officer group, including the Chief Executive, Corporate Director of Regeneration and Housing, Heads of Housing, Finance, Legal, and Business Improvement have operational oversight of this project, including the monitoring of spend and the accuracy of the modelling used. The group will report quarterly to the Housing Programme Board. In addition, Directors will review the on-going business case for the additional accommodation throughout the phased procurement period (expected to be 9 months following a 3 month mobilisation period).
- 31 After the scheme is fully operational (after the procurement stage) the scheme will also be fully reviewed by this group, and this will continue annually, with the initial report also being submitted to CEB. The scheme should also be independently reviewed, and valuations undertaken every five years.

Environmental impact

- 32 There will be minimal environmental impact from this initiative. Any impact however is likely to be positive, as the Council is likely to be able to make modest improvements to property standards and efficiency over the term of the initiative.

Equalities impact

- 33 Regular monitoring of homeless clients is undertaken – most recently reported as part of the evidence base for the Homelessness Strategy. Analysis consistently shows that homeless clients are usually younger than the usual resident population, and predominantly women. Assessments as to vulnerability are made, as necessary, under homelessness law. BME groups are represented to a higher degree than the base population, in presentations as homeless, although research commissioned by the Council has shown this to link to lower income status, rather than to particular racial issues. The PRS Discharge policy identifies households that may, or may not be considered for out-of-area moves. (This was approved by CEB in Feb 2013 as part of the Homelessness Strategy Report.) An impact

assessment is attached at Appendix B to this report.

Risk and mitigating any possible detrimental impact

- 34 There are a number of risks associated with the project. These are shown Risk Register is shown at Appendix A.

Non-financial risks are:

Whether the scale of the proposal is too small.

- 35 Predictions from initial research as to the impact of the first wave of changes to LHA rates (Shelter/ Cambridge CHPR Report on the LHA impacts, 2010) suggests that up to 269,000 households in England are likely to get into severe difficulties as a result, with 35,000 presenting as homeless (and half of these found to be in Priority Need). This could be taken to apply to at least 1,000 Oxford households, with 80 being in Priority Need on top of current cases. This would indicate that this initiative would not address all of the extra needs of presenting households. Should this be the case, this would be identified as part of the on-going review of the scheme, and options would need to be considered, including the up-scaling of this initiative.

Whether the scale of the proposal is too much.

- 36 There is also a risk that the expected increase in homelessness does not arise, and that all the additional units of accommodation are not required. Again, this would be identified through on-going reviews of the housing need; business case; and scheme progress throughout the procurement period. Subsequent to this, the scheme is flexible enough to use for a range of options, including changing the households referred into the scheme (to broaden it); shifting the model to renting at market rent or sub-market/ Affordable Rent; disposing of property; or moving the property into the HRA to use as social rented accommodation. This is highly unlikely however. Demand for suitable, affordable, private rented accommodation is at a premium, and the Home Choice scheme has maintained an internal list of referred cases (households considered at risk of homelessness) of over 50 for over two years.

That suitable arrangements can be found to acquire, manage and maintain the properties

- 37 This report has already outlined the principles to be followed in developing a procurement plan, and this seeks to minimise risk and ensure the initiative delivers successfully. It is proposed to undertake some soft-market testing to ensure that there is appetite in the market to tender for such a proposal. Assuming there is, the Council will seek to minimise operational risks through placing contractual obligations on the provider to meet minimum performance standards, including those

relating to income collection.

- 38 Officers will develop an alternative in-house model as a substitute to out-sourcing, if required. This is expected to be possible, although the mobilisation prior to procurement is likely to be delayed, to ensure sufficient resourcing; operational risks (including rent collection) will fall to the Council; the management approach of using ASTs will also have to change, with one consideration being that an Affordable Rent model is used; costs may also need to be reviewed.

Financial risks of the initiative are:

- 39 In summary, the key financial risks and mitigations are:

<i>Ref</i>	<i>Description</i>	<i>Mitigation /Notes</i>
I	Comparative variations in RPI, CPI, LHA rates, and borrowing costs	The model has made conservative assumptions on these, particularly for borrowing. The GF revenue Implications of adverse budgetary issues materialising needs to be identified and form part of the MTFP.
li	Procurement costs exceed expectations	The purchase price of the properties significantly influences the modelling. Where lower prices can be achieved, additional units can be procured (yielding greater income) or borrowing levels can be reduced. If purchases cannot be secured to budget forecasts, then less units or more borrowing may be required, subject to its affordability within the GF MTFP. It is proposed that scheme monitoring will identify this however, and procurement will be suspended or delayed (in order to find properties within budget) if this occurs. The model also allows a 1% contingency for some cost overruns, if needed.
lii	The accuracy of assumptions relating to income collection/ bed debts; management costs; maintenance costs; and voids	The assumptions in the model have been sense-tested against other models (Council, RP and private) and appear reasonable – ranging from 23% of gross rental income (in year 1) to 25% of gross rental income (in year 15).

iv	There is no plan in place for the £60k saving and should it not materialise there will be a cost on the General Fund	Track and monitor the spend on homelessness. Defer purchase of properties if there are no indications of pressures.
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Financial implications

- 40 If homeless approaches to the Council stay constant, the model will allow for further temporary accommodation reductions and make further budget savings as a result. If homeless approaches increase, then this initiative should help to contain the financial impact than might otherwise have been the case.

Should additional savings be possible, then these might be in the region of £60,000 – This being the reduction of B&B budgets by 75% (£30,000); the elimination of the remaining second stage temporary accommodation budgets (£15,000); and the reduction of PSL budgets (expenditure net of rental income) by 10% (£15,000). This reflects the equivalent of losing about 50 units of accommodation. Temporary Accommodation budgets have been reduced by £100,000 in 2013/14 in anticipation of this approach being initiated in this financial year. It should be noted that the savings of £60k per annum are included in the attached financial analysis (Appendix A), summarised in the table at paragraph 29. The current assumption used is that annual surpluses would be used to repay borrowing and therefore would not accrue to the revenue account. Equally the borrowing could be rolled after maturity or decisions could be taken about dwelling disposal to repay borrowing depending on need.

For establishing an initial revenue budget a capital financing rate of around 4.6% will be used at which point revenue costs will be covered over the 30 year period. The position will be monitored monthly and a review undertaken in the next Budget cycle

	2013/14	Full Year effect
	£000's	£000's
Income	278	557
Management	23	46
Maintenance	38	76
Less savings in current budget	(23)	(45)
Loan Interest	240	480
Total Expenditure	278	557
Net Surplus/deficit	0	0

The property acquisition up to the approved level of £10m will be classed as General Fund borrowing.

Legal implications

- 41 A legally compliant procurement process will need to be followed, as outlined previously in this report. A legally binding contract (for acquisition services) and lease (for the on-going management and maintenance of the properties, let under Assured Shorthold Tenancies) will be entered into with the successful tenderer(s), or an alternative contractual arrangement established to achieve the same outcomes, which could include purchasing through a SPV (Special Purpose Vehicle) or similar.
- 42 The Council's authority to enter into these arrangements are contained in the Local Government Act 2000 (Section 2), as amended by the Localism Act 2011; all relevant enabling provisions in the Housing Acts; and all other relevant enabling legislation.

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List of background papers:

None

Version number:

0.4

Appendix A - Homeless Accommodation Supply - CEB Report Risk Register - 11th Sept 2013

Risk Score Impact Score: 1 = Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic				Probability Score: 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost Certain											
No.	Risk Description Link to Corporate Obj	Gross Risk		Cause of Risk	Mitigation	Net Risk		Further Management of Risk: Transfer/Accept/Reduce/Avoid		Monitoring Effectiveness				Current Risk	
		I	P			I	P	Action: Action Owner: Mitigating Control: Control Owner:	Outcome required: Milestone Date:	Q 1	Q 2	Q 3	Q 4	I	P
					Mitigating Control: Level of Effectiveness: (HML)					☹	☹	☹	☹		
										☺	☺	☺	☺		
97	Scale of the project is too small to address the potential growth in homeless presentations	3	3	That the pressures on homeless identified in the report are such that the model cannot contain the growth in households requiring access to accommodation	The approach will be kept under regular review by officers; reported quarterly to Housing Programme Board; and annually to CEB. If the need arises and the business case is sound, then this approach could, with the necessary approvals, be up-scaled	2	3	Review of approach by Head of Housing and Property	Review of scheme and the request of approvals to procure more units						
2	Scale of the project is too large and not all the property procured is required for homeless prevention use	3	2	That insufficient homeless households require accommodation.	This is considered highly unlikely. The reason for this includes: <ul style="list-style-type: none"> The Council has 120 households not yet in temporary accommodation that are facing homelessness identified. This approach can also be used for households to whom the Council has accepted a homeless duty. PRS accom in Oxon is becoming less available, with a widening gap between actual rents and LHA rates 	1	2	Review of approach by Head of Housing and Property	Review of scheme on a monthly basis during procurement stages. Flexibility in any contractual arrangements to exit the scheme and/or sell property at suitable intervals. Flexibility within the model and contracts to shift some units into sub-market/ market rent for alternative client groups						

3	The procurement exercise does not identify any suitable providers willing to operate the scheme to the Council's satisfaction	3	2	That the type or scale of the proposal does not attract providers that can meet the specifications	This is considered unlikely, but an in-house option is to be considered alongside offers from external providers.	2	2	Review by officers throughout procurement process	Soft market testing prior to procurement Flexibility within the tender specification for various provider models to be put forward to deliver the same outcomes						
4	That numbers of homeless being presented does not meet expectations	3	2	Numbers of homeless are overly cautious	Slow down purchase of additional properties. Let properties out at market rents Dispose of surplus properties			Head of Housing	Review through Housing Board					3	1
5	Sensitivities in the financial model exceed forecasts and tolerances. Especially: <ul style="list-style-type: none"> • Cost of Financing • Rent Increases & LHA rates • Procurement costs • Management, Maintenance, bad debts, and void costs 	4	3	That the financial modelling estimates prove inadequate or that model sensitivities are exceeded	Conservative assumptions have been made throughout the model, and there is sufficient flexibility in the model (see 2 above) to cover unexpected variations. Sensitivity analysis shows the main sensitivities to be the procurement costs; the LHA increases and the most significant being the cost of financing. Other variables have significantly less impact on the model. <u>Cost of Financing</u> Various rates have been modelled within the sensitivity analysis, showing that there is scope in the model to provide for these variations. Long term borrowing will also help to fix rates in advance to improve forecasting of spend. In the event that there are insufficient surpluses to repay debt then consideration will need to be given to renewing the debt or disposing of properties to repay.	2	2	Review of approach by Head of Housing and Property and Head of Finance, reported quarterly to Housing Programme Board. Undertake property purchases in tranches and review after each tranche	Regular review of actual activity against the model					4	3

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Appendix B: Equality Impact Assessment – CEB - Sept 2013

1. Which group (s) of people has been identified as being disadvantaged by your proposals? What are the equality impacts?

No groups have been identified as being disadvantaged by procuring property to secure access to additional PRS accommodation for homeless households, indeed the report is targeted at meeting the housing needs of those most vulnerable in Oxford.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

As no negative impacts are predicated no changes are being proposed.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

As no changes are proposed because no negative impacts are predicted, no additional consultation relevant to such changes is required.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

Not applicable as no adverse impacts are predicated.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

Not applicable

Lead officer responsible for signing off the EqIA: Dave Scholes
Role: Housing Strategy & Needs Manager
Date: August 2013

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EXTRACT FROM THE MINUTES

CITY EXECUTIVE BOARD

Wednesday 11 September 2013

52. HOMELESS ACCOMMODATION SUPPLY

The Head of Housing and Property submitted a report (previously circulated, now appended) concerning the supply of temporary accommodation in order to meet the Council's duties to homelessness households, and proposes improvements to it.

Councillor Scott Seamons (Board Member for Housing) introduced the report and provided some background and context.

Resolved:-

- (1) To endorse the approach being taken to procure additional properties for temporary accommodation as part of the discharge of the Council's homelessness duties;
- (2) To give project approval to the Homeless Accommodation Supply Project identified in the report, and to grant delegated authority to the Executive Director for Regeneration and Housing in consultation with the Chief Executive to decide on the final management model, to tender contracts to set up and operate a scheme, and to award appropriate contracts and, as necessary, to agree property acquisitions, that are the most financially advantageous for the Council with respect to the Council's Medium Term Financial Plan, following approval from the Council's Head of Finance; and that the final management model will be agreed in consultation with the Leader of the Council, Board Member for Housing and the Leaders of the two Opposition Groups;
- (3) To ask officers to report on progress to the Board after the first £5million spend to evaluate the impact of the scheme;
- (4) To recommend Council as follows:-
 - (a) That the 2013/14 General Fund Capital Budget be updated with the inclusion of a new scheme, namely "Homeless Property Acquisitions", estimated at £5 million, funded from borrowing, and to include a further £5 million budget in 2014/15;
 - (b) To increase General Fund external borrowing of up to £10 million to finance the capital expenditure.

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To: City Executive Board

Date: 11 September 2013

Report of: Head of Housing & Property

Title of Report: **ALLOCATIONS REVIEW AND CHANGES TO THE
ALLOCATIONS SCHEME**

Summary and Recommendations

Purpose of report: To receive approval for the proposed new Allocations Scheme

Key decision? Yes

Executive lead member: Councillor Scott Seamons

Policy Framework: Meeting Housing Needs

Recommendation(s): (1) To note the proposed changes to the existing Allocations Scheme and responses to the consultation

(2) To recommend the new Allocations Scheme is approved by Full Council

(3) To give delegated authority to the Head of Housing & Property to introduce the new Allocations Scheme within 3 months of final approval by Full Council to allow time to implement the changes

(4) To agree to the Council leaving the Oxfordshire Sub-regional Choice-Based Lettings scheme

Appendices to report

- Appendix 1 Housing Allocations Scheme Consultation Draft Report approved by CEB on 13/2/13 (showing a summary of the proposed changes)
- Appendix 2 Proposed new Allocations Scheme
- Appendix 3 Summary report on the responses received during the Allocations Review consultation
- Appendix 4 Equality Impact Assessment on the proposed changes
- Appendix 5 Risk Register

Introduction

1. The Council is in the process of changing the Allocations Scheme. This is the policy the Council uses to allocate social housing within Oxford to those in housing need. All housing authorities must have an Allocation Scheme. Housing authorities are required by s.166A(1) Housing Act 1996 to have an allocation scheme for determining priorities, and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme (s.166A(14)). All aspects of the allocation process must be covered in the scheme, including the people by whom decisions are taken.
2. A draft of the proposed Allocations Scheme and a report detailing the changes (see Appendix 1) was submitted to the CEB on 13/2/13 and approval was received to consult on the proposed changes. The consultation took place between 3/4 and 19/5/13. Registered Providers of Social Housing with stock in Oxford, every applicant on the housing register (over 4700), members of the public and other key stakeholders (including advice and support agencies and housing staff) were given the opportunity to comment on the proposed changes.
3. The overall response to the proposed changes has been generally positive, although some proposals are more popular than others and the responses received have been taken into consideration when drafting the final version of the proposed Allocations Scheme shown in Appendix 2. A report providing a summary of the responses received in the consultation is shown in Appendix 3. The impact of the proposed changes to the Allocations Scheme on households in housing need has also been taken into consideration in the drafting of the new Allocations Scheme. An Equality Impact Assessment has been undertaken and is shown in Appendix 4.
4. The proposed Allocations Scheme has not been significantly altered to the version submitted to the CEB on 13/2/13 and includes most of the proposed changes listed in Appendix 1. Although minor areas have been re-drafted to make the changes clearer. The proposal to exclude adult students studying and living away from home part of the time where their main residence is still at the applicant's home has been removed, following the consultation and impact analysis. The sections on when a housing applicant with rent arrears is likely to be excluded from qualifying for inclusion on the Housing Register or unlikely to receive an offer have been made clearer.

Oxfordshire Sub-regional Choice-Based Lettings Scheme

5. The Council is currently part of a sub-regional partnership with three other District Councils in Oxfordshire. All four District Councils are currently reviewing their allocations schemes. It is expected that the priority bands and assessment criteria adopted by these amended schemes will differ to the extent that equitable sub-regional bidding will

no longer be possible. Consequently, the participating Councils have decided to leave the sub-regional scheme. However, it is expected that reciprocal arrangements for inter-district moves will still be used on occasion.

Level of Risk

6. The new Allocations Scheme is considered to represent a low risk to the Council and has been represented as such in Appendix 5. The old Allocations Scheme is out of date and needs to be updated. The new Allocations Scheme has been re-drafted taking into account changes in legislation introduced by the Localism Act and Welfare Reform Act and the new Allocations Code of Guidance issued by the Department of Communities and Local Government.

Climate Change/Environmental Impact

7. The new Allocations Scheme will have a low impact on climate change and the environment. The Council will continue to seek to minimise the impact of the allocation of social housing in the future and the introduction of an on-line application form should help to reduce the amount of paperwork required to administer the housing register.

Equalities Impact

8. The impact of the proposed changes has been considered in the Equality Impact Assessment shown in Appendix 4 and taken into consideration in the drafting of the new Allocations Scheme. The Council will continue to seek to ensure under the new scheme, that the allocation of social housing does not indirectly discriminate against or disadvantage housing applicants within BME groups and/or those with disabilities, by effective monitoring of those applying for housing and those allocated social housing by the Council.
9. The Council will continue to provide advice and assistance to those on the housing register and monitor applicants in high housing need who are “not bidding”, to ensure they receive the support necessary to use the Choice-Based Lettings (CBL) scheme and receive a suitable offer of housing.

Financial Implications

10. Social housing is a scarce resource. The new Allocations Scheme continues to prioritise those in the most housing need for an allocation of social housing to make the best use of the limited number of properties becoming available each year.
11. Procedures remain in place to assess the suitability of housing applicants for an offer of social housing with the aim of ensuring applicants are only normally offered social housing where the tenant is

considered suitable for an offer and the property meets their housing requirements. To ensure any new tenants are able to comply with the terms of their tenancy including the payment of their rent and where adaptations are required to the property costs are kept to a minimum.

12. The Allocations Scheme continues to award high priority to existing tenants in social housing seeking to downsize to a smaller property so the property they have left can be re-let to a family in housing need. Council tenants of working age, who are under-occupying a family property and have requested to move, will continue to be offered assistance with finding alternative housing and compensation through the Removal Expenses Mobility Scheme, including Council tenants affected by the “bedroom tax” where the tenant is taking reasonable steps to pay their rent. The Allocations Scheme continues to allow some flexibility in making offers to housing applicants with rent arrears who are affected by the introduction of the “benefit cap” where the applicant is taking reasonable steps to pay their rent and is considered suitable for an offer of housing.
13. The proposed changes to the size of properties applicants are eligible to apply for will help, to minimise the allocation of social housing to tenants who could be affected “bedroom tax” in the future, and fail to pay the shortfall in rent to the Council. The changes are also consistent with the Council’s aim to prevent homelessness and reduce the number of households in temporary accommodation and the cost to the Council and take into account recommendations from an independent review of the service.
14. The costs associated with the changes required following the introduction of the Allocations Scheme, including updates to the Housing Management Information System, Choice-Based Lettings system, new literature and staff training have been accounted for in the budget for 2013/14. Changes will be undertaken by existing staff where possible to keep the costs to a minimum.

Legal Implications

15. The new Allocations Scheme has been drafted to take into account changes introduced since the drafting of the existing Allocations Scheme in July 2009. This includes changes in legislation introduced by the Localism Act 2011 and Welfare Reform Act 2012, the “Allocation of accommodation: guidance for local housing authorities in England” 2012 issued by the department of the Communities and Local Government and the Council’s new Tenancy and Homeless Strategies.
16. Advice has been taken from the Council’s legal team during the drafting of the new scheme and it is considered to comply with current legal requirements. Although all Allocations Schemes are open to legal challenge, it is considered unlikely at this time that any such challenge against the legality of the allocations scheme would be successful.

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List of background papers: None

Version number: Final Draft V.1

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Appendix 1: Housing Allocations Scheme Consultation Draft Report approved by CEB on 13/2/13 (showing a summary of the proposed changes)

To: City Executive Board

Date: 13/2/13

Report of: Stephen Clarke – Head of Housing

Title of Report: Housing Allocations Scheme Consultation Draft

<u>Summary and Recommendations</u>	
Purpose of report:	For the new Draft Allocations Scheme to be approved to go out to consultation
Key decision?	No
Executive lead member:	Scott Seamons
Policy Framework:	Meeting Housing Needs
Recommendation(s):	To note the proposed changes to the existing Allocations Scheme To approve for the draft of proposed new Allocations Scheme to go out to consultation

Appendices to report – *list here by Appendix number and description (already seen by the CEB on 13/2/13 – due to the size of this report already they have not been re-included)*

- Appendix 1 Draft Allocations Scheme
- Appendix 2 Summary of Bands & Current Reasons
- Appendix 3 Mobility Levels
- Appendix 4 Risk Register

1.	<p>Introduction</p> <p>There is a high demand for social housing in Oxford and only a limited number of properties become available each year. There are over 5700 applicants on the housing register and it is expected only 550 properties will become available to let during 2011/12. The Allocations Scheme is the policy the Council uses to allocate social housing within Oxford to those in housing need. All housing authorities must have an allocation scheme. Housing authorities are required by s.166A(1) Housing Act 1996 to have an allocation scheme for determining priorities, and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme (s.166A(14)). All aspects of the allocation process must be covered in the scheme, including the people by whom decisions are taken. When framing or modifying their scheme, authorities must have regard to their current tenancy and homelessness strategies (s.166A (12)).</p>
2.	<p>Why do we need to review the Allocations Scheme?</p> <p>The current Allocations Scheme came into effect in July 2009. The scheme is also being revised to take into account the Council's new tenancy and homeless strategies and to balance local needs and aspirations with:</p> <ul style="list-style-type: none"> • Recent changes introduced by the Localism Act and changes that are due to be introduced by the Welfare Reform Act during 2013/14 (including the "bedroom tax") • The new Allocations Code of Guidance issued by Communities & Local Government • Recommendations from the Chartered Institute of Housing following their review of the Housing Needs Service last year • The ending of the Oxfordshire Sub-Regional Partnership for allocating properties through Choice-Based Lettings (the local CBL scheme used by Oxford will continue to operate) <p>Although the Allocations Scheme largely meets current legislation and recommendations set out in the Allocations Code of Guidance there are number of key areas that will need to be considered before revising the existing scheme.</p>
3.	<p>Qualification for Inclusion on the Housing Register</p> <p>The Council now has greater powers to decide who does and does not qualify for inclusion on the housing register (with some exclusions notably members/families of the armed forces). The Code of Guidance also recommends that the Allocations Scheme</p>

	has some discretion put in it to accept individual applicants who are considered to have exceptional circumstances.
4.	<p>Local connection – by residence, employment or close family members</p> <p>The Council currently maintains an open register – so applicants eligible for housing are able to apply to be included on the housing register in Oxford irrespective of where they live in UK and/or of their chances of being housed (apart from those excluded for serious anti-social behaviour). However, when allocating properties preference is normally given to applicant's with a local connection to Oxford through residence, work or family. So in practice most applicant's on the housing register, with no local connection, have little chance of ever receiving an offer of accommodation unless; they are an applicant living in the Oxfordshire Sub-Region applying for a property advertised sub-regionally through the Choice-Based Lettings scheme or are from elsewhere in the UK and are applying for a low demand sheltered property.</p>
5.	The draft Allocations Scheme proposes that in future the Council should be able to take into account whether an applicant has a local connection to Oxford when deciding whether they can qualify for inclusion on the Housing Register. In most cases it is proposed that access to the housing register is restricted to those with a local connection with some exceptions; including members of the armed forces.
6.	<p>Capital, savings & income</p> <p>Social housing is a scarce resource and applicants who are considered to have sufficient capital (including property), savings and/or income can be excluded from the housing register or given reduced priority because they have sufficient funds to resolve their own housing situation. The current Allocations Scheme allows applicants to be included on the housing register, even if they own a property &/or have sufficient capital and savings and income to resolve their own housing situation. However, they are normally placed in a low priority band and will be unlikely to shortlist for an offer of accommodation.</p>
7.	The draft Allocations Scheme proposes that in future the Council should be able to take into account Capital, Savings and Income when considering if an applicant should qualify for inclusion on the Housing Register and in some cases an applicant may be excluded (with some exceptions for complex or high needs cases unable resolve their own housing situation).

8.	<p>Rent arrears</p> <p>The current Allocations Scheme allows applicants with rent arrears to be included on the housing register but they will normally be overlooked for any offers of accommodation if they are a:</p> <ul style="list-style-type: none"> • Former tenant who has been evicted by the Council or another Registered Social Provider of social housing until their arrears are re-paid in full. • Current tenant of the Council or another Registered Social Provider with rent arrears outstanding covered by a court order • Current tenant with outstanding rent arrears that are in excess of £200 unless they have a re-payment arrangement in place to re-pay the arrears that has been kept to consistently by the tenant for at least 6 months.
9.	<p>Exceptions can be made by the Allocations Manager in some cases – such as social housing tenants seeking to downsize from their current accommodation where the arrears will be cleared in full by any “compensation” payment they are entitled to, homeless applicants living in temporary accommodation where they are considered to be engaging with re-payment of the rent and “life and limb” cases where a tenant would be at risk if they were not moved from their current home.</p>
10.	<p>Applicants with rent arrears can also be given reduced priority too, although this currently rarely happens, because if they are already being overlooked for offers it makes little difference to their chances of being re-housed.</p>
11.	<p>The changes being brought in by the Localism Act mean the Council could be stricter on those in rent arrears & could also extend the criteria currently being used to include other property related debts owed to the Council such as lost deposits paid for by the Private Sector Team &/or re-charges owed to other landlords. However, we also need to be realistic about the vulnerable applicants in housing need on the housing register and leave enough flexibility to ensure that we are not being too strict or inflexible.</p>
12.	<p>The views of other Private Registered Providers of Social Housing that work together with the Council and form the Oxford Register for Affordable Housing (ORAH) partnership will need to be considered as part of the consultation, as each will have their own tenancy policy and approach to those with rent arrears.</p>
13.	<p>The draft Allocations Scheme proposes that in future the Council should be able to take into account rent arrears when considering if an applicant should qualify for inclusion on the Housing Register (with some exceptions such as those with low level rent arrears,</p>

	tenants who have demonstrated that they can now pay their rent regularly and other for complex or high needs cases unable resolve their own housing situation where there is evidence appropriate support is in place to help them sustain their tenancy in the future).
14.	<p>Anti-Social Behaviour (ASB)</p> <p>Applicants guilty of ASB are currently overlooked for offers until they can demonstrate that they would be potentially suitable tenants and are also sometimes given reduced priority. Historically due to strict legislation it has been very hard to exclude applicants from the housing register on the grounds of ASB but the rules have now been changed and this is no longer a problem.</p>
15.	<p>The Council and ORAH partners will need to consider what behaviour is considered sufficient to exclude an applicant from qualifying for inclusion on the Housing Register. However, it is proposed the following types of behaviour are taken into account:</p> <ul style="list-style-type: none"> • Applicants who have been evicted from council, registered social provider or private rented property for, illegal subletting or antisocial behaviour in the last 5 years. • Breach of tenancy for behaviour which is a nuisance or annoyance to those in the locality of the dwelling; or conviction for using the dwelling for immoral or illegal purposes or committing an indictable offence in the dwelling house, or in the locality of it • Domestic violence causing a partner or other family member to leave the property • Deterioration of the dwelling house or furniture provided for use under the tenancy due to waste, neglect or fault • Tenancy induced by false statement
16.	<p>The draft Allocations Scheme proposes that in future the Council should be able to exclude an applicant from inclusion on the housing register where they, or a member of their household, have been responsible for ASB. With some exceptions such as where there is persuasive evidence behaviour has been amended and another tenancy has been successfully maintained for a reasonable period of time.</p>
17.	<p>Housing Need Priority Bands</p> <p>Applicants applying for housing are placed in a Housing Need Priority Band based on their current housing need.</p> <p>There are currently 5 housing need bands used to prioritise applicants for housing:</p> <p>Band 1 (very high housing need)</p>

	<p>Band 2 (high housing need) Band 3 (significant housing need) Band 4 (moderate housing need) Band 5 (no or little housing need)</p> <p>There are around 5700 applicants on the housing register and the majority (around 3700) are in Band 5 and unlikely to receive an offer of accommodation in the foreseeable future unless their circumstances change and housing need increases. To be placed in each Band an applicant must meet the Band criteria. If they do not meet the criteria for Bands 1 to 4 they are placed in Band 5. A summary of the current criteria used for each priority Band is shown in Appendix 2. To fall within Bands 1 to 4 an applicant must be in a “reasonable preference group” or an “additional preference group”.</p>
18.	<p>Reasonable preference groups</p> <p>The Council is required to give reasonable preference to the following categories of person who fall within “reasonable preference group”:</p> <ul style="list-style-type: none"> • Those who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need) • Those who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3) • Those in insanitary or overcrowded housing or otherwise living in unsatisfactory conditions • Those who need to move on medical or welfare grounds, including grounds relating to a disability • Those who need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or others <p>These categories are not discrete, and applicants can fall under different categories.</p>
19.	<p>Additional preference groups</p> <p>The Council <i>can</i> take into account local circumstances and is also able to give “additional preference” to applicants who fall within a “reasonable preference group” and have urgent housing needs. For example to:</p> <ul style="list-style-type: none"> • Those who need to move urgently because of life threatening illness or sudden disability • Families in severe overcrowding which poses a serious health

	<p>hazard</p> <ul style="list-style-type: none"> Those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence
20.	<p>The Council's Allocations Scheme <i>must</i> give "additional preference" to a person who falls into a reasonable preference group <i>and</i> is considered to have <i>urgent</i> housing needs where the person:</p> <ul style="list-style-type: none"> is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service, or formerly served in the regular forces, or has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
21.	<p>Changes to existing priority bands</p> <p>Although applicants falling within a reasonable or additional preference group must normally be included on the housing register the Council can decide how to prioritise each group within priority bands 1 to 4 and can move some groups to a different band.</p>
22.	<p>Homeless Applicants</p> <p>There are two separate groups of homeless applicants:</p> <p>(1) Applicants found to be homeless by the Council, <i>in a priority need group</i> (such as homeless families, pregnant applicants or a vulnerable single applicant or couple with health issues) that the Council has a duty to place into homeless temporary accommodation and make a suitable offer of housing. Currently placed in band 2.</p> <p>(2) Applicants found to be homeless and <i>not in a priority need group</i> (such as a single applicant or couple who are not considered vulnerable and/or to have sufficient health needs to give them a "priority need") that the Council has no duty to place in homeless temporary accommodation and make an offer of suitable housing under homeless legislation. Currently placed in Band 3.</p>

23.	<p>The draft Allocations Scheme proposes that in future the following changes are made:</p> <p>Homeless applicants in a priority need group are moved from Band 2 to Band 3.</p> <p>To improve the chances of other applicants in similar housing need on the Housing Register receiving an offer of accommodation, such as applicants with children living with their parents in overcrowded or unsuitable accommodation or in the private sector, to help prevent them becoming homeless. While still continuing to give sufficient priority to those already accepted homeless in temporary accommodation.</p>
24.	<p>Homeless applicants not considered to be in a priority need group are moved from Band 3 to Band 4.</p> <p>To ensure that more priority is given to homeless applicants on the housing register within a priority need group than to those not in a priority need group. While still continuing to give them priority through the Allocations Scheme.</p>
25.	<p>“Policy” Successors</p> <p>Applicants living in social housing who are legally entitled to succeed to a tenancy after the previous tenant has passed away are referred to as “successors” in the Allocations Scheme and are placed in Band 1 if they are required to move to a smaller property. It is not proposed to change their priority.</p> <p>Applicants living in social housing who are not legally entitled to succeed to a tenancy after the tenant of the property they are living in has passed away are referred to a “policy successors” and are placed in Band 1 if they meet the criteria within the existing Allocations Scheme.</p>
26.	<p>The draft Allocations Scheme proposes that “policy successors” are restricted in future, to only include close family members that would have been entitled to succeed to the tenancy, if a succession had not already taken place. So more properties will be available to allocate to those in housing need on the housing register.</p> <p>The Allocations Scheme will still allow discretion for some cases to be referred to the Exceptional Circumstance Panel on social and welfare grounds to request the panel to consider awarding an applicant no longer able to stay in property after the tenant has passed away priority to move by awarding a “social and welfare” award.</p>

27.	<p>Time on List Compared To Time in Housing Need/Band</p> <p>There are two main ways of prioritising applicants in the same housing need (priority band) for housing:</p> <p>(1) Registration date - the time they have been on the housing register</p> <p>Or</p> <p>(2) Priority Band Start Date - the time they have been in housing need/band</p> <p>Although it simpler to prioritise applicants based on the time they have been on the housing register and possibly easier to understand, it is arguably fairer for applicants to be prioritised on the time they have actually been in housing need – for example the time they have been living in overcrowded accommodation or have spent being homeless.</p>
28.	<p>The draft Allocations Scheme proposes:</p> <p>To prioritise all applicants by Priority Band Start Date instead of their Registration Date.</p> <p>To have provisions to ensure that where an applicant’s housing need changes and they go down a priority band that they are not disadvantaged by this.</p> <p>To put in place transitional arrangements for existing applicants to minimise the initial impact of this change. So applicants currently on the housing register when new Allocations Scheme comes into effect will have their registration date used as their Priority Band Start Date if this is an earlier date.</p>
29.	<p>The Size of Property an Applicant Is Eligible To Apply For</p> <p>Social housing is a scarce resource and it is important that the Council and other Private Registered Providers of social housing within Oxford make the best use of the stock which is available.</p> <p>The existing Allocations Scheme has rules that are used to calculate number of bedrooms an applicant requires. However, they will need to be changed and made stricter due to changes being introduced through the Welfare Reform Act including the introduction of the “bedroom tax” from April 2013. So as to not place working age applicants and their families into accommodation that they cannot afford where their housing benefit could fall substantially short of the rent due. The recommendations in the new Allocations Code of Guidance, issued by the Department of Communities & Local</p>

	Government, also need to be taken into account.
30.	<p>Age of Household Members</p> <p>The draft Allocations Scheme proposes:</p> <p>(1) To increase the age at which children of the opposite sex are considered to be able to share a bedroom:</p> <p>From</p> <p>“Two children of the opposite aged under 7”</p> <p>To</p> <p>“Two children of the opposite sex aged under 10”</p> <p>(2) To increase the age at which children of the same sex are considered able to share a bedroom:</p> <p>From</p> <p>“Two children of the same sex where the oldest child is between 10 and 15 and the age gap is less than 10 years”</p> <p>To</p> <p>“Two children of the same sex aged under 16”</p>
31.	<p>Under-Occupiers & Other Exceptions</p> <p>The Draft Allocations Scheme proposes:</p> <p>To continue to allow some flexibility when offering social housing to tenants who are under-occupying their current home.</p> <p>To allow tenants on the Transfer List who are currently under-occupying a property to continue to be able to move to a property one-bedroom larger than they require. If they are downsizing to a smaller property or moving to non-family two-bedroom property (only considered suitable for 55+ and/or in a sheltered scheme) and they can still afford the rent.</p> <p>To continue to allow some discretion to the Allocations Manager &/or flexibility within the Allocations Scheme to offer some applicants properties larger than they would normally be considered to require where they are:</p> <ul style="list-style-type: none"> • A legal successor who needs to move from a three-bedroom

	<p>property or larger and they will still be able to afford the rent of the property they move to or will not be affected by the bedroom tax due to their age.</p> <ul style="list-style-type: none"> • Long Term Foster Carers (who have fostered children continuously for 3 years or more) and they will still be able to afford the rent. • Applicants (or household members) with very high housing needs due to a health or disability, for example a child who cannot share with another due to their disability, where they are still able to afford the rent • Applicants in high housing need with other exceptional circumstances.
32.	<p>Household Composition</p> <p>The draft Allocations Scheme proposes that:</p> <p>Expectant mothers no longer have their unborn baby “counted” for the purpose of assessing the number of bedrooms their household will require until the baby is actually born. To make better use of existing stock by ensuring applicants are normally only offered properties based on the number of children they have in their household and to ensure affordability under the new bedroom tax rules for those in receipt of housing benefit.</p> <p>To exclude existing adult children (or other adult members) from an applicant’s housing application and for the purposes of assessing the size of property they will require and assessing their housing need where:</p> <p>An adult (other than the applicant or joint applicant) in the household has sufficient savings, investments and/or income to resolve their own housing situation or is studying away from home and living elsewhere for part of the time in student, private rented or other accommodation.</p> <p>&</p> <p>There is not an over-riding health need for the adult child, or other adult resident, to live with the applicant and be included on their housing application as person requiring housing.</p>
33.	<p>Large Families</p> <p>A very low number of four-bedroom properties or larger become available to let each year. Only around 10 four-bedroom properties will become available during 2012/13.</p>

	<p>To improve the options available for large families living in overcrowded accommodation or homeless applicants living in temporary accommodation the draft Allocations Scheme proposes in future to allow:</p> <p>Large families with a four-bedroom housing need “lacking two-bedrooms or more” and living in a one or two bedroom property to be given the opportunity to apply for a suitable three-bedroom property if they choose to do so (and not just three-bedroom parlour or four-bedroom houses as now).</p> <p>&</p> <p>Homeless Applicant’s in temporary accommodation with a four-bedroom housing need, to whom the Council has accepted as duty to make an offer of housing, to be given the opportunity to apply for three-bedroom properties if they have a four-bedroom housing need, if they wish to do so (and not just three-bedroom parlour or four-bedroom houses as now).</p>
34.	<p>On the following conditions:</p> <p>The Council or ORAH partner that owned the property would need to be satisfied that the property was large enough for the family and agree to consider larger families for the particular property.</p> <p>The allocation of a large family to a particular property would not have significant impact on others living in the local area.</p> <p>If an applicant opted to do this, then they would not be able to apply for a Transfer again within a year moving in, unless the size of their household changed or in exceptional circumstances.</p>
35.	<p>Sub-regional Allocations Scheme</p> <p>The Council is currently in a sub-regional partnership, with three other District Council’s in Oxfordshire; Cherwell DC, Vale of the White Horse DC and South Oxfordshire DC. All four Councils are currently reviewing their allocations schemes. The priority bands and way housing needs are assessed by each District are expected to differ to the extent that in the future applicants will no longer be able to “compete” with each other equally when bidding for properties sub-regionally. Due to the limited amount of properties becoming available across the sub-region there has also been less movement between the Districts than hoped when the scheme was originally set up.</p> <p>All four Councils are proposing to leave the Sub-Regional Allocations Scheme so the draft Allocations scheme makes no</p>

	reference to the scheme any longer.
36.	<p>Choice-Based Lettings</p> <p>The Council allocates most properties owned by the Council and ORAH partners that become available, by advertising them through a Choice-Based Lettings Scheme. Applicants on the Housing Register are able to express an interest in being offered a property by placing a bid through the Choice-Based Lettings Scheme for properties they are eligible to apply for. The property is normally offered to the applicant in the highest housing need who has bid for the property once the lettings cycle ends each fortnight.</p>
37.	<p>Unreasonable Refusals</p> <p>Each advert includes details of the property type, location, size, rent and other additional details such as if the property is on the ground floor or adapted. If an applicant has successfully bid on a property they will be contacted where possible to check that they are still interested in the property before they are made an offer of accommodation. Once an offer has been made the applicant will be given the opportunity to view the property and make a final decision about whether they want to accept the offer.</p>
38.	<p>The majority of applicants accept the first offer they are made, however, some will refuse one or more offers. If an applicant's reasons for refusing are considered unreasonable there are limited actions that can be taken within the existing Allocations scheme. One in five offers are refused and each refusal incurs a cost to the Council and other ORAH partners in staff time and also in lost rent if the property is ready to let and the refusal results in a delay of the property being re-let.</p>
39.	<p>Applicants on the General Register or Transfer Lists can be treated differently from applicants on the Homeless List because they come under different parts of the Housing Act 1996. Although the Allocations Scheme must still give priority to homeless applicants to whom the Council has accepted a statutory duty homeless – which the Council currently does by placing them in Band 2. Homeless applicants do not need to be given the same level of choice. In order for the Council to discharge a homeless duty a homeless applicant needs to have been made a suitable offer of accommodation.</p>
40.	<p>The Council can allow homeless applicants to bid for properties through CBL but is under no obligation to do so and can offer a homeless applicant the first suitable property that becomes available. Once a homeless applicant has been offered a suitable property – by either successfully bidding for a property via CBL, or by having a bid placed for them if they are failing to bid or by being</p>

	<p>offered a property as a direct match outside of CBL – if they refuse without good grounds the Council’s duty under homeless legislation can cease and they can be asked to leave their temporary homeless accommodation.</p>
41.	<p>Applicants on the General Register & Transfer Lists</p> <p>The draft Allocations Scheme proposes in future:</p> <p>Applicants on the General Register & Transfer Lists who are considered to have unreasonably refused two suitable offers of accommodation within the last 12 months are suspended from bidding for 12 months.</p> <p>(Excludes homeless applicants on the Homeless List to whom the Council has accepted homeless duty who fall under homeless legislation).</p>
42.	<p>Applicants on the Homeless List (to whom the Council has accepted as homeless duty)</p> <p>The draft Allocations Scheme proposes in future:</p> <p>Applicants on the homeless list will now only be made <u>one suitable offer</u> of accommodation – this could be an allocation of social housing through the Allocations Scheme or an offer of suitable accommodation within the private rented sector made outside of the Allocations Scheme by the Housing Options Team to discharge the Council’s homeless duty. (Subject to Private Rented Offers being the sign off by members).</p>
43.	<p>If a homeless applicant refuses a suitable offer the Council will no longer have a duty to accommodate them and ask them to leave their temporary accommodation and to resolve their housing situation themselves. Homeless applicants who are considered to have unreasonably refused an offer by the Council because they consider the property is not suitable for them or a member of their family will continue to have the right to appeal. The Council will not be able to end the duty to accommodate the applicant unless they lose the appeal.</p>
44.	<p>Applicants already accepted as homeless or placed in homeless temporary accommodation awaiting for a decision on their homeless application, prior to the 9/11/12 will only be made offers of social housing and will not be offered private rented accommodation (unless they request the Council to assist them in moving into the private rented sector).</p>

45.	<p>Homeless Applicants – Time In Temporary Accommodation</p> <p>The Council continues to seek to prevent homelessness and to reduce the number of homeless households in temporary accommodation. Although most homeless applicants, accepted as homeless and placed in temporary accommodation, bid regularly or are assisted in doing so if required some choose not to.</p>
46.	<p>The existing Allocation Scheme states homeless applicants failing to bid for properties through the Choice-Based Lettings Scheme can have bids placed for them or be offered a property as a direct match outside of Choice-Based Lettings.</p>
47.	<p>The new scheme proposes homeless applicants to whom the Council has accepted a homeless duty will be given a time-limited priority to bid for properties through CBL. During this time they could also be made an offer of suitable private rented accommodation to discharge the Council’s homeless duty by the Housing Options Team outside of the Allocations Scheme (if they have approached the Council as homeless and been accepted as homeless on or after 9/11/12).</p>
48.	<p>If a homeless applicant after a reasonable time has passed, 3 to 6 months normally, has not been actively bidding for properties and short listed for an offer, it is proposed that bids may be placed automatically for the applicant on all suitable properties. Regardless of the property or type or area in Oxford until the applicant shortlists for an offer or is offered a suitable property in the private sector by the Housing Options Team. The time limit can be extended where an applicant is actively bidding and/or no suitable properties have become available because they require a large property, an adapted property or it has been accepted that only certain areas of Oxford are suitable.</p>
49.	<p>The Choice-Based Lettings Cycle</p> <p>Properties advertised through Choice-Based Lettings are advertised every fortnight. The lettings cycle lasts for 13 days and applicants included on the housing register are able to bid for properties that are advertised as available to let that are considered suitable for their housing needs. On the 14th date the cycle is closed – historically this has been to allow time for OCC and the sub-regional partners to produce and distribute a newsletter for the next lettings cycle. The existing Allocations Scheme states the duration of “the length of the lettings cycle may be reviewed periodically”, however, it does not state specifically who can authorise for the duration of the scheme to be changed. Although it is not proposed at this stage to alter the length of the Lettings cycle (except when it is necessary to do so at Christmas as currently) it may be that in the future we wish to do so.</p>

50.	The draft scheme proposes the Head of Housing is given delegated responsibility within the Allocation Scheme to alter the length of the Choice-Based Lettings cycle on a temporary or permanent basis.
51.	<p>Short listing Rules</p> <p>These are the “rules” used to prioritise applicants who have bid for a property. Normally applicants are prioritised based on their Band and the registration date (or band start date if they are in Band 1). However, properties can also be advertised with preference to specific groups:</p> <ul style="list-style-type: none"> • Applicants with a local connection - used for most properties that become available except some general needs properties that are sometimes advertised sub-regionally (as part of the agreement with the other districts who do the same) • Larger families – for properties considered particularly suitable for larger families due to their size and layout • Applicants assessed as needing a ground floor property and/or an adapted property, ranging from; Mobility 1(ground floor level access flats and bungalows) to Mobility 4 (fully adapted wheelchair accessible properties). See appendix 3 for a summary of the different mobility levels. • Applicant type – some properties are advertised with preference to a specific housing list – Homeless List, Transfer List or General Register List to ensure properties are allocated in line with the Annual Lettings Plan targets set each year to ensure the number of properties allocated to each list represents the demand on each list balanced with housing those in homeless temporary accommodation. <p>Some properties are only considered suitable for applicants with an assessed need for sheltered accommodation and/or for older applicants aged 40, 55 or 60 years or older and are advertised as such. It is not proposed this is changed.</p>
52.	The rules used for short listing applicants for bungalows are slightly different from those above and need to be explicitly stated in the Allocations Scheme (following the Council’s decision to de-designate bungalows and to remove the minimum age restriction of 40 from 1/4/11). To allow younger applicants with mobility issues and requiring ground floor level access accommodation to be able to bid for bungalows too and younger existing social housing tenants seeking to downsize from family accommodation to apply for bungalows too.
53.	<p>The Draft Allocations Scheme proposes:</p> <p>To change the existing rules used to prioritise applicants with Mobility issues requiring Mobility 1, 2, 3 or 4 properties (see</p>

	<p>appendix 3). So applicants in Bands 4 or 5 in low housing need who would benefit from Mobility 1 & 2 properties are overlooked if an applicant in higher housing need in Bands 1 to 3 bids for the same property even if they don't have a Mobility 1 & 2 property on the ground floor.</p> <p>It is expected that usual practice will be to allocate some adapted properties meeting Mobility 3 and most of Mobility 4 standard as a direct match outside of Choice-Based Lettings scheme. In order to best meet needs and make best use of the limited stock available.</p>
54.	Any reference to sub-regional applicants or parish/village connection in the short listing criteria will also be removed as they are no longer required as it is proposed the sub-regional allocations scheme is ends.
55.	<p>The draft Allocations Scheme is proposed to have the following added to state that bungalows will normally only be allocated to:</p> <ul style="list-style-type: none"> (1) Applicants aged 55+ (2) Applicants with a need to move to ground floor level access property <p>or</p> <ul style="list-style-type: none"> (3) Existing tenants seeking to downsize from their current accommodation (irrespective of their age) <p>&</p> <p>Only if no-one in groups (1) to (3) bids for a bungalow (which is unlikely) will the property be offered to another applicant.</p>
56.	The draft Allocations scheme proposes to allocate properties in Riverside Court (exact number to be confirmed) as supported housing for vulnerable applicants or couples. In order to accommodate applicants who otherwise might not be able to sustain a tenancy in general needs house with floating support alone. No existing tenants will be asked to move. However, the Council will help to facilitate the move of tenants in those properties that no longer require supported housing into general needs accommodation if they wish to move.
57.	<p>Additional Advert Labels are proposed:</p> <p>To clearly indicate Affordable Rent or Fixed Term Tenancies as a separate advert from traditional social housing. Customers will be able to make informed decisions about the type of property they are applying for and the type of tenure they will be offered.</p>

58.	<p>Officer Roles & Delegated Officer Responsibilities</p> <p>The Allocations Scheme includes details of the roles and responsibilities for the operation of the Allocations Scheme. Some areas could be made more streamlined to speed up the decision making process and ensure the scheme can be adjusted where minor changes following changes in legislation and/or best practice are identified.</p>
59.	<p>The draft Allocations Scheme proposes</p> <p>The Head of Housing is authorised to have delegated authority to:</p> <p>Approve the annual lettings plan targets proposed each year by the Allocations Manager – where the targets remain the same as the previous year or include only a small adjustment (up to 5% or less than 10 properties per annum) to the target of properties to be allocated to each list.</p> <p>Change the annual lettings plan targets after 6 months if the demand on the housing register has changed significantly and corrective action is required. Such changes should be subsequently reported to CEB if the annual lettings plan was approved by CEB.</p>
60.	<p>The draft Allocations Scheme proposes</p> <p>The Head of Housing is authorised to have delegated authority to:</p> <p>Authorise minor amendments to the Allocations Scheme proposed by the Allocations Manager where:</p> <ul style="list-style-type: none"> • Legislation changes and the Allocations Scheme needs a minor change to comply with new legislation <i>and</i> the change will have a low impact on those on the housing register. • Best practice or new guidance is introduced that needs to be reflected in the Allocations Scheme <i>and</i> the change will have a low impact on those on the housing register <p>Authorise offers of accommodation outside of the Allocations Scheme for “management cases” to make the best use of stock for existing tenants. To include:</p> <ul style="list-style-type: none"> • Adapted properties no longer required by the tenant • To facilitate a move as an alternative to adapting a property • To maximise bedroom occupation and ensure affordability

61.	<p>The Health & Housing Panel</p> <p>It is proposed to:</p> <p>Increase the delegated authority for Allocations Officers to grant applicant's both moderate (Band 4) <u>and</u> significant (Band 3) Health & Disability Awards without referring cases to the panel. (Currently Officers can only award a "moderate" Band 4 award)</p> <p>&</p> <p>Reduce the minimum number of members of the Health & Disability Panel from 3 members to 2 Senior Members of the Team or 1 Senior Member of the Team and 1 Health Professional depending on staff availability.</p>
62.	<p>Level of Risk</p> <p>This report is not requesting authority for the current Allocations Scheme to be changed only permission to consult on proposed changes so the risk to the Council is low and has been reflected as such in the risk register in appendix 4. The changes proposed if accepted in the future are considered to represent a low risk.</p>
63.	<p>Climate Change/Environmental Impact</p> <p>The allocation of social housing under the current scheme has a minimal impact on the climate and environment. As this report is not changing the current Allocations Scheme the report is not considered to have an impact. The changes proposed if accepted in the future are considered to have a minimal impact on the climate/environment. In the future the Council will introduce an on-line application form which should help to reduce the amount of paperwork required to administer the housing register.</p>
64.	<p>Equalities Impact</p> <p>The Council seeks to ensure under the current scheme, that the allocation of social housing does not indirectly discriminate against or disadvantage housing applicants within BME groups and/or those with disabilities, by effective monitoring of those applying for housing and those allocated social housing by the Council. As this report is not changing the current Allocations Scheme it will have no impact on these groups.</p> <p>In the future, the proposed changes will have an impact on some households on the Housing Register in housing need, including some in BME groups and/or those with disabilities. The Council will undertake an impact assessment which will take into account responses from the consultation to determine whether there will be</p>

	<p>any adverse impacts and to consider any mitigating action where appropriate before any final changes are implemented.</p> <p>The Council provides advice and assistance to those on the housing register and continues to monitor applicants in high housing need who are “not bidding”, to ensure they receive the support necessary to use the Choice-Based Lettings (CBL) scheme and receive a suitable offer of housing.</p>
65.	<p>Financial Implications</p> <p>The report does not change the existing Allocations Scheme so has no financial implications except for the cost of the consultation that will be kept to a minimum. The proposed changes to the size of properties applicants are eligible to apply for will help, if accepted in the future, to minimise the allocation of social housing to tenants who could be affected “bedroom tax” and fail to pay the shortfall in rent to the Council. The changes are also consistent with the Council’s aim to prevent homelessness and reduce the number of households in temporary accommodation and the cost to the Council.</p>
66.	<p>Legal Implications</p> <p>Before the Council makes any changes to Allocations Scheme reflecting a major change in policy, Section 166A(13) requires the Council to send a copy of the draft scheme to every Private Registered Provider of social housing within the ORAH partnership to ensure they have a reasonable opportunity to comment on the proposals.</p> <p>The report correctly requests authority to consult on the proposed changes before any major alternations are made to the existing allocations scheme.</p> <p>The proposed changes in the draft Allocations Scheme are considered to comply with current legislation. If the changes are put into effect and are later legally challenged it is considered unlikely any such challenge against the legality of the allocations scheme would be successful.</p>
67.	<p>It is proposed that following the authorisation of the draft Allocations Scheme, the report will go out to consultation and the final version with any amendments will be re-submit to CEB for approval before a request is made to full Council to authorise the new scheme. Subject to authorisation by full Council the new scheme is likely to come in to effect in Autumn 2013.</p>

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Appendix 2: Proposed new Allocations Scheme

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This document forms part of the Policy Framework of Oxford City Council.

Agreed by Council on: **tbc**

Effective from: **tbc**

1 Introduction

1.1 Preamble

Oxford is an area of high demand for social housing. There is a scarcity of affordable housing, and a high number of people who wish to be housed. There is also a substantial level of homelessness in the City.

Oxford City Council aims to allocate the resources available fairly, objectively and systematically.

Oxford City Council has formed a partnership with the major Private Registered Providers of Social Housing operating within the City. This is the Oxford Register for Affordable Housing Partnership (ORAH Partnership). The Council maintains a common register of social housing on behalf of the Partnership. There is a single application process for all housing.

Oxford City Council works within the legal and regulatory framework governing the allocation of social housing. This scheme also takes into account local need and demand as well as local housing conditions.

Oxford City Council operates a Choice Based Lettings scheme. This allows applicants to have as much choice as possible over where they live, within the limits of what types of accommodation they are eligible for. It is also a system which gives a range of information to applicants, allowing their choices to be informed and realistic, based on the limits of what stock is available.

This Allocation Scheme is subject to periodic review to ensure that the allocation of properties continues to be fair, objective and systematic whilst meeting local need and statutory obligations.

1.2 Definition of Terms

An Allocation

- a) the selection process by which a person becomes a secure or introductory tenant of accommodation held by a housing authority; *or*
- b) the nomination process by which a person becomes a secure or introductory tenant held by another housing authority; *or*
- c) the nomination process by which a person becomes an assured tenant of accommodation held by a Private Registered Provider.

The term 'assured tenant' includes a person with an assured shorthold tenancy, including of an Affordable Rent property. 'Secure tenant' includes a person with a flexible tenancy granted under s.107A of the Housing Act 1985.

Bidding

Applicants expressing an interest in a property where they would like to be housed. An applicant must be eligible for that type of property.

Children

Children are defined as dependents, in a household, under the age of 18 years of age.

Choice Based Lettings

The advert based system that Oxford City Council uses to let properties. Applicants are assessed, properties are advertised and applicants bid for them.

General Register List

The General Register is the waiting list held by Oxford City Council, on behalf of the ORAH Partnership, open to all persons over the age of 18 who are not current tenants of Oxford City Council or living in the city as one of our partner PRPs' tenants and who are eligible for an allocation of social housing, excluding those persons to whom Oxford City Council owes a duty under the homelessness legislation.

General Register Applicants

People who have been accepted onto the ORAH general register list as being eligible to apply for social housing.

Homeless List

Applicants to whom the Council has accepted a statutory homeless duty living in temporary accommodation provided by the Council or on behalf of the Council.

Oxford Register for Affordable Housing (ORAH)

Instead of the Council and PRPs keeping their own different waiting lists, applicants join a single waiting list for housing within Oxford City (ORAH). Social housing in the city owned by the Council and its partner PRPs is let through the Oxford Register for Affordable Housing. It is administered by Oxford City Council and managed by Oxford City Council and its partners.

Priority Band Start Date

The date on which an applicant is eligible to be included in Priority Bands 1 to 4. and the date used for prioritising order within each of these bands

Registration Date

The date on which an applicant is eligible to be included within Band 5. For assessed applications added to the Housing Register, this is the date the application was received. This is the Priority Band Start Date for applicants placed in Band 5.

PRP

A Private Registered Provider of social housing. The official name for housing associations, housing cooperatives and housing companies that are registered with the Homes & Community Agency.

REMS

The Removal Expenses and Mobility Scheme available to Council tenants living in family accommodation seeking to downsize to a smaller property.

Social Housing

Low cost housing that you rent or part rent/part buy from a council, PRP, charity or faith organisation.

Transfer Applicant

A secure tenant of Oxford City Council or an Assured tenant or Secure tenant of one of our partner PRPs who lives in the city and whose application has been accepted onto the ORAH Transfer List.

1.3 Oxford City Council's Principal Housing Objectives

- To allocate housing fairly, consistently and carefully
- To allocate suitable accommodation to households in housing need
- To work to meet the Council's responsibilities to homeless households in Oxford and to work to prevent homelessness
- To provide a high quality service with courteous and efficient staff
- To make the best use of the Council and our partner PRPs' stock, and any other stock available to us
- To ensure that empty properties are let quickly and efficiently
- To promote the widest possible access to housing to residents of Oxford or those assessed as having local connection to the City, including directing applicants to private rented stock in appropriate circumstances
- To allow applicants to express choice in selecting their accommodation wherever possible (with restrictions for applicants accepted under Part 7 of the Housing Act 1996 who may be made a Private Sector Offer outside of the Allocations Scheme by the Housing Team or made a direct offer)
- To provide clear and easy to understand information to allow applicants to make informed choices
- To set out clear standards so that applicants know what to expect
- To offer appropriate advice to applicants who we are unable to house, including accurate and timely referrals to other agencies
- To promote sustainable communities
- To act legally and adopt best practice
- To review the advice and allocation service with the intention of producing continuous improvement
- To not discriminate against members of the armed forces/former members of the armed forces in housing need, with regard to local connection

2 Responsibilities

2.1 The Council's Responsibilities

2.1.1 The Legal Framework

In framing this allocation scheme, Oxford City Council complies with the relevant legislation, including, but not exclusively: the 1985 and 1996 Housing Acts, as amended by the Homeless Act 2002; the Equality Act 2010; The Localism Act 2011 and other Acts specified within this document. The Council also takes due account of case law, best practice and government regulations and guidelines, such as the Code of Guidance on Allocations and Oxford City Council's Homelessness and Tenancy Strategies.

2.1.2 Reasonable Preference

The Council is required to give reasonable (but not over-riding) preference to the following categories of person:

- Those who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)
- Those who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)
- Those in insanitary or overcrowded housing or otherwise living in unsatisfactory conditions
- Those who need to move on medical or welfare grounds, including grounds relating to a disability
- Those who need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or others

These categories are not discrete, and applicants can fall under different categories.

2.1.3 Additional Preference

Under Section 167 (2) of the Housing Act 1996, the Council can give additional preference to applicants in urgent need. This means the Council can decide which applicants within a particular category should be given the greatest priority for housing, and which of the groups should be prioritised over others.

The Council's Allocations Scheme must also give "additional preference" to a person who falls into a reasonable preference group *and* is considered to have *urgent* housing needs where the person:

- is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's

service, or

- formerly served in the regular forces, or
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

2.1.4 Information Provision

The Council is required to provide information about Allocations Scheme.

The Council will provide a free summary of the Allocation Scheme to any member of the public who asks for one.

The Council will provide a full copy of the Allocation scheme, which can be inspected at our offices. The Council will provide a full copy of the Housing Allocation Scheme (at a reasonable cost) to any member of the public who asks for one.

The full copy and summary are available on the Council's website at www.oxford.gov.uk

Personal Information

Applicants have the right to see the information held about them, and receive a copy of information held on computer, or on paper file. This is a "subject access request" for which the Council charges a reasonable administration fee.

Personal information will be handled in accordance with the Data Protection Act 1998 and will be subject to appropriate confidentiality.

Additional Information

Applicants have the right to be told in writing if they are considered ineligible for housing or do not qualify for inclusion on the Housing Register.

2.2 Equality and Diversity

Oxford City Council:

- Acknowledges and values the diversity of people who live in Oxford
- Is committed to the promotion of equality of opportunity for all and the

prevention of discrimination. Oxford City Council aims to promote equal opportunities to contribute to a fair and socially inclusive City

- Recognises the importance of delivering services and running facilities that are accessible to all, and where these are managed by the Council directly, aims to ensure that no-one will be prevented from accessing services and facilities
- Has produced a housing strategy whereby it has committed to improve its monitoring of take up of housing services by different groups

2.3 Targets and Monitoring

2.3.1 Annual Lettings Plans

The Housing Register consists of three-separate housing lists:

- **The Homeless List** for applicants to whom Oxford City Council has accepted a statutory homeless duty and placed in temporary accommodation who are waiting an offer of permanent accommodation
- **The Transfer List** for Council and eligible Housing Association Tenants living in Oxford applying for a move to alternative accommodation
- **The General Register List** for all other households applying for social housing in Oxford

The Annual Lettings Plan is designed to set allocation percentages, which are targets set by the Council to determine the proportion of social housing offered to different lists within the Council's Housing Register, in order to best balance their competing demands and needs. The Head of Housing will approve the Annual Lettings Plan setting out the percentage of allocations to be made to each group. If any significant changes are proposed the Head of Housing will request the City Executive Board to approve these changes (see Appendix II).

Factors take into account in setting the Annual Lettings Plan each year will include:

Supply

- The number of properties that are expected to become available to let during the year (consisting of re-lets and new build properties)
- The proportion of properties expected to become available to let for single-applicants and couples, including designated elderly and sheltered accommodation
- The proportion of two-bedroom, three-bedroom and four-bedroom properties or larger that are expected to become available to let

Demand

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

2.3.2 Local Lettings Plans

From time to time Oxford City Council may decide to develop Local Lettings Plans for specific blocks or areas, in order to develop balanced and sustainable communities, particularly where there are new developments of 100 units or more. The decision to implement a local lettings plan will be approved by the City Executive Board and be made available for members of the public.

Where local lettings plans are introduced, clear evidence will be required of the need to vary the usual policy. The decision will always take into account the implications for equal opportunities and consider the “reasonable preference” & “additional preference” criteria. A local lettings plan will generally be expected to be part of a wider action plan to address the issues in that locality.

Local lettings plans are designed to be time limited, and will be monitored to ensure that the plans do not discriminate directly or indirectly on racial or other equality grounds and that reasonable preference is given overall to applicants in the reasonable preference categories.

2.3.3 Monitoring the Allocation Scheme

Oxford City Council will monitor the allocation outcomes so that targets can be altered, should there be a risk that the reasonable preference requirements will not be adequately met.

2.3.4 Statistical Records

Statistical records by ethnic origin, gender and disability of those applying for and being allocated housing are essential for a proper examination of allocation systems, to enable analysis in terms of the type, age, location and quality of accommodation applied for and subsequently obtained. Such monitoring will demonstrate whether housing resources are distributed according to need, and will highlight any inequality in the allocation of particular property types, or within particular areas of the City.

This information is collated on an anonymous basis from data recorded on housing application forms.

Records are kept and monitored of the entire allocation process. The purpose is to identify how different groups are receiving and taking up offers and to highlight the quality and type of accommodation. This information will provide an indication of the length of time people wait, according to band, bidding patterns and refusal rates after viewing.

Diversity and equality monitoring is by self-assessment by the applicant as part of the application process. This includes disability but does not necessarily mean that the applicant will be considered for accommodation suitable for disabled people. Such property is usually allocated on the recommendation of the Council's Health and Housing Assessment Panel, or by using other assessments, for example, an Occupational Therapist report, and is dependent on the type of property and the level of adaptations an applicant is assessed as requiring.

2.4 Verification

All documents should be verified in line with the Council's verification processes and anti-fraud processes as appropriate.

2.5 Confidentiality

Confidentiality is about having a professional and lawful approach to handling disclosed information.

Information passed on to officers will be handled sensitively. All information provided by customers will be held securely under the provisions of current Data Protection legislation.

The purpose of information sharing is to:

- Assist in addressing housing need
- Enable the provision of appropriate assistance and support
- Combat fraud
- Improve risk assessment
- Help create sustainable tenancies
- Improve communities

Information will be passed on in the following circumstances *with* the customer's consent. Disclosure of any sensitive information will have to be authorised by an Allocation Officer and will be provided on a need to know basis only.

- Oxford City Council is under a duty to protect public funds and may use the information provided and match it against other information held by the Council and other public bodies, or similar external agencies, for the purpose of the prevention or detection of crime and fraud, and to verify the information provided.
- Oxford City Council and other ORAH partners will have consent to make such enquiries as is considered necessary in order to assess the application, and all other departments, organisations and agencies are authorised to provide such information as requested.
- Oxford City Council and other ORAH partners are consented to share information on the application form between themselves, with other statutory and voluntary agencies, including other housing providers,

health trusts, support providers, police, probation, social services and other local authorities, where deemed necessary, and/or to provide the applicant with advice or assistance regarding their re-housing, or other services that may assist the applicant. The Council and other ORAH partners will not give information about an applicant to anyone else, unless the applicant provides written authorisation to do so.

Customers should note that, where consent is refused, it may not be possible to process a housing application and they will not be included on or removed from the housing register

Information may be passed on in the following situations **without** the customer's express consent:

- For the purpose of the prevention or detection of crime and fraud
- Where not passing on the information is reasonably considered to constitute a serious risk to the customer or a third party. In such cases a risk assessment will be conducted and any actions must be proportionate.

2.6 Applicants' Responsibilities

2.6.1 Supplying Information

- Applicants are responsible for giving full and accurate details on all forms and correspondence about their application for housing.
- Applicants must inform the Council of any change in circumstances straight away, especially those which may affect their needs for re-housing
- Applicants should reply to any correspondence from the Council or ORAH partnership which needs a reply, within the specified timescales
- Applicants who are made an offer should let the Council know their decision about whether to accept it within the timescale specified
- If information is not supplied, the Council or an ORAH partner may cancel an application or withdraw an offer of housing

2.6.2 False Statements

Applicants who give false or misleading information can be removed from the ORAH housing register, and may be liable to prosecution. Tenancies obtained as a result of false or misleading statements can be terminated.

2.6.3 Deliberately Altering Circumstances

Applicants have a responsibility not to deliberately worsen their circumstances to progress to a higher band. They have the responsibility to make best use of the accommodation they have and will be assessed as if this is the case.

Should an applicant give up more suitable accommodation, or where a deliberate act results in the worsening of circumstances without good reason, the Council may assess the application based on the applicants housing need in

their previous accommodation, prior to the “deliberate” act. Furthermore, if an applicant is not using accommodation that they could reasonably be expected to use to improve their housing situation, their housing need and priority they are awarded will be assessed as if they are occupying this accommodation.

Applicants considered to have lost previous accommodation due their own actions or behaviour, or that of a member of their household or a visitor, may also be excluded from the Housing Register.

3 Application and Assessment

3.1 Applying for Social Housing through the Oxford Register for Affordable Housing (ORAH)

The ORAH is a single housing register operated by Oxford City Council, together with partner Private Registered Providers of Social Housing with stock in the City. The standards and expectations on all parties are set out in a Partnership Agreement. A Partnership Board comprising of senior representatives from the City Council and the partner Housing Associations manages the partnership.

There is a single application process with a set of information leaflets to guide applicants. These are available from local offices of the ORAH partners. Applicants can go to any of these offices for information, advice and support. Further information is also available on the Council website including information about the Housing Options available in Oxford.

3.2 How to Apply

New applicants who are not currently tenants of Oxford City Council or one of the partner PRPs in Oxford can apply for housing by completing a housing application form and supplying additional information to support their application. Before applying for housing, applicants are advised to consider other housing options that may help improve their housing situation. Applicants can also seek advice on the range of housing solutions that may meet their needs from the Housing Options team at the Council.

Older Applicants

There are some Sheltered Schemes in Oxford that are only considered suitable for older applicants (see the Sheltered Accommodation section 5.5.5)

Transfer Applicants

Applicants, who are already tenants of Oxford City Council, or one of its partner associations in Oxford City, should approach their own landlord for a transfer pack and return the completed form to their landlord. The landlord will check the form and complete a reference before forwarding this onto the Housing Needs Team. Transfer applicants are also encouraged to apply for a mutual exchange.

Joint Applicants

Applications from partners who are cohabiting may be registered as joint applicants giving both parties joint and several rights and responsibilities for any future tenancy. Partners include same sex couples.

In some cases one partner may be ineligible due to their immigration status. In this case the other partner will be registered as the sole applicant.

Dependents, family members or other adults who are not partners of the applicant (such as residential carers) cannot usually be joint applicants.

If joint applicants wish to change to sole applicants (for example due to a relationship breakdown) they will need to notify the Council and one of the applicants' will need to make a sole application. Normally the application will continue in the name of a partner with residency and/or parenting responsibilities. The remaining applicant can make a new application and may be issued with a new registration date.

There are number of other housing options for applicants which are dealt with in *section 6*

3.3 Eligibility and Qualification

Only applicants who are eligible for housing and who qualify for an allocation of housing will be included on the Council's housing register and considered for offers of accommodation. Applicants who are not eligible or do not qualify for housing will not be included on the housing register. If an applicant has already been included on the housing register and is found to no longer be eligible for housing, or to no longer qualify for housing, they will be removed from the housing register and notified.

3.3.1 Who is not Eligible

Persons from abroad

A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

(i) *a person subject to immigration control* - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and

(ii) *a person from abroad other than a person subject to immigration control* - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

Existing secure and introductory tenants - the Council does not need to question eligibility and an allocation can be made regardless of immigration status or habitual residence. (Transfer applicants)

Persons who are able to produce evidence of an in time appeal of their leave to remain will be treated as though they continue to have leave to remain.

Age of Eligibility

Applicants under the age of 18 who are eligible can only be considered for some supported properties held by our PRP partners unless accepted as statutory homeless (usually if they have a guarantor) and in other exceptional circumstances.

3.3.2 Who Qualifies For Inclusion on the Housing Register?

The sections below provide information on who will normally qualify to be included on the Oxford Register for Affordable Housing. Once on the Housing Register, applicants are prioritised in terms of housing need and waiting time. **However, inclusion on the register does not guarantee an offer of housing, as there are many more applicants than properties available.**

3.3.3 Qualification For Inclusion On the General Register List

Only applicants who have a local connection to Oxford will qualify to be included on the Housing Register.

A local connection is established by way of one or more of the following:

1. The applicant or joint applicant is permanently resident in Oxford and that residence is of their own choice.
2. The applicant or joint applicant was previously resident in Oxford as a matter of choice and the period of residence was either:
 - At least six out of the last twelve months or
 - Three out of the last five years
3. The applicant or joint applicant is employed in Oxford for a minimum of sixteen hours per week and the employment is not of a short-term or temporary nature.
4. The applicant or joint applicant has close family associations with Oxford.

Family association will normally be defined in relation to close relatives (i.e. parents, children or siblings) and where there is no estrangement. However, other family associations may be taken into account (e.g. grandparents, grandchildren and step relations) where there is evidence of frequent contact, commitment or dependency.

To qualify, the relatives must live in Oxford now and have been continuously resident for a minimum of five years.

With the exception of:

- Applicants aged 60 years or older with no local connection to the City assessed as eligible and suitable for sheltered accommodation
- Persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation;
- Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases;
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.
- "Life and Limb" and other exceptional cases that have moved to Oxford and approached the Council for housing assistance who are considered to be in urgent or exceptional housing need by the Exceptional Circumstance Panel. Such applicants may be allowed to qualify for inclusion on the Housing Register at the discretion of the Allocations Manager but it is expected these cases to be very rare due to the high levels of applicants in housing need with a local connection to Oxford already on the Housing Register.
- Homeless clients excluded from the Council's re-connection policy in relation to Rough Sleeping who have no local connection with any area *may* at the discretion of the Allocations Manager be included on case by case basis.

A local connection is **not** established in situations including, where the applicant is:

- in prison within Oxford or in a probation hostel
- detained in Oxford under the Mental Health Act
- living in temporary supported accommodation that would normally

be able to access the “Move-on” scheme within City, but whose only connection to Oxford is established through residence in such accommodation

An applicant on the General Register List or applying to be included on the General Register List who would normally fall into to a qualifying group can be disqualified under certain circumstances.

3.3.4 Qualification For Inclusion on the Transfer List

The ORAH transfer list is open to secure tenants of Oxford City Council, and secure/assured tenants (including tenants on fixed term tenancies that have successfully completed the first year of their tenancy) of one of our partner PRPs living in Oxford.

Tenants of our ORAH partners not living in Oxford are not eligible to be included on the Transfer List but they can apply for inclusion the General Housing Register if they meet the qualification criteria.

Transfer cases are given priority for an allocation of housing on the same basis as General Register applicants, each applicant being awarded a band according to housing need and taking into consideration both the statutory requirement to give reasonable preference to particular groups, and the locally established additional preferences, if any, which apply.

Where an applicant is an existing secure tenant of the Council or a secure/assured tenant of a PRP the tenant cannot be disqualified from receiving an allocation of housing on the basis of their immigration status - section 160ZA of the Housing Act 1996.

There are a number of locally determined additional preferences that, because they relate to specific rights of secure and assured tenants, or to the management needs of the Council, are applicable only to applicants on the Transfer List. These include additional preference for tenants who are currently under-occupying Council or PRP family properties and wish to move to a smaller home, and are dealt with in *Section 4* of this document.

See also section 7.2 on “under occupation” for details of the Removal Expenses and Mobility Scheme (REMS) for Council Tenants applying for a transfer to downsize.

An individual applicant on the Transfer List, or applying to be included on the Transfer List, who would normally fall into to a qualifying group can be disqualified under certain circumstances.

3.4 Who May Not Qualify

Individual Applicants Who May Not Qualify For Inclusion on the Housing Register

The Housing Act 1996 s.160ZA (amended by the Localism Act 2011) states that social housing may only be offered to a qualifying persons and the Council is given the power determine what classes of person are or are not qualified to be allocated social housing under s.160ZA.

Where the behaviour of an applicant or a member of the applicant's household is unacceptable, as described above; or where the applicant has not demonstrated financial responsibility; the Council may not register the application.

The Allocations Manager may exclude an applicant whose behaviour has been unacceptable. The reasons can include rent arrears and anti-social behaviour.

3.4.1 Applicants Unlikely to be Re-Housed due to Financial Circumstances

The Council may take into account the financial circumstances of housing applicants (including existing tenants living in social housing) and/or those who fall into one or more of the reasonable or additional preference groups within the Allocations Scheme, when considering if an applicant qualifies for inclusion on the Housing Register. Social housing in Oxford is a scarce resource, and those applicants with sufficient resources to secure alternative forms of accommodation without undue hardship may be excluded from the Housing Register. (See Appendix III).

3.4.2 Rent Arrears

The Council and the other ORAH partners treat the non-payment of rent very seriously.

Rent arrears are defined as including any money owed to Oxford City Council, another Local Authority, a PRP or a Private Landlord in the form of non-payment of rent, former tenant arrears, hostel charges, chargeable repairs (including any deductions from deposits paid for by the Council's Private Sector Team where the damage is considered to be wilful or unreasonable) and associated Possession Order court costs. Amounts under £200, when combined, may be disregarded for this purpose.

Housing applicants with rent arrears will fall into one or both of the categories below:

- Former tenants – with property related debts relating to a property/properties where they have previously lived
- Current tenants – with property related debts relating to where they currently live

Where a housing applicant has rent arrears they may be excluded from

qualifying for inclusion on the Housing Register.

3.4.3 Individual applicants that have previously held a tenancy and meet one or more of the following criteria will not normally qualify for inclusion on the Housing Register and will be excluded where they are:

(1) A former tenant of the Council, another Local Authority or a PRP and have been evicted from, or given up their former property, owing rent arrears and still have unpaid rent arrears outstanding (which are legally recoverable) and have not been re-paid in full.

(2) A former tenant of a Private Landlord and have been evicted from, or given up their former property, owing rent arrears in excess of 2 months or more (which are legally recoverable) and have not been re-paid in full. This includes the loss or partial loss of a deposit paid for the by Private Sector Team due to re-charges caused by wilful or unreasonable damage to a property (not due to reasonable wear and tear).

NB Criminal damage to a property is covered under ASB.

Where a former tenant has been excluded from the housing register and still owes rent arrears that have not been re-paid in full they will not usually qualify for inclusion on the housing register until the Council is satisfied that they have proved they are suitable to become a tenant. Suitability can be demonstrated by the applicant making a reasonable re-payment agreement with the landlord, and adhering to it consistently for at least 12 months. The exclusion may be re-imposed where an applicant who has kept to a re-payment arrangement later defaults after being included on the housing register.

3.4.4 Individual applicants that currently hold a tenancy and meet one or more of the following criteria will not normally qualify for inclusion on the Housing Register and will be excluded where they are:

(1) A tenant of The Council, another Local Authority or a PRP where a Court Possession Order has been issued regarding rent arrears, the tenant is in breach of the Court Order and/or on-going action is being taken to evict the tenant.

(2) A tenant of a private sector landlord where a Court Possession Order has been issued regarding rent arrears, the tenant is in breach of the Court Order and/or on-going action is being taken to evict the tenant.

If an applicant with rent arrears has been allowed to join, or remain on, the Housing Register they will not normally be considered for an offer of housing until they have demonstrated they are suitable to be a potential tenant and have paid their arrears in full or maintained a satisfactory payment arrangement for a reasonable period of time (see section 5.8.3).

3.4.5 Unacceptable Behaviour

Oxford City Council and its ORAH partners take anti-social behaviour very seriously.

Individual applicants where they, or members of their household, meet one or more of the following criteria will not normally qualify for inclusion on the Housing Register and will be excluded:

- Applicants who have been evicted from a Council, PRP or private rented property, for illegal subletting or antisocial behaviour.
- Breach of tenancy for behaviour which is a nuisance or annoyance to those in the locality of the dwelling; or conviction for using the dwelling for immoral or illegal purposes or committing an indictable offence in the dwelling, house, or in the locality of it
- Domestic violence causing a partner or other family member to leave the property
- Deterioration of the dwelling house or furniture provided for use under the tenancy due to waste, neglect or fault
- Tenancy induced by false statement
- Housing applicants or members of their household who are considered by the Council responsible for serious ASB
- Housing applicants or household members or who permit visitors that cause serious ASB.

Exceptions may be made by the Allocations Manager if there is persuasive evidence that behaviour has been amended and another tenancy has been successfully maintained.

3.4.6 Duration of Exclusion for ASB

Where an applicant has been dis-qualified for inclusion on the Housing Register:

1. For unregistered applications the sanction for anti-social behaviour will normally last for a minimum period of 5 years, after which the applicant must be able to prove that the exclusion is no longer valid
2. Where an applicant's circumstances change significantly they may reapply.

WHERE AN OFFENCE HAS BEEN COMMITTED WHICH POTENTIALLY COMPROMISES ANOTHER PERSON'S SAFETY, THIS CONDITION MAY BE INDEFINITE PENDING REVIEW

3.4.7 Applicants Not Meeting the Eligibility &/or Qualification Criteria

Applicants that do not meet the eligibility &/or qualification criteria to be included on the Housing Register will be notified of the reasons in writing.

Applicants no longer meeting the eligibility or qualification criteria will be

removed from the register, and notified in writing of the reason(s) why their application has been cancelled.

Applicants have the right to a review of this decision (see reviews and appeals).

3.5 Household Make-up/ Households with Dependants

3.5.1 Children in Care

Where care is:

- Compulsory: children are treated as though at home, subject to written confirmation from Social and Community Services that the children are to live with the parents on a permanent basis should they be allocated a suitable property. Failing such confirmation, children should not be included on the application
- Voluntary, children are treated as though at home

No offer should be made in either case without confirmation from Social and Community Services that the children are to live on a permanent basis with their parent(s)

3.5.2 Day To Day Residence and Parenting Responsibilities

In making an assessment of whether a child can legitimately appear on an application, officers should seek to determine who the child normally lives with by looking at the circumstances. The courts have held for instance that where children have social housing available with one parent it would only be in exceptional circumstances that another unit of accommodation would be made available. A child could live with its parents on a split week basis. The same child may therefore legitimately appear on two applications but this would be exceptional. In such cases, the tests below should be used, evidence for this must be available, for example a written agreement and/or sanction of Social and Community Services, or a residence order from the Courts. However, these are not determinative. The assessment can for example “look behind” a residence order to establish what the practicalities of the child care are such as taking the children to school, looking after them in school holidays and so on. In the absence of documentary evidence an investigation would be required to determine who cares for the child, takes them to school etc. A similar test to that contained in part 7 of the Housing Act 1996 should be used:

- Does the child currently **reside** with the applicant?
- Is the child **dependent** on the applicant?
- Is it **reasonable** in the circumstances for the child to reside with the applicant?

Generally, weekend access will not count as day-to-day residence. The applicant must have significant day-to-day parenting responsibilities. As a rule of

thumb, this would be for a minimum of three days and nights.

Possible types of documentary evidence which will be considered are:

- A parental responsibility order from a court
- A residence order
- Proof of receipt of current child benefit
- Legal guardianship

Generally there is a distinction between married /divorced parents and those formerly cohabiting.

- Where parents are or have been married there will often be a Residence order settling the arrangements as to where a child will live.
- Unmarried fathers may acquire parental responsibility by inclusion on the child's birth certificate, Residence Orders or making a written Parental responsibility agreement with the mother. This should be formalised by completing a signed agreement via a solicitor, which is then registered with the Family Division of the High Court.

Officers may discuss individual cases with senior officers in the first instance, and seek guidance from Oxford City Council Legal Services if required.

3.5.3 Extended Families – Minors

In cases where a minor is to be included in, or added to an application, but no parental responsibility exists within the household (e.g. grandchildren, nieces, nephews), proof must be obtained of legal guardianship or confirmation from Children and Family Services that this action is necessary and permanent

3.5.4 Adult Households Members

The Council seeks to make the best use of the very limited amount of family properties becoming available and will normally only offer family properties to households with dependent children.

Adults aged 18 years or older requesting re-housing will normally be expected to apply separately for inclusion on the Housing Register and not be included on another applicant's housing application as a household member unless they are applying as a joint applicant with their partner. This includes adult students studying and living elsewhere.

Established Household Members

Persons may request to continue to be considered as part of the household after they reach the age of 18 years of age, if they still reside with the applicant, and wish to continue to do so, and have continually resided within the household as a child up to that point. However, the Council reserves the right to exclude adult household members where they are not considered a permanent member of the

household, are considered to have sufficient funds to resolve their own housing situation (see Appendix III), have been responsible for Anti-Social Behaviour or where it is not considered reasonable by the Council for the adult to continue to be included on the applicant's housing application, for example older adult members.

Any adults excluded from an applicant's household will not be "counted" for the purposes of assessing the size of property they require or when assessing their housing need, such as any overcrowding they may be experiencing.

Persons aged 18 years or older may be required to provide a statement regarding their financial circumstances on request – failure to do so will result in them being excluded from applicant's housing application.

3.5.5 Adding Adults To An Application

Adults should not be added to an application where this results in the need for larger accommodation than for which the applicant's household was originally eligible, unless an over-riding need such as ill health or disability can be shown (for example, where an applicant needs to look after an elderly parent and live with the parent to provide full-time care, or where a new partner requires a separate bedroom). Such cases must be thoroughly investigated, and discretion rests with the Options/Allocation Officers in the first instance.

The desire to be part of the household is not sufficient reason for inclusion on the application in these circumstances.

Adults requiring an extra bedroom must only to be added to an application if they have a demonstrable need to live with the applicant and if they plan to make their long-term home on a permanent basis with the applicant.

Applicants who require a full time residential carer may include the carer on their application. Proof of the requirement should be sought from Social and Community Services or a primary health care professional. The carer should be assessed as part of the household even if not resident (i.e. lack of bedroom priority may be due) if 24-hour care is required. The requirement for a separate bedroom should be recorded so that the household is eligible for the correct size of property.

3.5.6 Expectant Mothers

Expectant mothers should provide a MATB1 form or other adequate proof of pregnancy from a health professional (followed by a MATB1 form). Expectant mothers will be placed in an appropriate band based on their current housing circumstances. The unborn child will not be 'counted' as a member of the household, for assessing over-crowding, until proof is received by the Council that the child has been born.

3.5.7 Fostering

Families undertaking long term fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Long term fostering is normally defined as being fostering for a period in excess of three years (not necessarily involving the same child or children). In exceptional circumstances fostering for less than 3 years will be considered where a long term relationship is evidenced – in such cases the Exceptional Circumstance Panel will consider whether to allow the child to be included on the housing application. It is essential that written confirmation of the fostering arrangement be obtained from Children and Family Services. Consideration will be given to this in assessing the application. This does not apply to households living in temporary accommodation to which the Council has accepted a statutory homeless duty. Short term fostering is discounted.

Due to changes introduced by the Welfare Reform act and the new “bedroom tax”, before an offer of family accommodation is made to an applicant on a low income with foster children, the Council will need to be satisfied that the applicant is able to pay any shortfall in rent that may be due from the applicant due to the “bedroom tax”. Foster children are not normally “counted” as household members under the new “bedroom tax” rules (but this may change).

3.6 Assessment of Housing Need and Priority for Housing

All applications require officer assessment before being entered onto the Housing Management Information System (HMIS). This section gives information and guidance on matters relating to the assessment process. It is vital that such assessments are carried out correctly, as an incorrect assessment could affect an applicant’s banding position, and therefore the applicant’s priority.

As a general principle, applicants/household members can only be registered on one application at any given time. However, there may be situations relating to the care of children where individuals are recorded on two applications. Household formation will be determined on the basis of evidence provided (it is the responsibility of applicants to make such evidence available).

If an applicant moves address, it is their responsibility to notify the Council as soon as practicably possible, and usually within 28 days. In such cases, a new application form should be completed, and the application re-assessed.

All applicants within Oxford City are expected to have normally been visited, at least once, by an ORAH officer or another member of staff from the Council, before an offer of permanent accommodation is made. Applicants applying from outside Oxford City will usually have their circumstances verified by their own Local Authority, or if they are a tenant in Social Housing, by their current landlord.

3.7 Calculation of Overcrowding and Under-Occupation

Definition of Bedroom Usage

Assessing bedroom usage is a major element in determining an applicant's current circumstances and determines what the situation could be, rather than how resources are currently being used.

An award of priority is given for each bedroom lacking in the applicants current accommodation, based on this assessment.

The two key aspects that must always be considered are:

The Best Use Principle - *The best use should be made of the bedroom resources available so that, for example, a bedroom used for storage should be counted as a bedroom available for use as defined by this principle.*

The Control Principle - *There may be sufficient bedrooms in a property but the applicant cannot control how the bedrooms are actually used. They may, for instance, be lodgers or living with a family who control how bedrooms are used.*

The most common issues relating to bedroom usage are listed below:

- Studios - Count as having a bedroom, lacking a living room
- Bedroom availability - Bedrooms available must be counted, even if not used. If claimed not used because unfit for use, advice of the Environmental Health Department must be sought
- Sharing a bedroom with non – applicant(s) - Counts as lacking a bedroom
- Size of bedrooms - Bedroom under 4.2 square metres (45 sq ft) discounted
- Best Use (mixture of sexes) - If bedrooms can be better used, assume they are for assessment purposes
- Need for carer - Where there is a recognised need for a full-time residential carer, then notionally a second bedroom may be lacking for the carer in the current accommodation. Priority can be awarded for the lack of this bedroom
- Under-occupiers - Under occupying transfer applicants in two bed or larger family properties, may be eligible for incentives to transfer to smaller properties
- 'Exceptional' cases* – Some cases that have been awarded a priority award by the Exceptional Circumstances Panel may be made eligible to under-occupy a property, by decision of the panel, where the panel considers that the existing housing circumstances of a transfer applicant should not be disadvantaged by having to move
- Decant cases* – Transfer Applicants requiring a permanent decant move can maintain their existing bedroom number, even if they are not eligible

for this size of property due to their current circumstances

- Succession cases* – Where a legal successor to a three bedroom, or larger, property is required to move to smaller accommodation, they may be allowed one additional bedroom more than they would normally be eligible for, at the discretion of the Allocations Manager

* Due to the introduction of the “bedroom tax” by the Welfare Reform Act applicants including the cases above will not normally be able to move to a property where they are under-occupying a property unless they are exempt from the “bedroom tax” or the Council is satisfied they will be able to afford the shortfall in rent.

The following rules will be used to decide whether a household has either too many or too few bedrooms available for its use when assessing priority.

Each of the following will be considered to require their own bedroom

- Each couple or a single applicant
- Each additional adult (aged eighteen and over) considered eligible to be part of the household
- Two children of the same sex aged under 16.
- Two children of the opposite sex aged under 10
- Any other child

3.8 Exceptional Circumstances Panel (ECP)

The Exceptional Circumstances Panel for the ORAH partnership is the body responsible for making priority awards to applicants whose circumstances are not otherwise adequately covered by the Banding Scheme (see Section 4). The Exceptional Circumstances Panel will hear evidence about exceptional cases of housing need.

The banding scheme has been devised to take account of most circumstances, but there will sometimes be applicants in exceptional circumstances, or whose needs are complex and cannot be accommodated by the banding scheme.

The objectives of the Exceptional Circumstances Panel are as follows:

- To make evidence based assessments of exceptional cases of housing need
- To make evidence based assessments of cases of complex need
- To award additional priority within the banding scheme, where appropriate
- To make decisions on whether to give a “commitment to re-house” to previous ORAH partner tenants within Oxford who have surrendered, or

- tenants who are about to surrender, their tenancies
- To ensure a fair and transparent process
- To comply with the statutory requirement to give reasonable preference to particular groups
- To assist in making the best use of the housing stock available to the ORAH partnership
- To assist in achieving the aims of settled communities and sustainable tenancies

The Exceptional Circumstances panel will:

- Hear and assess evidence about applicants on the Oxford Register for Affordable Housing
- Make awards as appropriate
- Impose conditions on awards as appropriate
- Give advice as appropriate, including alternatives to be pursued
- Be overseen and monitored by the ORAH partnership board

The Exceptional Circumstances Panel will usually meet monthly. In cases of emergency, where there is a threat to 'life and limb' the panel will be available to convene within 24 hours.

Referrals, in the first instance, can be made by officers within the Housing & Property Team including the Housing Needs Team or by their equivalents in our partner PRPs. Self-referral by applicants or their representatives is not possible.

Applicants should provide evidence to the referring officer, in the first instance, to support their application to the Exceptional Circumstances Panel. This can include (though not exclusively): a summary of events which led up to the application being made; reports from police; education professionals; social and community services, or other agencies involved with the case; details of any action being taken against alleged perpetrators, if applicable, and a proposal for future action to resolve the situation. Independent evidence must be produced for the Panel to be able to review the case. If not satisfied that there is adequate evidence the officer may decide not to refer until there is.

Any additional priority awarded by the Exceptional Circumstances Panel will be made for a minimum of 3 months in the first instance, with a date set for review by the panel. The Panel can impose other conditions, for example, ensuring that victims of domestic violence are not being re-housed in areas where there they are at risk. The applicant's circumstances will be monitored and the award can be renewed if appropriate, or withdrawn where the applicant's circumstances have changed, making them ineligible for the award. In cases where suitable properties have been advertised but the applicant has failed to place a bid, a direct offer may be made or the case referred back to the panel, for the panel to consider removing the original award. If an applicant is made a reasonable offer of accommodation and refuses the case may also be referred back to the panel to consider whether the award should be moved.

The Exceptional Circumstances Panel will consist of senior officers from the City

Council (and sometimes other ORAH partners)

The Exceptional Circumstances Panel can make the following awards:

- Exceptional Priority (Band 1)
- Urgent Social or Welfare Needs Priority (Band 2)
- Significant Social or Welfare Needs Priority (Band 3)
- Moderate Social or Welfare Needs Priority (Band 4)

Housing Needs Officers using the set protocols may make an award of Moderate Social or Welfare Needs Priority (Band 4) see Appendix II.

3.9 Commitment to Re-house

This 'award' may be made by the Exceptional Circumstances Panel as part of a 'negotiated surrender' of a social tenancy by the tenant. Applicants awarded a commitment to re-house are likely to be awarded an Urgent Social & Welfare Award and placed in Band 2 by the Exceptional Circumstance Panel. Conditions may be imposed on the award. The award will not normally be open ended and time restrictions will normally be placed on any commitment to re-house.

The purpose of this, is to give tenants, who may be unable to sustain their tenancy in the short term, the assurance that if they surrender the tenancy, they can be given increased priority on the housing register should they reapply when they are better able to manage a tenancy again. Such an agreement may be appropriate where elderly or unwell tenants are struggling to maintain a tenancy, and need a period of hospitalisation, respite care, or residential rehabilitation.

Should the panel make this award, the Manager Responsible for Allocations is delegated to apply the award should the person subsequently apply for housing to Oxford City Council, and if the Manager Responsible for Allocations is satisfied that the applicant is ready to take up and sustain a tenancy again.

3.10 Health and Housing Assessments (HAHA)

The Health and Housing Assessment Panel is the body responsible for making priority awards to applicants whose health is either detrimentally affected by their housing or where it is likely to affect their future housing need, and whose circumstances are not otherwise adequately covered by the Banding Scheme (see Section 4).

The objectives of the Health and Housing Assessment Panel are as follows:

- To make the best use of the social rented housing stock
- To make evidence based assessments of priority for housing where it is affected by health or disability
- To increase consistency of assessment
- To improve efficiency
- To improve partnership working

- To reduce the number of letters received from health care professionals

Oxford City Council and the Primary Health Care Trusts have an agreed method of assessing health and housing and all applications with a potential impact on health will be assessed through this. This process seeks to determine both housing requirements as well as relative priorities of applicants, and to consider whether any other options could address the issue.

The Health and Housing Assessment Panel can make the following awards:

- Urgent Health or Disability Need(s) (Band 2)
- Significant Health or Disability Need(s) (Band 3)
- Moderate Health or Disability Need(s) (Band 4)

Housing Needs Officers, using the set protocols, may also make an award of a Significant (Band 3) or Moderate Health (Band 4). See Appendix II.

Where a household has more than one person with a health need, the HAHA Panel (or Housing Needs Officers following the HAHA protocol) should award the applicant's household the highest appropriate band. Applicants may not move up to another band because more than one person is suffering a housing-related health issue. If Housing Needs Officers, or the HAHA Panel, feel that this award is inadequate given the multiple needs of the applicant's household, the matter may be escalated to the ECP. If the applicant requests a review based on multiple housing-related health needs of the household, the matter should also be escalated to the ECP.

3.11 How Applications are Processed

Once an application has been accepted at a local office it is sent through to the Housing Needs Team. This is done by hand, by courier or by recorded delivery to ensure safe arrival. In the future applicants may be required to normally apply on-line and assistance will be available should help be required to do this.

Once received in the team, applications are logged on to the database system and assessed by a Housing Needs Officer. The forms include a number of 'trigger' questions that may prompt, for example, a support needs assessment or health and housing assessment. Once the housing needs team has received an application and any supporting information required the Council will seek to assess an application within 10 working days.

Once assessed, applications are put into a Housing Need Priority Band (see Section 4) and the applicant will receive notification of their banding, the reason for it and the Registration Date (and Priority Band Start Date, if the applicant is placed in Bands 1 to 4). Applicant's not considered eligible and/or to qualify for inclusion the Housing Register will be notified. If in the future an applicant is no longer considered eligible and/or to qualify for inclusion on the Housing Register they will be notified and removed the Housing Register.

The Housing Needs team will maintain the database until the applicant is housed

or resolves their housing situation. This includes updating changes of circumstance, and carrying out regular reviews of the list.

3.12 Re-registering and Change of Circumstances

Applicants must re-register periodically when they are sent a review form. If the form is not returned by the date stated on the review form the application will be cancelled.

Applicants have a responsibility to ensure they inform the council of any changes in their circumstances, such as someone joining or leaving the household, by notifying the Housing Needs Team in writing. If an applicant moves house they need to complete a new application form so that their housing need can be re-assessed. Where applicants' circumstances change they should inform the Council promptly within 28 days (or as soon as practicably possible if they have exceptional circumstances where it is not possible to inform the Council sooner) so their housing need can be re-assessed based on their new circumstances. If an applicant is unsure whether a change in their circumstances needs to be reported, they should contact the Housing Needs team, or make an appointment to visit the Council.

Where a General Register applicant moves and notifies the Council within 28 days their Housing Application will be treated as continuous and they will retain their original registration date, however, their Priority Band Start Date may change if their housing need has changed and they move into/or within one of Bands 1 to 4 (see section 4.10). Any applicants that move will have their housing need re-assessed based on their new circumstances and their priority band may change. General Register applicants failing to notify Oxford City Council within 28 days of a change of their address, will have their Housing Application cancelled and will be removed from the General Register unless they have exceptional circumstances (see above). In such circumstances if an applicant re-applies for housing in the future (after 28 days of moving) their registration date and Priority Band Start Date will be the date their new application is received and the application will not be treated as continuous.

4 The Banding Scheme

4.1 Banding

Once accepted as eligible and qualifying for inclusion on the Housing Register by the Council, applicants will be placed in one of the five bands, which have been designed to reflect broad categories of housing need. The Banding scheme enables the Councils and other ORAH partners to meet their legal responsibilities for housing and also provides a fair and easily understood way of selecting applicants to receive offers of accommodation.

Some applicants' circumstances may make them eligible to be placed in more than one band. In this case, they will normally be placed in the highest band for which they are eligible.

4.2	Band 1 (Exceptional Housing Need)
4.2.1	Exceptional Circumstances
	<p>Any applicant awarded this priority by the Exceptional Circumstances Panel, where there is an immediate risk to health and safety, complex needs cases, 'place of safety' cases or other exceptional or emergency needs.</p> <p><i>This category is intended to be reserved for only the most urgent cases. This includes cases where rehousing is needed to protect the health or safety of the applicant or a member of their family, where there are complex needs, 'place of safety' cases etc. This could include the immediate threat of domestic violence and any other "life and limb cases".</i></p> <p><i>The award of Exceptional Circumstances priority will normally be time limited (to 3 or 6 months) and priority will be reviewed at the end of the period.</i></p>
4.2.2	Under-occupying by Two or More Bedrooms
	<p>Council tenants or other ORAH partner tenants living in Oxford with an assured or secure tenancy, who will be giving up permanent family accommodation with at least two bedrooms more than they require.</p> <p><i>Applicants should check whether they are eligible for any incentive schemes to assist with the cost of removals and associated expenses being operated by their landlord. See section 7.2 for more details and the assistance available to downsizing Council tenants through the Removal Expenses & Mobility Scheme.</i></p>

4.2.3	Decants and other Housing Management Moves
	<p>Council tenants, or tenants of partner Private Registered Providers living in Oxford, who need to move because refurbishment or repairs* are due to be carried out, which cannot be done with the tenant living there and who have been awarded 'decant' status by the Manager Responsible for Allocations.</p> <p><i>Awards of this priority will be time limited. Transfer applicants would normally qualify for this status 6 months before they are required to vacate the property. At the end of the six months the Council may decide to make a direct offer, if the applicant has not been successful in bidding for a suitable property. This would not prevent an applicant from registering for a transfer at any time before this and being assessed on their current circumstances.</i></p>
4.2.4	Successor Tenants
	<p>These fall into two categories:</p> <ul style="list-style-type: none"> • Legal successors other than spouses or civil partners • Policy successors i.e. Applicants (close family members) who would have been entitled to succeed to the tenancy but for the fact that one succession has taken place already <p>In both instances priority will usually be awarded where:</p> <ul style="list-style-type: none"> • they are occupying a property with adaptations for a disabled person which they do not need, <i>or</i> • they are occupying a property larger than they would qualify for under the allocation policy, <i>or</i> • where occupying the property gives the benefit of facilities and or services for which they would otherwise not qualify. <p>Legal successors will qualify as transfer applicants and policy successors will be classified as general register applicants for the purposes of the Allocations Scheme.</p>
4.2.5	Prohibition/ Demolition Notices
	Households where a statutory notice of prohibition or demolition has been issued by the Environmental Health department and it is not possible to remedy the defects in a reasonable time.
4.2.6	Statutory Overcrowding
	Households where the level of overcrowding exceeds the statutory limit.

4.3	Band 2 (Urgent Housing Need)
4.3.1	Urgent Social or Welfare Needs
	<p>Applicants assessed as having an urgent need to move on social or welfare grounds and awarded this priority by the Exceptional Circumstances Panel. Including applicants assessed as being in urgent housing needs where the applicants:</p> <ul style="list-style-type: none"> • formerly served in the regular forces, or • has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or <p>&</p> <p><i>This may also include applicants assessed as:</i></p> <ul style="list-style-type: none"> • <i>serious harassment cases</i> • <i>having multiple needs not already covered by other band categories</i> • <i>urgently needing to move to give or receive care or support</i>
4.3.2	Urgent Health or Disability Needs
	<p>Applicants assessed as having an urgent need to move because of a health problem or disability, and awarded this priority by the Health and Housing Assessment Panel. Including applicants assessed as being in urgent housing need where the applicant:</p> <ul style="list-style-type: none"> • is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service, or • is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
4.3.3	Under-occupation by One Bedroom
	<p>Council tenants, or tenants of another ORAH partner living within Oxford, with an assured or secure tenancy, who will be giving up permanent family accommodation with one bedroom more than they require.</p> <p><i>Applicants should check whether they are eligible for any incentive schemes to assist with the cost of removals and associated expenses being operated by their landlord. See section 7.2 for more details and the assistance available to downsizing Council tenants through the Removal Expenses & Mobility Scheme (REMS).</i></p>

4.3.4	Move-on
	<p>Applicants who have been assessed as ready to move-on from supported accommodation, including:</p> <ul style="list-style-type: none"> • Applicants from voluntary sector hostels and move-on projects (including the Oxford Young Parents Project) • Care leavers: applicants who are former “relevant children” as defined by the Children (Leaving Care) Act 2002 <p><i>Applicants will be awarded this band category in accordance with the protocols of the council, when the council is satisfied that the applicant is ready to move to secure independent housing and that on-going support will be in place where this is needed to sustain the tenancy.</i></p> <p><i>Quota arrangements may be used to ensure a minimum supply of vacancies suitable for those ready to move on from supported housing</i></p>
4.3.5	Overcrowding by 2 or more Bedrooms Short
	Families assessed as being two or more bedrooms short of their needs
4.3.6	Band 3 Upgrade
	Any applicant who qualifies for two or more compoundable categories in Band 3

4.4	Band 3 (Significant Housing Need)
4.4.1	Priority Homeless (<i>not compoundable</i>)
	<p>Existing applicants living in homeless temporary accommodation accepted as homeless by the Council under s.193 of Part 7 of the Housing Act 1996</p> <p>Existing applicants living in private rented accommodation accepted as homeless by the Council under s.195A of Part 7 of the Housing Act 1996 where:</p> <p>If within two years beginning with the date on which an applicant accepts an offer under section 193 the applicant re-applies in the first incidence of homelessness for accommodation, or for assistance in obtaining accommodation, and the Council is:</p> <ul style="list-style-type: none"> • satisfied that the applicant is homeless and eligible for assistance, and • satisfied that the applicant did not become homeless intentionally, regardless of whether the applicant has a priority need and • a valid notice under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) has been given the applicant will be awarded this priority from the date the section 21 was issued.
4.4.2	Significant Social or Welfare Needs
	Applicants assessed as having a significant level of social or welfare need arising from their housing situation, and awarded this priority by the Exceptional Circumstances Panel
4.4.3	Significant Health or Disability Needs
	Applicants assessed as having a significant level of housing need as a result of health problems or a disability, and awarded this priority by the Health and Housing Assessment Panel

4.4.4	Unsatisfactory Housing: Level 1
	<p>Applicants living in sub-standard accommodation that a qualified officer has assessed as a category 1 hazard, where repair is not possible or it is not practical in a reasonable timescale.</p> <p>Applicants living in homes lacking the use of one or more of: A kitchen (or cooking facilities)*, a bathroom, an inside WC, running water, or electricity will usually be deemed to meet this criteria.</p> <p><i>Applicants whose existing housing is of a low standard will have their need assessed against the Housing Health and Safety Rating System (known as HHSRS). In the most urgent cases, or where an inspection is needed, the assessment will be carried out by an Environmental Health Officer or other qualified officer.</i></p> <p><i>A Category 1 Hazard is a defect where the consequences could include serious harm to applicants. For example: accommodation lacking any bathroom facilities, cooking facilities, or a water supply. The band category will not be awarded, if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, the Council may decide to award priority at its discretion.</i></p> <p>* Persons living in Move-on Hostel accommodation, where meals are available, are excluded from this category unless a qualified officer has assessed as a category 1 hazard</p>
4.4.5	Overcrowding by One Bedroom Short
	Applicants assessed as being one bedroom short of their needs where they permanently reside
4.4.6	Insecure Tied Accommodation
	<p>Applicants who are living in accommodation tied to their employment and who have received a formal notice to quit from their employer and where the loss of employment is through no fault of the applicant. This category includes members of the armed forces in married quarters and agricultural workers.</p> <p><i>Priority category will only be given where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation in the near future.</i></p>

4.4.7	Insecure Private Rented Accommodation
	<p>Tenants of private landlords where the landlord is taking action to recover possession of the property and has demonstrated a real intention to proceed to eviction.</p> <p><i>Before priority for Insecure Accommodation can be given documentary evidence of the date of eviction will be needed by the Council, depending on the type of tenancy or licence held. The landlord must have shown a real intention to proceed with an eviction. Evidence of Court proceedings for Possession may be required to establish a genuine intention.</i></p>
4.4.8	Band 4 Upgrade
	Any applicant who qualifies for at least two compoundable categories in Band 4.
4.5	Band 4 (Moderate Housing Need)
4.5.1	Moderate Social or Welfare Needs
	Applicants assessed as having a moderate level of social or welfare need arising from their housing situation, and awarded this priority under the Exceptional Circumstances Panel protocols
4.5.2	Moderate Health or Disability Needs
	Applicants assessed as having a moderate level of housing need as a result of health problems or a disability, and awarded this priority by the Health and Housing Assessment protocols

4.5.3	Homeless and Not in a Priority Group (<i>not compoundable</i>)
	<ul style="list-style-type: none"> • Applicants who have been assessed as being of No Fixed Abode (NFA), or • Applicants who are Homeless but have been given a decision that they are not in Priority Need (or are Intentionally Homeless and allowed to remain on the Housing Register), or • Applicants living in Move-on Homeless Projects who could otherwise access the Move-on Scheme <p><i>This category is given where a formal assessment has been carried out under the homelessness legislation and the applicant is found to be homeless but not in a defined priority group. The category will also be given without a formal assessment, where it is clear that the applicant has No Fixed Abode. This includes those living in voluntary sector Move-on Projects.</i></p> <p><i>This category does not include applicants who have been assisted to access the private rented sector through a rent deposit scheme.</i></p> <p><i>This category is not compoundable with other factors. Those who are homeless and have other priority needs will be assessed in accordance with the Homelessness legislation and, if they qualify, will be given a Band 2 priority.</i></p>
4.5.4	Unsatisfactory Housing: Level 2
	<p>Applicants living in sub-standard accommodation that is deemed to have a category 2 hazard and where repair is not possible or it is not practical in a reasonable timescale.</p> <p>Applicants living in homes lacking a fixed heating system will usually be deemed to meet this criterion.</p> <p><i>The band category will not be awarded if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, the Council may decide to award priority at its discretion.</i></p>
4.6	Band 5 (Low or No Housing Need)
4.6.1	Adequately Housed
	<ul style="list-style-type: none"> • Applicants who are adequately housed • Applicants with no immediate need for rehousing • Applicants sharing where the accommodation is of sufficient quality and there is no overcrowding • Applicants who do not meet any other category

	<p><i>This category includes applicants who may have a low level of housing need, but where the circumstances do not give rise to any exceptional problems. This includes:</i></p> <ul style="list-style-type: none"> • <i>formal and informal house-sharing arrangements where the size and standard of the accommodation is adequate for the needs of those living there</i> • <i>those living with family or friends where the size and standard of the accommodation is adequate for the needs of those living there</i> • <i>families living in flats where the internal accommodation is adequate for the family's needs but where there is no private garden.</i>
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4.7 Compound Needs

Where applicants in Bands 3 or 4 have compound needs (that is, they qualify for more than one compoundable category in the band) they will usually be upgraded to the next band. Compounding is not available for those placed in Bands 2 or 5 because Band 1 is reserved only for the most exceptional cases and Band 5 has no compoundable categories.

Those applicants in Band 4 with a category of 'Homeless and not in a Priority Group' cannot compound this category to move up to Band 3 because the assessment of their homelessness takes into account all other relevant circumstances. If they have additional needs then this would be reflected in a decision to award either an Exceptional Need category placing them in a higher category band or a Priority Homeless category (Band 3).

4.8 Time Limited Priority

In certain cases priority will be time limited. For example, a decision to grant a high band on the grounds of an urgent social or welfare need might be for a limited period. This will normally be three to six months. In all cases the applicant will be given a reasonable amount of time to bid for alternative accommodation, and the length of time may be adjusted according to the availability of suitable accommodation. Priority will be re-assessed at the end of the period.

4.9 Date Order

The time an applicant has been in housing need is taken into account when prioritising applicants for an offer of accommodation. Where two or more applicants in the same priority band have bid for the same property, through choice-based lettings scheme, the applicant who is considered to have been in housing need for the longest period of time will be normally be offered the property. In some circumstances there are exceptions (see 5.8)

4.9.1 Priority Band Start Date

The Priority Band Start Date is the date used for comparing applicants who are in the same band and who have bid for the same property.

The Priority Band Start Date is normally the date an applicant is placed into a particular band. Most applicants who apply for housing remain in the same band so their Priority Band Start Date does not change and is the date they first applied to be included on the housing register (also known as the Registration Date). If an applicant's circumstances change and their housing need changes their Priority Band Start Date may change.

4.10 Change of Circumstances

Changes of Circumstance & Priority Band Start Dates

Where an applicant's circumstances have changed they should notify the housing needs team within 28 days to check whether this has affected their housing need and whether they need to supply any further information.

If the change in an applicant's circumstances (including a change of address) has resulted in:

- Their priority band going up because of an increase in their housing need and they have moved to a higher band they will be issued with a new Priority Band Start Date from the date the change took place or they were awarded additional priority to move.
- Their priority band going down because of a decrease in their housing need if they move down to Bands 2 to 4 their Priority Band Start Date will remain the same, however, if they go down to Band 5 their Priority Band Start Date will change back to their registration date (the date they first applied for housing).
- Their priority band staying the same the applicant should retain their original priority band start date.

Where an applicant has failed to notify the Housing Needs Team of a change of their circumstances within 28 days without good reason, if the change in the applicant's circumstances has resulted in:

- Their priority band going up because of an increase in their housing need and they have moved to a higher band they will be issued with a new Priority Band Start Date from the date the Housing Needs Team were *notified* of the change and not the date the change took place.
- Their priority band going down because of a decrease in their housing need they will be issued with a new Priority Band Start Date from the date the change took place and not keep the same date.
- Their priority band staying the same the applicant will be issued with a new Priority Band Start Date if they have moved. If the applicant has not moved their Housing Needs Priority Band Start date will remain the same.

5 Choice Based Lettings

5.1 Statement on Choice in Allocation

The Council operates a Choice-Based Lettings Scheme to advertise the limited number of properties becoming available to let each year for those who are eligible and qualify for inclusion on the Housing Register. The Choice Based Lettings Scheme increases the choice available to most applicants (with restrictions for homeless applicants) but cannot make more social housing available, which will remain a scarce resource. The availability of feedback on previous lettings enables applicants to make informed choices about their future housing options; including whether to look at alternatives to social rented housing, and what types of properties are available.

Below is Oxford City Council's Choice Based Lettings Scheme. This applies to permanent social housing in Oxford; it does not apply to temporary accommodation.

5.2 Assisting Vulnerable Applicants

Staff from Oxford City Council (and its partner PRPs where technology allows) may assist applicants to view property advertisements and to make bids through the website.

Oxford City Council may make information available to staff at support agencies on how the scheme works, and may provide updates when changes happen, so that they are able to offer the most appropriate support to their clients.

Oxford City Council is aware that some applicants with support needs may need longer to obtain advice or support and will endeavour to work with them to help to participate in the scheme.

5.3 Advertising

All the members of the ORAH partnership and are committed to advertising their properties as widely as possible. Empty properties will normally only be excluded from the CBL scheme for exceptional reasons, for example when the property is needed to deal with an emergency or is particularly suitable for a household assessed as in high housing need – such as an adapted property suitable for a disabled person.

- Properties will be advertised on a regular cycle. The length of the cycle may be reviewed periodically
- Properties will be advertised in the following locations:
 - On the website
 - In newsletters available in Council and PRP offices
 - In a PDF format on the website suitable for downloading by

statutory and voluntary support agencies

- The Council may choose to advertise in other locations in the future
- All advertisements will carry a deadline by which the bids for the property must be received. It is not possible for an applicant to make bids after the bidding cycle closes
- The advertisement will carry a photograph of the type of property, where available
- The advertisement will carry a floor plan of the property, where available
- The advertisement will carry a full description of the property, including the following details, where available:
 - Type of property
 - Number of bedrooms/ number of people the property is suitable for
 - Location (street and area)
 - Any adaptation or a description of the level of accessibility for people with mobility difficulties
 - Services provided e.g. warden, caretaker, key worker
 - Heating type
 - Communal/own entrance
 - Floor level (for flats)
 - Availability of a garden, if any
 - Parking
 - Rent
 - Service charge
 - Landlord
 - Property reference number
 - Expected tenancy start date where available
 - Tenancy type and conditions (for PRPs this will include details of whether the property is being let as a Fixed Term Tenancy or at an “Affordable Rent” where applicable)

5.4 Properties in the Choice Based Lettings Scheme

As far as possible all properties will be entered into the Choice Based Lettings scheme and will be available for applicants to make bids. However, at certain times, and in order to meet our objectives of assisting in the development of sustainable communities and meeting the Council’s letting targets, some properties will be labelled as being available to certain categories of applicant only; for direct match only; or with initial preference being given to certain categories of applicant. See *section 5.14* on properties not in the choice based lettings scheme.

5.5 Advert Labels

The following labels will be used for certain properties. The Council uses these labels to ensure the Council meets its letting plan targets to distribute social housing fairly amongst different groups of applicant.

The descriptions used below will be represented by symbols in the property advertisements. A key to the symbols will be provided in the scheme guide and in the advertising medium. This will be clearer and easier to interpret than text, as well as making the descriptions shorter.

Statutory Homeless Applicants

The label will say 'preference for statutory homeless applicants'

To qualify applicants will need to have confirmation that Oxford City Council has accepted a duty under the homelessness legislation and placed them on the Homeless List (see 4.4.1 of the Banding Scheme).

General Register Applicants

The label will say 'preference for general register applicants'

To qualify applicants will need to have been included on to the general register, and not to have been accepted as homeless and in priority need and placed on the General Register List.

Transfer Applicants

The label will say 'preference for applicants on the transfer list only'

To qualify applicants will need to be a secure tenant or an Assured tenant of the Council or another ORAH partner and living within Oxford. They will have been verified as eligible to be on the transfer list through the application process.

This label is used to ensure the Council and other ORAH partners, can make optimum use of the stock. When a tenant transfers this creates a further vacancy which will normally be available for letting. This helps ensure there is mobility within the stock.

Supported Accommodation

The label will say 'Supported housing. For applicants with an assessed support need only'.

Supported Housing will have accommodation-based support provided as part of the scheme to give additional care and support to the residents of the scheme and include some properties at Riverside Court.

Sheltered Accommodation

The label will say 'Sheltered housing. For applicants with an assessed support need only'.

Sheltered housing is defined as housing with communal facilities and with

visiting or residential staff support. Facilities usually include a communal common room, a laundry and a guest room. Properties are also linked to 24hour emergency call centres for total cover 365 days a year. A property that is designated as sheltered housing will be clearly indicated on the advert label.

This housing is usually let to people aged 60 or over who have an identifiable support need. Some properties have an age criteria of 55+. This housing may sometimes be let to younger applicants who would benefit from the support provided.

Sheltered properties are let to applicants who would like to move to sheltered accommodation and who have been assessed as having suitable support needs by a member of the housing needs team or a member of staff at one of our partner PRPs, and/or who meet the age criteria for the scheme. Support needs are assessed by carrying out a standard support needs assessment at the application stage or where an applicant's support needs have increased.

Some sheltered housing is suitable for people with disabilities and this will be specified in the advert label.

The reason for labelling properties as for 'assessed support needs only' is to ensure these properties attract applicants who will benefit from the support provided. These properties also carry a 'support charge' that needs to be paid either by the tenant or through the Supporting People Fund. The fund is restricted to those with a need for the support provided (more information on how to apply for assistance from the supported people fund is available on Oxfordshire County Council website).

Other Specialist Housing for Older People

The Council has two types of designated elderly accommodation:

Designated elderly accommodation only suitable for applicants aged 55 years or older that the Council has no plans to currently de-designate.

Designated elderly accommodation only currently considered suitable for applicants aged 40 years or older that *may* in the future be de-designated to allow younger applicants to apply for these properties too.

Designated Elderly Housing (with a Community Alarm)

The label will say 'Housing with a community alarm. For applicants over 55 with an assessed support need only' and includes flats at North Place.

This housing is usually let to people over 55 (or over 40 for some properties) who have an assessed support need for the community alarm service. A community alarm provides 24-hour cover through a telephone link to a Care-line service, staffed by operators who can respond to calls and summon help as appropriate. (Such property may also be referred to a Category One Sheltered Property.)

This need will be assessed through a support needs assessment. However the level of support required to be considered for this type of housing is generally lower than that for sheltered housing.

Designated Housing Minimum Age 40+

The label will say 'for applicants aged over 40 with no dependent children'.

This is housing that is let to people aged 40 or older with no dependent children. There is no support provided although tenants can be assessed for a community alarm if they require this.

Disabled Adapted Properties

The label will say 'for applicants with an assessed need for disabled adapted property only' and will specify the level of adaptation using the four categories set out below

Disabled adapted properties are defined as properties that have been specially built or adapted for people with disabilities. The level of adaptation will be specified in the property advertisement. An adapted property is one containing one or more of the following features:

- Level access shower
- Ramps/ Level access
- Stair lifts
- Walk-in Bath

Assessment of a need will normally be validated through the Health and Housing Assessment process.

Oxford City Council will attempt to make the closest match between the applicant's housing need and the level of adaptation needed by short listed applicants. The reason for this is to ensure these properties are used to their maximum potential and to make best use of resources by not having to adapt properties elsewhere.

Applicants choosing to live in disabled adapted properties should not expect to have adaptations removed or to reinstate properties to their original condition (and for example remove a level access shower and install a bath again)

There are a number of properties which have been specially built or adapted for people with disabilities. Where these met the Mobility Standard or Wheelchair Standard, Oxford City Council will attempt to match these most closely to applicants that specifically require this type and standard of accommodation and will specifically label these properties as such. The Council may allocate some adapted Mobility 3 and 4 standard properties outside of Choice-Based Lettings, to applicants in high housing need requiring an adapted property by offering an applicant a property as a direct match when a particularly suitable property becomes available.

	Level Access. Level access into the property (from the street to the front door) and level access throughout the property (no internal steps)
	Mobility Standard. Level access into and throughout the property, although all rooms may not be accessible by a wheelchair. Meets part M of the Building Regulations (e.g. minimum door widths)
	Disabled Adaptations. The property may not meet the other standards, but it has a significant adaptation, such as a level access shower; a stair-lift; or a walk-in bath. Specific details available
	Wheelchair Standard. The property is specifically designed for wheelchair users. Design features include parking and level access; enhanced circulation space; and specialist fixtures and fittings

Other Properties that may carry an Advert Label

Properties do become available that are for a defined client group (an example would be supported projects for young people). These will be labelled to indicate the client group for the particular scheme and bids will be restricted to this group. These schemes have specialist support for the identified client group.

Advert labels may also be applied to properties where a Local Lettings Plan is in operation in order to comply with its requirements, or where a priority may be given to larger families.

Bungalows will normally only be allocated to applicants aged 55 years or older, or to applicants under 55 who have been assessed by the Housing Needs Team as requiring a ground floor level access property (or an adapted property if the bungalow is adapted) or existing tenants on the Transfer List seeking to downsize from a their current accommodation.

5.6 Bidding

Applicants who are eligible for a property advertised as available to let can express an interest in the property by placing a “bid” through the Choice-Based Lettings scheme. Applicants will normally only be able to bid for a property suitable for their needs and for which they are eligible. This means that applicants will not normally be able to bid for more bedrooms than they need or for properties specifically designated for other groups of applicants (such as the elderly or disabled).

Bids can be made by the following methods:

- By phone

- Website
- Assisted bidding in the offices of Oxford City Council, or it's ORAH partners

The Council may offer other methods as appropriate in future

Property Size Eligibility

The rules used to calculate the number of bedrooms an applicant is eligible to apply for are set out in section 3.9. Applicants will notified in writing of the size of property they are eligible to apply for and will not normally be able to bid for a smaller or larger property.

5.7 Lettings Cycle

A letting cycle will normally consist of the following:

- All ORAH partners upload properties available to let onto the Council's Choice Based Lettings database in a pre-agreed format
- The Council produces and distributes adverts, as described elsewhere, on behalf of the partners
- The advertising and "bidding" period commences
- The bidding period closes
- The Council generates shortlists
- Council officers check shortlists for eligibility and verification purposes and make an offer or nomination for each property to the successful applicant and notify the landlord
- Landlords arrange a viewing
- Landlords offer a tenancy
- If the successful applicant at the top of the shortlist refuses the property or is rejected by the landlord, the offer or nomination is made to the next suitable short-listed applicant. This continues until a tenancy is agreed

Where no tenancy is agreed the property goes back into the next available letting cycle.

5.8 The Selection Process

The successful applicant for each property will normally be the one who is eligible for the size and type of property being offered, and who is in the highest band. Where there is more than one applicant in that band, priority will normally be by date (see below).

However, the council and ORAH partners reserve the right not to offer the property to the person highest on the short-list, if the property offers a better match with the needs of another high priority applicant. The property may be offered to another housing applicant in such cases.

Applicants will be able to bid for up to three social rented properties and any number of shared ownership or private rented properties in any one

advertisement cycle. Applicants can withdraw bids and add new ones in the course of the cycle. The Council may also place bids for some applicants (including applicants on the Homeless List and other high needs cases) if a property is identified as being potentially suitable.

5.8.1 Priority Order

Short-lists will be created with the following priority order:

1. Applicant Type (only if an applicant type preference is specified for property)
2. Mobility Level (only if a mobility level preference is specified for the property)
3. Band – Band priority order is: 1, 2, 3, 4, 5.
4. Local Connection
5. Size of household (only if a preference to larger families is specified for the property) – larger household has priority
6. Priority Band Start Date (when applicants in the same priority band are compared)

The Council reserves the right not to offer an applicant in Band 4 or 5 with a need for a ground floor level access (Mobility 1) or Mobility 2 property if another applicant in higher housing need in Band 1, 2 or 3 has bid for the property. Even if the applicant in Band 1 to 3 does not require a Mobility 1 or 2 property.

5.8.2 Shortlists

Each potentially successful applicant will be checked to ensure they are eligible and suitable for the property and an applicant will only be offered a property where they meet the criteria.

Allocations Officers will investigate whether or not the property matches all the needs of the applicant in first place on the resulting shortlist. There may, for example, be a good reason not to offer an otherwise suitable property to an applicant because health advice has been received that the applicant needs a property in a quiet location and the property on offer is adjacent to a major road, or that the person cannot sustain the tenancy without adequate support arrangements and these arrangements are not able to be set up before the proposed start of the tenancy – such issues cannot be catered for in the generation of the shortlist.

If it can be demonstrated that the property does not match the needs of the applicant, then this is recorded, and the decision verified by the manager responsible for allocations. The allocating officer then proceeds to investigate the suitability of the property for the next applicant on the list, and the process continues until a suitable match is found.

If an applicant is successful for more than one property they will be contacted where possible and asked to express their preference over which property they would like to be offered.

The Manager Responsible for Allocations is responsible for:

- a) Checking paperwork relating to all allocations and nominations, to ensure that correct procedure has been followed
- b) Authorising offers and nominations, including decisions as to the reasonableness or otherwise of an allocation or nomination
- c) Deciding whether to make an allocation of housing where the applicant has been guilty of anti-social or unacceptable behaviour
- d) Decisions relating to the authorisation of “like-to-like transfers, outside the Allocations Scheme, in sheltered accommodation and other schemes
- e) Authorising the making of a Direct Offer to an applicant (see Section 5.14)

5.8.3 Housing Applicants with Rent Arrears on the Housing Register

This section is concerned with making an allocation of a property to applicants who have made a bid.

Where a housing applicant has rent arrears and/or a poor payment history they will not normally be considered suitable for an offer of housing. In order for an applicant to successfully maintain a tenancy they must be able to comply with the terms of the tenancy and to pay the rent regularly and keep up to date with the rent. When considering whether a housing applicant is suitable for an offer of housing their ability to pay the rent and their rental payment history will be taken into account.

Housing applicants who owe rent to their current landlord or a previous landlord can be excluded from qualifying for inclusion on the Housing Register (see section 3.5.2 and the definition of “rent”).

Where a housing applicant with rent arrears has been allowed to remain on the housing register and they bid for a property and shortlist for a potential offer, an Allocations Officer will make further enquiries into the applicant’s ability to sustain a tenancy before considering them for an offer of housing. If a Transfer Applicant has rent arrears covered by a Court Possession Order and has been not been excluded from the Transfer List, no offer will usually be made, unless:

- the tenant has an Exceptional Band 1 Social & Welfare award sanctioned by the ECP & payments have been received in line with the order made, or
- the tenant is seeking to downsize from a general needs property suitable for a family and any compensation due through the REMS (or a similar scheme provided by another ORAH landlord) will clear the debt in full or
- the debt is cleared in full by the tenant.

If a housing applicant is allowed to be included on the Housing Register but has any outstanding rent arrears (but no Court Possession Order), they will not usually receive an offer of accommodation unless:

- either the debt is cleared in full, or

- they have made an agreement to repay the debt, and kept to it for a minimum of 6 months.

The following cases will usually be exempt from this:

- Applicants awarded an “Exceptional” Band 1 Social and Welfare award and permission to apply for a move with rent arrears has been sanctioned by the ECP panel *and* agreed by the landlord of the property the applicant is applying for
- All Temporary Decants, or Permanent Decants where the Council may incur a significant expense if the person is not moved
- Transfer applicants under-occupying a family home eligible for assistance through the Council’s REMS (or the tenant’s landlord) where the compensation will clear the debt in full.
- Technical arrears, where it is confirmed that a Housing Benefit award is due that will clear the arrears
- Persons accepted as statutory homeless and housed in temporary accommodation where a satisfactory payment arrangement is in place and the housing applicant is considered to be engaging and suitable for an offer of housing in order to minimise temporary accommodation costs to the Council (unless possession action is being taken due to a breach of tenancy)

The Manager responsible for Allocations may also exempt other cases. This discretion might be exercised where the applicant has made an agreement to clear the debt and has made consistent payments for a period of time (usually a minimum of 6 months) or where the situation was deemed to be out of the applicant’s control; or relates to physical, mental or learning disability.

The Allocations Manager may also consider authorising an offer in other exceptional cases where an applicant has fallen into rent arrears as a direct result of the introduction of changes introduced by the Welfare Reform Act including the “bedroom tax” or “benefit cap”. Where an applicant is in high housing need and considered to be taking reasonable steps to pay their on-going rent and the rent arrears they have accrued. In such cases an offer may be considered where the Allocations Manager and landlord of the property the applicant has applied for agree that the housing applicant is considered suitable for an offer and the accommodation is more affordable.

Where a former tenant has been evicted by a PRP within the ORAH partnership and allowed to re-join the housing register, they will not normally be nominated to the same PRP once they have demonstrated they are suitable to be a tenant, without prior agreement with the PRP.

5.9 Feedback

Feedback on previous bidding rounds will be available to help applicants assess whether accommodation appropriate to his or her needs is likely to be made available and, if so, how long this is likely to take.

General information about the profile of the stock will be made available, including: the type, size and location of the stock, whether it is accessible or could be adapted, and how old it is. In the case of stock, which is in short supply, an indication of how frequently it is likely to become available will also be included.

Specific information will be published each cycle about accommodation, which has been let through the CBL scheme. This will specify the number of bids received for the property, the band and priority band start date of the applicant who finished first at the end of the cycle. The information will be available in the same media in which the properties are advertised, and will be regularly reported.

Applicants who have expressed an interest in the particular vacancy but are unsuccessful may request more personalised feedback on why they were unsuccessful.

Periodically, Oxford City Council will extract generalised information from feedback data to help inform applicants' bidding strategies. This will include tables giving estimated waiting times by area and property type.

Oxford City Council will process all personal data in line with the Data Protection Act 1998 and relevant successive legislation. Where information is published about particular accommodation that has been allocated, the information shall not enable a member of the public to ascertain the identity of the individual applicant who has been allocated the accommodation, or to put them at risk of violence or intimidation by other individuals or members of the public. In some cases, the Manager responsible for allocations may make the decision not to publish the fact that a property has been let.

Oxford City Council will provide more detailed feedback to unsuccessful bidders at regular intervals, particularly after they have made a number of unsuccessful bids. This will involve advising applicants about the need to change their bidding strategy, or providing them with advice about alternative housing options available to them.

Applicants will be able to review their own bidding history through the website, or ask a member of Oxford City Council or its partner PRP to help them do so.

5.10 Refusals

Oxford City Council acknowledges that a "bid" is an expression of interest in a property and that applicants may not be in a position to make a firm decision until the property has been viewed. However, there is a high demand for social rented accommodation and the Council and its partner PRPs want to let homes advertised through Choice Based Lettings as soon as possible so applicants should be choose carefully before making a bid. If an applicant refuses an offer after a bid has been placed on the property without good reason the Council reserves the right to apply a penalty (see 5.13).

5.11 Failure to Bid

Oxford City Council will look at who is bidding and how often. If an applicant in a high priority group is not bidding despite properties of the right size being advertised, the Council may contact the applicant to make sure that they have understood the CBL system and that they have found a method of bidding that suits them. If they are struggling with the system we may be able to offer help ourselves or we may be able to refer the applicant to a support agency. We may also place a bid for an applicant or make a direct offer of accommodation in some circumstances, such as where a homeless applicant lives in temporary accommodation supplied by Oxford City Council, or is a “legal” or “policy” successor required to move, and is not bidding, despite suitable accommodation being advertised and help being offered (see 5.13).

5.12 Time Limits

Most applicants will have no time limits placed on how often they should bid in recognition of the scarcity of social housing in Oxford. Although all applicants are encouraged and expected to actively engage with the scheme once they have registered. If they no longer wish to be included on the Housing Register they should contact the Housing Needs Team to inform them so their housing application can be cancelled.

There will, however, be some exceptions where housing applicants in high priority bands are given time limits in which to bid for a property and penalties may be applied (see section 5.13). Including:

- Applicants accepted as homeless and placed in temporary accommodation (in Band 3) in order to minimise to the Council
- Applicants assessed as ready to “move-on” from supported accommodation (placed in Band 2) in order to ensure supported housing becomes available to those that require it within the City.
- Applicants awarded “policy successor” priority (placed in Band 1) in order to ensure that they move out of the accommodation they are occupying promptly so the property to can be re-let to another applicant in housing need

5.13 Penalties for Unreasonable Refusals or Non-bidders

The Allocations Manager will be responsible for authorising penalties. Before imposing a penalty the applicant will be contacted by a member of the Housing Needs Team, Tenancy Management Team or an equivalent ORAH officer to ensure they are satisfied the applicant understands the process. Where an applicant is not considered to have understand the process they may be given a further opportunity to bid at the discretion of the Allocations Manager.

Penalties will only be imposed where, after investigation, it appears that either:

- An applicant is deliberately failing to bid (or withdrawing bids placed on

- their behalf) when suitable properties have been advertised, or
- An applicant has turned down a property when they are deemed to have no valid reason for refusing the property when offered

5.13.1 **Penalties for Statutory Homeless Applicants to whom the Council has accepted a duty and placed in temporary accommodation**

Applicants on the homeless list will normally be made one suitable offer of accommodation – this could be an allocation of social housing through the Allocations Scheme or an offer of suitable accommodation within the private rented sector made outside of the Allocations Scheme by the Housing Options Team or Private Sector Team to discharge the Council's homeless duty.

Applicants accepted as homeless before 1/4/13 changes will only be made offers of social housing and will not be offered private rented accommodation (unless they request the Council to assist them in moving into the private rented sector).

Homeless applicants will be given a time-limited priority to bid for properties through CBL. During this time they could also be made an offer of suitable private rented accommodation to discharge the Council's homeless duty by the Housing Options Team or Private Sector Team outside of the Allocations Scheme.

Homeless applicant will normally be given 3 to 6 months to successfully bid for a property, or longer, if for example a household requires a very large property, an adapted property or the Council accepts that they cannot go to certain areas within Oxford. If a homeless applicant has not successfully bid for a property or been offered a suitable property in the private rented sector they may have bids placed for them automatically on all suitable properties becoming available (all suitable property types and in all areas) by the Allocations Team and will be offered the first property they shortlist for an offer on, irrespective of whether they have bid for the property or not.

Penalties for an Unreasonable Refusal

If a homeless applicant refuses a suitable offer without good reason the Council will no longer have a duty to accommodate them and ask them to leave their temporary accommodation and to resolve their housing situation themselves. If the applicant does not move out the Council will take action to take possession of the property.

Homeless applicants who are considered to have unreasonably refused an offer by the Council because they consider the property is not suitable for them or a member of their family will continue to have the right to appeal. The Council will not normally be able to end the duty to accommodate the applicant unless they lose the appeal.

5.13.2 Penalties for Applicants on the General Register & Transfer Lists

Unreasonable Refusals

Unreasonable refusals delay other applicants in housing need moving into a property, cost the Council and other landlords in lost staff time and can result in the landlord losing rental income from having longer void periods

Applicants on the General Register or Transfer Lists who are considered to have unreasonably refused two suitable offers of accommodation within the last 12 months will be suspended from bidding for 12 months. With the exception of tenants on the Transfer List occupying a property suitable for a family and seeking to downsize to a smaller property. Other exceptions may also be made on a case by case basis by the Allocations Manager.

If the applicant is suspended from bidding and disagrees with this decision they have the right to request a review of this decision (see Reviews & Appeals). If the appeal is successful they will be able to continue to bid. If the appeal is unsuccessful they will remain suspended for 12 months.

Policy “successors” will normally be given up to 6 months to bid for a suitable property, after this time, if they have failed to bid or failed to successfully bid for a property the Council will place bids for them on all suitable properties becoming available and may make a direct offer outside of CBL. Policy “successors” will normally be made only one suitable offer of accommodation. If they are made an offer and refuse without good reason the Council will ask them to leave the property and resolve their own housing situation and take action to gain possession of the property if they fail to leave.

5.14 Properties not advertised through CBL (Direct Offers)

Oxford City Council may choose not to advertise certain properties if they are needed for management reasons. This may include temporary lettings as emergency accommodation for homeless families, some types of supported housing, direct lettings to national mobility schemes, or permanent decants (where the properties are being sold, demolished or otherwise disposed of, or where tenants have been given the choice of not returning to a property following refurbishment or re-modelling, and it is not practicable to allocate the property through CBL).

In other cases, for example, very highly adapted properties or for applicants with very individual needs, it may be necessary to make a direct offer of a property in order to make the most effective use of the scarce resource of social housing and to obtain best value for money for the Council and its ORAH partners.

Oxford City Council will monitor the impact to ensure that it continues to comply with its duty to give reasonable preference to applicants in the reasonable preference categories and choice to General Register and Transfer List applicants wherever reasonably possible.

5.15 Temporary Decants

Where a temporary move is required while modernisation, refurbishment, or repair work is undertaken to any property of Oxford City Council, or its partner RSLs, and the tenant cannot remain in the property for a temporary period while this is being undertaken, the Manager responsible for Allocations may award a Decant category.

This category is authorised by the Manager responsible for Allocations, and only at such time as the need for the move and its programming has been confirmed by a senior manager in Housing or a partner PRP, as appropriate.

Officers seeking or authorising these categories must be assured that the move is necessary and that appropriate timescales are in place for work to begin on the vacated property, in order to minimise disruption for existing tenants.

Tenants must complete a transfer application where practicable and sign an undertaking to confirm that they will return to their original home once the work is completed, prior to transferring.

The Manager responsible for Allocations may make a Direct Offer outside of the CBL scheme to help facilitate such moves.

5.16 Hard to Let Properties

There are very few “hard to let” properties within Oxford, however, from time to time a sheltered property only suitable for an older applicant may have to be advertised more than once before a suitable applicant is offered the property.

A property will be declared “hard to let”:

- If it has been advertised over 2 consecutive bidding cycles and received no eligible bidders, or
- if it has been advertised over 3 consecutive cycles without a tenancy being created, or
- if an identical property (type, size & area) has been declared ‘hard to let’ within the previous 4 bidding cycles.

At the discretion of the Manager responsible for allocations, such properties may be let on a “first come, first served” basis; that is, any applicant may be granted a tenancy. The Manager responsible for allocations has the discretion to change eligibility criteria (including allowing under-occupation) in these circumstances. “Hard to let” properties will be advertised with other properties, but may also be let outside of the advertising cycle.

5.17 Inter-District Moves

The Council may from time to time agree a reciprocal arrangement with another District Council within Oxfordshire, or elsewhere, so that an applicant in high housing needs from Oxford can be housed outside of the City in

another District in return for the Council housing another similar case within Oxford. Even if the applicant does not have a local connection to Oxford. Any such allocation would need to be agreed by the Allocations Manager and the other District authority and be made outside of CBL as a direct match.

5.18. Priority for Local Connection

As part of the allocations policy priority will also be given to applicants who have a local connection over applicants in similar housing need without a local connection. Normally only applicants with a local connection will qualify for inclusion on the Housing Register; however, there are some exceptions (see 3.5.1).

Local Connection

Most housing vacancies will be advertised as giving priority to those applicants with a local connection to Oxford.

The following rules will be used to define Local Connection:

A local connection is established by way of one or more of the following:

1. The applicant or joint applicant is permanently resident in Oxford and that residence is of their own choice and has continuously been so for at least 6 months.
2. The applicant or joint applicant was previously resident in Oxford as a matter of choice and the period of residence was either:
 - At least six out of the last twelve months or
 - Three out of the last five years.
3. The applicant or joint applicant is employed in the Oxford for a minimum of sixteen hours per week and the employment is not of a short-term or temporary nature.
4. The applicant or joint applicant has family associations with Oxford:

Family association will normally be defined in relation to close relatives (i.e. parents, children or siblings) and where there is no estrangement. However, other family associations may be taken into account (for example Grandparents, grandchildren and step relations) where there is evidence of frequent contact, commitment or dependency.

To qualify the relatives must live in Oxford now and have been continuously resident for a minimum of five years.

A local connection is **not** established where the applicant is:

- is in prison within the district or
- is detained in Oxford under the Mental Health Act.

6 Housing Options

6.1 Housing Options and Choice

Oxford City Council will give all home-seekers and applicants information on other housing options that may be available to them, to assist the applicant in making a reasonable choice as to their best prospect of securing suitable accommodation. This will include information on low cost home ownership, private sector rented property (including any rent deposit schemes which may be operated by Oxford City Council) mutual exchanges and key worker accommodation, as appropriate.

6.2 Home Choice

This is a scheme managed by the Private Sector Team within the Housing Needs Team that provides people who might otherwise become statutorily homeless with advice, support and financial assistance to be able to successfully secure tenancies in the private rented sector.

Only applicants towards whom the Council has or would have a statutory duty to re-house (i.e. statutorily homeless or threatened with homelessness applicants) can be housed under by this team.

6.3 Private Renting

From time to time there may be opportunities to advertise privately rented properties, with the agreement of the landlord. These are most likely to be properties being made available for lettings with the help of rent deposit assistance from the local authority.

The adverts will appear in the Housing Options area of the web site and in the property newsletter.

6.4 HomeBuy and Other Low Cost Home Ownership Options

Lower cost home ownership includes a number of schemes designed to enable people who wish to buy a property and cannot afford to do so. It is targeted at people on housing waiting lists, social housing tenants, key workers as defined by current government legislation and other priority groups identified by the HomeBuy website.

Lower cost home ownership schemes are co-ordinated by the HomeBuy Agent who manages a register for all schemes in the Oxford. There are a number of different scheme types. Depending on your individual circumstances, and subject to availability, you may find that one or more of these are available to you.

HomeBuy includes the following schemes.

- **Shared Ownership**, also often referred to as part-buy/part-rent, allows you to buy a part share of a property and pay a subsidised rent for the part that you don't own. This gives you the opportunity to buy additional shares as your financial situation evolves or save a deposit for the next step on the property ladder. *Nominations for vacancies for New Build HomeBuy are made by Oxford City Council and anyone interested in the scheme must apply to the Oxford Register for Affordable Housing as well.*
- **Equity Loans Scheme** - offer low-interest loans that boost your affordability by topping up your mortgage. These schemes allow you to purchase a property that you would normally be unable to afford. The loans offered will have varying repayment requirements depending on the specific scheme provider and will sometimes offer interest free periods,
- **Intermediate Rental Schemes** - offer properties at rents at least 20% lower than private rental. Sometimes individuals will also have the opportunity to purchase their property at a discount later on. Applicants will usually be first time buyers but assistance is sometimes given if someone needs to buy due to circumstances such as relationship breakdown or because a family has outgrown their current property.

Eligibility criteria including financial criteria will vary between schemes.

Applicants should register with HomeBuy and because the Council needs to prioritise applications for New build HomeBuy, applicants for schemes in Oxford City also need to complete an application form for the Oxford Register for Affordable Housing. Please note the schemes listed above can change, for up to date information on the schemes currently available check the Homebuy Website.

Advertising and Bidding for Home Ownership Properties

Partner housing associations and private developers offering subsidised forms of home ownership will from time to time be able to advertise their properties via the Choice-Based Lettings website and Property Newsletters. These properties will be listed separately from properties for rent. Registered applicants may apply by bidding in the same way as for rented properties.

Applicants registered with the Council may bid for any properties advertised as available for sale. The short-list will be prioritised in the same way as for rented vacancies. However, the PRP or developer will be supplied with the contact details of all qualifying* applicants and those selected to proceed to purchase may not necessarily be those highest on the list.

*Qualifying applicants are those who are eligible to register who have been assessed as having sufficient income and savings to proceed to make a purchase on the terms on offer by the Homebuy Agent.

7 Special Circumstances

7.1 Reviews and Appeals

The Right of Review

An applicant has the right to request an internal review of a decision taken that:

1. The Council has decided that an applicant is not a qualifying person for an allocation.
2. Not to register the application even if the applicant is in a reasonable preference group
3. Not to allow applicants to bid for a specific period of time, or overlook them in shortlists while an outstanding issue is being resolved (for example investigations into certain circumstances or the agreed payment of tenancy arrears).
4. Not to make an offer to the highest bidding applicant, where information is available that would make the new tenancy unsustainable or unsafe (for example where an applicant has been allowed to register and has been given a priority, there may be certain properties or areas where it is inappropriate for them to be housed) - also see section 5.8.2
5. They are ineligible for an allocation by virtue of being a person subject to immigration control who is ineligible for a housing allocation.
6. They do not qualify for inclusion on the Housing Register.

Where an authority decides an applicant is ineligible, by reason of their immigration status or serious unacceptable behaviour or any other reason that they do not qualify for inclusion on the Housing Register, it must notify them of the decision and grounds for it in writing.

An applicant has the right on request (under s167 4A(c)) to be informed of the facts which will, or will likely, be taken into account in considering whether to make an allocation and has the right to request a review of the facts of their case

An applicant also has the right to request a review of any adverse allocation decision.

Review of Material Facts (Reassessment)

Any decision may be reassessed at any time on the following basis:

- The applicant's circumstances have changed materially since the decision was made, meaning that their eligibility has changed
- Substantive new information has become available, not previously available to the Allocations Team, meaning that the new information changes the applicant's eligibility.
- The Council has made an administrative error, which is substantially detrimental to the applicant

Process for Internal Reviews

1. The original officer will first consider the review, and in light of any new information, may wish to reverse the original decision. If not, the case will be passed to another officer to review.
2. The reviewing officer must not have been party to the original allocation decision and should be senior to the original decision maker.
3. A request for a review must be made, in writing, within 21 days of the date that the applicant is notified of the Council's decision
4. The review must be considered on the basis of policy, law and known fact at the date of review.
5. Reviews should be completed wherever practicable within a 56-day time limit. If the review exceeds 56 days, the applicant must be notified of the delay, in writing.
6. The applicant should be notified that s/he, or a representative acting on their behalf, may make representations in writing in connection to the review.
7. The applicant will be asked for any further information needed in order for the assessment to be completed.
8. Any adverse material must be put to the applicant for their comment.
9. The outcome of the review decision must be notified in writing, with reasons, to the applicant.

An applicant who has been accepted as statutorily homeless by the Council also has the right to request a review of the 'suitability' of a final offer of permanent accommodation. However such reviews are authorised under the regulations that apply to Homelessness decisions which are similar to the process described above, but are not the same, for example the factors to be taken into account are prescribed by the regulations.

The Right of Appeal

If the applicant believes that Oxford City Council has not acted reasonably or in accordance with its set procedure, they may have the right to seek a Judicial review of the decision.

7.2 Under Occupation (and the Removal Expenses & Mobility Scheme)

Under Occupation

Under occupation of properties is a concern for Oxford City Council, given the high demand for larger properties in the city. Under-occupation is listed in the Code of Guidance on Allocation of Accommodation as being one of the unsatisfactory housing conditions that may be used to determine additional priority within and between the groups to which any Allocation Scheme must give reasonable preference. In addition, the Council has the power (under the Housing Act 1996, Schedule 18, Part I, section 2) to make payments to encourage local housing authority tenants to move to other accommodation within the authority's stock, or accommodation supplied by a registered Social

landlord such as a Housing Association. (Powers are also provided for in sections 21 and 26 of the Housing Act 1985 and section 111 of the Local Government Act 1972.) PRPs may have their own expenses and other incentives schemes in place, and each PRP should be contacted for details of current schemes. These may also be supported by the Council.

In order to encourage under occupiers to move to smaller accommodation, the following arrangements are in force.

Any Oxford City Council tenants, or tenants of partner PRPs within the City, who have 2 or more bedrooms than they need, and who currently live in family accommodation, will be placed in Band 1.

Any Oxford City Council tenants, or tenants of partner PRPs within the City, who have 1 bedroom more than they need, and who currently live in family accommodation, will be placed in Band 2.

Permitted Under Occupation

There are situations where a degree of under-occupation may be permitted in making an allocation of accommodation:

- 'trading down' from larger accommodation to two bed accommodation
- medical recommendation
- mutual exchanges
- tenancy successions to a spouse or civil partner
- urgent or exceptional moves (e.g. on moving a victim of harassment) (at decision of ECP)
- decants
- where permitted by the provisions of a Local Lettings Plan

Under-occupation priority is not awarded to homeless applicants placed in temporary accommodation

The Removal Expenses and Mobility Scheme

Oxford City Council operates a Removal Expenses and Mobility Scheme (REMS). Oxford City Council Tenants who are granted REMS status are eligible for compensation based on the number of bedrooms released by any move, and expenses covering costs associated with moving. Details of the levels of compensation and expenses payable under this scheme are available to members of the public on request.

8 Tenancies which are Treated Separately from the Normal Allocation Process

8.1 Succession

Secure Tenancies for Oxford City Council tenants

Existing tenants at 1 April 2012

The rights of occupiers of council housing to succeed to a secure tenancy are governed by sections 87 and 88 of the *1985 Housing Act*. Secure tenants are able to pass on their tenancy to a spouse, civil partner or family member on the death of the tenant. Assured tenants can pass their tenancy on to a spouse or civil partner.

There is only one legal right to succession per tenancy.

Those entitled to succeed by law are:

- spouses and civil partners (secure and assured tenants)
- family relatives (including blood and step relatives but not cousins)
- co-habiting opposite sex couples, are regarded as family members
- co-habiting same sex couples, without a civil partnership are not entitled to succeed by law

The following conditions apply:

- A spouse or civil partner must have occupied the property as their only or principal home at the time of the tenant's death.
- A family member must have resided with the tenant continuously for 12 months as their only or principal home before the tenant's death.
- There can only be one successor to a tenancy.
- A spouse or civil partner will usually take precedence over a family member where more than one person is entitled to succeed.

If the tenant was a successor, there is no right to succeed.

A succession will also have been deemed to be created by:

- A joint to sole tenancy
- An assignment to a person qualified to succeed

Mutual exchanges are not successions unless the tenant was a successor in relation to the tenancy being assigned by way of exchange (s88 (3) 1985 Act)

Tenants after 1 April 2012

The *Localism Act 2011* has amended the succession rights of new tenants for

tenancies that began on or after 1st April 2012.

Now only the following have the legal right to succeed to a secure tenancy:

the tenant's:

- Spouse; *or*
- Civil partner; *or*
- Cohabiting partner (of either sex).

The successor must have been living with the tenant at the time of her/his death and the property must have been her/his only or main home.

A landlord may wish to provide additional rights in the tenancy agreement which would allow a family member to succeed, such as the tenant's son or daughter.

The law says that other people can only succeed to a secure tenancy which began on or after 1 April 2012, if, when the tenant dies:-

- there is no spouse, civil partner or cohabiting partner living in the property as her/his only or principal home; *and*
- the tenancy agreement allows for someone else to succeed.

Oxford City Council's position is set out in the Tenancy Agreement for secure tenants. From time to time the Council may revise the terms of the tenancy agreement and tenants are therefore strongly advised to check with the Council to confirm their position on succession and whether they are eligible to succeed.

Housing Association Assured Tenants/PRPs

Housing Association tenants' right to succeed is laid down in the Housing Act 1988, and advice should be taken from the Housing Association.

Points to Note on Successions

Where a succession results in the successor, other than spouses or civil partners, living in a property which:

- is too large; or
- has significant adaptations for disabled persons which are not required by the successor; or
- is otherwise inappropriate to their needs

the Council may require the successor tenant to move to alternative, more appropriate, accommodation;

If a successor refuses to move from the property, the Council will pursue possession proceedings in the County Court.

Where a succession results in the successor occupying a property of the appropriate size for their needs, they will normally be allowed to remain as a tenant of that property.

Otherwise Excluded Successors

In addition to legal successions, the Council may also agree to “policy successions”.

“Policy successions” generally apply to people who would have been entitled to succeed but for the fact one legal succession has happened, usually where a joint tenancy has become a sole tenancy. Band 1 priority may be awarded to a close family member who would have been entitled to a legal succession, but is not, because one previous succession has already taken place, by authorisation of the Manager responsible for Allocations, based on the recommendation of the Tenancy Management Manager or equivalent ORAH officer. If under the affordability guidelines a housing applicant is considered to be able to resolve their own housing situation they will not normally be included on the Housing Register.

A potential “policy successor” (persons potentially entitled to a new offer of accommodation through the Allocation Scheme) can be asked to move immediately to more appropriate accommodation where a “policy succession” would result in the occupation of a property, which, is more extensive than their needs; or has significant adaptations for disabled persons, which are not required by the occupant.

In this case if the “policy successor” refuses to move then the Council will treat them as an unauthorised occupant and pursue possession action.

Civil partners are treated the same as spouses.

“Policy successions” are not successions in law, but new tenancies, which bring their own rights of succession.

8.2 Assignment

Assignment of a secure tenancy can take place on the following grounds (s91(3) of the Housing Act 1985 Act). These are:

- the assignment is pursuant to a Property Transfer Order under Section 24 of the Matrimonial Causes Act 1973.
- the assignment is to a person who would be qualified to succeed if the tenant had died immediately before the assignment.
- mutual exchange

8.3 Mutual Exchange

Mutual Exchanges are exchanges by way of Assignment. All permanent social housing tenants are able to go onto the register (Assured Shorthold Tenants or Introductory Tenants are excluded). The Council encourages all eligible tenants who want to move to consider applying for an exchange, and the transfer application form allows applicants to register on the Mutual Exchange Register at the same time.

Oxford City Council is responsible for maintaining the mutual exchange register on behalf of ORAH. Exchanges are possible between multiple tenants – for example, a three way exchange.

Secure tenants have a right to exchange under section 92 of the Housing Act 1985. Assured tenants have a right to exchange under the 1988 Housing Act. Mutual exchanges may be refused in accordance with the Housing Act 1985 (for Council properties) or the Housing Act 1988 (for RSL properties). Consent will only be made conditionally on the breaches of tenancy being rectified. All mutual exchanges can only proceed with the written consent of both landlords.

8.4 Joint To Sole and Sole To Joint Tenancies

Joint to Sole

On receipt of written notice (normally 4 weeks notice) that one party wishes to end the tenancy, a new sole tenancy for the same property may be granted at the discretion of the Tenancy Management Manager. (The receipt of this confirmation will not necessarily lead to an automatic eviction of the other tenant).

Sole to Joint

On written notice by the sole tenant and the proposed joint tenant, a new, joint, tenancy for the same property may be granted at the discretion of the Tenancy Management Manager. The decision will be confirmed in writing.

Other Properties Within The ORAH Partnership

It is at the discretion of each landlord how they treat applications to transfer from either joint to sole, or sole to joint tenancies.

Appendices

- I People not Eligible for Social Housing in Oxford, including those subject to Immigration Controls
- II Officer Roles in Relation to the Allocation of Housing and Associated Processes
- III Guidelines for Calculations on Affordability

Appendix I – Classes Of Person Ineligible for an Allocation of Housing By Reason Of Their Immigration Status

The following classes of persons are not eligible for an allocation of housing by reason of their Immigration status or lack of habitual residence, unless they are already a secure or introductory tenant of a housing authority, or an assured tenant of accommodation allocated to them by a housing authority. The requirement to be habitually resident in the UK does not apply to “qualifying” EEA nationals such as those working lawfully in the UK. Non-qualifying persons such as EU nationals who are not economically active or exercising their initial 3 month right of residence are ineligible.

- a) A person registered with the Home Office as an asylum seeker.
- b) A visitor to this country (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that he or she will not have recourse to public funds.
- c) A person who has a valid leave to enter or remain in the UK which includes a condition that there shall be no recourse to public funds.
- d) A person who has a valid leave to enter or remain in the UK which carries no limitation or condition and who is not habitually resident in the Common Travel Area.
- e) A sponsored person who has been in this country less than five years (from date of entry or date of sponsorship, whichever is the latest) and whose sponsor(s) is still alive.
- f) A person who is in the United Kingdom illegally, or who has overstayed his/her leave.

The Secretary of State may make regulations which allow allocations to be made to prescribed classes of persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996, but such prescribed classes of persons shall not include any person who is excluded from housing benefit by Section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits).

Further information and assistance on these matters is available on request.

The Council will refer to the relevant UK Border Agency Guidelines to ensure compliance with current immigration legislation.

Appendix II – Officer Roles In Relation To the Allocation of Housing and Associated Processes

(1) General. The power to operate the Allocation Scheme is a power delegated by full Council in accordance with Oxford City Council’s Constitution

(2) The Head of Housing, may further delegate operation of the Scheme to officers within the service (or on occasion to other officers)

Officer Roles and Responsibilities

Officer Designation	Role and Responsibilities
Housing Needs Assistant	<ul style="list-style-type: none"> a) Provision of advice and assistance in accessing appropriate accommodation for all applicants b) Inputting data relating to individual applications onto the HMIS computer system c) Answering general queries by telephone, in writing, and in person d) Verification of documents relating to applications for housing e) Home visits to applicants for housing
Allocations / Options Officer/ Housing Needs Officers/Assessment Officers/Assessment & Support Team Leader/Senior Allocations Officer	<ul style="list-style-type: none"> a) Assessment of incoming applications, including application forms and any additional material, carrying out home visits, verification, and any additional investigations required to ensure that those applications truthfully reflect the housing situation of the applicants concerned, and to determine eligibility and qualification for inclusion on the housing register and an allocation of housing b) Drawing up shortlists for allocations of housing, and nominations to PRP properties, investigation of suitability of short-listed applicants for such allocations and nominations, and ensuring that the most suitable allocation or nomination is made, in line with policy c) Provision of general housing advice and assistance to applicants, including signposting and referral to internal and external sources of further advice and assistance, ad home visits to applicants d) Initial determination of the reasonableness or otherwise of a refusal of an allocation of housing/nomination to a PRP property e) Awarding Band 3 or 4 priority based on a HAHA assessment as directed by the Allocations Manager f) Awarding Band 4 on an ECP assessment as directed by the Allocations Manager g) Answering general queries by telephone, in writing, and in person
Manager	<ul style="list-style-type: none"> a) Checking paperwork relating to all allocations and nominations,

<p>Responsible for Allocations (the Assessment & Support Team Leader and Senior Allocations Officer also have delegated authority to authorise day to day work on behalf of the Allocations Manager)</p>	<p>to ensure that correct procedure has been followed, and authorising offers and nominations, including decisions as to the reasonableness or otherwise of an allocation or nomination</p> <p>b) Monitoring allocations and nominations to ensure that the correct percentage of lettings are made to each re-housing list, in accordance with the allocations percentages set by Oxford City Council</p> <p>c) Decisions as to whether or not an applicant is eligible &/or qualifies for an allocation of housing in light of previous unacceptable behaviour (including outstanding rent arrears)</p> <p>d) Decisions as to whether or not an applicant should be excluded from qualifying for inclusion on the Housing Register, in light of previous unacceptable behaviour (including outstanding rent arrears), or in light of their financial resources</p> <p>e) Decisions relating to the authorisation of 'like-to-like' transfers, outside the Allocations Scheme, in sheltered accommodation and other schemes</p> <p>f) Authorisation of over-riding categories to applications where:</p> <ul style="list-style-type: none"> • a previous commitment to re-house has been made by the Exceptional Circumstances Panel • a status of permanent or temporary decant is required to facilitate works to the applicant's home • a successor or 'policy successor' award is required to Band 1 may be awarded to expedite this move <p>g) Decisions to make Direct Offers of accommodation</p>
<p>Principal Housing Facilitator</p>	<p>a) Responsible for carrying out all internal reviews of allocations decisions</p> <p>b) Advice and assistance to all officers in respect of, technical, policy, or other matters which may affect the progress of an application, including decisions regarding eligibility or the lack of it, for whatever reason</p>
<p>Exceptional Circumstances Panel</p>	<p>Responsible for review of cases in which circumstances not dealt with by the banding Scheme may have an impact on an applicant's housing need, and the award of increased priority, or other condition or restriction, as appropriate to reflect the applicant's situation.</p> <p>The panel does not have a fixed membership, but will be drawn from officers within the Housing Business Units and from ORAH partners, who have sufficient knowledge and experience to contribute to the Panel's effectiveness. The panel will comprise of a minimum of three persons, including two managers. The Panel will be chaired by a Senior Officer for the Housing Needs Team. Officers referring cases to the panel will make representations on behalf of the applicant in question, but may not sit on the Panel for cases they have referred to it</p>
<p>Head of</p>	<p>Resolution of disputes between officers regarding interpretation</p>

<p>Housing & Property</p>	<p>of the Allocations Scheme and decisions arising from that interpretation</p> <p>The Head of Housing & Property has delegated authority to:</p> <p>Authorise minor amendments to the Allocations Scheme proposed by the Allocations Manager where:</p> <ul style="list-style-type: none"> • Legislation changes and the Allocations Scheme needs a minor change to comply with new legislation <i>and</i> the change will have a low impact on those on the housing register. • Best practice or new guidance is introduced that needs to be reflected in the Allocations Scheme <i>and</i> the change will have a low impact on those on the housing register <p>Authorise offers of accommodation outside of the banding priority scheme for “management cases” to make the best use of stock for existing tenants, or other applicants (on an exceptional basis). To include:</p> <ul style="list-style-type: none"> • Adapted properties no longer required by the tenant • To facilitate a move as an alternative to adapting a property • To maximise bedroom occupation and ensure affordability <p>Approve the annual lettings plan targets proposed each year by the Allocations Manager – where the targets remain the same as the previous year or include only a small adjustment (up to 5% or less than 10 properties per annum) to the target of properties to be allocated to each list.</p> <p>Change the annual lettings plan targets after 6 months if the demand on the housing register has changed significantly and minor corrective action is required. Such changes should be subsequently reported to CEB if the annual lettings plan was approved by CEB.</p> <p>and</p> <p>Amend the Choice Based Lettings cycle (periods and dates) after appropriate consultation</p>
<p>Tenancy Management Manager, Area Housing Managers & Area Housing</p>	<p>a) Approval and counter signature of submissions to the Exceptional Circumstances Panel, and Health & Housing Assessment Forms.</p> <p>b) Decisions on Joint to Sole and Sole to Joint tenancy applications (Tenancy Operations Manager)</p>

Team Leaders (or equivalents in partner PRPs)	c) The authority to make a recommendation to award a succession status to an applicant
Senior Furnished Tenancy Officer/ Furnished Tenancy Officer	Responsibility for administering cases under the Removals Expenses Scheme.
Tenancy Management Officers (or equivalent role in within the Council or partner RSLs)	a) Approval, inspections, and tenancy changes relating to requests for Mutual Exchange of Tenancies b) Home visits to some transfer applicants c) Landlord references for tenants
Mobile Wardens	Home visits for all applications for sheltered housing, at application and offer stages of the allocation process.
Environmental Health Officers	Assessment of disrepair, and award of priority for housing condition, where requested by an applicant.
Customer Service Officers/ORAH equivalents	General advice and verification of documents provided by applicants.
Health and Housing Assessment (HAHA) Panel	<p>Responsible for awarding priority and assessing cases in which the health of the applicant, or their household, is worsened due to their current housing circumstances, in accordance with this Allocation Scheme. The award of increased priority, as appropriate, should reflect the applicant's situation.</p> <p>The panel does not have a fixed membership. This will be drawn from officers from Housing and ORAH partners, and may include a health professional, who have sufficient knowledge and experience to contribute to the Panel's effectiveness. The panel will comprise of a minimum of 2 persons, including 1 manager and health professional or 1 managers and another officer. The Panel will be chaired by a Senior Housing Needs Officer. Officers referring cases to the panel may make representations, but may not sit on the Panel for cases they have referred.</p>

Appendix III – Guideline Calculations for Affordability

Social housing is a scarce resource. New Applicants applying for housing or existing housing applicants may be excluded from the Housing Register, regardless of their housing circumstances, if there is evidence to suggest that they have sufficient income or assets to resolve their housing situation through the housing market by renting or buying a suitable home. Furthermore, other adult members (including their partner's where applicable) may also be excluded from being included on an applicant's housing application if there is evidence to suggest that they have sufficient income or assets to resolve their own housing situation (or if they refuse to provide this information when requested). Each case will be considered on its merits and where there would otherwise be hardship, priority may be awarded in accordance with the policies and protocols of the Allocations scheme.

Property

Housing applicants who own a property in the UK or overseas that is considered suitable for their households housing needs will not normally qualify for inclusion on the Housing Register. However, the property must be physically and legally accessible. If the equity in the property is £16 000 or more and this would provide sufficient funds to resolve their housing situation then the applicant would normally be expected to make their own housing arrangements.

Adult household members of housing applicants who own a property in the UK or overseas that is considered suitable for their housing needs will not normally qualify for inclusion on an applicant's housing application.

Property can include: narrow boats and caravans as well as other dwellings that are suitable for occupation and reasonable to occupy.

Savings/Investments/Assets

Housing applicants with savings/investments or assets of £16 000 or more will not normally qualify for inclusion on the Housing Register.

Adult household members with savings/investments or assets of £16 000 or more may also be excluded from an applicant's housing application if they are considered to have sufficient funds to resolve their own housing situation.

Income

Applicants with sufficient income to resolve their own housing situation may be excluded from the housing register. An applicant's income combined with savings less than £16000 could be taken into account when making this decision.

Exceptions

The Manager responsible for Allocations can agree for exceptions in appropriate cases.

Those applicants to whom the Council has accepted a duty under Homelessness Legislation may not be included in this policy as it would not be in the best interests of the Council to delay getting such persons housed due to the high cost of temporary accommodation. However, adult household members meeting the criteria for exclusion under the guidelines could still be excluded from an applicant's homeless application for the purposes of assessing the size of property they require.

Those applicants applying for Shared Ownership will be included on the Shared Ownership Register for the purposes of assessing their housing need, but they will not normally be included on the General Housing Register or another applicant's housing application.

Exclusion from the Housing Register

Should a decision be made to exclude an applicant, or a member of their household, they will be informed of this, with the right to request a review, and will be given information as to how to source alternative accommodation and resolve their own housing needs through the open market or private sector.

Verification

Applicants and their household members can be asked to provide evidence of their income, savings and assets in order to verify the affordability assessment. If applicant fails to provide sufficient evidence then their registration may not be able to proceed and they will not be included on the Housing Register or removed if they are an existing applicant. If a member of their household fails to provide sufficient evidence they will not be "counted" as a member of their household for re-housing purposes or assessing their housing need.

Appendix 3: Report on the results of the Allocations Review Consultation

1.	<p>Background</p> <p>The Allocations Scheme is the policy the Council uses to allocate social housing in Oxford and to prioritise those in housing need on the Housing Register for offers of housing.</p> <p>The existing Allocations Scheme came into effect in July 2009 and now needs to be changed to take into account:</p> <ul style="list-style-type: none"> • The Council’s new Tenancy and Homeless Strategies; • Recent changes in legislation, guidance and best practice, balanced with local needs and aspirations <p>A draft copy of the proposed new Allocations Scheme was approved by the CEB on 13/2/13 to go out to public consultation and the questionnaire to be used for the consultation was approved by the Public Involvement Board on 1/3/13. The consultation took place between 3/4 and 19/5/13. Registered Providers of Social Housing in Oxford, every applicant on the housing register (over 4700) and other key stakeholders (including the advice and support agencies) were given the opportunity to comment on the proposed changes and to complete an on-line questionnaire on E-consult. A paper version of the form was made available to those without access to a PC and the responses also logged onto E-consult. There were 271 responses received to the on-line survey (including paper versions of the form loaded on to E-consult by the Housing Needs Team).</p>
2.	<p>This report provides a summary of the responses received to the questionnaire in addition to the additional feedback and comments received during the consultation including the views of the Registered Providers of Social Housing with stock in Oxford.</p>
3.	<p>Qualification - Local Connection</p> <p>The proposal in the New Allocations Scheme to restrict access to the Housing Register in the future, in most cases, to those with a local connection through work, residence or close family connection was strongly supported by the majority of respondents including 84% of those who completed the survey. This is not surprising as most of the existing applicants on the Housing Register (around 4200) have an assessed local connection to the City. Comments on the proposed changes included suggestions to allow applicants with a health and disability needing to move to Oxford to still be able to apply for housing. The proposed Allocations Scheme already allows the Allocations Manager discretion to include such cases.</p>

4.	<p>Qualification – Capital of £16K &/or Sufficient</p> <p>The proposal to normally exclude access to the Housing Register to Housing Applicants and/or members of their household with £16 000 or more and/or income to resolve their own housing situation was supported by most (61%) of respondents and only 20% disagreed with this proposal. Comments on the proposed changes included that £16 000 might not be enough for some households to resolve their housing situation. The Allocations Scheme allows for this by considering each case on its own merits.</p>
5.	<p>Qualification – Rent Arrears</p> <p>The proposal the Council should be able to take into account rent arrears when considering if an applicant should qualify for inclusion on the housing register was strongly supported by Registered Providers of Social Housing and supported by the majority (71%) of respondents to the survey, only 11% disagreed with this proposal. Comments on the proposed changes included that the Council should allow some exceptions. The proposed Allocations Scheme already allows some exceptions; such as cases where housing applicants have low level rent arrears, have demonstrated that they can now pay their rent regularly and other for complex or high needs cases unable resolve their own housing situation where there is evidence appropriate support is in place to help them sustain their tenancy in the future.</p>
6.	<p>Qualification – Anti-Social Behaviour (ASB)</p> <p>The proposal the Council should be able to excluded applicants from the housing register where they or a member of their household has been responsible for ASB unless they can evidence their behaviour has been amended or another tenancy has been successfully maintained, was strongly supported by Registered Providers of Social Housing and supported by the vast majority (88%) of respondents to the survey. Only 5% disagreed. Comments including those from the Registered Providers was that the definition of what constituted ASB sufficient to exclude an applicant would need to be defined in more detail and consideration should be given, particularly for families in housing need, in providing support to address any ASB issues before excluding them from the opportunity of housing. This has been taken into account in the proposed Allocations Scheme.</p>
7.	<p>Priority on the Housing Register</p> <p>The overall feedback from the consultation is that while it is acknowledged different groups in housing need should be given priority through the Allocations Scheme there is no easy way to decide who should be given the most priority for the limited amount of properties that become available to let in Oxford. Registered Providers supported the</p>













	<p>use of the priority bands for assessing Housing Need. The response from those completing the survey was that the Council and its partner's should do more to build affordable and social housing within Oxford and to house those in housing need. The proposed Allocations Scheme seeks to give priority to those in the most assessed housing need. Plans for new affordable housing within Oxford including the new Barton West development will go some way to increasing the supply of housing in the City.</p>
8.	<p>Priority on the Housing Register to Statutory & Non-Statutory Homeless</p> <p>The proposal to reduce the priority on the Housing Register to homeless applicants owed a statutory homeless duty (placed in homeless temporary accommodation) and the non-statutory homeless received a mixed response. Although most, 47% of the respondents, agreed with this proposal there were 17% who disagreed, however, as 16% of the respondents stated they were homeless this is perhaps not surprising. Feedback from the Registered Providers and others was while they recognised priority needed to be given to the homeless this should be balanced against the needs of existing tenants and other households needing re-housing on the housing register including those with health or disabilities, households living in over-crowded accommodation and existing tenants affected by the bedroom tax needing to downsize (which the proposed Allocations Scheme seeks to do).</p>
9.	<p>Time In Housing Need</p> <p>The comments from the consultation were that "time" should in some way be taken into account when prioritising households in similar housing need for housing. The proposal in the new Allocations Scheme that "time in housing need/priority band" should be used for all five priority bands in the future, instead of just for applicants in Band 1 as currently, was supported by Registered Providers and agreed by a majority (71%) of respondents to the survey, only 11% disagreed with this proposal.</p>
10.	<p>Age of Household Members</p> <p>The proposal to change "rules" in the Allocations Scheme used, to calculate the size of property a family with children, is eligible for based on the age and sex of their children, by aligning them with the new "bedroom tax" rules has not surprisingly received a mixed response in the consultation. Registered Providers strongly supported this approach to avoid housing new tenants in unaffordable accommodation and to make the best use of the limited stock available. Although 48% of respondents to the survey agreed with the proposals to increase the age at which 2 children of the opposite sex are considered able to share from 7 to 10, 43% disagreed. Furthermore although 49% agreed with the proposal that in the future 2 children of the same sex should normally be</p>

	<p>able to share until the eldest in 16, 34% disagreed. The proposed Allocations Scheme seeks to reduce the impact of the proposed change, by leaving discretion in the Allocations Scheme for some households with children to be eligible for larger properties where a child has been assessed as requiring a separate bedroom on health or social and welfare grounds.</p>
11.	<p>Under-occupiers in Social Housing</p> <p>Tenants Downsizing</p> <p>The proposal to allow existing social housing tenants in Oxford who are currently in a property that is too big for them to be able to move to a smaller property, even if it is still has one more bedroom than they require, to free up a larger family property was supported. Registered Providers agreed with the proposal on the basis the downsizing tenant could still afford the rent at the smaller property. The majority of respondents to the survey (65%) also agreed this was desirable and only 13% disagreed. The proposed Allocations Scheme will only allow downsizing tenants to be offered a larger property than they require if they can afford the rent if they are of working age and will still be affected by the “bedroom tax” after the move.</p> <p>Long-term Foster Carers</p> <p>The vast majority (80%) also agreed with the proposal that long-term foster carers could be offered a property larger than they would normally require if they have fostered children continuously for 3 years or more. Registered Providers supported the proposal too as long as the tenant could afford to pay the rent at the property they were offered.</p> <p>Pregnant Applicants</p> <p>The proposal to “no longer” count an unborn baby when assessing an applicant’s housing requirements until the baby is born received mixed a response. While most (51%) respondents agreed with this proposal, 21% disagreed and 27% were undecided. Registered Providers confirmed they would consider accepting a housing applicant who was pregnant before the birth of the baby but only if they could afford to pay the rent. The Allocations Scheme allows some discretion in such cases in exceptional circumstances.</p>
12.	<p>Household Members – Adult Students Living Away from Home</p> <p>The proposal to no longer “count” adult children or household members who are who are studying and living away from home elsewhere for part of the time in student, private rented or other accommodation received a mixed response. Although 51% of the respondents agreed with this proposal, 21% disagreed and 27% were undecided. Comments ranged from requesting a clearer definition on what constituted “part of the time”</p>

	to concern over the lack of space for a student returning during term-time for studying and the impact this might have on student applications in Oxford from families on a low income. It is no longer proposed to include this change in the new Allocations Scheme.
13.	<p>Over-crowded Large Families</p> <p>The proposal to allow large families with a 4 bedroom housing need living in a 2 bedroom property or smaller, or in homeless temporary accommodation, to bid for 3 bedroom properties (as well as 3 bedroom parlour houses) to improve their housing situation was supported by 71% of respondents and only 8% disagreed. Comments received included that applicants should not be put under pressure to bid for smaller properties than they actually required unless they choose to. The Allocations Scheme allows for this and it is up to the housing applicant to make the decision if they want to request moving to a smaller property too. Registered Providers supported this proposal on the basis they would have the final decision on the maximum number of children that could be housed into any of their 3 bedroom properties as they vary in size and layout.</p>
14.	<p>Unreasonable Refusals</p> <p>The proposal the Council will normally suspend (with some exceptions) a housing applicant from the General Register or Transfer List from bidding for up to 12 months if they have refused two offers without good reason in less than 12 months was supported by Registered Providers and the majority (71%) of respondents to the survey. Only 14% disagreed. The new Allocations Scheme proposes to allow a housing applicant to appeal against this decision if they disagree.</p>
15.	<p>Offers To Homeless Applicants</p> <p>The proposal that Homeless Applicants placed in temporary accommodation provided by the Council to whom the Council has accepted a statutory homeless duty, will be made only one suitable offer of accommodation in the future, which could be in the Private Rented Sector was supported by Registered Providers. The majority of respondents (61%) to the survey agreed too. 20% disagreed.</p>

Appendix 4 Equality Impact Assessment

1.	<p>Equality Impact Assessment on the proposed changes to the Allocations Scheme</p> <p>Before drafting the final version of the proposed new Allocations Scheme an impact assessment has been completed profiling those potentially affected to ensure that BME groups, the disabled and other groups such as the homeless or older applicants are not inadvertently disadvantaged by the proposed changes. This document provides a summary of the main proposed changes and the potential impact.</p>														
2.	<p>Profile of the Housing Register</p> <p>There are 5 Housing Need Priority Bands ranging from Band 1 very high housing need down to Band 5 low/or no housing need.</p> <p>A summary of the total number of housing applicants with a live housing application on the Housing Register (including those without a Local Connection) by Housing Need Priority Band is shown in Table 1 below (1/7/13).</p> <p>Table 1</p> <table border="1" data-bbox="316 1077 1350 1341"> <thead> <tr> <th>Housing Need Priority Band</th> <th>Number of Housing Applicants</th> </tr> </thead> <tbody> <tr> <td>Band 1</td> <td>62</td> </tr> <tr> <td>Band 2</td> <td>363</td> </tr> <tr> <td>Band 3</td> <td>1079</td> </tr> <tr> <td>Band 4</td> <td>86</td> </tr> <tr> <td>Band 5</td> <td>2696</td> </tr> <tr> <td>Total</td> <td>4286</td> </tr> </tbody> </table>	Housing Need Priority Band	Number of Housing Applicants	Band 1	62	Band 2	363	Band 3	1079	Band 4	86	Band 5	2696	Total	4286
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3.	<p>Due to the high demand for housing and the limited amount of properties becoming available each year most housing applicants in Bands 4 or 5 are unlikely to receive an offer of housing in the foreseeable future. Unless they are 60 years or older and are eligible to apply for low demand sheltered studio flats that become available more frequently, or require an ground floor level access property or adapted property. The majority of the proposed changes will have little or no impact on the chances of housing applicants in Bands 4 or 5 receiving an offer of housing.</p>														
4.	<p>Households with a Disability</p> <p>There are a number of properties which have been specially built or adapted for people with disabilities, where these met the Mobility Standard or Wheelchair Standard, Oxford City Council seeks to match these most closely to applicants that specifically require this type and standard of accommodation and will continue to specifically label these properties as such when they are advertised through Choice-Based</p>														

	Lettings.								
5.	<p>There are 4 Mobility Levels used to identify the type of property a housing applicant requires where they and/or another member of their household has a disability and requires ground floor level access and/or adaptations to a property.</p> <p>A summary of the Mobility Levels used is shown in Table 2 below.</p> <p>Table 2 Mobility Levels</p> <table border="1"> <tr> <td></td> <td>Mobility Level 1: Level Access. Level access into the property (from the street to the front door) and level access throughout the property (no internal steps).</td> </tr> <tr> <td></td> <td>Mobility Level 2: Mobility Standard. Level access into and throughout the property, although all rooms may not be accessible by a wheelchair. Meets part M of the Building Regulations (e.g. minimum door widths).</td> </tr> <tr> <td></td> <td>Mobility Level 3: Disabled Adaptations. The property may not meet the other standards, but it has a significant adaptation, such as a level access shower; a stair-lift; or a walk-in bath.</td> </tr> <tr> <td></td> <td>Mobility Level 4: Wheelchair Standard. The property is specifically designed for wheelchair users. Design features include parking and level access; enhanced circulation space; and specialist fixtures and fittings.</td> </tr> </table>		Mobility Level 1: Level Access. Level access into the property (from the street to the front door) and level access throughout the property (no internal steps).		Mobility Level 2: Mobility Standard. Level access into and throughout the property, although all rooms may not be accessible by a wheelchair. Meets part M of the Building Regulations (e.g. minimum door widths).		Mobility Level 3: Disabled Adaptations. The property may not meet the other standards, but it has a significant adaptation, such as a level access shower; a stair-lift; or a walk-in bath.		Mobility Level 4: Wheelchair Standard. The property is specifically designed for wheelchair users. Design features include parking and level access; enhanced circulation space; and specialist fixtures and fittings.
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6.	<p>Table 3 below shows a summary of the total number of housing applicants on the housing register and shows those with a disability identified as requiring a ground floor level access property and/or an adapted property.</p> <p>Table 3</p> <table border="1" data-bbox="327 488 1182 1014"> <thead> <tr> <th data-bbox="327 488 612 607">Mobility Level Required</th> <th data-bbox="612 488 971 607">Number of Housing Applicants</th> <th data-bbox="971 488 1182 607">Percentage</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 607 612 689">None</td> <td data-bbox="612 607 971 689">3960</td> <td data-bbox="971 607 1182 689">92.61%</td> </tr> <tr> <td data-bbox="327 689 612 772">Mobility Level 1</td> <td data-bbox="612 689 971 772">208</td> <td data-bbox="971 689 1182 772">4.86%</td> </tr> <tr> <td data-bbox="327 772 612 855">Mobility Level 3</td> <td data-bbox="612 772 971 855">102</td> <td data-bbox="971 772 1182 855">2.39%</td> </tr> <tr> <td data-bbox="327 855 612 938">Mobility Level 4</td> <td data-bbox="612 855 971 938">6</td> <td data-bbox="971 855 1182 938">0.14%</td> </tr> <tr> <td data-bbox="327 938 612 1014">Total</td> <td data-bbox="612 938 971 1014">4276</td> <td data-bbox="971 938 1182 1014">100%</td> </tr> </tbody> </table>	Mobility Level Required	Number of Housing Applicants	Percentage	None	3960	92.61%	Mobility Level 1	208	4.86%	Mobility Level 3	102	2.39%	Mobility Level 4	6	0.14%	Total	4276	100%
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7.	<p>When assessing the impact of the proposed changes to the Allocations Scheme the Ethnicity of the households affected has also been considered to ensure that the changes do not adversely affect particular groups.</p> <p>Each of the proposed changes and the potential impact on different groups has been gone into in more detail later on in the report. Table 4 overleaf shows the Ethnicity of Housing Applicants on the Housing Register (including those without a Local Connection). The number of applicants varies slightly from Table 1 because the data is based on a report slightly more recently on 16/7/13.</p>																		

8. **Table 4 Ethnicity of Housing Applicants on the Housing Register**

Ethnicity	No of Housing Applicants	Percentage
ASIAN OR ASIAN BRITISH BANGLADESHI	74	1.73%
ASIAN OR ASIAN BRITISH INDIAN	56	1.31%
ASIAN OR ASIAN BRITISH OTHER	53	1.24%
ASIAN OR ASIAN BRITISH PAKASTANI	108	2.53%
BLACK OR BLACK BRITISH AFRICAN	318	7.44%
BLACK OR BLACK BRITISH CARRIBBEAN	120	2.81%
BLACK OR BLACK BRITISH OTHER	154	3.60%
DECLINED TO ANSWER	1	0.02%
MIXED OTHER	13	0.30%
MIXED WHITE AND ASIAN	13	0.30%
MIXED WHITE AND BLACK AFRICAN	17	0.40%
MIXED WHITE AND BLACK CARIBBEAN	58	1.36%
NONE STATED	825	19.29%
OTHER ETHNIC ORIGIN CHINESE	19	0.44%
OTHER ETHNIC ORIGIN OTHER	58	1.36%
WHITE BRITISH	1986	46.45%
WHITE IRISH	40	0.94%
WHITE OTHER	363	8.49%
Total	4276	100%

9. **Qualification for Inclusion on the Housing Register**

The new Allocations Scheme proposes that some housing applicants will in future be excluded from qualifying for inclusion on the Housing Register and being considered for offers of housing. Each housing applicant affected will be informed of the reasons why they do not qualify and be given the opportunity to appeal and provide supporting information if they disagree with the decision. If their appeal is successful they will be allowed to join or remain on the housing register.

10.	<p>Local Connection – by residence, employment or close family</p> <p>Although there are currently around 4300 housing applicants on the Housing Register and the majority have a local connection to Oxford, there are around 350 that do not have a local connection. Table 5 below shows a summary of the total number of housing applicants with a live housing application on the Housing Register without a Local Connection to Oxford by Housing Need Priority Band.</p> <p>Table 5 Housing Applicants with no Local Connection to Oxford</p> <table border="1" data-bbox="312 595 1321 898"> <thead> <tr> <th>Housing Need Priority Band</th> <th>Number of Housing Applicants with No Local Connection to Oxford</th> </tr> </thead> <tbody> <tr> <td>Band 1</td> <td>0</td> </tr> <tr> <td>Band 2</td> <td>5</td> </tr> <tr> <td>Band 3</td> <td>49</td> </tr> <tr> <td>Band 4</td> <td>6</td> </tr> <tr> <td>Band 5</td> <td>283</td> </tr> <tr> <td>Total</td> <td>343</td> </tr> </tbody> </table>	Housing Need Priority Band	Number of Housing Applicants with No Local Connection to Oxford	Band 1	0	Band 2	5	Band 3	49	Band 4	6	Band 5	283	Total	343
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11.	<p>The Council already advertises properties becoming available in Oxford with preference to applicants with a local connection. So most applicants without a Local Connection on the housing register are unlikely to successfully bid for a property. The proposal to restrict access to the housing register in most cases to only those with a local connection will have a minimal impact. The Allocations Scheme proposes to allow exceptions and some individual high needs cases without a local connection to join the housing register, even if they don't have a local connection, where for example they are a member of the armed forces, fleeing domestic abuse or applying for sheltered accommodation.</p>														
12.	<p>Capital, Savings & Income</p> <p>There will only be around 500 properties becoming available to let within Oxford during 2013/14. Due to the high demand for social housing in Oxford and the low amount that become available it is important to prioritise those in housing need and unable to resolve their own housing situation. Although the Allocations Scheme proposes that applicants can be excluded from the housing register if they have sufficient capital, savings &/or income each case will be considered on its merits and where there would otherwise be hardship, priority may be awarded in accordance with the policies and protocols of the Allocations scheme. The exact number of households that are likely to be affected is not known as this information is not currently recorded. However, it is expected to be a low number since it will only affect those housing applicants in higher priority bands (1 to 3) likely to receive an offer of housing and based on past experience most are on a low income and/or in receipt of benefits which is why they are unable to secure alternative accommodation and request housing assistance. Housing applicants in</p>														

	<p>lower priority bands who may be affected are unlikely to shortlist for an offer anyway so the impact is expected to be low. It is proposed that following the new Allocations Scheme coming into effect to identify such households at either the point of application or if they are existing applicants at the point they are asked to re-register or shortlist for a potential offer.</p>
13.	<p>Qualification – Rent Arrears</p> <p>The proposed changes to exclude housing applicants from inclusion on the Housing Register with significant rent arrears owed to the Council, an ORAH partner, or a Private Landlord in the future will have little impact on the chances such applicants being re-housed. Under the existing Allocations Scheme tenants (or former tenants) with rent arrears are not normally considered for an offer of housing (with some exceptions) unless they have demonstrated they are suitable to be a potential tenant by clearing their rent arrears in full or making a satisfactory payment arrangement and maintaining it consistently for at least 6 months. So the proposed changes will have little impact on most housing applicants currently in rent arrears. However, to minimise the impact on some households, for example those affected by the new “bedroom tax” or benefit cap, the new Allocations Scheme proposes to continue to allow some exceptions and for the Allocations Manager to have the discretion to allow some high needs households to stay on the housing register and be considered for an offer of housing. The Welfare Reform Project Team and the Allocations Team will continue to work together to try and assist those households with rent arrears identified as being affected by the changes introduced by the Welfare Reform Act. It is proposed that following the new Allocations Scheme coming into effect to identify such households at either the point of application or if they are existing applicants at the point they are asked to re-register or the Council is advised that they have fallen into rent arrears. For example when a landlord reference stating an applicant has rent arrears is received at the point they have shortlisted for a potential offer.</p>
14.	<p>Qualification Anti-Social Behaviour</p> <p>Under the existing Allocations Scheme housing applicants responsible for ASB (or with a household member responsible for ASB) are not normally considered for an offer of housing. Unless they have demonstrated they are suitable to be a potential tenant by addressing their behaviour for a satisfactory period of time. So the proposed changes to exclude Housing applicants responsible for ASB will have a minimal impact on their chances of being re-housed. Where an applicant’s circumstances change significantly they can reapply for housing and a new housing application will be considered. If they disagree with being excluded they can still appeal against this decision.</p>

15.	<p>Priority on the Housing Register to Statutory and Non-Statutory Homeless</p> <p>There are currently 123 households (as of 30/6/13) living in homeless temporary accommodation provided by the Council and around half have been accepted a “Statutory Homeless” and are owed a duty to be offered housing. Although the proposal to move them from priority Band 2 to Band 3 will affect their priority relative to other housing applicants in housing need on the housing register, this will not significantly impact the time it takes to for them to receive an offer of housing. The Allocations Scheme proposes the Council should continue to be able to advertise some properties with preference to a specific housing list, such as the homeless list, to ensure sufficient homeless households are re-housed and the numbers in temporary accommodation are kept to a minimum. Where there homelessness cannot be prevented.</p>
16.	<p>There are currently 142 “non-statutory” homeless applicants on the Housing Register, the vast majority living in supported “move-on” accommodation across the City. Although under the proposals these households will move from Band 3 down to Band 4, this will have a low impact on their actual chances of being re-housed. As housing applicants living in “move-on” accommodation, are not normally considered for an offer of housing unless they have been assessed as ready to move to independent accommodation. The Council will continue to operate a “move-on” Scheme and normally allocate up to 50 places a year to house applicants considered as ready to move-on. These applicants will be placed into Band 2 once they are accepted as ready to move-on (the same high priority as in the current Allocations Scheme) and will not be impacted on by the changes.</p>
17.	<p>The breakdown of BME statutory and non-statutory homeless households (including those with a disability) is representative of the whole housing register so the proposed change does not inadvertently impact more on these groups although some individual households will be affected. The new Allocations Scheme continues to give priority to housing applicants requiring a ground floor and/or adapted property over others that do not in similar housing need so housing applicants with a disability and requiring a ground floor or adapted property will still have similar priority under the new Allocations Scheme.</p>
18.	<p>Time in Housing Need</p> <p>The proposal to use time in Housing Need Priority Band instead of the Registration date will have a low impact on housing applicants on the housing register because transitional arrangements are proposed to ensure that existing housing applicants are not disadvantaged. If a housing applicant’s registration date is earlier than the Housing Need Priority Band date, when the new Allocations Scheme comes into effect, the earlier date will be used so the housing applicant does not lose out.</p>

19.	<p>The Size of Property an Applicant is Eligible to Apply For</p> <p>Households with children</p> <p>The changes introduced by the Government through the Welfare Reform Act including the “bedroom tax” and “benefit cap”, effectively require Councils and Registered Providers of Social Housing across the UK to apply stricter “rules” when determining the number of bedrooms an applicant with children require to meet their housing need. In order to ensure tenants are not housed in unaffordable accommodation where they could potentially lose their homes due to non-payment of their rent. The Allocations Scheme proposes to continue to allow some households to apply for larger properties, for example, where households are assessed as requiring an extra bedroom due to a household member’s disability or if a tenant is downsizing to a smaller property and they are still able to afford the rent.</p>
20.	<p>The impact of the proposed changes will effectively mean that some households with younger children will no longer be considered over-crowded (or as over-crowded) until their children are older and they will only be able to apply for smaller properties until their children are older. For example, in the future some housing applicants with 2 children will only be able to apply for properties with two instead of three bedrooms properties and some applicants with 4 children will only be able to apply for properties with three instead of four bedrooms until their children are older. Households with older children sharing will continue to receive priority to move (and a small number will be awarded higher priority due to the changes).</p>
21.	<p>There are currently 252 housing applicants on the housing register lacking 1 bedroom in Housing Need Priority Band 3. Based on the proposed changes up to 70% will be unaffected, 27% will move down from Band 3 to Band 5 until their children are older and 3% will be assessed as “lacking 2 bedrooms” and move up to Band 2 (due to the change in rules).</p>
22.	<p>There are currently 53 housing applicants on the housing register lacking 2 or more bedrooms in Housing Need Priority Band 2. Based on the proposed changes 70% will be unaffected and up to 30% will be affected and move down to Band 3 because they will only be considered to be “lacking 1 bedroom” (unless one of their children has been assessed as requiring a separate bedroom due to health or social and welfare reasons). Those applicants affected will “move” up to Band 2 again as their children get older if they are not housed in the meantime and their circumstances remain the same.</p>
23.	<p>Expectant Mothers</p> <p>The proposal to exclude unborn babies from “counting” as a household</p>

	<p>member for determining the size of property an applicant is normally eligible for to ensure affordability under the new bedroom tax rules will affect a low number of housing applicants. The majority of housing applicants are unlikely to receive sufficient priority for an offer housing until after the birth of their child (except if they have children already) as their housing need and band will only be adjusted at this point. Although some housing applicants with children who are pregnant are offered properties from time to time this happens fairly infrequently. Those most affected by the change are likely to be homeless applicants living in temporary accommodation the Council has accepted a duty to house who are pregnant and have been placed in priority Band 2. These applicants it is proposed will no longer be considered eligible for 2 bedroom properties until after the birth of their babies (and they are considered ready for an offer of housing).</p>
24.	<p>Adult Household Members (other than the applicant)</p> <p>There is no information currently available on the number of households that are likely to be affected by the proposal to exclude adult household members who are considered to have sufficient capital, savings or income to resolve their own housing situation and there is no over-riding need on health grounds for them to remain part of the household. This information is not recorded, however, since many family properties are allocated to households with children under 18 and many adults who remain living at home do not do so out of choice, it is expected only a very small number of households will be affected.</p>
25.	<p>There is no information currently available on the number of households that are likely to be affected by the proposal to exclude adult household members who are studying and living away from home and living elsewhere in student, private rented or other accommodation. Based on feedback from the consultation it is no longer proposed to exclude these applicants, however it is proposed if two families in the same priority band bid for the same property that if one family has adult household members studying and living away from home for part of the time that the property is normally offered to the family where their children are permanent residents and have nowhere else to live. This is expected to only impact on a low number of households in high housing need who are competing with other similar households with children permanently living at home.</p>
26.	<p>Large Families</p> <p>The proposal to allow larger families with a 4 bedroom housing need lacking 2 bedrooms to apply for suitable 3 bedroom properties will affect up to 20 households and allow them to opt to bid for a smaller property in order to improve their housing situation should the wish to do so.</p>

27.	<p>Sub-Regional Allocations Scheme</p> <p>The proposal that all four districts, including Oxford, leave the Sub-Regional Partnership will have a very low impact due to the limited amount of properties that became available through this scheme due to the shortage of social housing in the region. However, the Allocations Scheme proposes that the Council can make reciprocal arrangements with other Districts to facilitate the move of high needs cases that need to move out of the district in exceptional cases.</p>
28.	<p>Penalties for Unreasonable Refusals: General Register & Transfer Lists</p> <p>The proposal to impose penalties for unreasonable refusals is only likely to affect a low number of housing applicants. Housing applicants will be notified when they are made an offer of the potential implications of refusing without good reason and only refusals that are considered unreasonable will be taken into account and may incur a penalty. Only those who refuse two reasonable offers of accommodation within 12 months will be affected and could be suspended for up to 12 months. Where a housing applicant has good reasons for refusing a property for example because they are disabled and the property does not meet their housing requirements they will not be penalised. If a housing applicant disagrees with a decision that they have refused an offer without good reason they will have the right to appeal against the decision.</p>
29.	<p>Penalties for Unreasonable Refusals: Homeless List</p> <p>The proposal to treat homeless applicants differently and to normally allow only one reasonable offer of accommodation to housing applicants accepted as homeless and placed in temporary accommodation by the Council (due to the cost and shortage of temporary accommodation) will impact on a low number of households. Although there are currently 74 homeless households who could be potentially affected most bid regularly for properties and accept the first offer they are made and only those that refuse a property without good reason could be affected by the changes. If a homeless applicant disagrees with a decision that they have not been bidding and have been made a direct offer and/or they have refused an offer without good reason they will have the right to appeal against the decision.</p>
30.	<p>Summary</p> <p>The changes proposed to the Allocations Scheme will not have a dis-proportionate impact on the chances of households within a BME group, the disabled and other groups such as the homeless or older applicants receiving an offer of housing. However, as with all changes some individual households will be affected by some of the proposed changes and this has been taken into account in the drafting of the Allocations Scheme.</p>

Appendix 5

Risk ID	Risk	Risk Description				Date raised	Owner	Gross Risk	Residual Risk	Current Risk	Control Description
Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence						
CEB-001-HP	Risk of legal challenge	T	Legality of the Allocations Scheme is challenged	Major changes in legislation or case law are introduced shortly after the new Allocations Scheme is introduced	The Allocations Scheme becomes more susceptible to successful legal challenge	1/8/13	Tom Porter	1	1	1	The Allocations Manager will keep update with changes in legislation or case law & where appropriate request for the scheme to be revised. By on-going monitoring
CEB-002-HP	Risk of delay in ICT implementation	T	Delay in the implementation of the ICT systems required for the new Allocations Scheme	ICT suppliers are unable to complete work required within specified timelines & budget	There is a delay in the new Allocations Scheme being implemented						Specifications for supply work prepared and meetings with suppliers already undertaken. Window for implementation of up to 3 months allowed within this report.

EXTRACT FROM THE MINUTES

CITY EXECUTIVE BOARD

Wednesday 11 September 2013

53. ALLOCATIONS REVIEW AND CHANGES TO THE ALLOCATIONS SCHEME

The Head of Housing and Property submitted a report (previously circulated, now appended) concerning the Allocations Review and changes to the Allocations Scheme.

Councillor Scott Seamons presented this report to the Board and explained the background to it. He added that the Oxfordshire sub-regional Choice Based Lettings scheme was in effect disbanded because there were now different schemes in place across the County. Arrangements for reciprocal lettings were, and would remain, in place.

Scrutiny recommendation

A Communications Strategy should be in place to explain the scheme as agreed, what it means for the applicants, alongside some general information on the likelihood of being housed. Communications should include the opportunity for feedback on the scheme itself and the understandability of it.

Agreed by the Board:

The following amendment to the scheme was also AGREED by the Board, following comments from the Scrutiny Housing Panel:-

- (1) Section 1.3 Oxford City Council's Principal Housing Objectives (agenda page 103, bottom of the page)

Changed from:

- To not discriminate against members of the armed forces/former members of the armed forces in housing need, with regard to local connection

To:

- To treat members of the armed forces/former members of the armed forces in housing need, equally with regard to local connection (see section 3.3.3)"

- (2) Section 3.3: Qualification For Inclusion On the General Register List (agenda pages 112, 113)

Added:

“5. The applicant met one or more of the criteria in 1 to 4 above at the time they entered the armed forces, they will then retain this Local Connection when applying for housing on leaving the Armed Forces.” & “in accordance with Section 3.4” at the end of each paragraph shown in Sections 3.3.3 & 3.3.4.

Resolved to:-

- (1) Note the proposed changes to the existing Allocation Scheme and responses to consultation;
- (2) Recommend Council to approve the new Allocations scheme (as amended above);
- (3) Give delegated authority to the Head of Housing and Property to introduce the new Allocations Scheme within three months of its approval by Council (in order to allow time to implement the changes);
- (4) To agree to the Council leaving the Oxfordshire sub-regional Choice Based Lettings Scheme.

To: City Executive Board
Council

Date: 11th September 2013
30th September 2013

Report of: Head of Finance

Title of Report: TRANSFER OF CASH AND ASSETS BETWEEN
HOUSING REVENUE ACCOUNT (HRA) AND
GENERAL FUND

Summary and Recommendations

Purpose of report: To seek approval to transfer assets from the HRA to the General Fund, together with a proportion of HRA cash balances.

Key decision: Yes

Executive lead member: Councillor Ed Turner

Policy Framework: None

Recommendation: That Council -

- 1) Transfers the non-dwelling assets identified in Appendix B with a net book value of around £18 million from the HRA to the General Fund.
- 2) Transfers with immediate effect, cash balances of £7 million from the HRA to the General Fund in order to fund future projects that achieve on-going General Fund savings

Appendix A – Transfer of Assets Financial Transactions
Appendix B – Schedule of assets

Background

1. Over the last few months officers have been undertaking initial work on the General Fund Medium Term Financial Plan and HRA Business Plan to review the assumptions contained within the plans agreed at Council in February 2013. In the light of recent Government announcements in regard to the Finance settlement for 2014-15 and 2015-16 and other financial pressures the General Fund Medium Term Financial Plan will be under considerable strain to continue with the delivery of its services going forward. As a result officers have been looking to identify initiatives which will create on-going savings to the benefit of the General Fund and the Council overall, whilst at the same time ensuring the continued delivery of all the Councils current priorities, with a view to reporting formally on both plans to Members in the budget round later on in the year. Two initiatives have been identified, one of which is time critical and requires approval by members before 1st October 2013.
2. This paper explains these proposals and sets out the financial implications for both the General Fund Medium Term Financial Plan and the HRA Business Plan.
3. The proposals are technical in nature and officers have been working with the Council's Treasury Management advisors, Sector Treasury Services Ltd and the external auditors; Ernst and Young to investigate the viability of:
 - Transferring non-dwelling assets in 2013/14, namely shops and garages from the HRA to the General Fund together with all the associated, management, income, expenditure, depreciation and Minimum Revenue Provision issues. This will bring certain financial benefits to the HRA and General Fund including an increase in the HRA borrowing headroom, of £17 million, equivalent to the value of assets transferred.
 - Transferring cash balances currently in the HRA to the General Fund by the 1st October 2013, to provide one-off assistance with the funding of future financial pressures in the General Fund.
4. This report sets out the advice received, processes to be followed, effect on the council's financial position and the risks associated with the transactions.

Transfer of Non-Dwelling Assets from the Housing Revenue Account (HRA) to General Fund (GF)

Power to Transfer Assets

5. The general power to appropriate (transfer) land is provided by Section 122 of the Local Government Act 1972. This provides that a principal council may appropriate for any purpose any land which belongs to them,

provided that the purpose for which it is to be used is one which they are otherwise authorised to undertake.

6. The power is subject to the land no longer being required for the purpose it was held immediately before the appropriation. In the authority's case, that purpose would be housing.
7. The land which the authority wishes to appropriate is not presently used for housing purposes but will in the past have received the specific consent from the Secretary of State to be accounted for in connection with the social housing provided by the authority in accordance with the provisions of Section 12 of the Housing Act 1985.
8. There has been encouragement in recent consultation papers for local authorities to consider carefully the items being accounted for within their HRA. In the case of such non-dwelling buildings, the benefit of usage has changed considerably since the initial accounting arrangements were approved largely as a consequence of the changes of tenancy/ownership arising from the Right to buy provisions of the 1985 Act which have resulted in the buildings no longer providing a benefit solely to the authority's council tenants. In addition a significant number of garages on council estates have been sold to private tenants
9. Section 19 (2) of the Housing Act 1985 which states that land other than that which consists of a house or part of a house may be appropriated for any purpose.
10. Like a number of authorities, including Epping Forest District Council, Corby Borough Council and Gravesham Borough Council the transfer of assets proposed in this report is predicated on the following principles:
 - Housing estates and garages are now of mixed tenure and are now no longer purely occupied by council tenants;
 - The Government's policy is that the HRA remains a ring-fenced account and should primarily be a landlord account, containing the income and expenditure arising from a housing authority's landlord functions; and
 - That the appropriations are equitable and fair to both tenants and council tax payers in the long run and provide a transparent apportionment of costs and income between the HRA and General Fund.
11. Paragraph 18.8 of the Council's Finance Rules requires full Council to agree transfers between the General Fund and HRA.

What assets are to be transferred?

12. The draft 2012/13 Statement of Accounts discloses the net book value of non-dwelling assets as at 31st March 2013 in the Councils HRA as £18.56 million. Additionally there are 4 service tenanted properties which are now administered by the HRA which it would seem reasonable to transfer from

the General Fund to the HRA with a net book value of £0.563 million. The net value of the transfer to the General Fund is in the order of £18 million broken down as follows:

	£million
a) Other Land and Buildings	17.985
b) Infrastructure and Community Assets	0.066
c) Surplus assets	0.469
d) Investment properties	0.040
e) Properties transferred in from General Fund	(0.563)
Total	17.997

13. This consists of 134 shops, 2,602 garages and parking spaces, and a number of other assets including land and substations; the details of which are included in **Appendix B**.
14. The detailed financial transactions to facilitate the transfer are set out in **Appendix A** with a summary shown in Table 1 below:

Table 1 - Summary of Financial Transactions		
Transaction	On-going Effect on General Fund	On-going Effect on HRA
	£000's	£000's
Garages	(657)	657
Shops	(488)	488
Depreciation	0	(417)
General Fund Dwellings	37	(37)
Minimum revenue provision	417	0
Additional Interest charges	(630)	630
Net Increase (decrease)	(1,291)	1,291

15. The credit to the General Fund and associated charge to the HRA of £630k in respect of additional interest relates to the cost of internal borrowing to the HRA. Under previous Subsidy Regulations the interest rate was based on a consolidated interest rate that charged internal borrowing at the 3 month LIBID rate, currently approximately 0.56 %. LIBID is effectively an investment rather than borrowing rate and its application has resulted in a dis-benefit to the General Fund in terms of reimbursement of costs over a number of years. Since subsidy no longer applies this anomaly should be rectified and a more realistic long term borrowing rate used. A more equitable rate would be the 25 year PWLB maturity rate currently around 4.50%. At some stage, probably in around 10 years, the HRA Business Plan will have sufficient resources to repay this debt at which time the interest credit to the General Fund will reduce.

Comments from Sector Treasury Services Ltd and Ernst and Young

16. The Council's treasury management advisors, Sector Treasury Services Ltd and the Council's external auditors, Ernst and Young have commented on the proposed transaction as follows:

- **Sector Treasury Management Ltd (Sector)**
Sector have supported the transaction and advised on the implementation
- **Ernst and Young (EY)**
One of the key points for EY is to ensure that 'the properties are no longer required for the purpose for which they were held immediately prior to the appropriation'. The Council's rationale is laid out in paragraph 10 above and fulfils this requirement.

Transfer of Credit Balance from HRA to General Fund

17. Schedule 4 Part III paragraph 2 (1) of the Local Government and Housing Act 1989 provides:

"A local housing authority to whom no HRA subsidy is payable for any year may carry the whole/part of any credit balance shown in the HRA for that year to the credit of some other revenue account of theirs"

18. Whilst this clause primarily relates to those authorities that undertook stock transfer under the old subsidy system, since self-financing on 1st April 2012 no authority with retained housing stock has been in receipt of Housing Subsidy and authorities are able to use this provision to transfer credit balances from the HRA to the General Fund.
19. The proposal is to transfer a sum of £7 million from the HRA to an earmarked reserve in the General Fund to be used on projects to create on-going future financial benefits.
20. Advice from the Head of Law and Governance indicates that Schedule 4 Part III paragraph 2 referred to above will be amended on 1st October 2013 by virtue of the Localism Act 2011 (Commencement Order No 9) such that it will no longer be in force in England (but will in Wales). Any cash transfer must, therefore, take place prior to the 1st October 2013.
21. Officers have sought the views of both the Council's treasury management advisors, Sector Treasury Services Ltd and external auditors, Ernst and Young who have advised the following :
- **Sector Treasury Management Ltd**
Sector have referred to the Local Government and Housing Act 1989, Schedule 4, Part III, Paragraph 2 which the Council is relying on to make the transfer and advised that in their opinion the Council may rely on this clause to effect the proposed transfer.
 - **Ernst and Young**
The Council's auditors have advised that they are 'not minded to challenge the statutory basis for the proposed transfer'.

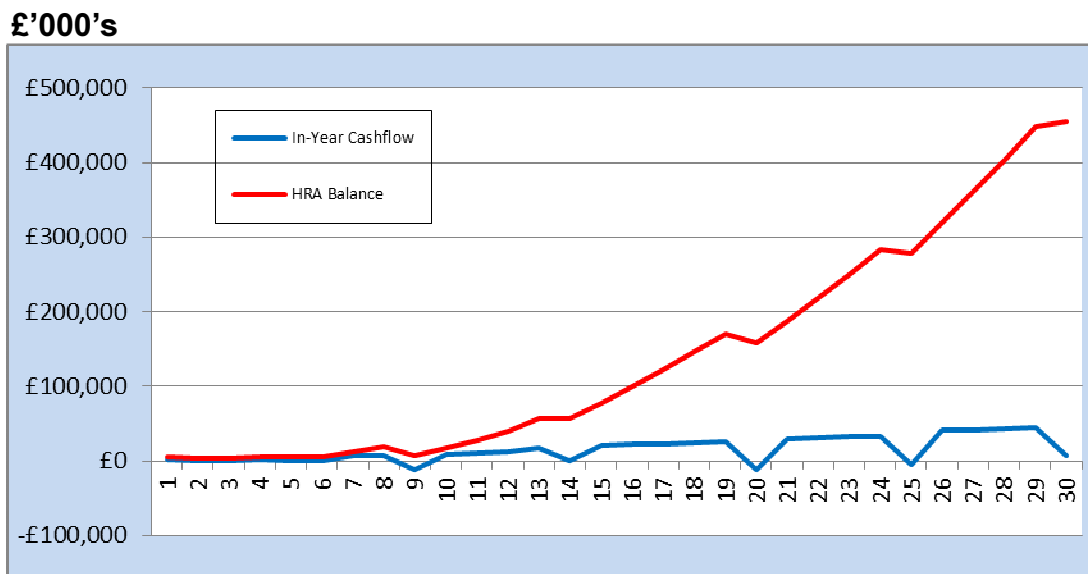
Financial Implications on General Fund MTFP and HRA

22. Whilst a full refresh of the HRA Business Plan will be undertaken and submitted to Members as part of the Budget Process in December some initial work has been undertaken to update key assumptions included within the Plan agreed by Council in February 2013 to determine the impact on the HRA of the proposed changes. Key assumptions updated include :
- **Rent increase** – the original plan assumed a rent increase in accordance with the rent convergence formula i.e. $RPI+0.5\%+\pounds2$, (RPI being 2.6% in September 2012) with convergence expected in 2018. However recent announcements from DCLG suggest that the rent convergence element of the formula, (the additional $\pounds2$) will be scrapped and that inflationary increases of $CPI+1\%$ will be applied from 2014/15 rather than the current $RPI + 0.5\%$. The updated HRA Business Plan assumes CPI at 2.1% (average CPI since 1997) i.e. rent increases of 3.1%. This change reduces on-going rental income in the Business Plan by around $\pounds600k$ per annum, although clearly this could change depending on the way CPI is calculated and its future level.
 - **Property disposals** –Based on 9 right to buy disposals to date, the figure allowed for in the plan has been reduced from 78 per annum to 20 per annum.
 - **Bad Debt provision** – The bad debt provision in the original business plan is considered overly prudent with arrears at less than 2% of the debit. The provision has therefore been reduced from $\pounds0.5$ million to $\pounds0.4$ million.
 - **Tower block refurbishment program** changed from $\pounds10$ million spread over 8 years to inclusion of a budget of $\pounds16$ million with completion of the programme in 4/5 years.
 - **New build-** The authority made provision within the original business plan of $\pounds60$ million for new build housing. The latest projection of spend on new build, primarily Barton, is $\pounds38$ million for the purchase of approximately 350 properties.
23. In addition the following assumptions continue to be allowed for in line with original assumptions;
- The removal of the service charge limiter by $\pounds1$ per week.
 - Efficiency gains on capital works and responsive repairs by Direct Services.
 - The delivery of 112 new build dwellings under the Affordable Housing Program.
 - The continuation of the adopted policy on self-financing debt redemption.
24. Table 2 below reflects the impact on HRA balances of the asset transfers highlighted in para 12 above, a one-off transfer of $\pounds7$ million using the

provisions highlighted in para 17 above and the assumptions as set out in paras 21 and 22 above. The plan indicates that both transfers can be undertaken without materially impacting the HRA's strategic objectives and maintaining balances at a prudent level in excess of £3.5 million.

Table 2 - Summary of HRA Working Balances					
	2013/14	2014/15	2015/16	2016/17	Total
	£'000	£'000	£'000	£'000	£'000
Original Business Plan	5,670	4,459	9,074	5,944	25,147
Revised Business Plan	3,534	3,619	4,837	5,036	17,026
Variance	2,136	840	4,237	908	8,121

- 25 In the longer term these changes in the working balances escalate over the 30 year period after year 9 following completion of the Barton scheme which is illustrated in the graph below :



- 26 The graph indicates that HRA working balances (the top line) will rise to around £450 million by year 30 having completed all current new build housing schemes in the programme, ongoing annual refurbishment of existing council dwellings of around £7 million per annum, tower block refurbishment and repayment of approximately £120 million of debt repayments.

Increase in HRA Headroom

- 27 The transfer of assets proposal (£18 million) creates an equivalent increase in the HRA borrowing headroom. The Council currently has borrowing headroom of £19 million. Rules governing appropriation of assets requires an adjustment to the HRA Capital Financing Requirement hence borrowing headroom will increase to around £37 million. This will give the council additional opportunity for capital investment in its housing stock meeting the objectives of the housing strategy. This could include:
- Up to 350 new build council houses
 - Retrofitting of existing stock with energy improvements to reduce tenants energy costs and increase fuel efficiency
 - Expansion of the Council's Great Estates program
 - Creation of an Oxford Homes standard beyond Decent Homes
 - Extensions to void properties to help meet overcrowding need

Implications for the General Fund Medium Term Financial Plan

- 28 A full refresh of the Council's Medium Term Financial Plan will be undertaken and submitted to Members as part of the Budget cycle in December, initial work has been undertaken on updating several key assumptions included within the Plan presented at Council in February 2013, to determine the implications of recent Government announcements and the financial effect of the proposed changes.
- 29 Changes to original assumptions include:
- **Revenue Support Grant** -Taking account of the changes to Revenue Support Grant (RSG) on which the Government is currently consulting for 2014/15 and 2015/16 and reducing RSG to zero in equal instalments between 1/4/2016 and 1/4/2020.
 - **Blackbird Leys Pool** -Deferring the management saving on the pool by 6 months as a consequence to the late start on site
 - **New Homes Bonus** -Top slicing New Homes Bonus by 20% from 2015/16 and deleting New Homes Bonus and Revenue contributions to capital by 2017/18, the final year for which the first round of NHB was guaranteed
 - **State Pension Changes** - Inclusion of additional £400k per annum from 2016/17 being the estimated financial implications associated with the proposed second state pension changes in 2016.
 - **Council Tax** - Increasing Council tax by 1.99% for 2014/15 and 2015/16 from 1%.included within the original plan
 - **Contingencies**- contingency adjustment to allow for savings achieved in 2012/13
- 30 The above changes give rise to a shortfall in the Medium Term Financial Plan of around £1.8 million in 2015/16 rising to a £6.5 million on-going deficit by 2020.
- 31 The transferring of assets outlined above would improve this position by around £1.3 million on-going. The transfer of the £7 million would need to

be applied so as to create on-going revenue savings to the Council in a similar manner to the transfer of assets. Officers are currently looking at a number of proposals to achieve an ongoing saving to the General Fund.

Financial Implications

- 32 The proposals set out above for the asset transfers and cash transfer between the HRA and the General Fund are legal and financially viable for both the HRA and the General Fund. Whilst there is an opportunity cost to the HRA it is important to note that the Housing Revenue Account can still meet all the Council's current strategic Housing objectives.
- 33 The transactions improve the Council's overall financial resilience, facilitate the protection of services and are therefore of benefit to all residents of the City.
- 34 An added value of the proposals is that due to the accounting arrangements there is an increase in the head room for HRA borrowing by an amount equivalent to the value of the transfer of around £18 million, effectively doubling what the Council already has. This will provide additional resources to the Council and enable it to undertake works to the benefit of the HRA suggested in paragraph 27 above.

Legal Implications

- 35 These are set out within the body of the report

Equalities Implications

- 36 The proposals will be of benefit to council tax payers in Oxford City and will help safeguard jobs and services provided by the General Fund.

Risk Implications

- 37 There is a risk that DCLG will introduce legislation retrospectively to repeal Schedule 4 Pat III para 2 from 1st April 2013. In this instance the Council would not have the power to transfer the HRA cash balances (£7m) as proposed.

Contact Officer:

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Background papers: None

**FINANCIAL EFFECTS OF THE TRANSFER OF ASSETS FROM HRA
TO GENERAL FUND**

Transaction	On-going Effect on General Fund	On- going Effect on HRA	Note
	£000's	£000's	
Garages			
Income	(974)	974	1
Planned Works	143	(143)	
Garage Management Team	174	(174)	
Shops			
Income	(634)	634	2
Planned Works	91	(91)	
Shops Management Team	55	(55)	
Depreciation non-dwellings	0	(417)	3
General Fund Dwellings			4
Income	40	(40)	
Revenue Repairs	(3)	3	
Minimum revenue provision	417	0	5
Interest charges	(600)	600	6
Net Increase (decrease)	(1,291)	1,291	

Notes

- 1 We have a stock of 2,602 garages that generate annually rental income of approximately £0.974 million.
- 2 There are 134 HRA commercial shops that generate annually rental income of £0.634 million.
- 3 Accounting convention requires a charge to be made to the HRA for depreciation based on the valuation of the asset and its useful life. Transferring assets to the General Fund will result in a saving to the HRA in respect of depreciation in the order of £417k and since depreciation charges are reversed out in respect of general fund assets there will be an overall saving to the Councils revenue position of the same amount.
- 4 There are 4 dwellings with a value of around £500k currently accounted for in the council's General Fund. These relate to previous service

tenancy properties at various depots and cemeteries etc. It is considered that these, as they are now managed by Tenancy Services within the HRA, be transferred to the HRA i.e. appropriated the other way to the proposed garages and HRA commercial property transfers.

- 5 Minimum Revenue Provision. - Accounting convention requires the Council to set aside an amount from revenue for the repayment of debt based on its MRP Policy set out in its Treasury Management Strategy which charges MRP on new capital expenditure, where financed by Prudential borrowing, based on the estimated life of the asset being purchased. Prudential borrowing increases the Councils underlying need to borrow for capital purposes, known as its Capital Financing Requirement (CFR). Whilst there is no overall increase in the CFR, simply a change between the HRA and the General Fund CFR, it is up to the authority to decide on the amount of MRP to charge.
- 6 Interest charges on internal borrowing– The HRA has internal borrowing (the difference between actual debt and underlying need to borrow for capital purposes or CFR as it is known, of around £24 million. This is currently being financed by the General Fund and has remained unchanged following self-financing. Under previous arrangements there was a statutory requirement for the amount of interest charged to the HRA for this borrowing to be calculated using a consolidated interest rate that included an element at the 3 month LIBID rate, currently approximately 0.56 % which has resulted in a disbenefit to the general fund in terms of its reimbursement of costs over a number of years. The 3 month LIBID approach was recognised by CIPFA as wholly inequitable when considering the manner of accounting for loan interest costs. The reason being that just because the authority happens to decide to finance internal borrowing from its own resources for a temporary or longer term period, the HRA should not necessarily benefit from this from an artificially low interest rate being used. Accordingly it is suggested that the amount of General Fund investment income earned in respect of this £24 million loan to the HRA should be at a more equitable long term borrowing rate currently around 4.53%, 25yr PWLB Maturity rate.

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APPENDIX B

NON DWELLING ASSETS TO BE TRANSFERRED FROM HRA TO GENERAL FUND

Asset Description

Community Assets

Balfour Road Garden, Balfour Rd, Oxford OX4
 land south of 55 Aldebarton Drive, Headington, Oxford OX3
 Bernwood Road RG, Headington, Oxford OX3
 Borrowmead Road RG, Headington, Oxford OX3
 play area rear of 22-28 Bracegirdle Road, Headington, Oxford OX3
 Broad Oak Nature Park, Headington, Oxford OX3
 Pauling Road play area (r/o of 25-37 P Rd), Headington, Oxford OX3
 Shotover Country Park (part of), Old Rd, Headington, Oxford OX3 8TA
 play area 9-18 Dynham Place, Headington, Oxford OX3
 land west of Riverside Court, Long Ford Close, Oxford OX1
 land btwn Hengrove Close / Harolde Close, Headington, Oxford OX3
 land at Magdalen Wood, Atkyns Rd, Headington, Oxford OX3 8RA
 land at 122-132 Marlborough Rd, Oxford OX1
 play area adj 27-29 Masons Rd, Headington, Oxford OX3
 Northfield/Littlemore Brook Waterway (from A4074 junction to Ozone Leisure), Littlemore, Oxford OX4
 land adj New Beveridge House, Wood Farm Rd, Headington, Oxford OX3
 land rear of 66-68 Wood Farm Rd, Headington, Oxford OX3
 play area adj 28-30 Palmer Rd, Headington, Oxford OX3
 land btwn 25-27 Eden Drive & 8 Snowdon Mede, Oxford OX
 Sundew Close play area , Oxford OX4
 Thames View Road play area (rear of 16-18 T V Rd), Oxford OX4
 Allotment Gardens adj 165-167 The Slade, Headington, Oxford OX3
 Trap Grounds Town Green, Frenchay Rd, Oxford OX1 1AF
 land adj 25 Union St, Oxford OX4
 Wood Farm Green play area (r/o of 3-5 WF Rd), Headington, Oxford OX3
 land adj 28 Tree Lane / Woodhouse Way, Oxford OX4
 open space btwn Castle Mill Stream & Rewley Abbey Court, Rewley Rd, Oxford OX1
 land at The Oval, Rose Hill, Oxford OX4

Asset type

NBV (£) 31.03.2013

Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
 Parks & Open Spaces 0.00
 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
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 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
 Allotments 0.00
 Parks & Open Spaces 0.00
 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00
 Misc. Amenity Land 0.00

land adj 146 Morrell Avenue, Oxford OX4
land north of Whitworth Place, Canal St, Oxford OX2
land adj 1-4 Baltic Wharf, Marlborough Rd, Oxford OX1
open space at r/o 3 & 5 Tyndale Rd, Iffley, Oxford OX4
open space north of Whitworth Place, Canal Street, Jericho, Oxford OX2

Community Assets total NBV

Misc. Amenity Land	55,000.00
Misc. Amenity Land	11,219.10
Misc. Amenity Land	0.00
Misc. Amenity Land	0.00
Misc. Amenity Land	0.00

66,219.10

Infrastructure Assets

access land to school, south-west of 52-74 Horspath Road, Oxford OX4

Infrastructure Assets total NBV

Unadopted Roads	100.00
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100.00

Other Land & Buildings

Public Conveniences, r/o 4-7 Marlborough Close, Cowley Rd, Littlemore, Oxford OX4

Public Conveniences	18,600.00
	115,500.00

Jubilee 77 Community Centre, 46 Sorrel Road, Oxford OX4 5SL
Horspath Depot 2 (Oxford City Council Housing Works), Horspath Road, Oxford OX4 2QT
1a Catherine Street, Oxford OX4 3AQ
9 Albert Street (convenience store), Jericho, Oxford OX2 6AY
11 Atkyns Road (Woodfarm Post Office), Headington, Oxford OX3 8RA
13 Atkyns Road (pharmacy), Oxford OX3 8RA
15-19 Atkyns Road, Oxford OX3 8RA
21 Atkyns Road (bakery), Oxford OX3 8RA
3 Atkyns Road (off-licence), Oxford OX3 8RA
5 Atkyns Road (pet shop), Oxford OX3 8RA
7 Atkyns Road (takeaway food), Oxford OX3 8RA
9 Atkyns Road (hairdressers), Oxford OX3 8RA
Balfour Road Post Office, 69 Balfour Road, Oxford OX4 6AG
71 Balfour Road (funeral directors), Oxford OX4 6AG
73 Balfour Road (butchers), Oxford OX4 6AG
75 Balfour Road (convenience store), Oxford OX4 6AG
37 Barns Road (beds & bedding), Oxford OX4 3QY
39 Barns Road (convenience store), Oxford OX4 3QY
41 Barns Road (newsagents), Oxford OX4 3QY
43 Barns Road (fishing tackle), Oxford OX4 3QY
45 Barns Road (dog grooming), Oxford OX4 3QY

Community Centres	
Depots & Workshops	1,997,371.16
Garage	40,850.00
Housing Estate Shops	34,453.33
Housing Estate Shops	40,420.00
Housing Estate Shops	43,000.00
Housing Estate Shops	116,960.00
Housing Estate Shops	39,560.00
Housing Estate Shops	43,000.00
Housing Estate Shops	43,000.00
Housing Estate Shops	45,580.00
Housing Estate Shops	43,000.00
Housing Estate Shops	48,160.00
Housing Estate Shops	45,580.00
Housing Estate Shops	49,020.00
Housing Estate Shops	49,020.00
Housing Estate Shops	49,020.00
Housing Estate Shops	39,560.00
Housing Estate Shops	52,460.00
Housing Estate Shops	70,430.44

47 Barns Road (hairdressers), Oxford OX4 3QY	Housing Estate Shops	46,440.00
49 Barns Road (hairdressers), Oxford OX4 3QY	Housing Estate Shops	52,460.00
49 Bellenger Way (convenience store), Kidlington, Oxfordshire OX5 1TR	Housing Estate Shops	115,320.00
100 Blackbird Leys Road (pharmacy), Oxford OX4 6HS	Housing Estate Shops	51,614.08
102-104 Blackbird Leys Road (convenience store), Oxford OX4 6HS	Housing Estate Shops	134,136.01
106 Blackbird Leys Road (bookmaker), Oxford OX4 6HS	Housing Estate Shops	57,634.08
108 Blackbird Leys Road (bakery), Oxford OX4 6HS	Housing Estate Shops	50,754.08
110 Blackbird Leys Road (takeaway food), Oxford OX4 6HS	Housing Estate Shops	54,194.08
94 Blackbird Leys Road (hairdressers), Oxford OX4 6HS	Housing Estate Shops	50,754.08
96 Blackbird Leys Road (financial advisors), Oxford OX4 6HS	Housing Estate Shops	52,474.08
Blackbird Leys Post Office, 98 Blackbird Leys Road, Oxford OX4 6HS	Housing Estate Shops	59,354.08
1 Girdlestone Road (car accessories), Oxford OX3 7LZ	Housing Estate Shops	43,000.00
3 Girdlestone Road (laundrette), Oxford OX3 7LZ	Housing Estate Shops	46,440.00
5 Girdlestone Road (takeaway food), Oxford OX3 7LZ	Housing Estate Shops	49,020.00
7 Girdlestone Road (convenience store), Oxford OX3 7LZ	Housing Estate Shops	47,300.00
Headington Quarry Post Office, 50 Gladstone Road, Oxford OX3 8LJ	Housing Estate Shops	97,180.00
2 Grays Road (convenience store / flat), Oxford OX3 7QA	Housing Estate Shops	67,080.00
4 Grays Road (hairdresser / flat), Oxford OX3 7QA	Housing Estate Shops	74,820.00
104 Horspath Road (after school tuition) Oxford Oxfordshire OX4 2QT	Housing Estate Shops	38,700.00
96-100 Horspath Road (newsagent), Oxford OX4 2QT	Housing Estate Shops	59,956.65
1-3 Kendall Crescent (community store / post office), Oxford OX2 8NE	Housing Estate Shops	161,100.00
5 Kendall Crescent (electronics shop) Oxford OX2 8NE	Housing Estate Shops	49,880.00
7 Kendall Crescent (hairdressers) Oxford OX2 8NE	Housing Estate Shops	50,740.00
9 Kendall Crescent (GP) Oxford OX2 8NE	Housing Estate Shops	81,700.00
11 Knights Road (takeaway food), Oxford OX4 6HU	Housing Estate Shops	47,300.00
7 Knights Road (takeaway food), Oxford OX4 6HU	Housing Estate Shops	52,460.00
9 Knights Road (bookmakers), Oxford OX4 6HU	Housing Estate Shops	42,140.00
49 St Nicholas Road (newsagent), Oxford OX4 4PN	Housing Estate Shops	42,140.00
51 St Nicholas Road (electrician), Oxford OX4 4PN	Housing Estate Shops	43,000.00
53 St Nicholas Road (convenience store), Oxford OX4 4PN	Housing Estate Shops	41,280.00
55 St Nicholas Road (taxi services), Oxford OX4 4PN	Housing Estate Shops	42,140.00
57 St Nicholas Road (dentist), Oxford OX4 4PN	Housing Estate Shops	41,280.00
69 St Nicholas Road (GP), Oxford OX4 4PN	Housing Estate Shops	35,260.00
23 The Oval (newsagent), Oxford OX4 4SE	Housing Estate Shops	60,200.00
24-25 The Oval (convenience store), Oxford OX4 4SE	Housing Estate Shops	104,060.00

10-14 Underhill Circus (convenience store), Oxford OX3 9LU	Housing Estate Shops	143,200.00
2 Underhill Circus (takeaway food), Oxford OX3 9LU	Housing Estate Shops	26,660.00
Underhill Post Office, 4 Underhill Circus, Oxford OX3 9LU	Housing Estate Shops	24,940.00
6 Underhill Circus (pharmacy), Oxford OX3 9LU	Housing Estate Shops	24,940.00
8 Underhill Circus (former IT training), Oxford OX3 9LU	Housing Estate Shops	24,940.00
43 Westlands Drive (fishing tackle), Oxford OX3 9QS	Housing Estate Shops	43,260.00
45 Westlands Drive (kitchen fittings), Oxford OX3 9QS	Housing Estate Shops	34,400.00
47 Westlands Drive (off licence), Oxford OX3 9QS	Housing Estate Shops	43,000.00
49-51 Westlands Drive (greengrocer), Oxford OX3 9QS	Housing Estate Shops	63,640.00
53 Westlands Drive (pharmacy), Oxford OX3 9QS	Housing Estate Shops	43,000.00
55 Westlands Drive (takeaway food), Oxford OX3 9QS	Housing Estate Shops	49,640.00
57 Westlands Drive (hairdressers), Oxford OX3 9QS	Housing Estate Shops	43,000.00
59 Westlands Drive (restaurant/takeaway), Oxford OX3 9QS	Housing Estate Shops	38,700.00
61 Westlands Drive (newsagent / Post Office), Oxford OX3 9QS	Housing Estate Shops	43,000.00
Land at 23 Desborough Crescent, Rose Hill, Oxford, OX4 4UB	Land (site of former CD)	65,000.00
Land at 41 Desborough Crescent, Rose Hill, Oxford, OX4 4UB	Land (site of former CD)	65,000.00
Land at 51 Desborough Crescent, Rose Hill, Oxford, OX4 4UB	Land (site of former CD)	65,000.00
Land at 22 Lenthall Road, Rose Hill, Oxford, OX4 4UX	Land (site of former CD)	65,000.00
Land at 19 Wynbush Road, Rose Hill, Oxford, OX4 4TZ	Land (site of former CD)	65,000.00
Land at 80 Asquith Road OX4 4RJ	Land (site of former CD)	110,000.00
garden land adj 65 Abingdon Road, Oxford OX1	Land	25,000.00
garden land r/o 8 Angelica Close, Oxford OX4 6PT	Land	250.00
site of 6x garages r/o 62 Balfour Road, Oxford OX4 6AH	Land	12,000.00
access land adj 35 Barns Road, Cowley, Oxford OX4 3QY	Land	750.00
garden land adj 12 Bulrush Road, Oxford, OX4 6PU	Land	3,125.00
site of St Lukes Church, Canning Crescent, Oxford OX1 4XB	Land	84,000.00
access land btwn Crowberry Road & Harebell Road, Oxford OX4	Land	50.00
garden land (4 plots), r/o 1-17 Cumberland Road, Cowley, Oxford OX4 2BZ	Land	800.00
garden land r/o 93 Divinity Road, Oxford OX4 1LN	Land	0.00
site of The Royal British Legion Club, Edgecombe Road, Oxford OX3 9HA	Land	1,000.00

garden land adj 4 Flaxfield Road, Oxford OX4 6QD	Land	500.00
access land r/o 301-315 Iffley Road (adj 26 & r/o 2-80 Howard Street), Iffley, Oxford OX4	Land	100.00
Maltfield Road Nursery, St John Amb HQ Westlands Drive, Oxford OX3	Land & Structure	48,880.00
grazing land at Marston Saints Football Club, Marsh Lane, Headington, Oxford OX3	Land	3,750.00
Orchard Way RG, Littlemore, Oxford OX4	Land	60,000.00
garden land r/o 1-7 Hendred Street & 20 Oxford Road, Iffley, Oxford OX4 2DS	Land	600.00
garden land r/o 2-6 Littlehay Road & 20 Oxford Road, Iffley, Oxford OX4 2DS	Land	600.00
garden lane r/o 21 Pegasus Road, Oxford OX4 6DS	Land	2.00
garden land r/o 44 Rivermead Road, Oxford OX4 4UE	Land	590.00
site of clubhouse adj 45 Sandy Lane, Oxford OX4 6AN	Land	13,000.00
site of Oxford And District Indoor Bowls Association Ltd, Sandy Lane West, Oxford OX4 6NA	Land	98,000.00
parking land adj 32 Sawpit Road, Oxford OX4 6BE	Land & Structure	21,500.00
garden land r/o 36-60 Ulfgar Road, Oxford OX2	Land	50.00
garden land r/o 32 Van Diemens Lane, Littlemore, Oxford OX4 3QD	Land	5.00
access land r/o 57 Rymers Lane, Cowley, Oxford OX4 3JY	Land	400.00
strip of land r/o 62-114 East Avenue, Oxford OX4	Land	17,000.00
site of 50 Blackbird Leys Road (Dentist), Oxford OX4 6HP	Land	49,000.00
land r/o 116 The Slade, Headington, Oxford OX3	Land	4,850.00
land r/o 29 Cumberland Road, Cowley, Oxford OX4 2BZ	Land	1,800.00
garden land adj 16 Gentian Road, Oxford, OX4 6QE	Land	10.00
60 Ashurst Way (Rose Hill & Donnington Advice Centre), Oxford OX4 4RF	Office Buildings	
		139,120.00
parking spaces adj Abbey Place/ Paradise Square, Oxford OX1	Off-Street Car Parks	850,000.00
flats at Sunnymead Court, 55 Jackson Road, Oxford OX2	Land	100.00
site of 29-37 Rivermead Road, Oxford OX4 4UE (self-build houses)	Other Housing	
	Property	7,500.00
site of 146-186 Sandy Lane, Oxford OX4 6LQ (self-build houses)	Other Housing	
	Property	78,000.00
1 Stratford Street, Oxford OX4 1SP (hostel)	Other Housing	
Old Community Centre, Westlands Drive, Oxford OX3 9QY (store)	Property	516,668.95
	Other Housing	
	Property	11,000.00
city wide Garages & Parking Areas - 2,328 (see below for breakdown)	Other Housing	
	Property	8,620,944.05
39-61 Rivermead Road, Oxford OX4 4UE (self-build houses)	Other Housing	
	Property	1,800.00

site of Hurdis House, Cowley Road, Oxford OX4 1XE (retirement home)	Land	58,000.00
site of 34 St Michael's Street, Oxford OX1 2EB (hostel)	Land	50,000.00
Chaundy House, 26-64 Halliday Hill, Oxford OX3 9PX	Residential Homes	
		361,500.00
site of Butler House, Ashhurst Way, Oxford OX4 4RD (flats)	Land	76,000.00
Electricity Substation Gerard Place (r/o Cowley Police Station, Oxford Rd), Cowley, Oxford OX4.	Utility Sites	7,500.00
Electricity Substation adj 17 Pony Road (Horspath Rd Industrial Estate), Oxford OX4	Utility Sites	100.00
Electricity Substation btwn 16-18 Barton Village Road, Headington, Oxford OX3 9LA	Utility Sites	2,000.00
garden land r/o 23 Blackbird Leys Road, Oxford OX4 6HH	Utility Sites	550.00
Electricity Substation Bonar Road, Headington, Oxford OX3	Utility Sites	3,850.00
Electricity Substation adj 20 Brambling Way, Oxford OX4 6EH	Utility Sites	2,600.00
Electricity Substation adj 2 Clematis Place, Oxford OX4 6RJ	Utility Sites	2,500.00
Electricity Substation r/o 29-30 Colemans Hill, Headington, Oxford OX3 8AR	Utility Sites	2,800.00
Electricity Substation adj 21 Danvers Road, Oxford OX4 4SA	Utility Sites	2,000.00
Electricity Substation Desborough Crescent, Oxford OX4	Utility Sites	0.00
Electricity Substation adj 58 Asquith Road, Oxford OX4 4RJ	Utility Sites	2,000.00
Electricity Substation adj Evenlode Tower, Blackbird Leys Road, Oxford OX4	Utility Sites	3,200.00
Electricity Substation Fiennes Road, Oxford OX4	Utility Sites	1,950.00
Electricity Substation adj 20 Sandy Lane, Oxford OX4 6AP	Utility Sites	3,000.00
Electricity Substation adj garages, George Moore Close, Iffley, Oxford OX4	Utility Sites	3,500.00
Electricity Substation adj 57 Girdlestone Road, Headington, Oxford OX3 7NA	Utility Sites	1,900.00
Electricity Substation r/o 1-11 Warren Crescent, Headington, Oxford OX3 7NQ	Utility Sites	3,850.00
Electricity Substation, Grovelands, Kidlington, Oxfordshire OX5	Utility Sites	4,000.00
Electricity Substation r/o 45 Hawthorn Avenue, Headington, Oxford OX3 9JQ	Utility Sites	1,850.00
Electricity Substation adj 46 Kersington Crescent, Oxford OX4 3RJ	Utility Sites	3,850.00
Electricity Substation btwn 1 Lobelia Road & 2 Mercury Road, Oxford OX4 6QF	Utility Sites	2,650.00
Electricity Substation adj 2 Lockheart Crescent, Oxford OX4 3RN	Utility Sites	2,200.00
Electricity Substation r/o Florey Chain House, 248 London Road, Headington, Oxford OX3	Utility Sites	3,850.00
Electricity Substation adj 3 Long Close, Headington, Oxford OX3 8TT	Utility Sites	3,250.00
Electricity Substation, Riverside Court, Long Ford Close, Oxford OX1 4NQ	Utility Sites	1,000.00
Electricity Substation adj 9 Mallard Close, Oxford OX4 6EN	Utility Sites	2,250.00
Electricity Substation r/o 158 Marlborough Road, Oxford OX1 4LS	Utility Sites	3,200.00
Electricity Substation r/o 22 Normandy Crescent, Oxford OX4 2TG	Utility Sites	3,850.00
Electricity Substation r/o 7 Nye Bevan Close, Oxford OX4 1GB	Utility Sites	300.00

Electricity Substation adj 32 Peat Moors, Headington, Oxford OX3 7HS	Utility Sites	2,650.00
Electricity Substation Penther Road, Headington, Oxford OX3	Utility Sites	2,350.00
Electricity Substation adj 1 Pine Close, Garsington, Oxford, OX44 9BS	Utility Sites	2,350.00
Electricity Substation adj 22A Pitts Road, Headington, Oxford OX3	Utility Sites	1,850.00
Electricity Substation adj 1 Priory Road, Littlemore, Oxford OX4 4NB	Utility Sites	3,850.00
Electricity Substation adj 115 Rivermead Road, Oxford OX4 4UG	Utility Sites	3,850.00
Electricity Substation Salter Close, Oxford OX1	Utility Sites	3,400.00
Electricity Substation adj 1 Sawpit Road, Blackbird Leys, Oxford OX4 6BD	Utility Sites	3,600.00
Electricity Substation adj 2 Sorrel Road, Blackbird Leys, Oxford OX4 6SL	Utility Sites	2,300.00
Electricity Substation adj 1 Spindleberry Close, Blackbird Leys, Oxford OX4 6DU	Utility Sites	0.00
Electricity Substation btwn 3 & 5 Stainfield Road, Headington, Oxford OX3 9DH	Utility Sites	3,600.00
Electricity Substation r/o 23 Strawberry Path, Blackbird Leys, Oxford OX4 6RA	Utility Sites	2,650.00
Electricity Substation r/o Barton Neighbourhood Centre, Taggs Gate, Oxford OX3 9NW	Utility Sites	1,600.00
Electricity Substation r/o 55 Kendall Crescent, Oxford OX2 8NF	Utility Sites	2,800.00
Electricity Substation r/o 1 Thames View Road, Rose Hill, Oxford OX4 4TQ	Utility Sites	2,050.00
Electricity Substation adj 175 The Slade, Headington, Oxford OX3 7HP	Utility Sites	3,850.00
Electricity Substation r/o 1 Thomson Terrace, Littlemore, Oxford OX4	Utility Sites	3,500.00
Electricity Substation Oxford Road, Littlemore, Oxford OX4	Utility Sites	13,000.00
garden land r/o 62-80 Ulfgar Road, Oxford OX2 8BA	Land	1,900.00
Electricity Substation adj 32A Union Street, Oxford OX4 1JP	Utility Sites	250,000.00
Electricity Substation r/o 61 Warburg Crescent, Blackbird Leys, Oxford OX4 6BS	Utility Sites	2,200.00
Electricity Substation north of Plowman Tower, Westlands Drive, Headington, Oxford OX3 9QZ	Utility Sites	2,100.00
Electricity Substation adj Windrush Tower, Knights Road, Oxford OX	Utility Sites	3,000.00
Electricity Substation adj 21 Wood Farm Road, Headington, Oxford OX3 8PP	Utility Sites	4,000.00
Electricity Substation btwn 393-395 Marston Road, Headington, Oxford OX3 0JF	Utility Sites	2,100.00
Electricity Substation adj 75-83 Boundary Brook Road, Iffley, Oxford OX4 4AL	Utility Sites	3,500.00
Electricity Substation r/o 70-76 Northfield Road, Headington, Oxford, OX3	Utility Sites	2,000.00
Electricity Substation adj 38 South Street, Osney, Oxford OX2 0BE	Utility Sites	2,800.00
Electricity Substation Comfrey Road, Oxford OX4	Utility Sites	2,350.00
Electricity Substation adj 9 Albert Street, Jericho, Oxford OX2	Utility Sites	150.00
Electricity Substation Venables Close / Cranham Street, Jericho, Oxford OX2	Utility Sites	2,000.00
Electricity Substation btwn 34-36 Cranley Road, Headington, Oxford OX3 8BW	Utility Sites	4,000.00
Electricity Substation r/o 55 Croft Road, Headington, Oxford OX3 0JZ	Utility Sites	2,800.00
Electricity Substation adj garage block, Druce Way, Oxford OX4	Utility Sites	1,950.00
Electricity Substation adj 11 Edmund Road, Cowley, Oxford OX4 3EH	Utility Sites	1,800.00

Electricity Substation r/o 57 Fettiplace Road, Headington, Oxford OX3 9LL	Utility Sites	2,500.00	
Electricity Substation adj Bridge Stores, Meadow Lane, Oxford OX4	Utility Sites	2,635.00	
Electricity Substation adj 380 Iffley Road, Iffley, Oxford OX4 4AT	Utility Sites	3,900.00	
Electricity Substation adj 50 Leiden Road, Headington, Oxford OX3 8QS	Utility Sites	3,450.00	
Electricity Substation adj 11 Mather Road, Headington, Oxford OX3 9PQ	Utility Sites	3,450.00	
Electricity Substation adj 5 Overmead Green, Blackbird Leys, Oxford OX4 6DJ	Utility Sites	3,000.00	
Electricity Substation r/o 13-23 Pennywell Drive, Oxford OX2 8NB	Utility Sites	1,850.00	
Electricity Substation r/o 39-65 Preachers Lane, Oxford OX1 1RT	Utility Sites	4,850.00	
Electricity Substation r/o 25-47 St Nicholas Road, Littlemore, Oxford OX4 4PN	Utility Sites	1,850.00	
Electricity Substation r/o 2-12 Stockleys Road, Headington, Oxford OX3 9RH	Utility Sites	3,850.00	
Electricity Substation r/o 137 Divinity Road (adj Stone Street), Oxford OX4 1LW	Utility Sites	3,000.00	
Electricity Substation adj 1 Wilcote Road, Headington, Oxford OX3 9NG	Utility Sites	3,500.00	
Electricity Substation adj 32 Green Road, Headington, Oxford OX3	Utility Sites	2,800.00	
Electricity Substation r/o 36-38 Rivermead Road, Oxford OX4 4UE	Utility Sites	2,000.00	
Electricity Substation adj 232-236 Pegasus Road, Oxford OX4 6SZ	Utility Sites	2,500.00	
Electricity Substation btwn 3-5 Giles Road, Littlemore, Oxford OX4	Utility Sites	0.00	
Electricity Substation adj 14 Park Way, Old Marston, Oxford OX3 0QH	Utility Sites	0.00	
leasehold interest in flats at Southfield Park, Bartlemas Close, Oxford OX4	Other Housing	1.00	
Other Land & Buildings total NBV	Property		17,985,027.16
Surplus Assets			
disused Allotment Gardens, south of Horspath Road, Oxford OX4	Land	19,100.00	
Pump House (BT Kiosk) on Horspath Driftway, south of Brasenose Farm, Eastern By-Pass Road, Oxford OX4	Land & Structure	40,566.67	
West Hill Farm, The Ridings, Headington, Oxford OX3	Land	240,000.00	
Brasenose Farm Office (depot), Brasenose Farm, Horspath Driftway, Oxford OX3	Land & Structure	98,724.00	
Oxford City Council Depot, South Park, Cheney Lane, Headington, Oxford OX3	Land & Structure	70,274.13	
Surplus Assets total NBV			468,664.80
Investment Property			
The Bullnose PH, Watlington Rd/Cuddesdon Way, Cowley, Oxford OX4 6SS	Land	40,000.00	
Investment Property total NBV			40,000.00
Service Properties transferred into the HRA			

Flat 2 Bury Knowle House, North Place, Oxford OX3 9HY (service tenancy)
The Lodge, Headington Cemetery, Dunstan Road, Oxford OX3 9BY (staff house)
87 St Mary's Road, Oxford OX4 1QD (house)
The Lodge, South Park, Cheney Lane, Oxford OX3 7QJ (staff house)

land & building listed	-44,200.00	
land & building listed	-186,534.00	
land & building listed	-120,555.00	
land & building listed	-211,500.00	-562,789.00

Total NBV at 31.03.2013

17,997,222.06

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EXTRACT FROM THE MINUTES

CITY EXECUTIVE BOARD

Wednesday 11 September 2013

58. TRANSFERS FROM HOUSING REVENUE ACCOUNT TO GENERAL FUND

The Head of Finance submitted a report (previously circulated, now appended) that sought approval for the transfer of assets from the HRA to the General Fund, together with a proportion of HRA cash balances.

Jackie Yates (Executive Director for Organisational Development and Corporate Services) presented the report to the Board and provided some background and context. The Board noted that the proposed £7million transfer was to be used in such a way that it could in future achieve long term savings and solid value; and should not be allowed to fund ephemeral schemes of the moment, no matter how well meaning.

Resolved to recommend that Council:-

- (1) Transfers the non-dwelling assets identified in Appendix B of the report with a net book value of around £18 million from the HRA to the General Fund;
- (2) Transfers with immediate effect cash balances of £7 million from the HRA to the General Fund in order to fund future projects that achieve on-going General Fund savings.

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To: City Executive Board
Date: 11 September 2013
Report of: Head of Environmental Development
Title of Report: STATEMENT OF GAMBLING LICENSING POLICY

Summary and Recommendations

Purpose of report: To consider the recommendation of the Licensing and Gambling Acts Committee of 5th September 2013 in relation to the Draft Revised Statement of Gambling Licensing Policy.

Key decision: Yes

Policy Framework: Statement of Gambling Licensing Policy

Recommendation(s):

The Board is recommended to:

(i) approve the recommendation of the Licensing and Gambling Acts Committee that the Draft Revised Statement of Gambling Licensing Policy be recommended to Council for adoption.

Appendix One: Recommended amendments and additions to the existing Statement of Gambling Licensing Policy

Appendix Two: Revised draft Statement of Gambling Licensing Policy

Appendix Three: "No Casino" Briefing Note

Appendix Four: Response to consultation

Appendix Five: Risk Register

Appendix Six: Equalities Impact Assessment

Introduction

1. On 5th September 2013, the Licensing and Gambling Acts Committee is being recommended :-
 - a) For the purpose of adopting a new policy confirm that the “No Casino” resolution remains;
 - b) To recommend the Board to recommend Council to adopt the Draft Revised Statement of Gambling Licensing Policy

Background

2. The Board is reminded that all Licensing Authorities have adopted a Statement of Gambling Licensing Policy. This Statement must promote the three licensing objectives of the Gambling Act 2005 (the 2005 Act), which are:
 - Preventing gambling from being a source of crime and disorder
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and vulnerable persons from being harmed or exploited by gambling
3. The Council is obliged to determine and publish the "Statement of Gambling Licensing Policy" and to keep it under review, and to renew the Policy at least every three years. In preparing the Statement, Licensing Authorities must follow the procedure set out in the 2005 Act, including who should be consulted. The current policy now requires renewal and therefore the Board is requested to review the proposed new Policy.
4. The Statement of Gambling Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.
5. A Summary of the Policy changes is attached at **Appendix One**, and the Draft Revised Policy is attached at **Appendix Two**.

No Casino Resolution

6. On 20th November 2006 following a recommendation by the Licensing and Gambling Acts Committee, Council passed a ‘No Casino’ resolution (in accordance with S.166 of the Gambling Act 2005). This had the effect that the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a 'no-casino' resolution is in place.
7. The 'no casino' resolution lapsed in November 2012 and currently has no effect. A new resolution can be made at any time in the context of reviewing the Council's Statement of Gambling Licensing Policy.
8. A Briefing Note was provided to Members of the Licensing and Gambling Acts Committee informing them that the Council would not be eligible for any casino to be sited in Oxford due to the current legislation regarding such issues.
9. Therefore in light of the legislative position of the Gambling Act 2005 the Committee resolved to maintain the “No Casino” resolution and review the matter should the

legislation change in the future. A copy of the Briefing Note is attached at **Appendix Three**.

Consultation on the Draft Revised Statement of Gambling Licensing Policy

10. The consultation on the revised Statement of Gambling Licensing Policy was held from 1st May 2013 until 12th June 2013 and was made available to the following groups for consideration:
- Members of the public;
 - Responsible Authorities (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety); and
 - Current licence holders and representatives of current licence holders.
11. One response was received to the consultation, and is attached at **Appendix Four**. The respondent comments that Oxford requires a casino. Board Members are referred back to the Briefing Note that deals with this matter.

Consultation Timetable

12. The proposed consultation timetable is as follows:
- 11th September 2013: report to City Executive Board to consider the decision of the Licensing and Gambling Acts Committee approval of the final Statement of Gambling Licensing Policy.
 - 30th September 2013: Licensing and Gambling Acts Committee's recommendation to Full Council for adoption of the final Statement of Gambling Licensing Policy.

Level of Risk

13. A Risk Register is attached at **Appendix Five**.

Environmental Impact

14. The Statement of Gambling Licensing Policy is a mandatory requirement of the Licensing Authority in relation to its functions in accordance with the Gambling Act 2005.

Equalities Impact

15. An initial Equalities Impact Assessment is attached at **Appendix Six**.

Financial Implications

16. Any financial implications regarding this matter are covered within existing Licensing Authority budgets.

Legal Implications

17. Any legal implications regarding this matter are covered within the Gambling Act 2005.

Name and contact details of author:-

Julian Alison
Licensing Team Leader
General Licensing / Environmental Development
Tel: 01865 252831 e-mail: jalison@oxford.gov.uk

List of background papers: None

Version number: 1.0

Appendix One

Proposed Changes	Page(s)	Comments
Contents	i	Amendments to Appendices
Consultation Period	2	To be updated following consultation
Effective period	3	Amended to reflect the period the revised policy will be in force for
Appendix 3 – 3.1	29	Amendment - Change to Maximum Stakes permitted for B3 machines
Appendix 3 – 3.2	30	Addition – Gaming Machines Permitted Numbers – update of information following release of update Guidance
Appendix 4	31	Addition – Gaming Entitlements for Clubs and Alcohol Licensed Premises - amended Guidance information
Appendix 5	32	Amendment – Update of addresses of Responsible Authorities

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BUILDING PRIDE IN OUR CITY

Licensing Authority

www.oxford.gov.uk



Statement of Gambling Licensing Policy

Gambling Act 2005

This Statement of Gambling Licensing Policy has been drafted at a time when a number of regulations, Operating Licence conditions, Personal Licence conditions, Codes of Practice and guidance are not yet published.

It will need to be borne in mind that the need to take account of such later publications might have a bearing upon the application of the content of this document

This statement will apply from February 2013
until February 2016



Contact details for licensing under the Gambling Act 2005 ...
(in the Oxford City Council area)

Write to: The Licensing Authority
Oxford City Council
St. Aldates Chambers
109 St. Aldates
OXFORD
OX1 1DS

email: licensing@oxford.gov.uk

phone: 01865 252565

fax: 01865 252344

You can also find much information and links to other sources of information on Oxford City Council's website: <http://www.oxford.gov.uk>

This document remains valid for three years, during which the Council is likely to amend its website. So, rather than providing a direct link to "gambling", we suggest either looking for links for "licensing" then "gambling", or using the website's "A-Z" search function.

	Date	Areas of revision
First published:	02 Jan 2007	-----
Corrections:	26 Mar 2007	p.14 Textual amendments p. 27 Update to Gaming machine table p. 30 Update HMCE contact details
Revised:	17 Nov 2009	Update on legislation
Revised:	TBA	Update on legislation
Revised:		
Revised:		
Revised:		

Acknowledgements...

... to LACORS and colleagues in other licensing authorities for template documents.

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DRAFT

PART A: GENERAL MATTERS

1. The licensing objectives

The licensing objectives of the Gambling Act 2005 are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Authority must have regard to these licensing objectives in exercising most of its functions under the 2005 Act.

2. The Licensing Authority

The Gambling Act 2005 has made Oxford City Council the Licensing Authority for its district. From 31 January 2007 the Council is responsible for granting premises licences for:

- Betting premises, including tracks;
- Adult Gaming Centres;
- Family Entertainment Centres;
- Bingo premises; and
- Casino premises.

3. The Oxford City Council area

Oxford City Council is one of the five district councils of Oxfordshire. The City of Oxford has a population of 149,800 (2008 mid-year estimate) in an area of 4,566 ha (17.6 square miles). A significant proportion of the land area within the city boundary is rural, with the population concentrated in the urban parts. The district is shown on the map in Appendix 1.

Oxford is one of the principal entertainment centres for Oxfordshire, however local road, bus and rail links foster a wider catchment area than this and also enable Oxford residents to use centres outside the county boundary, such as Aylesbury, Reading, Swindon and Newbury. Oxford residents also have reasonable access to the facilities offered by Bristol, London, Birmingham or Southampton.

Although Oxford is generally affluent, some of its wards are ranked amongst those of highest multiple-deprivation in the country.

4. Glossary of terms

Within this Statement of Gambling Licensing Policy, the following words and terms are defined as stated:

Council	Oxford City Council
GC Guidance	The Gambling Commission's "Guidance to Licensing Authorities" under section 252(2)
Licensing Authority	Oxford City Council

The 2005 Act	The Gambling Act 2005
The 2003 Act	The Licensing Act 2003
LACORS	Local Authorities Co-ordinators of Regulatory Services

5. This Statement of Gambling Licensing Policy

The 2005 Act requires the Council to prepare and publish a statement of the principles that the Licensing Authority proposes to apply in exercising their functions under the 2005 Act before each successive period of three years.

In preparing this Statement of Gambling Licensing Policy, the Council has had regard to the licensing objectives and the Guidance issued by the Gambling Commission.

In determining the Statement of Gambling Licensing Policy, the Council had regard to the licensing objectives and the Guidance issued by the Gambling Commission up to September 2012 and had due regard to comments received as a result of the consultation process.

This statement must be reviewed from “time to time” and any revisions must be published before they take effect. The 2005 Act requires each Licensing Authority to consult the following parties when preparing a new statement or revision...

- The Chief Officer of Police.
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s area.
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority’s functions under the 2005 Act.

Before finalising and publishing this policy statement, the Council consulted the following ...

- Thames Valley Police
- The Oxfordshire Safeguarding Children Board
- The management of all premises in Oxford with Gambling Premises Licences
- Gaming & Betting Organisations

The list of comments made and the consideration by the Council of those comments is available from the Licensing Authority or from the Council’s website (see inside front cover for contact details).

Consultation took place from TBA

The Licensing Authority followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The policy was approved at the meeting of Oxford City Council on 12 October 2009 .

If you have any comments about this Statement of Gambling Licensing Policy, please write to the Licensing Authority (details inside front cover).

6. Effective period

This Statement of Gambling Licensing Policy becomes effective on 1st February 2013.

It will remain effective for three years (or any longer period in accordance with the 2005 Act) although the Council may adopt revisions within that period.

At the date of publication, this licensing policy is expected to last until 31st January 2016.

7. Functions of the Licensing Authority

7.1 Functions

The 2005 Act gives Licensing Authorities the following functions...

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

7.2 Delegation of functions

The 2005 Act (s154) delegates most licensing functions to the licensing committee, which can then further delegate to its sub-committees or to officers. Appendix 2 lists the lowest level to which decisions can be delegated.

From time-to-time the Licensing Authority may change the levels to which its decisions are actually delegated.

8. Functions of others

Under the 2005 Act, the role of the Gambling Commission includes the following matters, which are therefore not the responsibility of the Licensing Authority...

- Issuing and enforcing Operating Licences.
Operating Licences are required by organisations providing casinos, remote gambling, bingo, lotteries, facilities for betting and providing gaming machines etc. (There are exceptions within some of these categories.)
- Issuing and enforcing Personal Licences.
For each Operating Licence there must be at least one person who both occupies a specified management office in connection with that licence and holds a Personal Licence. Conditions may require more than one such person to hold a Personal Licence.

Conditions may also require persons performing specified operational functions to each hold a Personal Licence.
- Ensuring compliance by manufacturers, suppliers and repairers of gaming machines.

The Financial Services Authority regulates spread betting and the National Lottery Commission regulates the National Lottery under separate legislation.

9. General principles

This Statement of Gambling Licensing Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

10. Responsible Authorities

Appendix 3 lists provides details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

The latest version of those details can be found on the Council's website, and the Licensing Authority will also provide this information in printed form on request. (see details inside front cover)

The Licensing Authority designates the Oxfordshire Safeguarding Children Board as the body that is competent to advise the authority about the protection of children from harm.

The principles on which it based this decision are the need for the body to:

- have broad experience of children's issues;
- be responsible for an area covering the whole of the Licensing Authority's area; and
- be answerable to democratically elected persons, rather than to any particular vested interest group. (The Licensing Authority notes that that body reserves the right to hold those persons to account on children's issues.)

11. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. However, the Licensing Authority has powers under the 2005 Act to determine whether a person is an interested party.

In doing so, the Licensing Authority will decide each case on its merits, based upon the following principles:

“ a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities, or

(c) represents persons who satisfy paragraph (a) or (b)” (2005 Act s.158)

11.1 Proximity to premises

In accordance with GC Guidance, when determining what “sufficiently close to the premises” means the Licensing Authority may include consideration of:

- *“the size of the premises;*
- *the nature of the premises;*
- *the distance of the premises from the location of the person making the representation;*
- *the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and*
- *the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.” {GCG 8.14}*

The Licensing Authority will not generally view trade associations and trade unions, and residents’ and tenants’ associations as interested parties unless they have a member who lives sufficiently close to the premises to be classed as one.

11.2 ‘Business interests’

The Licensing Authority will also consider the GC Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

However, the Licensing Authority considers that “has business interests” should not entitle an operator to make representations on an application for premises anywhere. The *“factors that are likely to be relevant include:*

- *the size of the premises;*
- *the ‘catchment’ area of the premises (i.e. how far people travel to visit); and whether the person making the representation has*

business interests in that catchment area, that might be affected.”
{GCG 8.15}

11.3 Representatives of interested parties

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, any parish councils that are likely to be affected will also be considered to be interested parties. Other than these however, the Licensing Authority will generally require written evidence that the representative has been appointed by the person likely to be affected. A letter from one of these persons, requesting the representation is sufficient.

The Licensing Authority does not permit councillors who either are, or represent, an interested party in a case to participate as a member of the Licensing Committee (or sub-committee) that considers that case.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the Councillors are not part of the licensing sub-committee dealing with that application. Licensing authority staff will help with this (contact details inside front cover).

12. Exchange of Information

In fulfilling its functions under the 2005 Act, the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

13. Enforcement

The Licensing Authority will apply the following principles in accordance with GC Guidance {GCG 5.25} in exercising its functions about the inspection of premises (2005 Act, Part 15) and powers to institute criminal proceedings in respect of the offences specified (2005 Act, s.346).

The Licensing Authority will endeavour to be...

- **Proportionate:** regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The main enforcement and compliance role for the Licensing Authority under the 2005 Act will be to ensure compliance with the premises licences and other

permissions that it authorises. The Gambling Commission is the enforcement body for other matters under the 2005 Act, as noted above.

The Licensing Authority will also keep aware of advice from the Better Regulation Executive on the regulatory functions of local authorities.

13.1 Risk methodology

The Licensing Authority will adopt a risk-based inspection programme and in order to comply with the principle of transparency, the Licensing Authority will make available, on request, details of its risk methodology, and its protocols or written agreements for enforcement and compliance. (For contact details, see inside front cover).

The general approach of risk-based inspection is to avoid routine inspections of all premises. Instead, high-risk premises are inspected more frequently than low risk ones.

Amongst other things, this approach considers risks related to the size of the premises, the range of activities that take place there, and the time that those activities take place. Larger, more active premises are likely to be classed as higher risk and are therefore likely to be inspected more frequently.

At the time of writing LACORS is working with the Gambling Commission to produce a risk model for premises licences. The Licensing Authority will consider that model once it is made available.

PART B: PREMISES LICENCES

14. General Principles

Premises Licences will be subject to the requirements set-out in the 2005 Act and regulations, and specific mandatory and default conditions detailed in regulations.

Where the Licensing Authority considers it appropriate, it may exclude default conditions, attach other conditions, or both.

In making decisions about premises licences, the 2005 Act (s.153) requires the Licensing Authority to aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's Statement of Gambling Licensing Policy.

The Licensing Authority is also aware that that unmet demand (for gambling facilities) is not a criterion for a licensing authority and that GC Guidance states "moral objections to gambling are not a valid reason to reject applications for premises licences". However, such reasons may be taken into account in considering any 'no casino resolution' (see the section on casinos below).

15. Definition of "premises"

Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

The Gambling Commission states in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

The licensing authority will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Adult Gaming Centre

- Customers must not be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- Customers must not be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- Customers must not be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- Customers must not be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission’s Guidance contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

16. Location

The Licensing Authority cannot consider the issue of demand for gambling facilities in any location, but will address considerations in terms of the licensing objectives that relate to the location of premises. The Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as to issues of crime and disorder that may relate to location.

This Statement of Gambling Licensing Policy will be amended if the Council requires any specific policy about areas where gambling premises should not be located.

Such policies do not prevent submission of any application and each application will be decided on its merits. However, the Licensing Authority expects applicants to show how potential concerns would be overcome where location is an issue.

17. Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible.

In considering a premises licence application the Licensing Authority will take no account of whether the premises is likely to be awarded planning consent or building regulations approval. However, the Licensing Authority will consider carefully any concerns about conditions that licensees would be unable to meet due to planning restrictions.

18. Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. The Licensing Authority has considered the GC Guidance on these objectives, and comments as follows...

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The GC Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, if an area has known high levels of organised crime this

authority will consider carefully whether gambling premises should be located there and whether conditions, such as the provision of door supervisors, may be necessary.

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required at incidents and how threatening the behaviour was to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way:

The Licensing Authority notes that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. {GCG 5.16}

However, tracks are different from other premises, as track operators will not necessarily have an operating licence, and the Premises Licence may then need to contain conditions to ensure that the environment in which betting takes place is suitable.” {GCG 5.17}

Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Authority notes the GC Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to them. {GCG 5.18}

The Licensing Authority will consider, as suggested in the GC Guidance and in any Gambling Commission Code of Practice, whether specific measures are required at particular premises to further to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

The Licensing Authority notes that the Gambling Commission is not seeking to offer a definition for the term “vulnerable persons” but states that ...

“it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” {GCG 5.21}

The Licensing Authority will consider this licensing objective as it applies to each case on its merits. If a “vulnerable person” is adequately defined in future then the Licensing Authority will revise this Statement of Gambling Licensing Policy accordingly.

19. Representations

The Licensing Authority may determine an application for a Premises Licence without a hearing, if it considers that the representations made are:

- vexatious
- frivolous, or
- will certainly not influence the authority’s determination of the application.

If the Licensing Authority proposes to determine an application in this way, it will notify anyone who made a representation.(2005 Act s.162)

The Licensing Authority notes that the GC Guidance states that...

“Local authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority’s decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met.” {GCG 5.27}

The Licensing Authority also notes that the GC Guidance states that...

“unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance. It would be helpful if licensing authorities could explain that objections to new premises or requests for a review should be based on the licensing objectives of the Gambling Act.” {GCG 6.45}

20. Conditions

There are three classes of conditions that attach to premises licences:

- **Mandatory conditions under s167 of the Act**, which must be attached to premises licences.
- **Default conditions under s168 of the Act**, which will apply unless the Licensing Authority decides to exclude them or substitute conditions with others that are more or less restrictive.

The Licensing Authority is aware that the Gambling Commission considers that these mandatory and default conditions will normally be sufficient to regulate gambling premises.

- **Individual conditions under s169 of the Act**: In exceptional cases, the Licensing Authority may consider attaching individual conditions related to the licensing objectives in order to deal with specific risks or problems associated with a particular locality, specific premises or class of premises.

Any conditions attached to licences will be proportionate and will be...

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

The Licensing Authority will decide each application on its merits. Where appropriate it will consider using a number of control measures, such as the use of door supervisors or appropriate signage for ‘adult only’ areas etc.

The Licensing Authority expects the premises licence applicant to offer his/her own proposals to effectively meet the licensing objectives.

This policy includes specific comments on such issues under some of the licence types covered further below.

The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with GC Guidance.

This authority will also ensure that where machines of category C or above offer in any premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This licensing authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In such cases, the licensing authority will consider the impact upon the third licensing objective in accordance with GC Guidance and the need to ensure that entrances to each type of premises are distinct and that children are excluded from those gambling areas that they are not permitted to enter.

The Licensing Authority cannot attach certain conditions to premises licences. Those conditions are...

- Any condition on the premises licence that makes it impossible to comply with a condition on an operating licence;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions that require membership of a particular club or body (the 2005 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions about stakes, fees, winning or prizes.

21. Door Supervisors

The GC Guidance advises that licensing authorities may consider whether door supervisors are needed in order to further the licensing objectives of *“protection of children and vulnerable persons from being harmed or exploited by gambling”* {GCG 5.19} and *“preventing premises becoming a source of crime”*. {GCG 5.8}

Where supervision of entrances / machines is required for premises, the Licensing Authority will decide with operators whether door supervisors need to be licensed by the Security Industry Authority.

At premises such as betting offices, the Licensing Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised

from the counter, and that door supervision is both necessary and proportionate.

22. Specific types of premises

22.1 Adult Gaming Centres

For these premises, the Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the Licensing Authority of the adequacy of measures to ensure, for example, that no-one under 18 years old has access to the premises.

The Licensing Authority may consider measures to meet the licensing objectives, such as ...

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

22.2 Licensed Family Entertainment Centres

For these premises, the Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the Licensing Authority of the adequacy of measures to ensure, for example, that no-one under 18 years old has access to adult-only gaming machine areas.

The Licensing Authority may consider measures to meet the licensing objectives, such as ...

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

In accordance with GC Guidance, the Licensing Authority will check the Gambling Commission's website for any potential conditions on operating licences that cover delineation of areas containing category C machines.

22.3 Casinos

a) Casino proposals

The Licensing Authority did not submit any proposal for a casino to the Independent Casinos Advisory Panel in early 2006, so Oxford will not be chosen as a location for one of the first 17 new casinos permitted under the 2005 Act.

b) 'No casino' resolution

The Council passed a 'no casino' resolution (2005 Act, s.166) at its meeting on 20 November 2006 on the basis of a recommendation of the Licensing and Gambling Acts Committee, on a 26 : 1 vote.

Potential licence applicants should note that, because the Council has passed a 'no-casino' resolution, the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a 'no-casino' resolution is in place.

The following paragraphs c), d) and e) appear in this Statement of Gambling Licensing Policy for consistency with other licensing authorities. They have no role while a 'no casino' resolution remains in effect.

c) Casinos and competitive bidding

If circumstances arise where a number of operators want to run a casino in the area, the Council will run a 'competition' as required under the 2005 Act, Schedule 9 in line with any regulations issued under the 2005 Act.

d) Betting machines in casinos

The Licensing Authority notes that the section 181 of the 2005 Act contains an express power for licensing authorities to restrict the number of betting machines in casinos. {GCG 16.33} If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

e) Credit

The Licensing Authority notes that section 177 of the 2005 Act does not prevent a casino licensee from permitting the installation of cash dispensers (ATMs) on the premises. {GCG 9.11} If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

22.4 Bingo premises

The Licensing Authority notes that the GC Guidance states that...

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- *all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;*
- *only adults are admitted to the area where the machines are located;*

- *access to the area where the machines are located is supervised;*
- *the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and*
- *at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.*

The Licensing Authority will similarly note any further GC Guidance on the issues of suitability and layout of bingo premises.

22.5 Betting premises

a) Betting machines

When considering the number/nature/circumstances of betting machines an operator wants to offer, the Licensing Authority will follow the GC Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by vulnerable people or by children or young persons. {GCG 19.10}

This authority will consider limiting the number of machines only where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives.

22.6 Tracks

The Licensing Authority notes that tracks are different from other premises in that:

- there may be more than one premises licence in effect provided each licence relates to a specified area of the track, and
 - track operator may not be required to hold an operating licence as there may be several premises licence holders at the track which will need to hold their own operating licences.

The Licensing Authority will especially consider measures to ensure that children do not have access to 'adult only' gaming facilities.

The Licensing Authority notes that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although not permitted to enter areas where gaming machines (other than category D machines) are provided. It will especially consider the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter, in furtherance of the licensing objective to ensure the protection of children and vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority will consider measures to meet the licensing objectives, such as ...

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

a) Gaming machines at tracks

The Licensing Authority notes the GC Guidance that licensing authorities need to consider the location of gaming machines at tracks. An applicant for a track premises licence who plans to use any entitlement to four gaming machines (due to holding a pool betting operating licence) will need to demonstrate that machines (other than category D gaming machines) are located in areas from which children are excluded.

The Licensing Authority will similarly note any further GC Guidance on the location and supervision of gaming machines at tracks.

b) Betting machines at tracks

Licensing authorities have a power under the 2005 Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Licensing Authority notes that the GC Guidance states that...

“In relation to betting premises away from tracks, the Commission is proposing that licensing authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.” {GCG 20.15}

c) Condition on rules being displayed

The Licensing Authority notes GC Guidance, which states that...

“...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.” {GCG 20.29}

d) Applications and plans –

The Licensing Authority notes the Gambling Commission's suggestion "... that licensing authorities gain a proper understanding of what they are being asked to license..."

Subject to regulations, which will set-out any specific requirements for applications for premises licences the Licensing Authority requires an application for a track betting premises licence to include detailed plans of:

- the racetrack itself;
- the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring");
- any area that will be used for fixed and mobile pool betting facilities operated by the Tote or track operator in the case of dog tracks and horse racecourses);
- areas proposed for any other gambling facilities.

Those plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

The Licensing Authority notes that,

"In the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises" {GCG 20.22}

22.7 Travelling Fairs

The 2005 Act allows travelling fairs to make available category D gaming machines and / or equal chance prize gaming without a permit, provided that they comply with the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair. The Licensing Authority has the power to decide whether travelling fairs comply.

The Licensing Authority may also consider whether the applicant falls within the statutory definition of a travelling fair.

Regardless of which travelling fairs occupy a site, if a site is used by fairs for more than the 27-day statutory maximum in a calendar year a permit is required for use of gaming machines and / or equal chance prize gaming. The Licensing Authority will liaise with adjoining authorities to ensure that statutory limits are not exceeded for land that straddles its area boundaries.

23. Provisional Statements

Developers may wish to apply to the authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a

premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or

where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

24. Reviews

Interested parties or responsible authorities can request a review of a Premises Licence. However, it is for the Licensing Authority to decide whether to review the licence., The Licensing Authority will consider whether the request is...

- Frivolous;
- Vexatious;
- Certain not to cause the Licensing Authority to wish to alter, revoke or suspend the licence; or
- Substantially the same as previous representations or requests for review.

The Licensing Authority will also consider whether the request is relevant to the following matters...

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Gambling Licensing Policy.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it considers appropriate that is relevant to the same four matters.

DRAFT

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

25. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits (2005 Act, Schedule 10, para.7))

Where a premises has no Premises Licence but the user wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (2005 Act, s238).

The 2005 Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit; and that it shall have regard to the GC Guidance and may (but need not) have regard to the licensing objectives in preparing this statement or considering applications, or both.

The Licensing Authority notes that the GC Guidance states that...
“In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits ... licensing authorities will want to give weight to child protection issues.” {GCG 24.6}

The GC Guidance also states:

“An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application ... Licensing authorities might wish to consider asking applicants to demonstrate:

- *a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;*
- *that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and*
- *that staff are trained to have a full understanding of the maximum stakes and prizes.”* {GCG 24.7}

The Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles

The Licensing Authority expects each applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Licensing Authority will consider on their individual merits the efficiency of such policies and procedures, which may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with any unsupervised very young children on the premises, or children causing perceived problems on or around the premises.

In accordance with GC Guidance, the Licensing Authority will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (as set out in Schedule 7

of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

**26. Alcohol-licensed premises gaming machine permits
(2005 Act, Schedule 13 para 4(1))**

26.1 Notification for up to two gaming machines

The 2005 Act provides for premises licensed to sell alcohol for consumption on the premises (other than as part of a meal), to have up to 2 gaming machines of either category C or D or one of each. Authorisation is automatic if the person responsible for the premises notifies the Licensing Authority.

The Licensing Authority can remove the automatic authorisation for any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of s. 282 of the 2005 Act. (This requires a fee and written notice to be provided to the Licensing Authority, and compliance with any relevant code of practice issued by the Gambling Commission about the location and operation of the machine);
- the premises are mainly used for gaming; or
- an offence under the 2005 Act has been committed on the premises.

26.2 Permit for more than two gaming machines

A premises manager wanting more than 2 machines on the premises must apply for a permit and the Licensing Authority must base its consideration of that application based upon the licensing objectives, any GC Guidance, and “such matters as they think relevant.”

The Licensing Authority considers that “such matters” will be decided on the merits of each case. However, it will have general regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to demonstrate use of adequate measures to ensure that persons under 18 years old do not have access to ‘adult only’ gaming machines.

For this purpose, the Licensing Authority may be satisfied of the adequacy of measures that may include...

- Siting all ‘adult’ machines in sight of bar staff, or of other staff who will prevent use of those machines by those under 18.
- Appropriate notices and signage

The Licensing Authority expects applicants to consider providing information leaflets or helpline numbers for organisations such as GamCare for the benefit of vulnerable persons.

A Licensing Authority can decide to grant a permit with fewer machines or a different category of machines than stated in the application. It can attach no conditions other than these.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

The Licensing Authority will distinguish between those parts of premises that are licensed for the consumption of alcohol on the premises (other than as part of a meal) and other parts. Gaming machines may not be provided in those other parts of the premises without a premises licence for an Adult Gaming Centre.

27. Prize Gaming Permits

(Statement of Principles on Permits - Schedule 14 para 8 (3))

The 2005 Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”. {2005 Act Schedule 14 8 (1)}

The Licensing Authority has prepared a Statement of Principles, which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any GC Guidance.

It should be noted that there are conditions in the 2005 Act by which the permit holder must comply, but that the Licensing Authority cannot attach further conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

28. Club Gaming and Club Machines Permits

Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for either...

- a Club Gaming Permit, which will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations; or
- a Club Gaming Machine Permit, which will enable the premises to provide gaming machines (3 machines of categories B, C or D) without other gaming.

The Licensing Authority notes GC Guidance that ...

“Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.” {GCG 25.6}

And that ...

“Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members’ club and may grant the permit if the majority of members are over 18.” {GCG 25.17}

The Licensing Authority notes that:

“Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;*
- the applicant’s premises are used wholly or mainly by children and/or young persons;*
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;*
- a permit held by the applicant has been cancelled in the previous ten years; or*
- an objection has been lodged by the Commission or the police*
{GCG 25.21}

There is a ‘fast-track’ procedure available, under the 2005 Act, for premises that hold a Club Premises Certificate under the 2003 Act. The GC Guidance states...

“Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced” {GCG 25.23}

and

“The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;*
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or*
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.” {GCG 25.24}*

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

29. Temporary Use Notices

Temporary Use Notices are subject to a number of statutory limits.

The Licensing Authority is responsible for deciding what constitutes the extent of a 'set of premises' to which a Temporary Use Notice applies, where separate notices are received for different parts of the same building or site.

The Licensing Authority notes GC Guidance that...

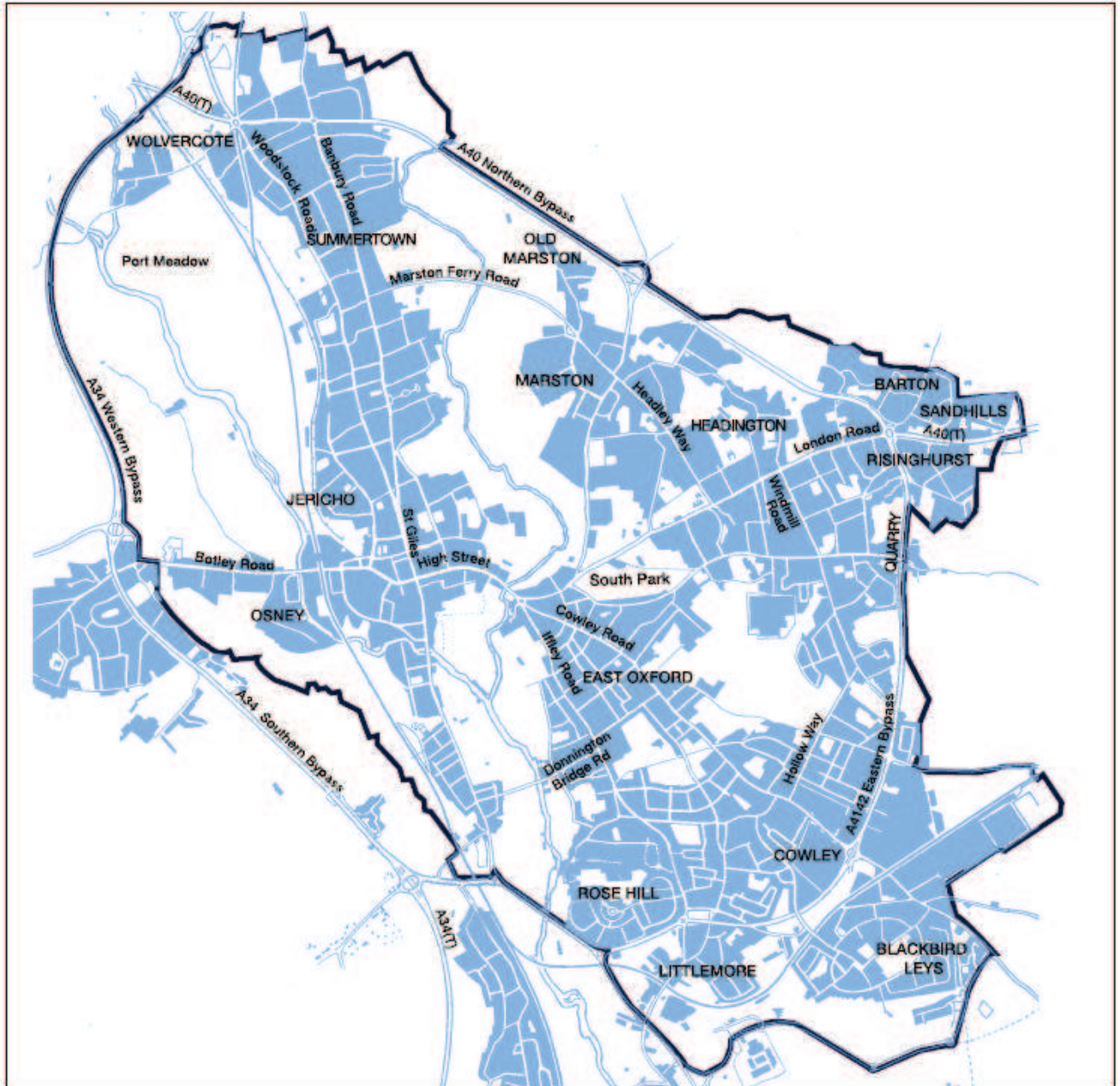
"... the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different "sets of premises", given that they may be occupied and controlled by different people. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises." {GCG 14.5}

30. Occasional Use Notices:

The Licensing Authority has very little discretion in determining Occasional Use Notices, other than ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

However, the Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to use such a notice.

Appendix 1 – Map of Oxford



Appendix 2 – Licensing Authority delegations

The 2005 Act (s154) delegates most licensing functions to the licensing committee, which can then further delegate to its sub-committees or to officers. The table lists the lowest level to which decisions can be delegated.

The Licensing Authority will determine the levels to which its decisions are delegated and may change that delegation from time to time.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no representations received or all have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Appendix 3 – Gaming machines

3.1 Gaming machine categories

This table is included for general guidance. However, the details may become outdated as a result of Government Regulations.

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited – no Category A gaming machines are currently permitted	
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£2	£500
B4	£1	£250
C	£1	£70
D- non money prize (other than a crane grab machine)	30p	£8
D- non money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

The next page lists the numbers of machines in each category permitted in particular types of premises

3.2 Gaming machines – permitted numbers

The information in this table is subject to confirmation, and may become outdated as a result of Government Regulations.

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)				Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

* On a day when no other facilities for gaming are provided

Appendix 4 – Summary of Gaming Entitlements for Clubs and Alcohol-Licensed Premises

This table is included for general guidance. However, the details may become outdated as a result of Government Regulations.

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £100 per premises per day Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participation fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon <i>Chemin de Fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

Appendix 5 – Responsible Authorities

The Responsible Authorities for the Oxford City Council area under the 2005 Act, and their contact details are as follows.

Contact details may change, and other responsible authorities may be designated by regulations by the Secretary of State. For latest information, please check with the Licensing Authority (contact details below).

Responsible Authority	Address	Contact details for preliminary discussions or follow-up enquiries Phone, email and website
The Licensing Authority	The Licensing Authority Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 252565 licensing@oxford.gov.uk http://www.oxford.gov.uk/licensing
The Planning Authority	The Planning Authority Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 249811 planning@oxford.gov.uk www.oxford.gov.uk
Environmental Health	Environmental Protection Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 252296 www.oxford.gov.uk
Gambling Commission	Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP	Tel: 0121 230 6500 Fax: 0121 237 2236 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk
Thames Valley Police	Thames Valley Police Licensing Office Headquarters (South), Kidlington, OX5 2NX	Tel: 01865 266109 licensing@thamesvalley.pnn.police.uk
Fire and Rescue Service	Fire and Rescue Service Oxfordshire County Council Rewley Road Fire Station OXFORD OX1 2EH	Tel: 01865 242223
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor, County Hall New Road OXFORD OX1 1ND	

Responsible Authority	Address	Contact details for preliminary discussions or follow-up enquiries Phone, email and website
Her Majesty's Commissioners of Customs and Excise	HM Revenues and Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4 PZ	Tel: 0141 555 3633 nru.betting&gaming@hmrc.gsi.gov.uk www.hmrc.gov.uk
Navigation Authority (Only applicable to vessels on the canal or a river)	Check with the Licensing Authority	
Any other person prescribed for the purpose by regulations made by the Secretary of State.	Check with the Licensing Authority	

Adjacent licensing authorities

Where premises straddle an area boundary, a licensing authority for the area in which the premises are partly situated is also a Responsible Authority.

Responsible Authority	Address	Contact details for preliminary discussions or follow-up enquiries Phone, email and website
(The licensing authority)	The Licensing Authority Cherwell District Council Bodicote House Bodicote BANBURY OX15 4AA	Tel: 01295 252535 www.cherwell-dc.gov.uk
(The licensing authority)	The Licensing Authority South Oxfordshire DC Benson Lane Crowmarsh Gifford WALLINGFORD OX10 8HQ	Tel: 01491 823000 www.southoxon.gov.uk
(The licensing authority)	The Licensing Authority Vale of White Horse DC Abbey House ABINGDON OX14 3JE	Tel: 01235 520202 www.whitehorsedc.gov.uk

DRAFT

BUILDING PRIDE IN OUR CITY

Licensing Authority

www.oxford.gov.uk



Statement of Gambling Licensing Policy

Gambling Act 2005



The Licensing Authority
Oxford City Council 109, St Aldate's, OXFORD OX1 1DS
email: licensing@oxford.gov.uk
phone: 01865 252565
fax: 01865 252344

Subject: Statement of Gambling Licensing Policy: Casino: Briefing Note

To: Members of the Licensing & Gambling Acts Committee

Following on from the Licensing & Gambling Acts Committee meeting held on 19th February 2013 during which the Committee considered the matter of the “no casino” resolution, it was felt that it would be helpful to have some evidence upon which to base any further decision, before making any recommendation to CEB and Council.

This briefing note provides Members with details as to Local Authorities that have permitted to allow Casinos to operate in their areas, and what a selection of the those Local Authorities see as the advantages and disadvantages of having made a resolution to permit such venues.

In brief:

1. When the Independent Casinos Advisory Panel sought applications for proposed casinos from Licensing Authorities in 2006, this Authority chose not to submit a proposal for such an establishment, and therefore Oxford was not chosen as a location for one of the first 17 new casinos permitted under the 2005 Act. Prior to the implementation of the 2005 Act there were 138 casinos in Great Britain.
2. On 20th November 2006 following a recommendation by the Licensing and Gambling Acts Committee, Full Council passed a ‘No Casino’ resolution (in accordance with S.166 of the 2005 Act). This has the effect that the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a 'no-casino' resolution is in place. The 'no casino' resolution lapsed in November 2012 and currently has no effect. A new resolution can be made at any time in the context of reviewing the Council's Statement of Gambling Licensing Policy.
3. The 17 Local Authorities that opted to not adopt a “No Casino” resolution are: Leeds, Hull, Great Yarmouth, Middlesbrough, Milton Keynes, Southampton, Solihull and Newham, Bath and North East Somerset, Dumfries and Galloway, East Lindsey, Luton, Scarborough, Swansea, Torbay and Wolverhampton.
4. Section 175 of the 2005 Act states the national permitted numbers of new casinos:

Casino Premises Licence: Overall Limits

- (1) No more than one casino premises licence may have effect at any time in respect of regional casinos.
- (2) No more than eight casino premises licences may have effect at any time in respect of regional casinos
- (3) No more than eight casino premises licences may have effect at any time in respect of small casinos.

5. By an Order in 2008 the Secretary of State provided which authorities would be permitted to issue the limited number of casino licences - Oxford City was not one of these. Also the limits are currently reached.
6. As the permitted national levels have been reached, no further casinos may be licensed. Even if in the future the limited number was not filled and a licence could be issued, it could not be issued in Oxford without a change to the 2008 Order designating authorities.
7. Consequently there is currently no legal possibility of a licensed casino in Oxford. It is possible that this position could change in the future but it is a very remote possibility and would almost certainly require an indication from the Council to the Secretary of State that Oxford now wished to license a casino,
8. None of this prevents the Council making a new 'no casino' resolution in the future if thought necessary.
9. Therefore, with regard to the above information, no further casinos may be permitted by the law as it currently stands.

Statement of Gambling Licensing Policy

View Response

Answers to **STATEMENT OF GAMBLING LICENSING POLICY**

FINAL RESPONSE

Response ID #218891. Submitted on 14 May 2013 21:09

Response visibility: **Unknown**. Change to: [Anyone who can view responses](#) or [Just managers](#)

1

With reference to the revised Statement of Gambling Licensing Policy, please select one of the options below and add any comments to support your view.

For	<input type="checkbox"/>
Against	<input checked="" type="checkbox"/> [Selected]
Neither for nor against	<input type="checkbox"/>

Please enter any additional comments

Oxford needs a casino. At the moment I travel to Reading which has 3 casinos, as do many other people from the Oxford area. People do not go to casinos just for the gambling, they go to the restaurants and for general entertainment. Casinos are very well run and are safe places to be with good security. Also it is a good place to meet people of all ages and backgrounds and nationalities you might not usually socialise with. Casinos are good for the economy as well as they create jobs and would increase the business rate income in Oxford. The gambling industry is one of the few that has grown during the recent economic downturn. A casino could be located in the City Centre, at the Kassam complex or, if planning is refused on the Oxford Stadium, a casino could be combined with the greyhound racing and speedway. I see you have a no casino rule but this does not make sense as the most popular gambling in betting shops is the fixed odds machines which are basically casino games.

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Key

RED RISK

CLOSED RISK

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/ Contracts Only)
Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
CEB000ED	Economy	T	Local and national economy	Lack of policy	Failure of Council to adhere to requirement of Gambling Act 2005	08.07.13	2	5	4	5	4	2	2	JA	08.07.13	

Action Plans

APPENDIX SIX

ACTIONS MUST BE 'SMART'

Specific, Measurable, Achievable, Realistic and Time bound

Key

CLOSED ACTION/Risk

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestones	Milestone Delivery Date	%Action Complete	Date Reviewed
1	Mandatory requirement to have a Statement of Gambling Licensing Policy	JA	A	New policy to replace old policy	To adopt new policy as soon as possible as current one expiring	01.01.14	100%	08.07.13
3	Consultation	JA	A	Consultation carried out 01.05.13 to 12.06.13	Consultation responses reported to Licensing & Gambling Acts Committee on 05.08.13	01.01.14	0%	08.07.13

Key

RED RISK

CLOSED RISK

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/Contracts Only)
Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
CEB000ED	Economy	T	Local and national economy	Lack of policy	Failure of Council to adhere to requirement of Gambling Act 2005	08.07.13	2	5	4	5	4	2	2	JA	08.07.13	

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Risk ID Categories

CRR-000	Corporate Risk Register
SRR-000	Service Risk Register
CEB-000	CEB reports
PRR-000	Project/Programme Risk Register
PCRR-000	Planning Corporate Risk Register
PSRR-000	Planning Service Risk Register

Service Area Codes

PCC	Policy, Culture & Communication	CS	Customer Services
CD	City Development	FI	Finance
CHCD	Community Housing & Community Development	BT	Business Transformation
CA	Corporate Assets	PS	Procurement & Shared Services
OCH	Oxford City Homes	CP	Corporate Performance
CW	City Works	LG	Law and Governance
ED	Environmental Development	CRP	Corporate Secretariat
CL	City Leisure	PE	People & Equalities

Corporate Objective Key

- 1 Core policies and plans
A vibrant and sustainable
- 2 economy
- 3 Meeting housing need
- 4 Strong and active communities
- 5 Cleaner greener Oxford
- 6 An efficient and effective council

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Appendix Six – Equality Impact Assessment

Service Area: Environmental Development	Section: General Licensing	Key person responsible for the assessment: J. Alison	Date of Assessment: 08.07.2013	
Is this assessment in the Corporate Equality Impact assessment Timetable for 2012-15?			Yes	<u>No</u>
Name of the Policy to be assessed: Statement of Gambling Licensing Policy			Is this a new or existing policy	Existing
1. Briefly describe the aims, objectives and purpose of the policy	The objective is to adopt the new policy to replace the current one that will expire, as a mandatory requirement of the Gambling Act 2005			
2. Are there any associated objectives of the policy, please explain	To set the framework for the Councils functions under the Gambling Act 2005			

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3. Who is intended to benefit from the policy and in what way	The Council, Responsible Authorities, Licence holders, general public through a single policy that provides direction and information		
4. What outcomes are wanted from this policy? To set the framework of the Councils Gambling Function			
5. What factors/forces could contribute/detract from the outcomes?	N/A		
6. Who are the key people in relation to the policy?	Licence Trade and Council	7. Who implements the policy and who is responsible for the policy?	Julian Alison John Copley
8. Could the policy have a differential impact on racial groups?	Y	<u>NO</u>	No differential impact on racial groups has been identified.

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What existing evidence (either presumed or otherwise) do you have for this?	The policy would be applied throughout the whole of the City. No racial groups are specifically associated with or targeted by the Gambling regulations. It is anticipated that any unperceived issues will be raised during the consultation process.		
9. Could the policy have a differential impact on people due to their gender?	Y	<u>NO</u>	No differential impact on people due to their gender has been identified
What existing evidence (either presumed or otherwise) do you have for this?	The policy would be applied throughout the whole of the City. No gender groups are specifically associated with or targeted by the Gambling regulations. It is anticipated that any unperceived issues will be raised during the consultation process.		
10. Could the policy have a differential impact on people due to their disability?	Y	<u>NO</u>	No differential impact on people due to their disability has been identified
What existing evidence (either presumed or otherwise) do you have for this?	The policy would be applied throughout the whole of the City. Neither abled body or disabled groups are specifically associated with or targeted by the Gambling regulations. It is anticipated that any unperceived issues will be raised during the consultation process.		
11. Could the policy have a differential impact on people due to their sexual orientation?	Y	<u>NO</u>	No differential impact on people due to their sexual orientation has been identified
What existing evidence (either presumed or otherwise) do you have for this?	The policy would be applied throughout the whole of the City. A persons sexual orientation is not specifically associated with or targeted by the Gambling regulations. It is anticipated that any unperceived issues will be raised during the consultation process.		
12. Could the policy have a differential impact on people due to their age?	Y	<u>NO</u>	No differential impact on people due to their age has been identified
What existing evidence (either presumed or otherwise) do you have for this?	The policy would be applied throughout the whole of the City. A persons age is not specifically associated with or targeted by the Gambling regulations. It is anticipated that any unperceived issues will be raised during the consultation process.		
13. Could the policy have a differential impact on people due to their religious belief?	Y	<u>NO</u>	No differential impact on people due to their religious belief has been identified.

What existing evidence (either presumed or otherwise) do you have for this?	The policy would be applied throughout the whole of the City. A persons religious beliefs are not specifically associated with or targeted by the Gambling regulations. It is anticipated that any unperceived issues will be raised during the consultation process.					
14. Could the negative impact identified in 8-13 create the potential for the policy to discriminate against certain groups?	Y	<u>NO</u>	No negative impacts have been identified in 8-13.			
15. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason	Y	<u>NO</u>	No negative impacts have been identified in 8-13.			
16. Should the policy proceed to a partial impact assessment	Y	<u>NO</u>	If Yes, is there enough evidence to proceed to a full EIA	Y	N	
			Date on which Partial or Full impact assessment to be completed by			
17. Are there implications for the Service Plans?	Y	<u>NO</u>	18. Date the Service Plan will be updated	N/A	19. Date copy sent to Equalities Officer in Policy, Performance and Communication	N/A
20. Date reported to Equalities Board:		N/A	Date to Scrutiny and EB	N/A	21. Date published	N/A

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Signed (completing officer) _____

Signed (Lead Officer) _____

Please list the team members and service areas that were involved in this process:

J. Alison Team Leader
J. Copley Head of Environmental Development

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EXTRACT FROM THE MINUTES

CITY EXECUTIVE BOARD

Wednesday 11 September 2013

61. GAMBLING POLICY - UPDATE

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the Council's Statement of Licensing Policy.

Councillor Colin Cook, Board Member for City Development, presented the report to the Board. Julian Alison (Licensing Team Leader) clarified that the Council was able to formally adopt a "no casino" policy as its Council meeting, should it wish to do so.

Resolved to:-

- (1) Approve the recommendation of the Licensing and Gambling Acts Committee that the draft revised statement of Gambling Licensing Policy be recommended to Council for adoption, and,
- (2) Recommend to Council that the said Policy be adopted, including the re-adoption of a "no casinos" policy.

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To: City Executive Board

Date: 11 September 2013

Report of: Head of Environmental Development

Title of Report: HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES: AGE LIMITS AND EURO EMISSIONS

Summary and Recommendations

Purpose of report: To consider the recommendation of the General Purposes Licensing Committee of 5th September 2013 in relation to the proposed amendments to the “Conditions of Fitness” applicable to the licensing of Hackney Carriages and Private Hire vehicles.

Key decision: Yes

Policy Framework: Vibrant Sustainable Economy
Cleaner, Greener Oxford

Recommendation(s):

The Board is recommended to consider the recommendations of the General Purposes Licensing Committee of 5th September (those recommendations to be reported orally to the Board) and in the light of those recommendations to submit a recommendation to Council on hackney carriage and private hire vehicle age limits.

Appendix One: Consultation letter

Appendix Two - Eight: Snapshot of responses from the licensed Trade to consultation proposal

Appendix Nine: Risk Register

Appendix Ten: Equalities Impact Assessment

Introduction

1. On 15th June 2009, the General Purposes Licensing Committee approved the implementation of a new standard of licensing criteria for Hackney Carriage and Private Hire vehicles based on Euro Emission Standards.
2. At that time the highest Euro Emission Standard was Euro V, and the next date for implementation of further Euro Emission Standards would take effect locally from 1st January 2013 which would have led to a number of licensed vehicles needing to be replaced due to their age, despite in some instances their emissions meeting the required Euro Emission Standards.

3. No further dates had been set ahead of 1st January 2013, and therefore a revised policy was required in order prevent older vehicles remaining within the licensing regime indefinitely, and ensuring that the Euro Emission Standards were not the only criteria for seeking an age limit policy.

Background

4. On 17th October 2012 the General Purposes Licensing Committee suspended the Euro Emission Standards criteria in its entirety, and implemented the following interim criteria:

New Vehicle Licences:

a) No vehicle will be first licensed unless it is less than five years of age from the date of first registration.

Renewal of existing Vehicle Licences:

b) All vehicles currently licensed shall be permitted to be re-licensed until 31st December 2013 irrespective of their age, whilst the Council consider the introduction of an upper age limit for all licensed vehicles or as directed by the introduction of National Standards as proposed by the Law Commission in its "reform of Taxi and Private Hire services".

5. When implementing the interim criteria, the General Purposes Licensing Committee requested that a consultation be carried out seeking the views of all licence holders as to the implementation of age limits applicable to Hackney Carriage and Private Hire Vehicles licensed by the Authority. The motivation for these changes being improved emission standards in the City, and improvements in vehicle safety standards.
6. Board Members are asked to note that the criteria for New Vehicle Licences did not differ from what was previously in force locally.

Consultation

7. The proposed vehicle age limits determined by the General Purposes Licensing Committee for consultation were as follows (Board Members are asked to note that the proposal for New Vehicle Licences remains unchanged from the currently imposed criteria):

New Vehicle Licences:

a) From 1st January 2014, any vehicle must not be older than 5 years of age at the date of the grant of the vehicle licence.

Renewal of existing Vehicle Licences:

b) From 1st January 2014, no vehicle shall be re-licensed if it has reached 8 years of age from the date of first registration.

8. A consultation letter was sent to all Hackney Carriage and Private Hire drivers, proprietors, operators and the City of Oxford Licensed Taxi Cab Association (COLTA) informing them of the vehicle age limit proposal, seeking their views and asking if they had any alternative proposals. A copy of the letter sent to all licence holders is attached at **Appendix One**.

9. The consultation which ran from 1st May 2013 until 12th June 2013 and was also hosted on the Council website received a total of 170 responses. Copies of the responses received are attached to this report at **Appendix Two to Appendix Eight**. (Board Members are asked to note that some responses were copied and signed by multiple licence holders, but just one copy of each “style” of response has been appended).

Summary of Consultation Responses

10. The majority of respondents have not objected to an age limit of “under 5 years of age” for new licences, in fact the vast majority actively support this requirement, but have voiced their disapproval to the implementation of an upper age limit for the renewal of existing licences.
11. Some respondents do not believe that any age limits should be imposed at all, either to a new licence or to a renewal of an existing licence, however this was primarily the view of the Hackney Carriage trade derived from the fact that Black Cabs are purposefully built for longevity and the demands placed upon them.
12. Many respondents have cited the current downturn in the economy as a reason for not implementing what they perceive to be, too stringent age limit criteria. They believe they will not be able to budget for the additional payment costs of hire purchase schemes if they are required to replace vehicles more frequently, especially should such a policy be introduced on 1st January 2014.
13. A minority of respondents have agreed with the original proposal believing that it is important for the City to embrace technology that allows for improved emission standards and continually enhances vehicle safety.

Relevant Considerations

14. Oxford is a world class city, famed for its beauty, heritage, educational facilities, and bustling night time economy. The quality of its licensed vehicles plays a part in Oxford maintaining that status, and as such a progressive and continual modernisation of the licensed fleet of vehicles would assist with reducing carbon emissions and improving vehicle safety.
15. The previously implemented Euro Emissions Standard criteria for vehicle ages led to widespread concern and confusion within the Hackney Carriage and Private Hire trade due to a number of vehicles, of various ages, meeting the stated Euro Emission Standards, but having been manufactured at an earlier date than the mandatory date set for compliance.
16. In asking owners to replace their vehicles based on the vehicle being manufactured prior to the date that manufacturers had to comply with the Euro Emission Standards date despite the vehicle meeting with the latest Euro Emissions Standard, the criteria was found to be wanting. It also failed to consider the wider perspectives and options available to a Licensing Authority when setting criteria for licensed vehicles.
17. When looking at the criteria for licensed vehicles, an Authority may wish to take into account the number of miles travelled by each vehicle and the accumulated wear and tear to a vehicle in terms of its overall public appeal. The Authority may wish to harness the continuous technological advances in both vehicle safety and carbon reduction in order to put in place a policy that would be progressive, and provide a transparent signal

to the trade that we are keen to see continuous improvement in the quality of the vehicles in the hackney carriage and private hire fleets.

18. When seeking to implement such an age limit policy, it is important to have an awareness of what our neighbours have by way of age criteria, in order to ensure that any policy set locally, would not have a detrimental impact on the Licensing Authority, and in turn the public, due to vehicle owners seeking to licence their vehicles in another district.
19. Table 1 below provides Members with the age criteria in place at our neighbouring Licensing Authorities.

Table 1.

LOCAL AUTHORITY	NEW HCV YEARS	RENEWAL HCV YEARS	NEW PHV YEARS	RENEWAL PHV YEARS
CHERWELL	Under 5	Under 7	Under 5	Under 7
WEST	Under 10	Under 10	Under 10	Under 10
SOUTH	No age limit*	No age limit*	No age limit*	No age limit*
VALE	No age limit*	No age limit*	No age limit*	No age limit*

***NOTE:**

Both South and Vale have no age limits however they apply the following criteria having merged the two Licensing Authorities:

Vehicles under 3 years of age: 1 x MOT per year

Vehicles under 7 years of age: 2 x MOT per year

Vehicles over 7 years of age: 3 x MOT per year

20. Oxford is seen as being one of the leading Licensing Authorities in the country, and as such we have already established criteria for new driver applications that are more stringent and advanced than our near neighbours, ensuring that only the highest quality of applicant is licensed having gained a significant degree of knowledge about his or her responsibilities in relation to public safety, disability awareness and customer service.
21. Table 2 below provides details of comparable Licensing Authorities, as well as those which are seen to be leaders in the field, and have implemented higher criteria in relation to driver applications. Members will note the variance in differing age limit policies in place.

Table 2.

LOCAL AUTHORITY	NEW HCV YEARS	EXISTING HCV YEARS	NEW PHV YEARS	EXISTING PHV YEARS
Aylesbury	Under 6	Under 10	Under 6	Under 10
Brighton & Hove	Under 7	Under 7	Under 10	Under 10
Bristol	Brand new	Under 8	Under 3 ½	Under 10
Exeter	Under 4	Under 12 for Black Cabs Under 8 for Saloons	Under 4	Under 8
London	Euro 5 compliant	Under 15	Under 5 and Euro 4 complaint	Under 10
Norwich	Under 5	Under 10	Under 5	Under 10
Southampton	Under 10 for Black Cabs Under 7 for Saloons	Under 10 for Black Cabs Under 7 for Saloons	Under 10 for Wheelchair Accessible Vehicles Under 7 for Saloons	Under 10 for Wheelchair Accessible Vehicles Under 7 for Saloons

General Purposes Licensing Committee Recommendation

22. Having reviewed the policies in place at other Licensing Authorities, and having considered the financial impact on the trade and the valid comments received during the consultation whilst still seeking to attain reductions in carbon emissions and embracing technological advancements in vehicle safety, the General Purposes Licensing Committee recommends the following age limits and Certificate of Compliance testing as detailed in Table 3 and additional criteria to be implemented locally:

Table 3.

LOCAL AUTHORITY	NEW HCV YEARS	EXISTING HCV YEARS	NEW PHV YEARS	EXISTING PHV YEARS
Oxford	Under 5	Under 12*	Under 5	Under 10*

***Additional criteria:** any vehicle that has reached 8 years of age or more must undertake a Certificate of Compliance Test every 4 months (as permitted by legislation).

23. Board Members are reminded that Oxford only permits purpose-built nationally recognised taxis to be licensed as Hackney Carriages. Such vehicles are specially manufactured to cover considerable mileage and are built for longevity. Private Hire vehicles licensed locally are no different to standard saloons, hatchbacks and people carriers and as such may not be built to endure the same level of service.

24. Board Members are also asked to note that the Law Commission is due to report on the Reform of Taxi and Private Hire Services at the end of 2013, however any proposed reforms are unlikely to come into force during the term of this government.
25. As such, the age limits and Certificate of Compliance criteria proposed by the General Purposes Licensing Committee are recommended to take effect after the 1st January 2016. In setting such a date for implementation we can allow:
- a) A two year lead in period for the trade to ensure their vehicles will meet with the new criteria;
 - b) A two year lead in period to assist vehicle owners to prepare financially for any requirement to replace their existing vehicles;
 - c) A two year period for the Licensing Authority to reassess the financial climate both locally and nationally;
 - d) A two year period for further progress in relation to the Law Commission proposed reforms to Taxi and Private Hire Services; and
 - e) Should the Law Commission in its reforms permit a Local Authority discretion to set an age limit policy, we will have brought in a policy that allows for a sensible rolling programme of renewals providing modern licensed vehicles to the travelling public.
26. If this proposal for age limits and Certificate of Compliance testing is approved by the Board, the full set of "Conditions of Fitness" for licensed vehicles would then read:

New Vehicle Licences:

- a) Any vehicle presented for licensing must be less than 5 years of age from the date of its first registration.

Renewal of existing Vehicle Licences:

Hackney Carriage:

- b) From 1st January 2016, no vehicle shall be re-licensed if it is 12 years of age or more from the date of its first registration.

Private Hire:

- c) From 1st January 2016 no vehicle shall be re-licensed if it is 10 years of age or more from the date of its first registration.

d) DURATION OF CERTIFICATES OF COMPLIANCE

1. Certificates of Compliance will be issued with a duration of a minimum of four months and a maximum of six months. **In general certificates will be issued with a duration of six months for vehicles less than 8 years of age, and issued with a duration of four months for vehicles of 8 years of age or more*.**

2. Certificates of Compliance may be renewed up to 14 days in advance of expiry, when, and only upon immediate

production of the expiring certificate by the person presenting the vehicle for testing, the new certificate will be dated to expire six months, (**or four months for any vehicle that is of 8 years of age or more***), from the expiry date of the previous certificate.

3. The Council reserves the right to extend or shorten the above periods subject to the minimum and maximum durations given above. Each case will be decided upon its own merits.
4. It must be understood that it is unlawful for a Hackney Carriage or Private Hire vehicle licensed by the Council to be driven on the highway without a current Certificate of Compliance.

*Changes to the currently implemented “conditions of fitness” have been emboldened and underlined for Members ease of recognition.

Level of Risk

27. A Risk Register is attached at **Appendix Six**.

Environmental Impact

28. The setting of vehicle age limits would lead to a progressive modernisation of the licensed fleet of vehicles, and as such newer vehicles (through their compliance with Euro Emission Standards) may reduce pollution in the City and as such have a positive impact on the area.

Equalities Impact

29. An initial Equalities Impact Assessment is attached at **Appendix Seven**.

Financial Implications

30. There are no financial implications contained within the content of this report that apply to the Authority.

Legal Implications

31. The Local Government (Miscellaneous Provisions) Act 1976 at sections 47 and 48 allows the licensing authority to attach to vehicle licences such conditions as it considers reasonably necessary. Improving standards in vehicle safety and air quality are relevant factors in this respect. Any licence holder aggrieved by any condition attached to their licence may appeal to the Magistrates’ Court.

Name and contact details of author:-

Julian Alison
Licensing Team Leader
General Licensing / Environmental Development
Tel: 01865 252831 e-mail: jalison@oxford.gov.uk

List of background papers: None

Version number: 1.0

Licensing Authority

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E-mail: licensing@oxford.gov.uk3rd Floor, St. Aldate's Chambers

109 St. Aldate's

Oxford

OX1 1DS

Central Number: 01865 249811

APPENDIX ONE



Date: 23rd April 2013
Our Ref: Taxi Licensing
Your Ref: Consultation

Dear

HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION**EURO EMISSIONS & VEHICLE AGE LIMITS**

The General Purposes Licensing Committee requested that the Head of Environmental Development carry out consultation with the Hackney Carriage and Private Hire trade on proposed changes to the criteria for all Hackney Carriage & Private Hire Vehicles licensed by Oxford City Council.

These proposed changes are being considered by the City Council in order to reduce carbon emissions in keeping with other forms of public transport, to enhance the quality of vehicle safety offered to the public, and to promote Oxford as a world class city.

The Council is seeking your views as a stakeholder within the licensed taxi trade to the proposals put forward in this letter. Your responses will inform the decision on any changes to the criteria for Vehicle Age Limits, and will be considered alongside the wider financial climate and circumstances faced by licence holders. The decision as to whether to introduce new vehicle age limits will be considered by the Committee following the close of the consultation period in Summer 2013, so it is important that you make your views known.

The proposals are:-

a) New Vehicle Licence:

- **From 1st January 2014 a licence will not be granted if the vehicle is 5 years of age or more from the date of its first registration.**

b) Renewal of Vehicle Licence:

- **From 1st January 2014 no licence will be renewed if the vehicle is 8 years of age or more from the date of its first registration.**

The introduction of the upper age limit is intended to ensure that the vehicles operated as Taxis and Private Hire produce lower exhaust emissions, uphold the safety of the travelling public, and lead to a gradual modernisation of the operating fleet.

The consultation asks you:

1. Do you agree or disagree that Oxford City Council should have a plan to reduce carbon emissions and improve vehicle safety?
2. Do you agree or disagree that this can be achieved by putting an upper age limit on hackney carriages and private hire vehicles?
3. Do you agree or disagree with the proposals for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence?
4. Do you agree or disagree with the proposals for an upper age limit of “under 8 years of age” for any vehicle submitted for the renewal of an existing licence?
5. If you disagree with these proposals, please let us know how you would suggest we achieve our carbon emissions reduction and improvements in vehicle safety.

You can respond to this consultation in the following ways:

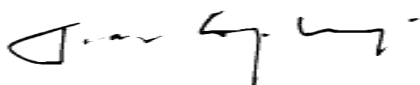
1. **In writing to: Licensing Authority, Oxford City Council, 3rd Floor St Aldate’s Chambers, 109 St Aldate’s, Oxford, OX1 1DS.**
2. **By email to: licensing@oxford.gov.uk**
3. **By submitting an online response via: insert online consultation weblink**

If you submit your response either in writing or by email, please put “Euro Emissions & Vehicle Age Limits” as the subject of your correspondence.

This consultation will run from 1st May 2013 until 12th June 2013.

The outcome from this consultation will be reported to the General Purposes Licensing Committee in Summer 2013 so that members are aware of your views when making their decisions.

Yours sincerely,



John Copley
Head of Environmental Development

APPENDIX TWO

From: COLTA OXFORD [REDACTED]
Posted At: 10 June 2013 12:19
Posted To: licensing@oxford.gov.uk
Conversation: Age limits and Euro Emissions consultation
Subject: Age limits and Euro Emissions consultation
Dear Taxi Licensing team,

Thankyou for the opportunity to respond to the consultation document you sent out in relation to the afore-mentioned heading.

In relation to the age limits COLTA agrees a limit needs to be set in place around vehicle age and we would like to propose 10 and 15 years upper age limit respectivley.

This would reflect vehicle shelf life and durability in line with regular maintenance and MOT'S.

We firmly believe that the Black Cab's are designed to last a decent life span spanning into a couple of decades as long as they are looked after and serviced regularly including upkeep of the body and coach work.

With regards to the Euro Emission limits all of the Black Cab's pass the test level regularly and it is proven the TX1 LTI vehicle is less polluting than the TX4 and 5. With this in mind there is a clear corolation between the age limits we have requested as the vehicles meet the emissions standards, even at TX1 model standards.

However due to wear, tear and in some cases neglect, some Black Cab's may fall by the wayside in regards to looking and performing within the prescribed technical limits as set by local authority. For this reason there needs to be regulation of age limits etc, however a realistic set of reulations though which we have proposed as 10 and 15 years.

Please do not hesitate to contact me if any futher information is required.

Kind Regards,

[REDACTED] on the behalf of COLTA.

The Licensing Authority
Oxford City Council

14 JUN 2013

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

I believe you are acting in haste and being unreasonable by pre-empting the final findings of the Taxi Law Commission Reform and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

"AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old"

3. I have no objections for an upper age limit of "under 5 years of age" for any vehicle submitted for a new licence.
4. I strongly disagree with the proposal for an upper age limit of "under 8 years of age" for any vehicle submitted for a renewal of an existing licence. See my reply to No's 1 and 2.
5. I refer you to my reply to No's 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point.

I urge you to re-consider your proposals.

Yours sincerely

4
=

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

My response to your consultation letter is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety.
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.
3. I have no objections for an upper age limit of "under 5 years of age" for any vehicle submitted for a new licence.
4. I strongly disagree with the proposal for an upper age limit of "under 8 years of age" for any vehicle submitted for a renewal of an existing licence. I think an **upper age limit of 12 years** would be fair and reasonable.

I urge you to re-consider your proposals.

Yours sincerely

The Licensing Authority
Oxford City Council

13 June 2013

1st May 2013

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

I believe you are being hasty and unreasonable by pre-empting the final findings of the Taxi Law Commission Reform and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

"AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old"

3. I have no objections for an upper age limit of "under 5 years of age" for any vehicle submitted for a new licence.
4. I strongly disagree with the proposal for an upper age limit of "under 8 years of age" for any vehicle submitted for a renewal of an existing licence. See my reply to No's 1 and 2.
5. I refer you to my reply to No's 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23.04.2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point. I am open to persuasion if compelling evidence is provided as requested.

I urge you to re-consider your proposals.

Yours sincerely

The Licensing Authority
Oxford City Council

12 JUN 2013

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

"AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old"

3. I have no objections for an upper age limit of "under 5 years of age" for any vehicle submitted for a new licence.

4. I strongly disagree with the proposal for an upper age limit of "under 8 years of age" for any vehicle submitted for a renewal of an existing licence. See my reply to No's 1 and 2.
5. I refer you to my reply to No's 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

It's difficult to understand how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point.

I urge you to re-consider your proposals.

Yours sincer

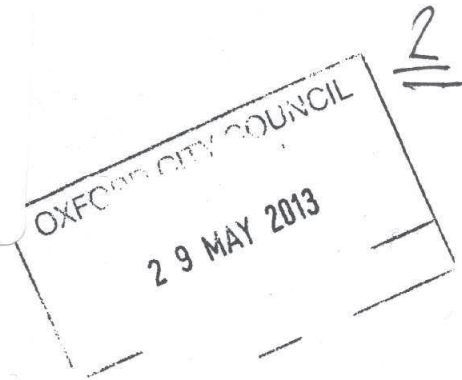
Badge No:



Name
Badge

Date 25.05.13

Dear, Sir/Madam



I have read the letter that the General Purposes Licensing Committee has requested that the Head of Environmental Development carry out this consultation.

I would like to put my views on the Hackney Carriage & Private Hire Consultation.

Euro Emission & Age Limits.

Financially I believe this proposals should not go through.

I would disagree with this Consultation on the grounds of no to Age Limit & Euro Emission far to costly.

Economy has taken a big Drop & people are being more wisely in choice.

Kind Regards

The Licensing Authority
Oxford City Council

Licensing Authority

109 St. Aldates

Oxford OX1 1DS.

The Licensing Authority
Oxford City Council

Dear Sir Madam.

RE. HACKNEY CARRIAGE + PRIVATE HIRE HIRE CONSULTATION
EURO EMISSIONS + VEHICLE AGE LIMITS.

I AM WRITING TO YOU RE THE ABOVE AND YOUR PROPOSALS.

(A): NEW VEHICLE LICENSE WILL NOT BE GRANTED IF THE VEHICLE IS 5 YEARS OF AGE OR MORE FROM THE DATE OF FIRST REGISTRATION.
= I AGREE WITH THIS PROPOSAL. =

(B): RENEWAL OF VEHICLE LICENSE. (JANUARY 2014)
NO LICENSE WILL BE RENEWED IF THE VEHICLE IS 8 YEARS OF AGE OR MORE FROM THE DATE OF FIRST REGISTRATION.
= I DO NOT AGREE WITH THIS PROPOSAL.

THE REASONS BEING IT IS TOO SEVERE DUE TO THE INITIAL HIGH COST OF THE VEHICLE AND THE EXPENSIVE UP KEEP OF THESE VEHICLES.
I THEREFORE FEEL A MORE REALISTIC AND FAIRER AGE LIMIT WOULD BE 10 YEARS.

I GENERALLY AGREE WITH THE PROPOSALS 1 TO 5 REGARDING LOWER EMISSIONS AND OF COURSE UP HOLDING THE SAFETY OF THE TRAVELLING PUBLIC LEADING TO A GRADUAL MODERNISATION OF THE FLEET.
MY ONLY OBJECTION IS AS I HAVE STATED ABOVE IS ITEM FOUR THE UPPER AGE LIMIT WHICH I FEEL SHOULD BE 10 YEARS INSTEAD OF 8 YEARS.

Yours Faithfully.

30-09-13

Dear Sir

I am writing to you regarding the age limit and Euro emissions exercise. It would be very damaging if this goes to fruition. My our taxis are MOT'd twice a year and the emission test are passed as well as the taxis's are keep in excellent condition. Business has also dropped due to the recession we are in. Other cities such as London and Reading have to change their taxis every 20 years, I feel this standard should also be applied to us in the city of Oxford as well.

The cost of a taxi is between £35 000 to £40 000 so changing a taxi every 5 or 8 years would have a serious affect on our lively hood.

I urge the council to help us oppose this proposal and set a 20 year limit like other cities.

In Summary

I agree that carbon emissions should be reduced using a cost affective strategy

I disagree that an upper age limit on hackney carriages and private hire vehicles will help this (reasons stated above)

I disagree for an upper age limit of "under 5 years" for new licence

I disagree for an upper age limit of "under 8 years of age" for renewal existing licence.

I disagree with both proposals as this will question the viability of the taxi business in Oxford, Also the proposal does not offer a subsidy to assist the proposal as it has with bus companies in Oxford which is unfair.

Regards

Ref.: Euro Emissions & Vehicle Age Limits

Dear Taxi Licensing team member,

I am writing in response to your letter dated 23rd April 2013 with reference to Consultation. With regard to point

1. I think it would be great if Oxford City Council would have a plan to reduce carbon emissions and to improve vehicle safety
2. Both these points could be achieved by putting an upper age limit on "taxis". Additionally, stricter guidelines with regard to emissions could be enforced at the six monthly MOT test. Maybe the council could introduce a reduced licence price for electric/hybrid cars?
3. I strongly agree with the proposals for an upper age limit of under 5 years for newly submitted vehicles for licensing
4. I strongly agree with the proposals for an upper age limit of under 8 years for any vehicle submitted for licence renewal

Further, with regard to safety, I believe that it is as important for a driver to be driving safely as it is for the vehicle to be safe. Hence I would like to repeat my suggestion of introducing a compulsory 'Advanced Driving Course' for hackney- and private hire badge holders. Since the council would be sending 100s of drivers to undertake the course, I am sure it could negotiate a favourable price with OAGAM or WSM. If the council took a percentage of the discount for administrative purposes, it's additional costs would be accounted for [e.g. the course costs £140, the council negotiates a 30% discount (the course would effectively then cost £98), the council keeps 5% (£7) for administration fees, the driver would be getting a 25% discount (and pay £105 for the course)]. Drivers should, and hopefully would be thankful for the opportunity to take a discounted advanced driving course and, more importantly, Oxford's roads would be safer.

I hope this has been useful to the Licensing Authority.

With kind regards and best wishes,

Hackney Carriage and Private Hire: Consultation

The consultation asks you:

1. Do you agree or disagree that Oxford City Council should have a plan to reduce carbon emissions and improve vehicle safety?

1. Please enlighten me as to how I can reduce my emissions

And make my vehicle safer.

EMISSIONS: I currently drive an 09 Toyota Avensis which according to Cowley Marsh testing equipment gives off emissions so low that the test sensors fail to register them.

SAFETY: My vehicle has an M.O.T (Certificate of Compliance) Twice a year which it continually passes, please feel free to tell me how this vehicle in your opinion is not safe and how you think it can be made safer?

2. Do you agree or disagree that this can be achieved by putting an upper age limit on hackney carriages and private hire vehicles?

2. Direct Quote from the DFT Tax And Private Hire Vehicle Licensing: Best Practice Guide; Para 32

"AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice-yearly tests for vehicles over 5 years old."

3. Do you agree or disagree with the proposals for an upper age limit of "under 5 years of age" for any vehicle submitted for a new licence?

3. I agree there should be an upper age limit of 5 years for first registration.

4. Do you agree or disagree with the proposals for an upper age limit of "under 8 years of age" for any vehicle submitted for the renewal of an existing licence?

4. I strongly disagree with a renewal age limit of 8 years.

My vehicle's brand new on the road price is £24100. To be able to purchase a like for like vehicle every 8 years I would need a minimum of £58 per week

disposable income (£58x416=£24128). I don't have £58 a week disposable income, unless you would like me to work about 16 hours a day 7 days a week to make up the shortfall in my income? Why should I financially burden myself when I have a vehicle that produces near zero emissions and continues to pass a certificate of compliance?

5. If you disagree with these proposals, please let us know how you would suggest we achieve our carbon emissions reduction and improvements in vehicle safety.

5. Unless Oxford City Council is planning to start manufacturing vehicles to their own safety standards there is absolutely no way you can make a vehicle that passes a certificate of compliance any safer. As regard to the emissions, try removing about 50% of the empty busses and coaches that trundle through Oxford on an hourly basis. An empty private hire vehicle is only moving when it is on its way to pick up a fare.

Extract from Taxi Licensing response to the new law commission

"The Council also believes that age limits should be permitted to be imposed on all vehicles to ensure a continual improvement in line with safety standards, emission levels and the image of the City."

So having deduced that my vehicle has extremely low emissions and a high standard of safety I guess the only other thing would be the image? So would I be correct in assuming that what you are really saying is that a vehicle over 8 years old in your opinion no longer fits in with "The image of the city"

Dear Sir/Madam,

I am writing in response to your letter regarding age limit on Taxis.

I believe that you are fully aware of economic situation of the country. There is no much work for Taxis any where. A new Taxi costs about £ 43000 for 5 years plan i.e. about £ 25 per day. maintenance is about £ 15 a day plus insurance, council Lic. fee and badge fee etc. Fuel is about £ 1-45 a litre it needs about £ 25 a day for fuel. It makes about £ 65 a day cost to run a new Taxi - before we make any profit. The city is too small our average fare is about £ 6/50 and sometimes we have to wait forty five minutes or more for a job.

Practically it is not possible for us to change the vehicles every 8 years. Reading has ²⁰ 15 years limit London got 15 years now we can have 8 years.

I believe that age limit should be minimum of 20 years.

As far as other transport (buses) are concerned they are subsidised, while we get nothing.

We get M.O.T. every 6 months - if a Taxi is not road worthy, how it passes the M.O.T.

I strongly oppose the idea of 8 years - it should be at least 20 years.

Licensing Authority
Oxford City Council

Thanks

Oxford City Council
Licensing Authority
3rd floor ST. Aldate's Chambers
109 ST. Aldate's
Oxford
OX1 1DS

The Licensing Authority
Oxford City Council

- 5 JUN 2013

Dear sir/madam,

Reg. Euro Emissions & Vehicle Age Limits

1. I disagree that Oxford City Council should have a plan to reduce carbon emissions and improve vehicle safety.
2. I disagree that this can be achieved by putting an upper age limit on hackney carriages and P.H.V.
3. I disagree with the proposals for an upper age limit of fewer than 5 years of age for any vehicle submitted for a new licence.
4. I disagree with the proposals for an upper age limit of fewer than 8 years of age for any vehicle submitted for renewal of an existing licence.
5. You already do M.O.T. every six months for these checks, but I believe these questions should go to companies got financials of money.
6. As we know this business is self-employment so that earning is not guarantee and secured especially when

the earning comes from the operators who do their own business first. For example I borrowed £10,000 to buy my car and I made it a taxi also the car before I borrowed the same amount of money to buy the car and I also made it a taxi.

Finally, it always depends on the circumstances of each driver if can afford to buy or cannot.

Yours sincerely

From: [REDACTED]

Posted At: 11 June 2013 16:07

Posted To: licensing@oxford.gov.uk

Conversation: Euro Emissions & Vehicle Age Limits

Subject: Euro Emissions & Vehicle Age Limits

Dear Sir/Madam

I [REDACTED] as a hackney carriage driver [REDACTED] would like to put forward my views on the euro emissions and vehicle age limits. I do not agree that by putting up an upper age limit on hackney carriages will make a difference. This is because our vehicles have an MOT check twice a year, which ensures our maintenance in our vehicles and that they are in good working condition. Although, I do agree that new license holders should have an upper age limit of under 5 years of age. However, I strongly disagree with the proposal for an upper age limit of under 8 years of age for any vehicle submitted for the renewal of an existing license. This is because our vehicles are in good condition and they are consistently passing the MOT twice a year and are running efficiently, and they should still be on the road whilst they are doing so, which highlights that there's no need for an age limit. The council should also consider how the older cars, lorries and vans in the city that affect the carbon emissions as well.

Best Regards

[REDACTED]

From: [REDACTED] Posted At: 11 June 2013
16:20 Posted To: licensing@oxford.gov.uk
Conversation: Age limit consultation
Subject: Age limit consultation

Dear licensing officer

Regarding the age limit of Hackney carriage and private hire vehicle's there are many issues we can discuss but some are very important like Hackney carriages are purpose built cars they have no other use in public sector their safety features .they also built for long servings to the trade. In Oxford we have two MOTs plus time to time spot checks that gives more assurances that cars are up to a good standard.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Posted At: 11 June 2013 11:52
Posted To: licensing@oxford.gov.uk
Conversation: Taxi age limits
Subject: Taxi age limits
Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

In your consultation letter you have asked 5 questions and my response is as follows:

I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?

I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

“AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old”

I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No's 1 and 2.

I refer you to my reply to No's 1 and 2. Perhaps the council should consider targeting the real gas

guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23rd April, 2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I urge you to re-consider your proposals.

Yours sincerely

[Redacted signature]

[Redacted signature]

[Redacted signature]

[Redacted signature]

[Redacted signature]

[Redacted signature]

Sent from Samsung Mobile

From: [REDACTED]

Posted At: 10 June 2013 15:52

Posted To: licensing@oxford.gov.uk

Conversation: Taxi license

Subject: Taxi license

Dear sir/Madam,

I am writing in regards to the age limit of Hackney carriage and private hire vehicle. In regards to this my opinion is that the purpose build taxis like tx1, tx2, tx4 are all built for the long servicing to trade their public safety. We will not find any other car/taxis like LTI. Oxford city council already keeps an eye on all the vehicles having MOT twice a year and spot checks are made regularly time to time. In regards with buying a taxi every 8-10 years will be impossible as i cannot afford it as they are too expensive. I hope you understand and hope to hear from you soon.

Many thanks,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] Posted At: 30 April 2013 15:51
Posted To: licensing@oxford.gov.uk
Conversation: Euro emissions and vehicle age limits
Subject: Euro emissions and vehicle age limits

In relation to the proposal of not allowing drivers to renew there vehicles if they are 8 years old, i would like to say this is highly unfair!!!! I purchased my car in 2009 and am Still paying for it (installment plan) , you are going to be putting me at risk of being unemployed as i would no longer have a vehicle to drive!, and how many other drivers would be in the same predicament, i would urge you to reconsider even proposing such a proposal, your sincerely, [REDACTED]

Sent from my iPhone

From: [REDACTED]
Posted At: 27 April 2013 21:03
Posted To: licensing@oxford.gov.uk
Conversation: Hackney Carriage Consultation
Subject: Hackney Carriage Consultation

Date 01.05.2013

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Carbon emissions of Oxford City.

You the Oxford City Council, The General Purpose Licensing Committee, Head of Environmental Development & Taxi Licensing Office should be working with the Hackney Carriage trade. By funding and finding a less cost effective way (more cheaper way) in reducing the Carbon emission in the Hackney Carriages of Oxford City.

The amount of income and growth in which our Oxford City Council , Local authorities & Taxi Licensing office has made. I can only hope that you put it back into the Hackney Trade only and help it grow once again.

How would you feel even though your Vehicle meets all the standard set by the local authorities In it's Safety checks for road worthy and it passed all the test. But you still had to change that vehicles because there is a age limit set on it now?

Special news the Hackney Carriage trade forecast of work is down and growth is unlikely to rise for the next 5 to 8 years from 2013, even with the pay rise which we got this year.

The Hackney Carriage trade of Oxford City is not what it was in work wise 20 to 50 Years ago.

The Hackney Carriage trade is completely dying out.
Why because our local city council and other authorities are more happy in developing the Private Hire and the buses sector.

From my point of view I disagree with the age limit and if the City of Oxford Council can't help in funding then I would disagree with everything that is put forward by the local authorities for the Hackney Carriage Consultation.

Kind Regards

[REDACTED]

From: [REDACTED]
Posted At: 03 May 2013 21:01
Posted To: licensing@oxford.gov.uk
Conversation: Consultation
Subject: Fwd: Consultation

Subject: Consultation
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

I believe you are being haste and unreasonable bypre-empting the final findings of the law commission and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1.
I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles

are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?

2.

I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

“AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old”

3.

I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4.

I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5.

I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23.04.2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point. I am open to persuasion if compelling evidence is provided as requested.

I urge you to re-consider your proposals.

Yours sincerely

From: [REDACTED]
Date: 12 June 2013 19:54:27
Posted At: VEHICLE AGE LIMITS
Conversation: Euro emission & vehicle age limits.
Subject: Euro emission & vehicle age limits.

I write with my deep concerns regarding the above subject, as you are aware there is a world wide recession even some of the European countries are in a serious financial mess and are asking for a bail out.

In Oxford unofficial deregulation has taken place. There are over seven hundred to one thousand hackney carriages and private hire cars working in Oxford. It seems that our licensing department have never been able to control illegal plying for hire since the days of Bill Scott, I say bring back Bill Scott, to make matters worse even out of town taxis and private hires are now running around and some times sitting around waiting to pick people when they have no right to.

It amazes me that once in a while when ever there is going to be an enforcement by the licensing department the private hires know this already.

The licensing department and the private hire bases make good money so they are not too bothered.

As regards to age limits surely the cars should not be considered in the same light as the purpose built and built to last London style taxis. I drive a London style taxi it is in a very good condition, most parts are bolted on and bolted off I have even changed the passenger seats, in my view as long as it passes the M.O.T it is deemed good for purpose. In any case our six monthly test are very stringent and of high standards and ensures that very high standards are maintained in cabs.

I believe there is no need to introduce age limits on taxis.

I have never claimed of the government.

I'm sure the last thing you want is every one to claim low income, income support, housing benefits etc. of government.

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Date: 11 June 2013 21:32:04
Posted At: VEHICLE AGE LIMITS
Conversation: Euro emissions & age limit
Subject: Euro emissions & age limit

The vehicles in oxford are in good repair and are safe for public use. The emissions on some cabs are great some not. To tackle it by brining in new vehicles is not the solution people should have a choice.

The new vehicles are not great for hackney carriages they carry a lot of faults and the engine does not last after, 150000 miles or they emissions ain't the good. To tackle emissions if vehicles are in bad conditions we can have 3 mots a year for older vehicles.

The maintenance cost of new hackneys is very expensive. The age limit if it is necessary I would say 20years. I don't think that is the solution.

Sent from my iPhone

From: [REDACTED]
Date: 07 June 2013 10:11:55
Posted At: VEHICLE AGE LIMITS
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits

In response to your proposed changes I agree that the Council should have a plan to reduce emissions however putting an upper age limit of 5/8 years is unacceptable. Hackney carriages are work horses! designed to last, most if not all Hackneys in Oxford are in good if not excellent cosmetic condition/mechanical condition and as for the emissions produced by the cabs the current MOT is more than sufficient to monitor emissions and to remove any cabs from service than don't meet those requirements.

Expecting proprietors to spend anything up to £30,000 every 5/8 years replacing the cabs is not only unreasonable but is something that COLTA will undoubtedly challenge with the full backing of all proprietors.

As for suggestions as to how to reduce carbon emissions and improve vehicle safety I don't think any major changes are needed, the current MOT is more than sufficient to monitor Hackney Carriages for Emissions, Safety and Cosmetic looks.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Subject: FW: Euro Emissions & vechile age limits
Date: 13 June 2013 21:06:47

-----Original Message-----

From: [REDACTED]
Posted At: Thu 6/13/2013 17:43
To: licensing@oxford.gov.uk
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & vechile age limits
Subject: Euro Emissions & vechile age limits

QUESTION 1 : YES
QUESTION 2 : NO
QUESTION 3 : YES
QUESTION 4 : THERE SHOULD BE NO UPPER AGE LIMIT OF 8 YEARS.
QUESTION 5 : AS LONG AS THE VECHILE PASSES THE COUNCIL'S OWN MOT THEN THE AGE OF THE VECHILE SHOULD NOT BE AN ISSUE.

[REDACTED]

From: [REDACTED]
Date: 11 June 2013 20:31:21
Posted At: VEHICLE AGE LIMITS
Conversation: Taxi age limit
Subject: Taxi age limit

Hi,
There is no age limit of taxis anywhere in UK so why Oxford Taxi Licensing is thinking about this. As long as a taxi pass its MOT there should not be any problem. In my opinion there should not be any age limit of taxis. Thanks

[REDACTED]
[REDACTED]

Sent from Samsung Mobile

From: [REDACTED]
Date: 12 June 2013 20:44:19
Posted At: VEHICLE AGE LIMITS
Conversation: Euro emission & age limits
Subject: Euro emission & age limits

As a owner of hackney carriage I write in response and of a concern to your letter dated 23rd April,2013.

Our standards in cabs I believe are higher than that of London.

We have M.O.T every six month to ensure that cabs are of the very high standards.

We have wheel chair accessible cabs.

We have swivel seat in our cabs.

We have built in step in our cabs.

We have built in child booster seat in our cabs.

We have five and six passenger carrier with ample luggage and leg room.

These London style taxis are built for this purpose and built to last therefore the minimum age limit on these cabs should be twenty (20) years or more.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Posted At: 10 May 2013 14:47
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions and Vehicle age limits
Subject: Euro Emissions and Vehicle age limits
Hi,

Reply to letter received.

1) I agree Oxford City council should take into consideration a plan to reduce carbon emissions and improve safety but then this should be something that applies to the whole of the UK not just Oxford.

2) I agree that Hackney carriages should have something done with regards to age limit because these vehicles are very heavy on emissions but with regards to private hire I think Oxford has a very good quality and to apply an 8 year rule from date of registration will cause an issue to drivers.

3) The 5 year from registration is fine.

4) The 8 year rule is not acceptable should increase to 10 years or if the 8 years goes ahead current drivers on the road should have the option to keep them up to 10 years as this is unfair. Or alter the time allowed dependent on the emissions as the new Toyota Prius from 08 plate and above are excellent obviously you are trying to achieve less emissions some of these models you don't have to pay tax as they are so efficient.

5) 5 Years from registration and 10 years from registration before they should be taken off the road is acceptable. As you will be fully aware the emissions of any vehicle up to 5 years are very good so in time this will reduce any emissions.

If you go ahead with the proposals I believe in my own personal opinion the Oxford Licensing department will lose huge revenue by drivers being forced to get licensed in another district that do not have the same rules.

[REDACTED]

[REDACTED]

From: [REDACTED]

Date: 16 May 2013 15:58

Subject: Proposed Changes due to Emissions

To: [REDACTED]

Cc:

Dear Sirs

Thank you for your letter in relation to the Euro Emissions and Vehicle Age Limits to Hackney and Private Hire Taxis.

I am writing to advise I strongly object to the proposed suggestions and raise my concerns below for both your points:

- a) With regard to new licences and the 3 year proposed limit, a 3 year old TX4 will have the same Euro Emissions as a 5 or 6 year old TX4 therefore this is unfair and unreasonable when an older vehicle can provide the same Emissions level. The limit should remain as it is.
- b) With regards to renewing licences, an 8 Year age limit is very unrealistic as there are several problems with this. This is highly unfair for people who have recently purchased a new vehicle who will have to replace this again in a shorter period of time. It is highly expensive to purchase a new taxi every 8 years taking depreciation into account and other factors into account. Also, with the high costs of Fuel and insurance being considered, it will be very difficult for most drivers to replace their vehicles resulting in people ending up without a job.

I hope you take my concerns into consideration and do not make the proposed changes.

Yours Faithfully

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Posted At: 09 May 2013 17:22
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits

[REDACTED]
[REDACTED]
[REDACTED]

9th May 2013

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

I believe you are being hasty and unreasonable by pre-empting the final findings of the law commission and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

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[REDACTED]

“AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old”

3. I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4. I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5. I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23.04.2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point. I am open to persuasion if compelling evidence is provided as requested.

I urge you to re-consider your proposals.

Yours sincerely

[Redacted signature]

From: [REDACTED]
Posted At: 03 May 2013 21:50
Posted To: licensing@oxford.gov.uk
Conversation: Consultation
Subject: Fwd: Consultation

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

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Re: Euro Emissions & Vehicle Age Limits

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I urge you to re-consider your proposals.

Yours sincerely

[Redacted signature]

Sent from my iPhone

From: [REDACTED]
Posted At: 29 May 2013 20:52
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits
Dear Taxi Licensing Authority,

Re: [REDACTED]

We do not agree with the age limits on the vehicle, as it is not viable to buy a new Hackney Cab every eight years, they are very expensive it takes us five years to pay the hire purchase off.

I completely understand the purpose behind this but it just isnt viable.

Many Thanks

[REDACTED]

From: [REDACTED]
Posted At: 06 June 2013 23:16
Posted To: licensing@oxford.gov.uk
Conversation: HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION
Subject: RE:HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION

Ref: Taxi Licensing

Dear Sirs/Madams

I am emailing you with regards to the Vehicle age limits. I am a Hackney Carriage driver, and would like to suggest that the limit for a hackney carriage licence should be at least 15 years for the below reasons:

1. A Hackney costs £40,000 (hence it is unfair to compare it to a private hire vehicle, as they only cost around £10,000-£12,000, which is 3 times less than the price of a Hackney).
2. We have to go through 2 MOT tests within a year, so Hackney's are mostly up to date in meeting the required standards.

In order to make sure all Hackneys are meeting the required standards you should do spot checks more often. And those that are not up to their standards should be taken off road / suspended until they meet the standards.

On average the weekly maintenance costs for a Hackney is £250-£300, which is very hard to manage especially in this financial climate/recession, and also business is currently down by 30%. I hope you will take the above points into your consideration, so we could come to a agreement. I look forward to hearing from you soon. Many thanks.

Best Regards
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Posted At: 28 April 2013 10:44
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions @ Vehicle Age Limits
Subject: Euro Emissions @ Vehicle Age Limits

i agree with your proposals for the upper age limit of under 5 years for any vehicle submitted for a new licence and also the upper age limit of under 8 years for vehicle submitted for a renewal of an existing license i think the it would be good for keeping the carbon emissions at a lower level and also for keeping the taxis and private hire in a more up to date condition for the general public to travel in safety and comfort thank you

From: [REDACTED]
Posted At: 15 May 2013 12:48
Posted To: licensing@oxford.gov.uk
Conversation: EURO Emissions & Vehicle Age Limits
Subject: EURO Emissions & Vehicle Age Limits
Subject: EURO Emissions & Vehicle Age Limits

Please find my response to the hackney carriage & private hire consultation and thank you for allowing me the opportunity to respond.

1. I do agree that Oxford City Council should have a plan to reduce carbon emissions and improve vehicle safety.
2. I do not think that adding these age limits will improve vehicle safety and reduce carbon emissions.
3. I do not agree with the proposal for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.
4. I do not agree with the proposals for an upper age limit of “under 8 years of age” for any vehicle submitted for the renewal of an existing licence.
5. In principle I am not against an age limit for vehicles as per the proposal but do not think it should be as proposed. For example the upper age limit for the renewal of an existing license should be under 14 years rather than under 8 years.

In addition to this the TX4 model of the London Taxi has brought further improvements during the years to the London taxi. The VM Motori diesel engine meets the Euro IV emission standard which means a much improved environmental performance. ABS brakes provide increased safety, while the passengers benefit from reduced noise levels.

There are a number of other refinements, such as improved ventilation (with the option of air conditioning), improved intercom system and an interior redesign to give a lighter, brighter ambience.

Therefore by having an existing model you are likely to conform to high standards of vehicle safety and have an environment friendly vehicle.

I take pride in my taxi and make sure it is maintained upto a high standard both in terms of vehicle safety, the environment and my customers. If there are taxi's not upto certain standards maybe they should be targeted by the City Council (e.g. spot checks) rather than general proposals which are costly for taxi drivers.

[REDACTED]

From: [REDACTED]
Posted At: 30 April 2013 12:08
Posted To: licensing@oxford.gov.uk
Conversation: Taxi Age Limit
Subject: Taxi Age Limit

I will keep this brief as I am sure that you will have many hundreds of letters to consider. I personally as a driver am against the proposal. Although The EU are forcing you to reduce emissions in line with their own policy (which again I disagree with, and hopefully the government is not lying to us this time and give us our referendum so that we can pull out of the EU and be free of all these loony schemes, but that is for another day) in point 1 I fail to see how the OCC plan would improve vehicle safety because the TX1 which you wish to ban from the roads is a far better built and sturdier vehicle than the TX4 that you favour, and as such offers better safety for the passenger and driver. point 2 No. Point 3 Yes. Point 4 No. Point 5. A simple answer for the Carfax area, which is the main cause of pollution in The City Centre, would be to remove the loading bays along the North side of High Street, and to move the bus dropping off points further East away from Carfax, this would alleviate the all day long traffic jams caused by the 2 above very badly designed bays. The longer action needed is for the London and Airport buses to be routed either North or South from Gloucester Green, and NOT down the High Street which has already suffered enormous damage caused by the weight of The Oxford Tube, and fully laded airport buses only a few years after £millions was spent rebuilding the road. In Queen Street a new bus stop is needed East of Bonn Square to take away the pressure on St Aldates which now resembles Cornmarket Street of old with buses blocking the road all day and sometimes all night long. There are very few Black Cab movements through Carfax as we use the North or South routes to avoid the congestion. Now to the Taxi Trade. The entire world looks up to the London Taxi Trade as the model that all licensing authorities aspire to. But as usual Oxford has to be different and be the guinea Pig for all Harebrained schemes, from the Rubber Road in Cornmarket Street in the 50s right up to the modern day, with cornmarket voted 2nd worst street in Britain, my point being that it seems that all decisions made solely by O.C.C. are not only wrong but financially lead to bankruptcy. I feel that the London Model should be followed, where you can still find FX'S on the road. The main challenge to your proposal (and maybe a costly legal one) will come from your decision to grant The L.T.C. a monopoly on Taxi sales in Oxford. Their vehicle is the most unreliable on the road, having had recalls, and an awful record in Oxford for the proprietors forced to buy one, not to mention the financial problems of the parent company. You will need to licence the Mercedes as well if you were to bring in an age limit. As you know it is good enough for London, so should be good enough for the rest of the World let alone Oxford. One last thing for you to contemplate, the Multi-national bus companies that clog up our streets get subsidies to buy their buses, subsidies to run certain services, and are just implementing their 7th fare increase in just over 5 years. The Taxi trade enjoys none of the above privileges, and also over the last 3 years until last month had only had 1 fare increase of 1.5% on a £10 journey, whilst having to suffer a near 50% rise in fuel costs. If your proposal is implemented you will be looking at another 10% rise in fares to cover the £140 a week loan repayments on a new cab. And my last gripe is aimed directly at licensing who provide only 14 working rank spaces for 107 licensed taxis. I.E. Gloucester Green. The ranks at St Giles and The High Street are useless as people will not walk to them and instead flag down a cab either by Waterstones or Carfax. You need to provide a daytime rank in Broad Street in the space currently occupied by the Tour Bus sales booth, and make Carfax at 24 Hour Rank, it works perfectly well on a Sunday, so what is your objection to a 24/7 rank?. I hope you take these points on board, as you are not likely to get anything as constructive from the COLTA secretary who is about as much use as an ashtray on a motorbike, but he makes your life easier.

From: [REDACTED]
Posted At: 02 May 2013 19:34
Posted To: licensing@oxford.gov.uk
Conversation: Taxi Licensing
Subject: ref: Taxi Licensing
To John Copley

In reply to your letter sent to me i would like to point say that i do not agree with reducing the age limit of taxis to 5 years. i feel it should be 15. As our vehicles have 2 MOT every year to ensure they are safe, as part of those MOTs emissions and the general look of the vehicle is apart of the test. so as long as we are passing it shouldn't be a issue. however i understand you would like the vehicles to look presentable which is why i recommend a 15 year age limit as i feel there is no reason a 14 year old vehicle can still well presentable and if there are any issues in its looks or emissions efficacy this will be flagged up in the MOT.

kind regards

[REDACTED]
[REDACTED]

From: [REDACTED]
Posted At: 11 June 2013 22:00
Conversation: Euro Emissions&Vehicle Age Limits
Posted To: VEHICLE AGE LIMITS

Subject: Euro Emissions&Vehicle Age Limits

Dear Sir madam

First of all thank you very much for asking my point of view on euro emission & vehicle age limits. I agree with the proposals for an upper age limit of " under 5 years of age". But i disagree with the proposals for an upper age limit " under 8 years of age" if it is possible please could you keep 10 year limit because it difficult to save money to buy another taxi in three years.

Some cars come from other city councils but there cars are very old and they work with same city, same company, how could you improve to reduce carbon in oxford. I know some local taxi drivers even when the oxford city council stop to renew their vehicle these driver then take there taxis to other city council to renew there taxi plates and start to work back in oxford again. I am advising you to leave the age limit to 10 years. please try stop other city council drivers working back in oxford.If oxford city council don't take any action then oxford city workers will join other city councils to get vehicle plates and work back in oxford.

thank you for taking your time for reading this.

[REDACTED]
[REDACTED]

From: [REDACTED]
Posted At: 12 June 2013 12:08
Posted To: licensing@oxford.gov.uk
Conversation: 2013 Oxford City Council Hackney Consultation
Subject: 2013 Oxford City Council Hackney Consultation
Date 12.06.2013

Dear Sir/Madam

I [REDACTED]

I have read your letter regarding the consultation letter on the Age Limit and Euro Emission on Hackney Carriages.

I myself disagree with the whole proposals because this age limit would put a big effect on me in buying a new cab which cost £40000

Or by me to arrange for a loan which i believe would financially make it unworkable.

Then to claim or make the money back would mean meter fare price would have to go up again.

Already its unfair because cost have gone up in every section.

So i am not happy at all.

I would like or discuss a plan to reduce Carbon Emission because i feel and for others around me to breath fresh air.

And for the Safety issue i would say there is not much we can change

Yours Sincerely

[REDACTED]

Sent from my Samsung Galaxy Note II LTE on Three

From: [REDACTED]
Posted At: 29 April 2013 17:11
Posted To: licensing@oxford.gov.uk
Conversation: Cab age
Subject: Cab age

I am writing to you in regards to the age limit of taxis. I believe as far as the vehicles are up to standard engine wise and body wise or otherwise the cabs should not have to be changed. The council has a great team of M.O.T. staff which also goes along with the M.O.T. of taxis twice a year to make sure the taxis are up to date, so with this in place i believe there should not be an age limit on taxis as we are or remain up to date with vehicles.

Thank you and regards

[REDACTED]

Sent from my iPhone

From: [REDACTED]
Posted At: 12 June 2013 08:50
Posted To: licensing@oxford.gov.uk
Conversation: Consultation [REDACTED]
Subject: Consultation [REDACTED]

Dear Sir/Madam

Further to the above Consultation, my response is, as follows:-

1. Yes, I agree to the reduction of emissions, but believe the existing safety criteria is sufficient.
2. Yes, I agree the upper age limit should be capped, but only in consultation with the drivers on a voting basis.
3. No, I do not agree to the upper age limit of 5 years. Any proposals should be done by a vote of the current license holders.
4. No, I do not agree with the upper age limit of 8 years for renewal, I believe it should be between 10-15 years.
5. The council should part subsidise any exhaust changes to enable vehicles to be compliant with Euro emissions. Also, the current thorough process of MOT testing is sufficient to ensure vehicle safety.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Posted At: 12 June 2013 13:42
Posted To: licensing@oxford.gov.uk
Conversation: euro emissions and vehicle age limits
Subject: euro emissions and vehicle age limits

Licensing Authority,

I am responding to the letter I received dated 23/04/2013 with regards to the consultation on emissions and vehicle age limits for hackney carriage and private hire vehicles.

I do not agree with the proposals put forward by the head of environmental development for climate change mitigation. I believe that the proposals are a knee jerk reaction and do not believe that they have been properly thought through as to how much difference they would make. Some stats to show what difference these proposals would make would have been appreciated.

At the moment hackney carriage vehicles go through a very stringent MOT every six months. Very close detail is paid to conditions of vehicle including mechanical, interior and exterior to make sure vehicles are in good condition and appearance to represent Oxford city gracefully. I disagree that the upper age limits of 5 and 8 years would improve vehicle safety because the current set up is more than adequate to make sure the vehicles are upholding the safety of the travelling public well.

At the moment there are older vehicles in service in London (the top destination for tourists in 2012, ref conde nast traveller) representing the borough well.

And what about the financial implication to the licence holders in the current financial climate, which I believe has not been thought through at all when the proposal suggests that the changes should be brought in from Jan 2014- approximately 5 to 6 months after the end of consultation. For your information a 5 year old LTI costs in the region of £15 to £20000. How would a licence holder look to finance for this amount in the current climate when banks are not lending so openly. In such a short period of time a licence holder may have to look elsewhere for employment.

Therefore, I disagree with these proposals in current form and believe they have not been thought through properly taking all aspects into consideration.

I would suggest;

: making more roads traffic free

: reduce busses on the road at certain times of the day. I have lost count of the number of busses I see on a daily basis that are travelling with only a few passengers on board. There are so many busses about at off peak times that the congestion they cause and ultimately how much pollution they cause from vehicles that are jammed up behind them. The roads in Oxford are narrower than in some towns because of which we have so much congestion. Maybe we need to look at parking bays for busses cut into the pavements to keep other traffic flowing.

: When a new vehicle is licenced, Only allow vehicles to be licenced under certain engine size. The trend from manufacturers is to reduce the engine capacity of their vehicles to bring down their emissions.

: put a ceiling on maximum CO2 PER G/KM for vehicles to emit, encouraging licence holders to bring in cleaner vehicles when replacing their vehicles.

: LTI vehicles (ie black cabs) do not have the most efficient vehicles on the market in terms of CO2 or fuel efficiency. Why not allow LTI vehicles to be

replaced by passenger cars to be hackney carriage licensed vehicles. That would significantly reduce the carbon footprint.

:put a ceiling on maximum number of private hire vehicle licences.

:Educate all vehicle users on how to use their vehicles more efficiently, therefore reducing emissions and improving economy of their vehicles.

:Any proposal should give a good notice of time. I would suggest 2 to 4 years depending on the proposal. This would then give everybody a good opportunity to evaluate their own circumstances and make their decision.

I hope my views are taken in to consideration when making any changes.

Kind regards,

[REDACTED]

PROPRIETOR OF A LICENSED TAXI

From: [REDACTED]
Posted At: 29 May 2013 10:48
Posted To: licensing@oxford.gov.uk
Conversation: Hackney Carriage & Private Hire: Consultation
Subject: RE: Hackney Carriage & Private Hire: Consultation

To Whom It May Concern,

I am writing to discuss my views on the 'Euro emissions & vehicle age limit' consultation. I, as a Hackney driver of 24 years, strongly disagree with the proposals listed. I believe that the proposals are ill thought and are detrimental to the livelihoods of hundreds of drivers across Oxfordshire.

The following are my views on the proposals suggested;

New Vehicle Licence:

From 1st January 2014 a licence will not be granted if the vehicle is 5 years or of age or more from the date of its first registration.

Renewal of Vehicle Licence:

From 1st January 2014 no licence will be renewed if the vehicle is 8 years of age or more from the date of its first registration.

These proposals will mean that me, and hundreds of other drivers, will have to spend a circa £40,000, every 8 years, in order to gain a licence to earn our livelihoods; after paying the 5 year loan the total will be around £47,000. This money will come from our own pockets and will reduce our living standards. Will the Council help us in purchasing our vehicles through subsidies? I probably don't think so because it would be unfair on the tax payer. Bus companies can pay to introduce new buses because they are one business therefore can use their size to negotiate better rates of price whereas our taxis are bought by individuals thus reducing our bargaining power. This will also lead to a glut of working, and in good order, taxis on the second hand marketing leading to a loss of value when it comes to the point of sale after 8 years.

Work for us driver has already gone down because of cross border Private Hire working in Oxford pinching our trade; our enforcement team is not doing enough because these cars are increasing in number each day.

Financially it will make sense for us Hackney drivers to purchase Private Hire vehicles as they tend to be cheaper (about £15,000 v £40,000) This will mean that Oxford will lose an iconic vehicle. A city as iconic as Oxford deserves a Hackney Taxi.

Another point I want to make is regards to carbon emissions. Our taxis are MOT'd every 6 months and are subjected to strict emission tests, already, therefore the fleet of taxis are in good working conditions. Surely emission costs of building a brand new taxi outweigh the emission cost of running a taxi older than 8 years? It is unfair to just look at the emissions when the taxis are working but the entire life emission of the taxis should be considered; and in that sense these proposals make absolute no sense and stink of proposals for the sake of proposals.

My final point is Oxford is a small city compared to London, Manchester,

Glasgow etc, those cities have a much larger taxi fleet but their taxis wouldn't be subjected to such strict emissions controls then why should ours be? Surely action must be taken in larger cities before it is stemmed down to smaller cities like ours?

In conclusion these proposals are ill thought and will strike the very livelihoods of a hundred drivers and hundreds of families depending upon them. Our taxis are already tested, twice a year, against strict emissions tests and most tend to pass so why have these emissions rules now? Also one must look at the entire emissions life span of a taxi, from manufacture to disposal and not just the emissions that come from the exhaust pipe; and in that sense these proposals are in complete contradiction to your aims behind them.

Regards

[Redacted signature]

From: [REDACTED]
Posted At: 28 May 2013 12:28
Posted To: licensing@oxford.gov.uk
Conversation: Taxi licensing
Subject: Taxi licensing

- 1) Do you agree or disagree that Oxford city council should have plan to reduce carbon emissions and improve vehicle safety.....Agree
- 2) Do you agree or disagree that this can be achieved by putting an upper age limit on hackney carriages and private hire vehicles? Disagree
- 3) Do you agree or disagree with the proposals for " an upper age limit of" under 5 years of age" for any vehicle submitted for new licence? Agree
- 5) Do you agree or disagree with the proposals for " an upper age limit of" under 8 years of age" for any vehicle submitted for the renewal of an existing licence? Disagree
- 6) 5) If you disagree with these proposals,Please let us know how you would suggest we achieve our carbon emissions reduction and improvements in vehicle safety..

P.S Sorry to say this but the way thing are going in the business not many people will be able to afford all these expenses.

All I can says is if vehicle owner maintain the vehicle I don't see the need to keep changing them, I'm sure you have read about what is going with LTI. So how will the owner of lti cab be able to keep changing from old to new???

From: [REDACTED]
Posted At: 07 May 2013 19:35
Posted To: licensing@oxford.gov.uk

Conversation: Totally disagree because tx1 have better cleaner emissions than tx4s and there's not enough business too fork out forty thousand pounds every eight years
Subject: Totally disagree because tx1 have better cleaner emissions than tx4s and there's not enough business too fork out forty thousand pounds every eight years

Sent from my iPhone

[REDACTED]
[REDACTED]

Subject:
Date:

[REDACTED]
[REDACTED]

FW: HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION
07 June 2013 08:22:02

From: [REDACTED]

Posted At: 06 June 2013 23:16

Posted To: licensing@oxford.gov.uk

Conversation: HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION

Subject: RE:HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION

Ref: Taxi Licensing

Dear Sirs/Madams

I am emailing you with regards to the Vehicle age limits. I am a Hackney Carriage driver, and would like to suggest that the limit for a hackney carriage licence should be at least 15 years for the below reasons:

1. A Hackney costs £40,000 (hence it is unfair to compare it to a private hire vehicle, as they only cost around £10,000-£12,000, which is 3 times less than the price of a Hackney).
2. We have to go through 2 MOT tests within a year, so Hackney's are mostly up to date in meeting the required standards.

In order to make sure all Hackneys are meeting the required standards you should do spot checks more often. And those that are not up to their standards should be taken off road / suspended until they meet the standards.

On average the weekly maintenance costs for a Hackney is £250-£300, which is very hard to manage especially in this financial climate/recession, and also business is currently down by 30%. I hope you will take the above points into your consideration, so we could come to a agreement. I look forward to hearing from you soon. Many thanks.

Best Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Posted At: 11 June 2013 22:30
Conversation: Hackney Carriage & Private Hire vehicle 2013 Consultation Oxford City Council
Posted To: VEHICLE AGE LIMITS
Subject: Hackney Carriage & Private Hire vehicle 2013 Consultation Oxford City Council

Date 11.06.2013

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sir/Madam

I have read your letter that the General Purposes Licensing Committee has requested that the Head of Environmental Development carry out this Hackney Carriage & Private Hire Vehicle Consultation in the Summer of 2013.

I would like to make my views known regarding the Hackney Carriages Consultation and on the following Euro Emission & Age Limits.

With the New Vehicle Licence I agree that the vehicle should not be more than 5 years old because that's what we're doing at the moment.

The Renewal Of The Vehicle License I would Disagree because we feel there should not be an age limit set.

I would Agree if there could be a plan to reduce Carbon Emissions and Improve Vehicle Safety By having inner comfort areas of the vehicle more improved on and by looking at Catalytic Converter Systems or another type of alternative idea rather than an age limit set on the Hackney Carriage Vehicles.

I would Disagree because this can not be achieved by putting an upper age limit on Hackney Carriages nor it will achieve a limit of under age of 8 years.

I could Agree with a proposal if we really need an age limit of such vehicle that would submit a vehicle license to be renewed for an existing license.

Oxford city and its council authorities have the best system in place already for these public services vehicles for they Safety check and Emission Tests. Which these public service vehicle are meeting the Standard Set.

We feel our Oxford City Council Authorities have improved more on Vehicle Safety and on Road Safety than any other Big City In The UK.

Financially we believe in business wise the Proposals put forward by the General Purposes Licensing Committee to request that the Head Of Environmental Development have a look in to is Unworkable and unaffordable.

We have agreed and disagreed on some question because we feel we and the local council authorities need to look at the long term effects and the wider picture on where the Taxi Trade is going at the Moment and its future coming.

Yours Sincerely

[Redacted signature]

Sent from my iPad

30-09-13

Dear Sir

I am writing to you regarding the age limit and Euro emissions exercise. It would be very damaging if this goes to fruition. My our taxis are MOT'd twice a year and the emission test are passed as well as the taxis's are keep in excellent condition. Business has also dropped due to the recession we are in. Other cities such as London and Reading have to change their taxis every 20 years, I feel this standard should also be applied to us in the city of Oxford as well.

The cost of a taxi is between £35 000 to £40 000 so changing a taxi every 5 or 8 years would have a serious affect on our lively hood.

I urge the council to help us oppose this proposal and set a 20 year limit like other cities.

In Summary

I agree that carbon emissions should be reduced using a cost affective strategy

I disagree that an upper age limit on hackney carriages and private hire vehicles will help this (reasons stated above)

I disagree for an upper age limit of “under 5 years” for new licence

I disagree for an upper age limit of “under 8 years of age” for renewal existing licence.

I disagree with both proposals as this will question the viability of the taxi business in Oxford, Also the proposal does not offer a subsidy to assist the proposal as it has with bus companies in Oxford which is unfair.

Regards

A black rectangular redaction box covering the signature area.

From: [REDACTED]
Posted At: 05 June 2013 05:51
Posted To: licensing@oxford.gov.uk
Conversation: Age limit
Subject: Age limit

Dear sir/madam

I am writing to you to request an age limit should not be put on taxis as this would put great burden on many taxi drivers and the cost of running these taxis are very expensive as it is.

[REDACTED]
[REDACTED]

Thank you

Sent from my iPhone

From: www-data [mailto:www-data@occ2.oxil.co.uk] Posted At: 04 June 2013 12:51
Posted To: licensing@oxford.gov.uk
Conversation: Contact Via Website
Subject: Contact Via Website

You have received a contact message from the Oxford City Council Website as follows:

Name: [REDACTED]

Email Address: [REDACTED]

Address:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Telephone No.: [REDACTED]

Comments: Regarding age limit off Hackney carriages. I would like to put my point of view by saying a 15 year age limit should be implemented. In london this has been implemented with no problems. As long as the cab is capable of passing mot every 6months then there shouldn't be an issue. We as a family have spent £27000 on a new cab and the only way for us to make most off the vehicle financially would be to put a 15 year age limit on the Hackney carriage.

Customer reference number: Hackney carriage age limit

From: [REDACTED]

Posted At: 07 May 2013 18:03

Posted To: licensing@oxford.gov.uk

Conversation:

Subject:

To whom this may concern,

Upon reading your letter to introduce a New Vehicle Age Limit I have considered it not to be such a good decision, I agree that the Oxford City Council should take up a sense of responsibility trying to reduce the carbon emission but this new idea proposed will be extremely costly and much of a burden for us taxi drivers as currently work levels have reduced massively.

Taxis go through MOT every 6 months to check the suitability for the roads and for the public and this increases road safety. I have also noticed the newer generation of taxi makes are causing more mechanical problems and are becoming increasingly expensive to run.

The age of the taxi should not be something that needs to be looked on as a problem to be changed. In London you see Taxis of ages more than 20 and this is evidence that older vehicles are safe to drive. I agree that carbon emission is an on going problem for the world but if this decision is carried out it will cause much stress and financial burden on the taxi drivers.

I hope you can consider my view point and will be looking forward to see what action you take,

yours sincerely,

[REDACTED]

From: [REDACTED]
Posted At: 28 May 2013 12:28
Posted To: licensing@oxford.gov.uk
Conversation: Taxi licensing
Subject: Taxi licensing

- 1) Do you agree or disagree that Oxford city council should have plan to reduce carbon emissions and improve vehicle safety.....Agree
- 2) Do you agree or disagree that this can be achieved by putting an upper age limit on hackney carriages and private hire vehicles? Disagree
- 3) Do you agree or disagree with the proposals for " an upper age limit of" under 5 years of age" for any vehicle submitted for new licence? Agree
- 5) Do you agree or disagree with the proposals for " an upper age limit of" under 8 years of age" for any vehicle submitted for the renewal of an existing licence? Disagree
- 6) 5) If you disagree with these proposals,Please let us know how you would suggest we achieve our carbon emissions reduction and improvements in vehicle safety..

P.S Sorry to say this but the way thing are going in the business not many people will be able to afford all these expenses.

All I can says is if vehicle owner maintain the vehicle I don't see the need to keep changing them, I'm sure you have read about what is going with LTI. So how will the owner of lti cab be able to keep changing from old to new???

From: [REDACTED] Posted At: 07 May 2013
21:43 Posted To: licensing@oxford.gov.uk
Conversation: Consultation
Subject: Consultation

1. I agree when the O.C.C modernization plan includes swap of classic PHVs for hybrid ones.
 2. I disagree.
 3. I disagree.
 4. I disagree.
 5. By introducing more hybrid vehicles as PHVs, cancellation for instance: road signs of obligatory turn in only one direction for PHVs and Hackney Carriages, all PHVs and HCs should be provided with codes enabling to cross over hydraulic road blocks, focusing attention on swap of all fashioned buses on hybrid ones, traffic lights modernization to introduce new ones provided with approaching sensors.
- Kind Regards
[REDACTED]

From: [REDACTED]

Posted At: 03 June 2013 19:40

Posted To: licensing@oxford.gov.uk

Conversation: EURO EMISSIONS & VEHICLE AGE LIMITS

Subject: EURO EMISSIONS & VEHICLE AGE LIMITS

1. I disagree

2. I disagree

3. I disagree

4. I disagree - There should be an age limit of 15 years for any vehicle submitted for a new license.

5. At the moment economic climate is not good therefore people are struggling with finances and people like myself are unable to afford new vehicles which cost around £35,000.

Concerning vehicle safety there is already 6 months MOT service in place, therefore there will any issues will be picked up in this.

Oxford is a small city and has limited business for taxi drivers as the busy days are only Friday's and Saturdays. Also many of the bus services are now 24 hours.

From: [REDACTED]
Posted At: 02 May 2013 23:03
Posted To: licensing@oxford.gov.uk
Conversation: Consultation
Subject: Consultation

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

I believe you are being hasty and unreasonable by pre-empting the final findings of the law commission and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1.

I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?

2.

I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

“AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old”

3.

I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4.

I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5.

I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23.04.2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point. I am open to persuasion if compelling evidence is provided as requested.

I urge you to re-consider your proposals.

Yours sincerely

[Redacted signature block]

From: [REDACTED]
Posted At: 15 May 2013 15:11
Posted To: licensing@oxford.gov.uk
Conversation: consultation
Subject: consultation

dear john copley,

we have already reduced business cause plenty of taxi drivers, operator and honestly you guys making lot of money, i am sure you will forgive me for this, for the subjected matter i simply dis agree.

many thanks

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] Posted At: 26 April 2013 12:34
Posted To: licensing@oxford.gov.uk
Conversation: Contact Via Website
Subject: Contact Via Website

You have received a contact message from the Oxford City Council Website as follows:

Name: [REDACTED]

Email Address: [REDACTED]

Address:

[REDACTED] [REDACTED]

[REDACTED]

Comments: Hi my plate no [REDACTED] I think age limit should be 10 year if age limit is 8 year than u have change car every three years That will be that will be not easy Thanks.

Customer reference number:

From: [REDACTED]
Posted At: 29 May 2013 10:48
Posted To: licensing@oxford.gov.uk
Conversation: Hackney Carriage & Private Hire: Consultation
Subject: RE: Hackney Carriage & Private Hire: Consultation

To Whom It May Concern,

I am writing to discuss my views on the 'Euro emissions & vehicle age limit' consultation. I, as a Hackney driver of 24 years, strongly disagree with the proposals listed. I believe that the proposals are ill thought and are detrimental to the livelihoods of hundreds of drivers across Oxfordshire.

The following are my views on the proposals suggested;

New Vehicle Licence:

From 1st January 2014 a licence will not be granted if the vehicle is 5 years or of age or more from the date of its first registration.

Renewal of Vehicle Licence:

From 1st January 2014 no licence will be renewed if the vehicle is 8 years of age or more from the date of its first registration.

These proposals will mean that me, and hundreds of other drivers, will have to spend a circa £40,000, every 8 years, in order to gain a licence to earn our livelihoods; after paying the 5 year loan the total will be around £47,000. This money will come from our own pockets and will reduce our living standards. Will the Council help us in purchasing our vehicles through subsidies? I probably don't think so because it would be unfair on the tax payer. Bus companies can pay to introduce new buses because they are one business therefore can use their size to negotiate better rates of price whereas our taxis are bought by individuals thus reducing our bargaining power. This will also lead to a glut of working, and in good order, taxis on the second hand market leading to a loss of value when it comes to the point of sale after 8 years.

Work for us driver has already gone down because of cross border Private Hire working in Oxford pinching our trade; our enforcement team is not doing enough because these cars are increasing in number each day.

Financially it will make sense for us Hackney drivers to purchase Private Hire vehicles as they tend to be cheaper (about £15,000 v £40,000) This will mean that Oxford will lose an iconic vehicle. A city as iconic as Oxford deserves a Hackney Taxi.

Another point I want to make is regards to carbon emissions. Our taxis are MOT'd every 6 months and are subjected to strict emission tests, already, therefore the fleet of taxis are in good working conditions. Surely emission costs of building a brand new taxi outweigh the emission cost of running a taxi older than 8 years? It is unfair to just look at the emissions when the taxis are working but the entire life emission of the taxis should be considered; and in that sense these proposals make absolute no sense and stink of proposals for the sake of proposals.

My final point is Oxford is a small city compared to London, Manchester,

Glasgow etc, those cities have a much larger taxi fleet but their taxis wouldn't be subjected to such strict emissions controls then why should ours be? Surely action must be taken in larger cities before it is stemmed down to smaller cities like ours?

In conclusion these proposals are ill thought and will strike the very livelihoods of a hundred drivers and hundreds of families depending upon them. Our taxis are already tested, twice a year, against strict emissions tests and most tend to pass so why have these emissions rules now? Also one must look at the entire emissions life span of a taxi, from manufacture to disposal and not just the emissions that come from the exhaust pipe; and in that sense these proposals are in complete contradiction to your aims behind them.

Regards

[Redacted signature]

To the Head of Environmental Development
Oxford City Council
Oxford

34 Mather Road
Headington
Oxford
OX3 9PG

Thursday 6th June 2013

RE: Euro Emissions & Vehicle age limits

Dear Sir,

In response to your letter regarding consultation for Hackney Carriage & Vehicles.
My opinion is as follows:

- 1) I believe there should be a national policy in place to reduce CO2 emissions and improve vehicle safety. This policy should apply to all vehicles nationwide.
- 2) I disagree that this can be achieved by enforcing an upper vehicle age limit on existing licences. If imposed there will be a huge unfair discrepancy between vehicle ages in Oxford compared to vehicles in other areas e.g. London, Reading.
- 3) I agree with proposals for an upper vehicle age limit of under 5 years for new licenses. This will ensure that the operating fleet will be gradually modernised.
- 4) I strongly disagree with an upper age limit of 8 years for renewal of existing licenses. As an owner driver of a Hackney Carriage Vehicle I believe an outlay of £45 000 every 8 years is not economically viable in this trade.
- 5) The present twice annual M.O.T ensures that vehicles are safe, road worthy and aesthetically suitable. In my opinion an upper age limit of a vehicle should be in line with places like London, and set at 15 years. This would ensure emissions are kept under control.

Yours sincerely,

Nisar Ahmed Dogar

From: [REDACTED]
Posted At: 03 June 2013 18:25
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

I believe you are being hasty and unreasonable by pre-empting the final findings of the Taxi Law Commission Reform and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

"AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So

setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old”

3. I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4. I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5. I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point.

I urge you to re-consider your proposals.
Yours sincerely

[Redacted signature]

[Redacted contact information]

From: [REDACTED]

Posted At: 13 May 2013 13:15

Posted To: licensing@oxford.gov.uk

Conversation: EURO EMISSIONS & AGE LIMITS

Subject: EURO EMISSIONS & AGE LIMITS

To whom this may concern

I think that your new vehicle licenses are both unworkable and very unreasonable

a) And b) i personally think that they should be left to the government to decide when they release findings of their consultations , i think you are jumping the gun a bit too quickly , as no one has that kind of money to replace cars that quickly due to the economic climate of the country (the cars that are cross bordering work will cement themselves in to Oxford city and you will not be able to govern the age of the vehicles from cross bordering hackney vehicles therefore impacting on the quality cars that we have in Oxford by being overrun by Lots of older vehicles from outside the oxford city borders

1) Regarding the question on consultation on whether oxford city should have a plan to reduce carbon emissions (i think oxford city should look at the sheer amount of buses which pollute far more than our PHV cars , and as regards to safety can you produce REAL figures which show how many passengers or public have been injured by PHV /HC , and at same time for BUSES and COACHES) also how many MOT'S do the buses and coach companies go through every year ??AGREE ACROSS ALL PUBLIC HIRE NOT JUST TAXIS

2) DISAGREE that this can be achieved by putting an upper limit on age , as we have two MOT'S a year and all the vehicles that are made for use as motor vehicles in Europe pass the best and most stringent SAFETY (FOR PASSENGERS AND ROAD USERS) the most strictest EMISSIONS tests before they are manufactured)

3) AGREE with the current 5 year limit for new vehicle license (works perfectly)

4) DISAGREE

THERE IS NOTHING WRONG WITH THE WAY THAT TAXIS/PHV ARE RUN AT THE MOMENT

BY MAKING THE WHOLE TAXI/PHV CHANGE VEHICLES BECAUSE YOU PERSONALLY DON'T LIKE OLDER YET PERFECTLY RUNNING TAXIS/PHV WILL NOT SOLVE ANYTHING!!

THE MASSIVE CARBON FOOTPRINT BURDEN YOU WILL PUT ON OXFORD BY CHANGING VEHICLES THAT ARE ALREADY RUNNING SAFELY AND EFFICIENTLY WILL BE IMMENSE AND WILL TAKE DECADES TO NULLIFY

THE GOVERNMENT HAS ALREADY A CONSULTATION IN PROGRESS, I THINK IT'S SENSIBLE TO WAIT FOR THE OUTCOME BEFORE YOU TRY AND MAKE A LOT OF PEOPLE SPEND MONEY THAT THEY DON'T HAVE ON CARS WHICH WILL CREATE A MASSIVE CARBON FOOTPRINT AND OUTPUT THE SAME AMOUNT OF EMISSIONS THAT YOU HAVE AT THE MOMENT WHICH WILL DO ABSOLUTELY NOTHING TO ENHANCE OXFORD AS A WORLD CLASS CITY (YOU COULD FIX THE ROADS IN OXFORD WHICH ARE WORSE THAN SOME THIRD WORLD COUNTRIES , AND STOP ROADWORKS IN SUMMER WHEN WE HAVE THE MOST AMOUNT OF TOURISTS THAT VISIT THIS GREAT CITY) THAT WOULD HELP TO ENHANCE THE CITY

[REDACTED]

From [REDACTED]
Posted At: 03 June 2013 18:27
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

I believe you are being hasty and unreasonable by pre-empting the final findings of the Taxi Law Commission Reform and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
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[REDACTED]

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I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point.

I urge you to re-consider your proposals.
Yours sincerely

[Redacted signature]

[Redacted signature]

From: [REDACTED]
Posted At: 13 May 2013 19:20
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & vehicle age limits
Subject: Euro Emissions & vehicle age limits

[REDACTED]
[REDACTED]
[REDACTED]
Dear Mr Copley

I agree Oxford City Council should plan to reduce carbon emissions and improve vehicle safety; however as owners of these vehicles it is not financially feasible for us to replace a vehicle every 8 years as proposed.

We have already suffered a loss of earnings (up to 30%) as a result of the recession and spiralling cost of maintaining the vehicles such as; insurance, fuel and repairs. We are already finding it increasingly difficult to keep our heads above water.

I would welcome OCC to adopt certain policies from councils such as Reading and allow vehicles to be in service up to 15 to 20 years providing they change the emission systems and are well maintained and road worthy.

In regards to safety, we are already complying with 2 M.O.T inspections every year. In my opinion this is adequate to ensure vehicles are in good condition.

Reading council have approved an emissions system which would be supplied and fitted by authorised persons, who will provide a 3 year warranty. The system costs approximately £1,500.

We would be willing to consider similar proposals in Oxford.

I disagree with an 'upper age limit' on hackney carriages due to the fact hackney vehicles are more expensive to buy and run compared to private hire vehicles. Also hackney carriages are purpose built to be long lasting as well as having swivel seats and easy and convenient disabled access. It would therefore be unfair to put these vehicles in the same category.

I feel the 8 year limit would damage the trade even further and may lead to drivers not maintaining their vehicles probably, due to the financial strains of making payments on the new vehicles, rising costs and decrease in earnings. Which may also result in owners giving up the trade altogether, this would be sad to see as many of the drivers have been in this profession over 20/30 years.

In relation to 'new vehicle licence' I agree with this proposal and agree vehicles should be relatively new when getting a new licence.

Yours sincerely
[REDACTED]
[REDACTED]

From: [REDACTED]
Posted At: 16 May 2013 12:19
Posted To: licensing@oxford.gov.uk
Conversation: " Euro Emissions & Vehicle Age Limits"
Subject: " Euro Emissions & Vehicle Age Limits"

I'm writing off my concerns of Age limits of taxi hire cabs I been thinking long and hard on your proposal and find it hard to agree.I Don't find it financial worth it and would be very hard to coup with all the expentetures

I propose a NO limited on age of vehicles and would be accepted on as long as the mot passes the vehicle would be in very Good condition

. Thank you

[REDACTED]
Sent from Yahoo! Mail on Android

From: [REDACTED]
Posted At: 16 May 2013 01:04
Posted To: licensing@oxford.gov.uk
Conversation: Euro emissions & Vehicle age limits
Subject: Euro emissions & Vehicle age limits

Hi I have received the letter regarding age limits for vehicles and I am against the proposal as the current rules are fine. We should have 10 years for renewal of an existing license & the the upper age limit to license a new vehicle should be six years.

The consultation asks

1. Carbon emission is already low on any vehicles after the year 2000. The mot in Oxford is every six months which is more than enough for vehicle safety. As in Oxford mot station is already very strict compared to other parts of the uk. That is why a lot of drivers are coming from other parts of uk to drive in oxford as they have it easy at the mot station in there city & can drive in oxford this should be stopped we have an age limit but if you put the age limits up all the drivers will go to other council & plate the vehicles there & drive in Oxford meaning a loss for Oxford city council.
2. No this cannot be achieved as stated above. All the drivers that cannot afford new cars & are still paying the finances on there cars like myself will either have to go unemployed & loose there cars for which they have not payed for in full, or go to another city & plate the cars there & drive in Oxford.
3. I disagree with the upper age limit of 5 years for a vehicle for a new license as stated above drivers will go elsewhere to plate vehicles & still drive in Oxford. I think it should remain 6 years to plate a new car for a new license.
4. I disagree with this upper age limit of 8 years & it should remain as it is as long as the vehicle passes the mot & is running fine why take it off the road. Like I said the mot in Oxford is very strict & owners spend time & money to maintain their vehicles to the highest standards as it is there car to drive & there own safety. Drivers are still paying there finances or loans they have taken to buy their cars. It would put them in a situation where they would loose there cars n become unemployed.
5. All cars made are build to safety standards which are required by law to have safety & low emissions to a certain standard. Otherwise the government would have a system in place were they would have to scrap every car which they thought was causing safety issues or poor emissions in the UK.

I would urge that this proposal should not be put through by the licensing department after all it is the employment of drivers you would be putting on the line. Drivers will be without a job not being able to afford there house rent going on unemployment benefits & the council would have to pay there rent, or people would not be able to afford the morgages taken out on the and in this time of recession that is the last thing we need.

From: [REDACTED]
Posted At: 05 June 2013 13:41
Posted To: licensing@oxford.gov.uk
Conversation: "EURO EMISSIONS & VEHICLE AGE LIMITS"
Subject: "EURO EMISSIONS & VEHICLE AGE LIMITS"
Dear

EURO EMISSIONS & VEHICLE AGE LIMITS

Q 1 agree

Q 2disagree

Q 3.....agree

Q 4.....disagree (potential to increase to ten years)

Q 5 I agree with Co2 emission control in Oxford but i think this can be achieved by some other ways instead of just putting vehicle age limit up, for example the flow-thru filter is easily attached to the tailpipe of the

vehicle. The filter matrix is treated with a basic chemical compound. The vehicle exhaust is then diverted into the carbon-capture filter, which traps CO2 in a flow-by chemical reaction. The filter matrix acts as a carbon

sink, capturing harmful CO2. Once the filter is saturated with carbon, it can be easily removed from the device and exchanged for a new filter or rinsed and recharged with base material for reuse. Expect to capture

7% or about one half of the total 14% CO2 by volume coming out of the pipe. A typical 2 litre diesel vehicle less than five year old emits co2 136/139 g/km and similar ten years old vehicle emits co2 153/155 g/km, I

think this can be achieved more efficiently/economically and it will give some breathing space to most hard working cabbies in Oxford in current difficult financial climate.

Yours Sincerely.

[REDACTED]

From: [REDACTED]
Posted At: 26 April 2013 17:02
Posted To: licensing@oxford.gov.uk
Conversation: Hackney Carriage Oxford City
Subject: Hackney Carriage Oxford City

[REDACTED] Consultation

I have read your letter date 23.04.2013
Regarding the New Licence and Renewal of Vehicle Licence.

As a Day Shift driver my point of view I disagree with the new ideas, which our taxi licensing Oxford & City Council is pushing forward from the date 01.01.2014.

Firstly buses are not owned by a individual person who drives them?
Cost Oxford County Council covers most of them?

Secondly Our City Council Public Service Vehicles are not owned by a individual person who drives them in they working day shift? and the cost of payment to safety does not come from the individual person.

Tax as a public business for bus company and other transport register with City Council & County Council get away with it by paying a low fee & Most of our buses are not to the high standard by age or emissions nor are our City Council Public service Vehicles????

Income for bus company is why more than we earn.

When you say in your letter, These proposed changes are being considered by the City Council in Oxford ? in order to reduce carbon emissions in keeping with other forms of public transport, which one do you mean? To enhance the quality of vehicle safety offered to the public, and to promote Oxford as a world Class City.....?

What our council of Oxford should be doing is checking vehicle safety and emissions test for vehicle that come in to Oxford city itself like other Taxi, Private Hire, buses & coaches Making money from them and please don't ask for more money from the Taxi Trade in the Oxford City.

There should be no age limit on Hackney Carriages as long as they pass they M.O.T and other city council safety test.

Sent from my iPad

RISK REGISTER

Key

RED RISK

CLOSED RISK

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/ Contracts Only)
Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
CEB000ED	Economy	T	Local and national economy	Financial hardship to licence holders	Reduction in licensed vehicles, reduced income to Licensing Authority, less vehicles accessible to public.	8-Oct-12	2	5	4	5	4	2	2	JA	08.07.13	
CEB000ED	Excessive objections	T	Excessive numbers of objections are received from trade should we seek to consult on vehicle age proposals	Varying age limits nationally, we may be seen to be taking tough stance - HOWEVER gpl Committee proposal reduces this risk	Reputational damage	8-Oct-12	2	3	3	3	3	2	2	JA	08.07.13	
CEB000ED	Law Commission	T	Law Commission reforming laws on Taxis and Private Hire services	Council may implement policy that is deemed invalid when Law Commission proposals become reality	Reputational damage, financial cost to Authority	8-Oct-12	1	3	3	3	3	2	2	JA	08.07.13	

Action Plans

APPENDIX SIX

ACTIONS MUST BE 'SMART'

Specific, Measurable, Achievable, Realistic and Time bound

Key

CLOSED ACTION/Risk

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestones	Milestone Delivery Date	%Action Complete	Date Reviewed
1	Mandatory requirement to replace older licensed vehicles	JA	A	Plan to reduce emissions in City and improve vehicle safety by seeking implementation of Vehicle Age limits	To commence from 01.01.2016	01.01.16	100%	08.07.13
2	Economy	JA	A	Current economic climate is detrimental to taxi / private hire trade - requirement to replace existing older vehicle may be seen as not taking this risk in to account	Economic forecast is not good, number of licence holders increasing as need for additional income grows in light of job cuts and pay freezes	01.01.16	100%	08.07.13
3	Consultation	JA	A	Ensure messages & publicity are clear on why such a regulation is required through Public Involvement Brief to Board	This was done prior to consultation	n/a	0%	08.07.13
4	Negative response to consultation	JA	A	Trade in general were not concerned with new licence upper age limit, but concerned with 8 year renewal upper age limit - this is resolved through recommendation of GPL Committee	Direction required from Board if this new recommendation will allow for sensible introduction of age limits	11.09.13	0%	08.07.13
5	Law Commission	JA	A	Law Commission are currently seeking to reform the laws and regulations relating to Taxi and Private Hire	It is possible that any policy decision taken by the Council now may be considered void upon the implementation of the decisions made by Government to the Law Commission proposed reforms (draft Bill expected end of 2013 / early 2014)	01.01.16	0%	08.07.13

Action Plans

APPENDIX SIX

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestones	Milestone Delivery Date	%Action Complete	Date Reviewed
6	Reputation of Council	JA	A	All of the above listed risks represent potential damage to Council reputation and alienation of the Taxi and Private Hire trade if a mandatory decision is taken before the the Law Commission proposals are ratified.	CEB may feel it is prudent to allow National Standards for licensed vehicles that would be set by Secretary of State if Law Commission proposals become a reality to be set, rather than risk implementing own policy whilst trade are aware of the Law Commission reforms.	01.01.16	100%	08.07.13
7	Council Vision	JA	A	The Council may feel that a modernisation of licensed vehicles would enhance the image and clean air of Oxford and promote public and driver safety	Any improvement to pollution levels, and more modern fleet would represent a better image of Oxford and improve the reputation of the trade	01.01.16	100%	08.07.13
8	Compliance Testing	JA	A	Emission Testing is part of the Certificate of Compliance Test all licensed vehicles must undertake every 6 months	CEB may wish to promote lower emissions and stricter checks on vehicles by looking to implement 3 Tests per annum for older vehicles, putting more responsibility on owners to maintain higher and more frequent levels of compliance.	01.01.16	100%	08.07.13

Risk ID Categories

CRR-000	Corporate Risk Register
SRR-000	Service Risk Register
CEB-000	CEB reports
PRR-000	Project/Programme Risk Register
PCRR-000	Planning Corporate Risk Register
PSRR-000	Planning Service Risk Register

Service Area Codes

PCC	Policy, Culture & Communication	CS	Customer Services
CD	City Development	FI	Finance
CHCD	Community Housing & Community Development	BT	Business Transformation
CA	Corporate Assets	PS	Procurement & Shared Services
OCH	Oxford City Homes	CP	Corporate Performance
CW	City Works	LG	Law and Governance
ED	Environmental Development	CRP	Corporate Secretariat
CL	City Leisure	PE	People & Equalities

Corporate Objective Key

- 1 Core policies and plans
A vibrant and sustainable
- 2 economy
- 3 Meeting housing need
- 4 Strong and active communities
- 5 Cleaner greener Oxford
- 6 An efficient and effective council

Action Plans

APPENDIX SIX

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Action Plans

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Corporate Objective Key

- 1 Core policies and plans
A vibrant and sustainable
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Appendix Ten – Equality Impact Assessment

Service Area: Environmental Development	Section: General Licensing	Key person responsible for the assessment: J. Alison	Date of Assessment: 08.07.2013	
Is this assessment in the Corporate Equality Impact assessment Timetable for 2012-15?			Yes	<u>No</u>
Name of the Policy to be assessed: Euro Emission Standards / Vehicle Ages			Is this a new or existing policy	Existing
1. Briefly describe the aims, objectives and purpose of the policy		The objective of the policy is to improve the exhaust emissions / pollution created by older licensed taxis and private hire vehicles and embrace the safety features of more modern vehicles.		
2. Are there any associated objectives of the policy, please explain		The policy will also promote the image of Oxford to all those who currently or may wish to work, live and visit the City.		

3. Who is intended to benefit from the policy and in what way	The general public would benefit from cleaner air, the image of Oxford would be improved through the public seeing newer vehicles, and the safety of all would be improved due to the more modern safety features of more modern vehicles.		
4. What outcomes are wanted from this policy? Reduce the pollution created by older vehicles Reduce the cost of repairs to owners of older vehicles Assist the objectives of the Cleaner Greener Campaign Assist the objectives of the Low Emission Zone Reduce the Certificate of Compliance failure rate for older vehicles Reduce the volume of enforcement actions undertaken by the Licensing Officers in relation to the condition of older vehicles Improve the economic effect of increased trade within the motor industry Improve customer expectations of the high standards already implemented by the General Purposes Licensing Committee in relation to the Taxi Licensing function Enhance the reputation of the Hackney Carriage and Private Hire Trade by increasing the professional appearance both externally and internally of all licensed vehicles			
5. What factors/forces could contribute/detract from the outcomes?	Economic situation locally and nationally		
6. Who are the key people in relation to the policy?	Taxi and Private Hire Trade General Public		7. Who implements the policy and who is responsible for the policy? Julian Alison John Copley
8. Could the policy have a differential impact on racial groups?	Y	<u>NO</u>	No differential impact on racial groups has been identified.

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<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The policy would be applied throughout the whole of the City. No racial groups are specifically associated with or targeted by the Taxi Licensing regulations. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		
<p>9. Could the policy have a differential impact on people due to their gender?</p>	<p>Y</p>	<p><u>NO</u></p>	<p>No differential impact on people due to their gender has been identified</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The policy would be applied throughout the whole of the City. No gender groups are specifically associated with or targeted by the Taxi Licensing regulations. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		
<p>10. Could the policy have a differential impact on people due to their disability?</p>	<p>Y</p>	<p><u>NO</u></p>	<p>No differential impact on people due to their disability has been identified</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The policy would be applied throughout the whole of the City. Neither abled body or disabled groups are specifically associated with or targeted by the Taxi Licensing regulations. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		
<p>11. Could the policy have a differential impact on people due to their sexual orientation?</p>	<p>Y</p>	<p><u>NO</u></p>	<p>No differential impact on people due to their sexual orientation has been identified</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The policy would be applied throughout the whole of the City. A persons sexual orientation is not specifically associated with or targeted by the Taxi Licensing regulations. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		
<p>12. Could the policy have a differential impact on people due to their age?</p>	<p>Y</p>	<p><u>NO</u></p>	<p>No differential impact on people due to their age has been identified</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The policy would be applied throughout the whole of the City. A persons age is not specifically associated with or targeted by the Taxi Licensing regulations. It is anticipated that any unperceived issues will be raised during the consultation process.</p>		
<p>13. Could the policy have a differential impact on people due to their religious belief?</p>	<p>Y</p>	<p><u>NO</u></p>	<p>No differential impact on people due to their religious belief has been identified.</p>

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What existing evidence (either presumed or otherwise) do you have for this?	The policy would be applied throughout the whole of the City. A persons religious beliefs are not specifically associated with or targeted by the Taxi Licensing regulations. It is anticipated that any unperceived issues will be raised during the consultation process.					
14. Could the negative impact identified in 8-13 create the potential for the policy to discriminate against certain groups?	Y	<u>NO</u>	No negative impacts have been identified in 8-13.			
15. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason	Y	<u>NO</u>	No negative impacts have been identified in 8-13.			
16. Should the policy proceed to a partial impact assessment	Y	<u>NO</u>	If Yes, is there enough evidence to proceed to a full EIA	Y	N	
			Date on which Partial or Full impact assessment to be completed by			
17. Are there implications for the Service Plans?	Y	<u>NO</u>	18. Date the Service Plan will be updated	N/A	19. Date copy sent to Equalities Officer in Policy, Performance and Communication	N/A
20. Date reported to Equalities Board:		N/A	Date to Scrutiny and EB	N/A	21. Date published	N/A

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Signed (completing officer) _____

Signed (Lead Officer) _____

Please list the team members and service areas that were involved in this process:

J. Alison Team Leader
J. Copley Head of Environmental Development

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EXTRACT FROM THE MINUTES

CITY EXECUTIVE BOARD

Wednesday 11 September 2013

62. TAXI LICENSING: EURO EMISSIONS AND VEHICLE AGE LIMITS

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the age limits and euro emissions of Hackney Carriages and Private Hire Vehicles.

Councillor Colin Cook, Board Member for City development, presented the report to the Board. He confirmed that the taxi licensing trade had been consulted on this issue.

The Board noted that the Law Commission was due to report on the reform of Taxi and Private Hire Services at the end of 2013, but that any proposed reforms were unlikely to come into force during the lifetime of the current Government. The age limits proposed to Council would not take effect until after 1st January 2016 in order to allow both a lead in period for the taxi trade, and a period for further progress in relation to the Law Commission proposals.

Resolved to recommend to Council the following age limits for Hackney carriage and Private Hire Vehicles:-

- New Hackney Carriage and Private Hire Vehicles – 5 years;
- Existing Hackney Carriage Vehicles – 12 years;
- Existing Private Hire Vehicles -10 years.

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To: City Executive Board

Date: 11 September 2013

Report of: Head of Environmental Development

Title of Report: POLICY ON HACKNEY CARRIAGE QUANTITY CONTROL

Summary and Recommendations

Purpose of report: To consider the recommendation of the General Purposes Licensing Committee of 21st May 2013 in relation to the Policy on Hackney Carriage Quantity Control

Key decision: Yes

Policy Framework: Vibrant Sustainable Economy
Cleaner, Greener Oxford
Policy on Hackney Carriage Quality Control

Recommendation(s):

The Board is recommended to recommend to Council:

- (i) approve the recommendation of the General Purposes Licensing Committee that accepted the conclusions of the Hackney Carriage “Unmet Demand” survey report prepared by Halcrow Group Limited, that there is currently no significant unmet demand for Hackney Carriage vehicles;
- (ii) agree that there is currently no significant demand for the services of Hackney Carriage vehicles which is unmet and to therefore resolve to maintain the Council’s policy of quantity control on the number of Hackney Carriage vehicle licences; and
- (iii) agree that a further Unmet Demand survey be commissioned in 2015, subject to any future changes to legislation.

Appendix One: Summary of “Unmet Demand” Survey

Appendix Two: Risk Register

Appendix Three: Equalities Impact Assessment

Introduction

1. On 21st May 2013, the General Purposes Licensing Committee resolved to:
 - (a) Agree to accept the conclusions of the Hackney Carriage “Unmet Demand” survey report prepared by Halcrow Group Limited, that there is currently no significant unmet demand for Hackney Carriage services in Oxford;
 - (b) Recommend to the City Executive Board and Full Council that there is currently no significant unmet demand for Hackney Carriage services and to therefore resolve to maintain the Council’s policy of quantity control on the number of Hackney Carriage vehicle licences; and
 - (c) Agree that a further Unmet Demand survey be commissioned in 2015, subject to any future changes to relevant legislation.

Background

2. The Town Police Clauses Act 1847, section 37 and the Transport Act 1985, section 16 allow a licensing authority to limit the number of hackney carriages as long as they are ‘*satisfied that there is no significant demand for the services of Hackney Carriages which is unmet.*’
3. Oxford City Council has a policy to limit the number of Hackney Carriage vehicle licences granted to a level that meets but does not exceed demand for the services of Hackney Carriage vehicles. It checks this limit by carrying out periodic surveys. The policy forms part of the Council’s Policy Framework. It can only be changed with Council’s agreement.
4. A full review of Hackney Carriage vehicle licensing was carried out by the Environmental Scrutiny Committee on 12th November 2007. The recommendations from the review went before the General Purposes Licensing Committee on the 16th January 2008 and were agreed by Council on the 30th June 2008, including having a regulated number of Hackney Carriage vehicle licenses.
5. At the General Purposes Licensing Committee on the 19th October 2011 it was agreed to note the Council resolution of the 30th June 2008 to continue with the regulated number of Hackney Carriage vehicle licenses and request officers to commission a new “Unmet Demand” survey to determine if there is a significant unmet demand for Hackney Carriage vehicles.

Hackney Carriage “Unmet Demand” Survey 2012

6. The Head of Environmental Development invited tenders for a survey to be carried out and the Halcrow Group Limited was appointed. The survey was carried out between October 2012 and December 2012.
7. Halcrow Group Limited has produced a report with their conclusions regarding the survey. The full “Unmet Demand” survey report is 44 pages long and therefore only the Summary of the “Unmet Demand” Survey is attached to this report at **Appendix One**. The Full Report was provided to the Members of the General Purposes Licensing Committee ahead of its meeting of 21st May 2013.
8. The survey concluded:
 - ***That there is no evidence of significant unmet demand for Hackney Carriages in Oxford. This conclusion covers both patent and latent/suppressed demand and is based on an assessment of the implications of case law that has emerged since 2000, and the results of Halcrow’s analysis.***

Level of Risk

9. A Risk Register is attached at **Appendix Two**.

Environmental Impact

10. The Policy on Hackney Carriage Quality Control was established in order to reduce vehicle pollution and congestion in the City.

Equalities Impact

11. An initial Equalities Impact Assessment is attached at **Appendix Three**.

Financial Implications

12. There are no financial implications contained within the content of this report that apply to the Authority.

Legal Implications

13. Any Legal implications are covered in this report at Paragraphs 2 and 3. The Board are asked to note that The Law Commission are due to present a draft Bill to Parliament on the Reform of Taxi and Private Hire Services at the end of 2013 and should any matters contained within the Bill become future legislation, such matters may impact on this Council policy.

Name and contact details of author:-

Julian Alison
Licensing Team Leader
General Licensing / Environmental Development
Tel: 01865 252831 e-mail: jalison@oxford.gov.uk

List of background papers: None

Version number: 1.0

FORWARD PLAN – PLEASE COMPLETE THIS FORM

Forward Plan Issue Details

Title of report and brief description of the issue

Policy on Hackney Carriage Quality Control: To recommend the decision of the General Purposes Licensing Committee to Council.

Portfolio holder responsibility

Councillor Colin Cook

Decision to be taken by: *City Executive Board*

Date decision is due: *11 September 2013*

Decision Type: *Key*

Is this item to be taken in public? *Yes*

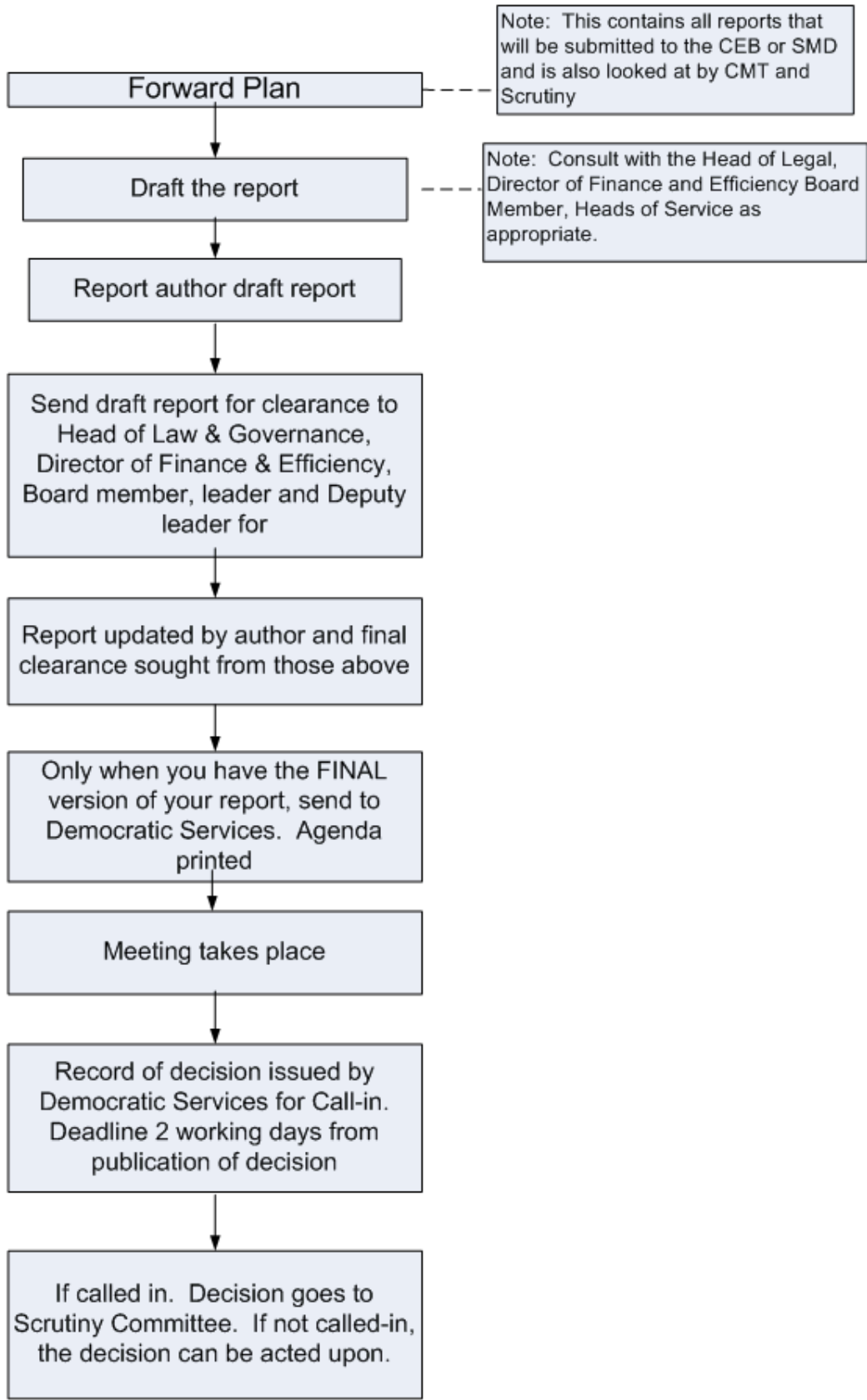
Report in the name of: *John Copley, Head of Environmental Development*

Contact: *Julian Alison, Licensing Team Leader (jalison@oxford.gov.uk)*

Consultation Process: *N/A*

Scrutiny Committee Responsibility: *N/A*

**REPORT WRITING AND CLEARANCE PROCESS
- FLOWCHART**



Any queries at any stage, contact Democratic Services

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8 Summary and Conclusions

8.1 Introduction

Halcrow has conducted a study of the hackney carriage and private hire market on behalf of Oxford Council. The present study has been conducted in pursuit of the following objectives. To determine;

- whether or not there is a significant unmet demand for Hackney Carriage services within Oxford as defined in Section 16 of the Transport Act 1985; and
- how many additional hackney carriages are required to eliminate any significant unmet demand.

This section provides a brief description of the work undertaken and summarises the conclusions.

8.2 Significant Unmet Demand

The 2012 study has identified that there is **NO** evidence of significant unmet demand for hackney carriages in Oxford. This conclusion is based on an assessment of the implications of case law that has emerged since 2000, and the results of Halcrow's analysis.

Since the 2009 study demand for hackney carriages has increased by 13%.

8.3 Public Perception

Public perception of the service was obtained through the undertaking of public attitude surveys. Overall the public were generally satisfied with the service – key points included;

- Some 62.0% of hiring's are by telephone;
- High levels of satisfaction with delay on last trip –hiring's at ranks providing the highest levels;
- Some 30.8% of people had given up trying to obtain a taxi at a rank or by flag down in the three months prior to being surveyed;
- Some 56.3% of people felt that CCTV should be introduced in taxis;
- Some 27.7% of people felt that new ranks were not needed.

8.4 Conclusions

The 2012 study has identified that there is **NO evidence of significant unmet demand** for hackney carriages in Oxford. This conclusion covers both patent and latent/suppressed demand and is based on an assessment of the implications of case law that has emerged since 2000, and the results of Halcrow's analysis.

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Key
RED RISK
 CLOSED RISK

Risk ID	Risk						Corporate Objective	Gross Risk		Residual Risk		Current Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/ Contracts Only)
Category-000-Service Area Code	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
CEB000ED	Economy	T	Local and national economy	Financial hardship to licence holders	Increase of Hackney Carriages leads to trade concerns of financial hardship as not enough work to go round	08.07.13	2	5	4	5	4	2	2	JA	08-Jul-13	
CEB000ED	Excessive number of vehicles	T	Local road network	Too many vehicles will cause congestion in city, overcrowding at ranks, higher levels of pollution	Reputational damage	08.07.13	2	3	3	3	3	2	2	JA	08-Jul-13	
CEB000ED	Law Commission	T	Law Commission reforming laws on Taxis and Private Hire services	Law Commission proposals become reality Law Commission expected to announce Councils may continue to regulate number of Hackney Carriage licences granted	National support for local policy	08.07.13	1	3	3	3	3	2	2	JA	08-Jul-13	

Action Plans

APPENDIX SIX

ACTIONS MUST BE 'SMART'

Specific, Measurable, Achievable, Realistic and Time bound

Key

CLOSED ACTION/Risk

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestones	Milestone Delivery Date	%Action Complete	Date Reviewed
1	Law Commission	JA	A	Law Commission are currently seeking to reform the laws and regulations relating to Taxi and Private Hire - expected to permit Quality Control of Hackney Carriages	It is possible that any policy decision taken by the Council now may be considered void upon the implementation of the decisions made by Government to the Law Commission proposed reforms (Draft Bill expected end of 2013)	1-Oct-13	0%	08-Jul-13
6	Reputation of Council	JA	A	Abandoning policy will lead to surplus of Hackney Carriages that will push for greater say on Council policy to make their vocation financially viable, and add to congestion in the city	CEB may feel it is prudent to continue with current number of 107 licensed Hackney Carriages - as there is no "unmet demand" for more vehicles, and ensure the Council can control the input of the City of Oxford Licensed Taxicab Association	1-Oct-13	100%	08-Jul-13
7	Council Vision	JA	A	CEB may wish to maintain current number of 107 licensed Hackney Carriages in order promote key Corporate Objectives	Quality Contro Policy supports key Corporate Priorities	1-Oct-13	100%	08-Jul-13

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Risk ID Categories

CRR-000	Corporate Risk Register
SRR-000	Service Risk Register
CEB-000	CEB reports
PRR-000	Project/Programme Risk Register
PCRR-000	Planning Corporate Risk Register
PSRR-000	Planning Service Risk Register

Service Area Codes

PCC	Policy, Culture & Communication	CS	Customer Services
CD	City Development	FI	Finance
CHCD	Community Housing & Community Development	BT	Business Transformation
CA	Corporate Assets	PS	Procurement & Shared Services
OCH	Oxford City Homes	CP	Corporate Performance
CW	City Works	LG	Law and Governance
ED	Environmental Development	CRP	Corporate Secretariat
CL	City Leisure	PE	People & Equalities

Corporate Objective Key

- 1 Core policies and plans
A vibrant and sustainable
- 2 economy
- 3 Meeting housing need
- 4 Strong and active communities
- 5 Cleaner greener Oxford
- 6 An efficient and effective council

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EXTRACT FROM THE MINUTES

CITY EXECUTIVE BOARD

Wednesday 11 September 2013

63. HACKNEY CARRIAGE VEHICLE LICENSES – REGULATION OF NUMBERS

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the policy on Hackney Carriage Quantity Control.

Councillor Colin Cook, Board Member for City Development presented the report to the Board, and confirmed that no change to present arrangements was proposed.

Resolved to:-

- (1) Approve the recommendation of the General Purposes Licensing Committee that accepted the conclusions of the hackney carriage “unmet demand” survey report prepared by Halcrow Group Limited, that there is currently no significant unmet demand for hackney carriage vehicles;
- (2) Agree that there is currently no significant demand for the services of hackney carriage vehicles which is unmet and to therefore resolve to maintain the Council’s policy of quantity control on the number of hackney carriage vehicle licences;
- (3) Agree that a further unmet demand survey be commissioned in 2015, subject to any future changes to legislation,

And that the above is therefore recommended to Council.

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To: Council

Date: 30th September 2013

Report of: Head of Law and Governance

Title of Report: PARTNERSHIP REPORTING TO COUNCIL

Summary and Recommendations

Purpose of report: This report addresses the request of the Leader at the June 2013 Council meeting that a proposal be brought forward as to how Council Procedure Rule 11.14 might pro-actively be used to highlight the work of significant partnerships

Report Approved by:

Finance: Nigel Kennedy
Legal: Jeremy Thomas

Policy Framework: Efficient and Effective Council

Recommendation(s): That the procedures for partnership reporting to ordinary meetings of Council, and the consequent amendment to Council Procedure Rule 11.14 be agreed.

Appendices

- **Appendix 1 – Council Procedure Rule 11.14**
- **Appendix 2 – Proposed amended Council Procedure Rule 11.14**

1. As part of the governance review on which Council reached decisions on 22 April 2013 (minute 154) Council agreed arrangements for reports and questions about organisations the Council is represented on. Procedure Rule 11.14 that forms Appendix 1 to this report reflects those arrangements. At the June Council meeting the Leader asked that a proposal be brought forward as to how that arrangements might pro-actively be used to highlight, on a rota basis, the work of significant partnerships.

2. This report makes a proposal for five of the most significant partnerships the Council is represented on to be the subject of an annual report and debate. And it proposes a consequential change to Procedure Rule 11.14. An amended Procedure Rule 11.14 forms Appendix 2 to this report.
3. The proposal is that written material about the work of the highlighted Partnership is presented to Council and that the Executive Member representing the Council on the highlighted Partnership introduces the material and then questions/ a debate follows.
4. There is no time limit for this agenda item and this proposal does not inhibit questions or statements about other organisations. It will, however, provide for at least one in-depth/informed debate at every Council meeting and highlight the work and priorities of the Council's most significant partnerships.
5. Officers will coordinate the provision of written material for each highlighted Partnership and any Executive Member briefings which may be required.
6. There are four remaining ordinary Council meetings in the 2013/14 Council Year and the following Partnerships are suggested for debate, one at each meeting –
 - Local Enterprise Partnership (including Oxfordshire Skills Board) – Councillor Price – 30 September 2013 (see the report elsewhere on this agenda)
 - Health and Well Being Board (including Health Improvement Board, Adult and Social Care Board and Children and Young People Board) – Councillor Turner – 25 November 2013
 - Community Safety Partnership – Councillor Kennedy – 3 February 2014
 - Environmental and Waste Partnership – Councillor Tanner – 14 April 2014
 - Spatial Planning and Infrastructure Partnership – Councillor Price – the first ordinary Council meeting in 2014/15

Name and contact details of author:-

William Reed
Democratic Services Manager
Town Hall Oxford OX1 1BX
Tel: 01865 252230
e-mail: wreed@oxford.gov.uk

Background papers: None
Version number: 2

Partnership Reporting to Council

11.14 Reports and questions about organisations on which the council is represented

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 to the head of law and governance by 1.00 pm at least one clear working day before the meeting to present a written or oral report on the event or the significant decision and how it may influence future events.

All councillors will be able to ask for a report to be given at council by the council representative on a significant change or important event provided they make that request by 1.00 pm at least four working days before the meeting.

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Partnership Reporting to Council

11.14 Reports and questions about organisations on which the council is represented

- (a) 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 to the head of law and governance by 1.00 pm at least one clear working day before the meeting to present a written or oral report on the event or the significant decision and how it may influence future events.
- (b) All councillors will be able to ask for a report to be given at council by the council representative on an external body on a significant change or important event provided they make that request by 1.00 pm at least four working days before the meeting.
- (c) Each ordinary meeting of Council shall receive a written report concerning the work of one of the partnerships on which the Council is represented. That report shall be included on the agenda of the meeting and, following its presentation, members may make statements and ask questions upon it without notice.

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To: Full Council

Date: 30th September 2013

Report of: Head of City Development

Title of Report: Community Infrastructure Levy - approval

Summary and Recommendations

Purpose of report: To seek approval of: the CIL Charging Schedule, the date on which the levy will come into effect, and the revised CIL instalments policy.

Executive lead member: Councillor Colin Cook

Report approved by:

Finance: Nigel Kennedy

Legal: Michael Morgan

Policy Framework: The CIL Charging Schedule will produce a 'tariff-based' approach or levy for new development that is intended to make a significant contribution towards the provision of infrastructure to support new development. It will play a key role in supporting development consistent with the policies and themes in the Core Strategy, and Corporate Plan objectives.

Recommendation(s): Council is asked to:

1. approve the CIL Charging Schedule in line with the recommendation of the independent examiner
2. approve the revised CIL instalments policy
3. approve the date on which the levy will come into effect

Background to the Community Infrastructure Levy (CIL)

1. The Community Infrastructure Levy is the new mechanism for securing developer contributions towards provision of infrastructure to support growth. It is a tariff approach based on a flat-rate per square metre of new floorspace. The use of Section 106 agreements is to be scaled back so as only to cover site-specific mitigation and affordable housing.
2. Members will recall that Council approved a Draft CIL Charging Schedule in December 2012 which set out the proposed rates to be charged. That document was subsequently consulted on and then submitted for independent examination.

The findings of the independent examination of the Charging Schedule

3. The City Council asked the Planning Inspectorate to examine the Draft Charging Schedule who appointed Mr Geoff Salter BA (Econ) MRTPI to the examination. The examination was held on the 29th May 2013. Those who had responded to the consultation had the opportunity to appear at the examination in person or to rely on their written representations. Only four parties requested to be heard in person and the examination was concluded in one session.
4. The Council received the Examiner's final report on the 11th July 2013. In his summary the Examiner states: *"This report concludes that the Oxford Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the city. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk. I have recommended that the schedule should be approved in its published form, without changes."*
5. This positive report means that the Council can now move to start collecting CIL monies at the rates proposed. Following the receipt of the Examiner's report the Regulations require that the Charging Schedule be formally approved by a resolution of Full Council. This report seeks that approval. The final Charging Schedule is attached at Appendix 1. Factual updates to reflect the adoption of the document are shown as tracked changes. A clean version with the amendments accepted will be published as the final document.

CIL instalments policy

6. Members will recall previously approving an instalments policy to help viability of development proposals while maintaining cash flow for infrastructure delivery. In the light of comments raised by some developers, officers recommend making some small amendments to the policy to allow for a longer period for payment on very large

schemes. The revised policy would allow for payments within 4 equal payments over the period of 3 years following commencement of development for those developments liable to pay £2 million or more. Annex 4 of the Charging Schedule (Appendix 1 of this report) includes the proposed revised instalments policy. Amendments are shown as tracked changes. Officers recommend that this policy is approved.

The Regulation 123 list

7. The City Council must also publish a so-called Regulation 123 list. Regulation 123 of the CIL Regulations provides for a CIL charging authority, which in Oxford is the City Council, to publish a list of infrastructure that will be, or may be, wholly or partly funded by CIL. The initial Regulation 123 list will be based upon the list of infrastructure that was prepared to support the CIL Charging Schedule. That list was published for consultation and considered by the independent examiner. However, the Regulation 123 list will need to be kept under regular review to reflect changing circumstances.
8. Regulation 123 also prevents the use of S106 planning obligations for infrastructure that is included on this list, in order to ensure that there is no double charging of developers for the same infrastructure project. The main legal implication of the Regulation 123 list is therefore in its relationship to planning obligations.
9. Publication of the Regulation 123 list is an executive matter delegated to the Head of City Development. Further background information explaining the role of the Regulation 123 list is set out in Appendix 2 of this report.
10. It is important to recognise that inclusion of a particular project on the Regulation 123 list does not represent a commitment by the City Council to spend CIL monies on that project. Decisions on which projects from the Regulation 123 list are to be prioritised for spending will need to be taken separately. Officers will lead the task of prioritising these projects, working with County colleagues. The proposed project prioritisation will be set out in an annual report on the intended spend of CIL monies. This report will be included in or alongside the Capital Programme Report and, as such, will be approved by City Council Members as part of the annual budget discussions.

Section 106 agreements

11. As mentioned above, the use of Section 106 legal agreements to secure developer contributions will be much more restricted once CIL has been brought into effect. As a linked project, a revised Supplementary Planning Document (SPD) on Affordable Housing and Planning Obligations has been produced to reflect these changes. The

revised SPD was approved by City Executive Board on 11th September 2013.

Bringing the levy into effect

12. The Regulations require that a date be approved by Council for the bringing into effect of the levy. The date recommended to Council for bring the levy into effect is 21st October 2013. To be clear, any planning approvals granted after this date (defined by the issuing of a decision notice) will be subject to a CIL charge, irrespective of when that application was submitted. Council is recommended to approval that CIL be brought into effect on 21st October 2013.

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Appendix 1: Charging Schedule

Appendix 2: Background information explaining the role of the Regulation 123 list

Community Infrastructure Levy (CIL)

Improving access to services and facilities for all

Charging Schedule

October 2013



Building a world-class city for everyone

Introduction

1 In 2010 the Government introduced the Community Infrastructure Levy (CIL) as the preferred mechanism for securing developers contributions towards infrastructure to support growth in an area. The regulations¹ which introduced CIL also require planning obligations to be scaled back to cover only site-specific obligations.

~~2—This document is a consultation paper on Oxford City Council’s Draft Charging Schedule issued following consideration of the responses and issues raised at the Preliminary Draft Charging Schedule consultation stage in July 2012.~~

~~3—The proposed Draft Charging Schedule is presented in paragraph 12 below. The rest of the document provides background information to the charging schedule.~~

~~4—The next key stages to adoption of CIL by the City Council are outlined in the table below:~~

Stage	Date
Consultation on Draft Charging Schedule (6 weeks)	18th January 2013 – 1st March 2013
Submission for examination	March 2013
Examination Hearings	June 2013 (expected)
CIL adoption	October 2013

The Community Infrastructure Levy

~~52~~ The Community Infrastructure Levy is a tariff in the form of a standard charge on new development, which in Oxford ~~will be~~ is set by the City Council to help the funding of infrastructure. It is intended to supplement, or top up, other sources of funding to widen infrastructure delivery.

~~63~~ Most development has some impact on infrastructure and should contribute to the cost of providing or improving infrastructure. The principle behind CIL is for those who benefit financially from a planning permission to pay towards the cost of funding the infrastructure needed to support development.

~~74~~ CIL will improve Oxford City Council’s ability to mitigate the cumulative impacts on infrastructure from most developments; unlike the ~~former~~ current system of planning obligations which tend ~~ed~~ s to affect mainly larger developments. Being charged on a per square metre basis, CIL charges will be proportional to the scale of the development.

~~85~~ In investing in the infrastructure of the area, CIL is expected to have a positive economic effect on development in the medium to long term.

¹ ~~Regulations 2010 on legislation.gov.uk website~~
~~<http://www.legislation.gov.uk/uksi/2010/948/contents/made>~~
~~–Amended Regulations 2011 on legislation.gov.uk website~~
~~<http://www.legislation.gov.uk/uksi/2011/987/contents/made>~~

96 Oxford City Council has complied with the requirements under Part 11 of the Planning Act 2008, and CIL Regulations 2010, when deciding on a CIL rate. We have done this by demonstrating the use of ‘appropriate available evidence to inform the draft charging schedule’ (Section 211 (7A)) and by striking what appears to the charging authority, ~~it~~ also ‘must aim to strike what appears to be an appropriate balance between’:

- the desirability of funding infrastructure from CIL, and
- ‘the potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across its area’ (Regulation 14)

The rates were tested through consultation and independent examination.

107 The term ‘taken as a whole’ indicates that economic viability evidence is used to show that CIL rates can be borne by most development across Oxford. It does not mean that CIL rates can be borne by each and every development.

The charging authority

118 ~~Once CIL is adopted,~~ Oxford City Council is ~~will be~~ the charging authority for the purpose of Part 11 of the Planning Act 2008 and the CIL Regulations 2010 as amended ~~in 2011 and 2012.~~

Draft Charging Schedule coming into effect on 21st October 2013

129 CIL will be charged in pounds sterling (£) at differential rates according to the type of development set out in the schedule below:

The CIL rates

Development type	CIL Rate/m ²
A1 Shops	£100
A1 out of centre shops	£100
A2 Financial and professional services	£100
A3 Restaurants and cafés	£100
A4 Drinking establishments	£100
A5 Hot food takeaways	£100
B1 Business	£20
B2 General industrial	£20
B8 Storage or distribution	£20
C1 Hotels	£20
C2 and C2A Residential institutions and Secure Residential Institution	£20
C3 Dwellinghouses*	£100
C4 Houses in multiple occupation	£100
Student accommodation	£100
D1 Non-residential institutions	£20
D2 Assembly and leisure	£20
All development types unless stated otherwise in this table	£20 standard charge

C3 includes self contained sheltered accommodation and self-contained graduate accommodation

CIL liability

~~13~~10 Development liable for CIL payment comprises:

- Development that creates 100m² or more of new build floor space measured as Gross Internal Floor Area (GIA).
- Development of less than 100m² new build GIA that results in the creation of one or more dwellings.
- The conversion of a building that is no longer in lawful use.

~~14~~11 Liability to pay CIL on qualifying developments applies whether development requires planning permission or is enabled through permitted development orders (General Permitted Development Order, Local Development Orders, Neighbourhood Development Orders, Enterprise Zones)²

CIL exemptions

~~15~~12 CIL charges will not be levied on:

- Development that creates less than 100m² of new build floor space measured as GIA and does not result in the creation of one or more dwellings.
- Buildings into which people do not normally go, or only go to perform maintenance³.
- Buildings for which planning permission was granted for a limited period.
- Affordable housing, subject to an application by a landowner for CIL relief (CIL regulation 49).
- Development by charities for charitable purposes subject to an application by a charity landowner for CIL relief (CIL regulation 43).

~~16~~13 A charging authority can choose to offer discretionary relief to a charity landowner where the greater part of the chargeable development will be held as an investment, from which the profits are applied for charitable purposes (CIL regulation 44).

~~17~~14 It can also choose to offer exceptional circumstances relief (CIL regulation 55) on the basis of an unacceptable impact on the economic viability of a development, and where the exemption of a charitable institution from liability to pay CIL would constitute State aid (CIL regulation 45) and would otherwise be exempt from liability under regulation 43.

~~18~~15 In Oxford City discretionary relief is not available under any of Regulations 44, 45 or 55.

Calculating the chargeable amount

² Regulations 5 and 9 of the Community Infrastructure Levy Regulations 2010 as amended ~~in 2011 and 2012~~

³ Regulation 6 (2) of the Community Infrastructure Levy Regulations 2010 as amended

~~19~~16 The City Council will calculate the amount of CIL chargeable in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended ~~in 2011 and 2012~~). Refer to Annex 3 for an extract of this regulation.

~~20~~17 The relevant rate (R) for each development type is shown in the Charging Schedule above and the Gross Internal Area (GIA) is measured and calculated in accordance with the Royal Institute of Chartered Surveyors (RICS) Code of Measuring Practice. Annex 2 sets out an extract of RICS code.

~~21~~18 The chargeable amount will reflect inflation by being index linked to RICS' Building Cost Information Service 'All-in Tender Price Index'.

~~22~~19 Amended CIL Regulations ~~2012~~ mean that for Section 73 applications to vary an existing planning condition, CIL will only be payable upon any increase in chargeable floorspace from the section 73 application/permission⁴.

Netting off existing floor space

~~23~~20 In certain circumstances, where a development includes the demolition of an existing building, the existing Gross Internal Area (GIA) can be deducted from the proposed floorspace. These deductions in respect of demolition or change of use will only apply where the existing building has been in continuous lawful use⁵ for at least six months in the 12 months prior to the development being permitted.

~~24~~21 Oxford City Council may deem the Gross Internal Area (GIA) of a building to be zero where there is not sufficient information, or no information of sufficient quality, regarding the GIA of an existing building or whether it is in lawful use.

Liability for CIL

~~25~~22 Development will be liable for CIL when:

- Development permitted by a 'general consent' (including permitted development) commences on or after 6th April 2013
- Planning permission is granted through a decision notice or appeal decision on or after the date on which CIL is brought into effect of publication of the CIL Charging Schedule.

~~26~~23 Development will not be liable for CIL when:

- Planning permission was granted before CIL was brought into effect. the CIL Charging Schedule is published.
- Outline planning permission was granted before CIL was brought into effect publication of the CIL Charging Schedule, but the approval of reserved

⁴ Regulation 9 of the Community Infrastructure Levy Regulations 2010 as amended ~~in 2012~~

⁵ 'For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development' (Regulation 40(10) of the Community Infrastructure Levy Regulations 2010)

matters / phases is made after ~~CIL was brought into effect-publication of the CIL Charging Schedule~~. In this instance, the approval of reserved matters / phases does not trigger a liability to pay CIL.

~~27~~24 Once planning permission is granted, CIL regulations encourage any party, (such as a developer submitting a planning application, or a landowner), to take liability to pay the CIL charge. CIL liability runs with the land. If no party assumes liability to pay before development commences, land owners will be liable to pay the levy.

Payment of CIL

~~28~~25 The default position is that CIL payment is due within 60 days of the commencement of development; however in some cases CIL is due immediately.⁶ For some developments, instalments may be permitted in accordance with the City Council's Instalments policy. Annex 4 of this document sets out an Instalments Policy. ~~This will not be part of the CIL Examination but informal comments on the draft policy are welcomed.~~

Payments in kind

~~29~~26 In circumstances where the liable party and Oxford City Council agree, payment of the levy may be made by transferring land. The agreement cannot form part of a planning obligation, must be entered into before the chargeable development is commenced⁷ and is subject to fulfilling the following:

- the acquired land is used to provide or facilitate the provision of infrastructure within Oxford;
- the land is acquired by Oxford City Council or a person nominated by Oxford City Council;
- the transfer of the land must be from a person who has assumed liability to pay CIL;
- the land has to be valued by an independent person agreed by Oxford City Council and the person liable to pay CIL;
- 'Land' includes existing buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over the land.

Collection of CIL

~~30~~27 Oxford City Council is the collecting authority for the purpose of Part 11 of the Planning Act 2008 and CIL Regulations 2010 (as amended ~~by Regulations 2011 and 2012~~).

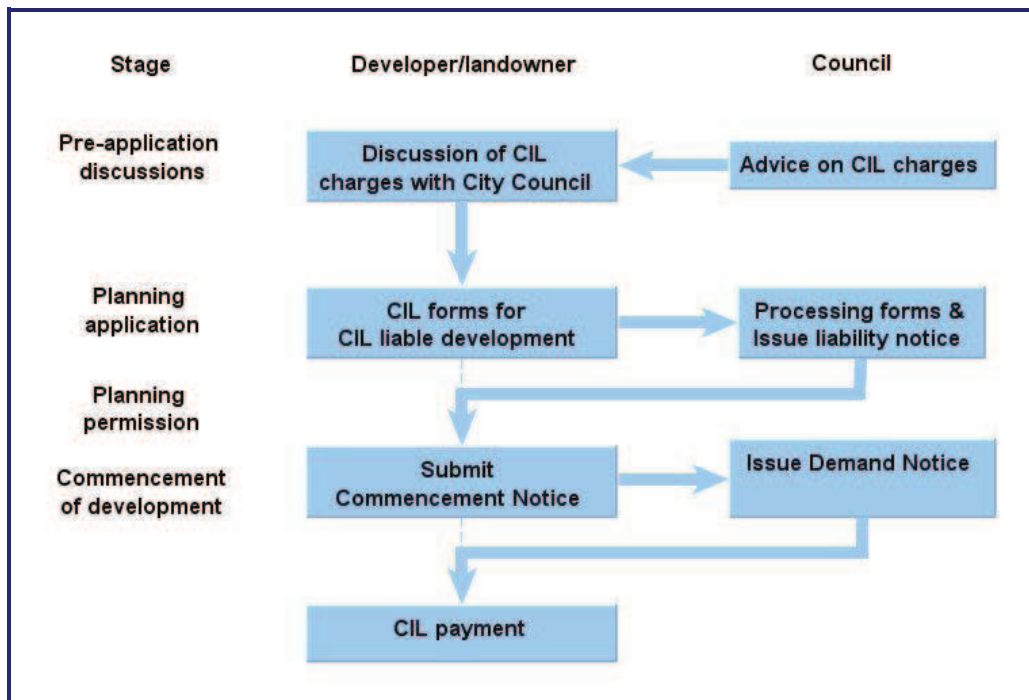
~~31~~28 When planning permission is granted, Oxford City Council will issue a liability notice setting out the amount payable, and the payment procedure.

⁶ Payments are due immediately where no party assumes liability and/or no commencement notice is submitted before commencement. Where this occurs the developer does not get the benefit of payment by instalments.

⁷ Regulation 73 of the Community Infrastructure Levy Regulations 2010

3229 In the case of development enabled through permitted development orders, the person(s) liable to pay will need to consider whether their proposed development is chargeable, and to issue Oxford City Council a notice of chargeable development.

3330 The diagram below illustrates a summarised version of the collection process.



Appeals

3431 A liable person can request a review of the chargeable amount by the charging authority within 28 days from the issue of the liability notice. CIL Regulations allow for appeals on:

- the calculation of the chargeable amount following a review of the calculation by the City Council.
- disagreement with the City Council’s apportioned liability to pay the charge.
- any surcharges incurred on the basis that they were calculated incorrectly, that a liability notice was not served or the breach did not occur.
- a deemed commencement date if considered that the date has been determined incorrectly.
- against a stop notice if a warning notice was not issued or the development has not yet commenced.

3532 A person aggrieved by the levy (or attempt to levy) of a distress can appeal to the Magistrates Court.

Spending CIL revenue

3633 CIL revenue will be spent on the infrastructure needed to support development in Oxford. ~~Once CIL is adopted,~~ Oxford City Council will publish on its website a list of

infrastructure projects or types of infrastructure ~~to~~that may be wholly or partially funded by CIL. This list will be known as the Regulation 123 list.

~~37~~34 Oxford City Council will publish annual reports showing, for each financial year:

- How much has been collected in CIL;
- How much has been spent;
- The infrastructure on which it has been spent;
- Any amount used to repay borrowed money;
- Amount of CIL retained at the end of the reported year.

~~38~~35 It is the Government's intention to allow for a proportion of CIL to be passed to Parish Councils and Neighbourhoods⁸. 15% of CIL receipts in parished areas are to be passed to the relevant Parish Council. In unparished areas, this 15% would be held by the City Council and spent in accordance with the wishes of the community. The proportion would rise to 25% in areas with adopted Neighbourhood Plans.

Administration fee

~~39~~36 Oxford City Council will use 5% of the CIL revenue to fund the administration costs of the Levy.

CIL and Section 106 agreements

~~40~~37 Unlike S106, the levy is to provide infrastructure to support the development of an area, not to make individual planning applications acceptable in planning terms. It breaks the link between a specific development site and the provision of infrastructure and thus provides greater flexibility for delivery of infrastructure when and where it is needed.

~~41~~38 Section 106 agreements and Section 278 Highways Agreements will continue to be used to secure site-specific mitigation and affordable housing. In some instances, S106 agreements may be used in large development sites needing the provision of their own specific infrastructure for which delivery may be more suitably dealt with through S106s.

~~42~~39 ~~Once CIL is in place, the City Council will be required to publish a list of the infrastructure intended to be funded by CIL (Regulation 123 list).~~ The City Council will not be able to secure Section 106 contributions for infrastructure that they propose to fund through CIL (those projects set out in the Regulation 123 list). This is to avoid double charging and provide confidence on infrastructure funding to the community, developers, investors and infrastructure providers.

~~43~~40 ~~A combined SPD revising existing Planning Obligations and Affordable Housing SPDs will be adopted and implemented alongside CIL. An Affordable Housing and Planning Obligations SPD has been adopted.~~ This SPD ~~will~~ makes it clear what infrastructure is to be covered by CIL and what will still be required through planning obligations.

⁸ Set out in Regulation 59A of the Community Infrastructure Levy Regulations 2013

Annex 1 - Guide to Use class Order definitions

The following list is based on the Government's guide to Use Classes as shown in their planning and building regulations online resource 'The Planning Portal'. It is not a definitive source of legal information.

- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.
- **A2 Financial and professional services** - Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies and betting offices.
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs).
- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises.
- **B1 Business** - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.
- **B2 General industrial** - Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).
- **B8 Storage or distribution** - This class includes open air storage.
- **C1 Hotels** - Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels).
- **C2 Residential institutions** - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
- **C3 Dwellinghouses** - this class is formed of 3 parts:
 - C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
 - C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
 - C3(c) allows for groups of people, (up to six), living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.
- **C4 Houses in multiple occupation** - small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

- **D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres.
- **D2 Assembly and leisure** - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).
- **Sui Generis** - Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include: theatres, houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, launderettes, taxi businesses, amusement centres and casinos.

Source: Planning Portal <http://www.planningportal.gov.uk>

Annex 2 - How to measure Gross Internal Area

Oxford City Council will use the Royal Institution of Chartered Surveyors (RICS)'s Code of Measuring Practice to measure or check the Gross Internal Area (GIA) of a development and calculate or confirm its relevant CIL rate. The guide below is based on RICS' Code of Measuring Practice (6th edition, with amendments), the full Code of Measuring Practice is available in RICS website at <http://www.rics.org>

GIA is the area of a building measured to the internal face of the perimeter walls at each floor level.

Including:

- Areas occupied by internal walls and partitions
- Columns, piers, chimney breasts, stairwells, lift-wells, other internal projections, vertical ducts, and the like
- Atria and entrance halls, with clear height above, measured at base level only
- Internal open-sided balconies, walkways, and the like
- Structural, raked or stepped floors are property to be treated as a level floor measured horizontally
- Horizontal floors, with permanent access, below structural, raked or stepped floors
- Corridors of a permanent essential nature (e.g. fire corridors, smoke lobbies)
- Mezzanine floor areas with permanent access
- Lift rooms, plant rooms, fuel stores, tank rooms which are housed in a covered structure of a permanent nature, whether or not above the main roof level
- Service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms, and the like
- Projection rooms
- Voids over stairwells and lift shafts on upper floors
- Loading bays
- Areas with a headroom of less than 1.5m*
- Pavement vaults
- Garages
- Conservatories

Excluding:

- Perimeter wall thicknesses and external projections
- External open-sided balconies, covered ways and fire escapes
- Canopies
- Voids over or under structural, raked or stepped floors
- Greenhouses, garden stores, fuel stores, and the like in residential

* GIA is the basis of measurement in England and Wales for the rating of industrial buildings, warehouses, retail warehouses, department stores, variety stores, food superstores and many specialist classes valued by reference to building cost (areas with a headroom of less than 1.5m being excluded except under stairs) ~~areas with a headroom of less than 1.5m being excluded except under stairs~~

Annex 3 - Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended by Regulations 2011 and 2012)

**PART 5
CHARGEABLE AMOUNT**

Calculation of chargeable amount

40.—(1) The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with this regulation.

(2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.

(3) But where that amount is less than £50 the chargeable amount is deemed to be zero.

(4) The relevant rates are the rates at which CIL is chargeable in respect of the chargeable development taken from the charging schedules which are in effect—

(a) at the time planning permission first permits the chargeable development; and

(b) in the area in which the chargeable development will be situated.

(5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times A \times IP}{Ic}$$

where—

A = the deemed net area chargeable at rate R;

IP = the index figure for the year in which planning permission was granted; and

IC = the index figure for the year in which the charging schedule containing rate R took effect.

(6) The value of A in paragraph (5) must be calculated by applying the following formula—

$$G_R - K_R - \left(\frac{G_R \times E}{G} \right)$$

where—

G = the gross internal area of the chargeable development;

GR = the gross internal area of the part of the development chargeable at rate R;

E = an amount equal to the aggregate of the gross internal areas of all buildings which—

(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and

(b) are to be demolished before completion of the chargeable development; and

KR = an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) on completion of the chargeable development which—

(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use;

(b) will be part of the chargeable development upon completion; and

(c) will be chargeable at rate R.”

(7) The index referred to in paragraph (5) is the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors (a); and the figure for a given year is the figure for 1st November of the preceding year.

(8) But in the event that the All-in Tender Price Index ceases to be published, the index

referred to in paragraph (5) is the retail prices index; and the figure for a given year is the figure for November of the preceding year.

(9) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—

(a) the gross internal area of a building situated on the relevant land; or

(b) whether a building situated on the relevant land is in lawful use,

the collecting authority may deem the gross internal area of the building to be zero.

(10) For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

(11) In this regulation “building” does not include—

(a) a building into which people do not normally go;

(b) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or

(c) a building for which planning permission was granted for a limited period.

(12) In this regulation “new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.

Annex 4 - Instalments policy

Community Infrastructure Levy Instalments policy

www.oxford.gov.uk



This policy is made in line with regulation 69B of the Community Infrastructure Levy (Amendment) Regulations 2011 and 2012. Oxford City Council will allow the payment of CIL as outlined in points 1 and 2 below:

1. Where the chargeable amount is less than £200,000 the chargeable amount will be required within 60 days of commencement.
2. Where the chargeable amount is between equal or more than £200,000 and £2 million, the chargeable amount will be required as per the following four instalments:

1 st instalment	2 nd instalment	3 rd instalment	4 th instalment
25%	25%	25%	25%
within 60 days	within 160 days	within 260 days	within 360 days

3. Where the chargeable amount is over £2 million, the chargeable amount will be required as per the following four instalments:

<u>1st instalment</u>	<u>2nd instalment</u>	<u>3rd instalment</u>	<u>4th instalment</u>
<u>25%</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>
<u>within 60 days</u>	<u>By end of year 1</u>	<u>By end of year 2</u>	<u>By end of year 3</u>

Commencement will be taken to be the date advised by the developer in the commencement notice under CIL Regulation 67.

This Instalments Policy takes effect on 21st October 2013~~{insert date}~~

Notes:

N1: When the City Council grants an outline planning permission which permits development to be implemented in phases, each phase of development is a separate chargeable development and the instalment policy will apply to each separate phase.

N2: This policy will not apply if:

- a) A commencement notice is not submitted prior to commencement of the chargeable development
- b) Nobody has assumed liability to pay CIL in respect of the chargeable development prior to the intended day of commencement
- c) Failure to notify the City Council of a disqualifying event before the end of 14 days beginning with the day the disqualifying event occurs
- d) An instalment payment has not been made in full after the end of the period of 30 days beginning with the day on which the instalment payment was due

Community Infrastructure Levy (CIL) Charging Schedule

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Appendix 2 – Background information on the Regulation 123 List

Introduction

1. Regulation 123 of the Community Infrastructure Levy (CIL) Regulations provides for a CIL charging authority to publish a list of infrastructure that will be, or may be, wholly or partly funded by CIL.
2. CIL Regulation 123 restricts the use of Section 106 Planning Obligations for infrastructure that will be funded in whole or in part by the CIL. This is to ensure no duplication or double charging towards the same infrastructure project.

Infrastructure needs

3. CIL can be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the charging authority's area. It cannot be used to remedy existing deficiencies in infrastructure provision except to the extent that they will be made more severe by additional new development.
4. The City Council worked with the County Council and other infrastructure providers to prepare a detailed list of infrastructure projects in its background evidence to support the CIL Charging Schedule. That list identified projects up to 2026 to align with the period covered by the Oxford Core Strategy. The Inspector who conducted the Oxford CIL examination noted that these projects *“represent an accurate, up-to-date assessment of a range of needs which have generally been informed by service providers”*.
5. A total of 99 projects were identified in that initial infrastructure list. Approximately 70% of the projects by cost were transport-related, with education, public realm and community services/facilities also being important areas of potential expenditure. An aggregate funding gap of some £198m was identified in the period up to 2021, rising to £415m by 2026, albeit this latter figure included an aspirational proposal for a rapid transit system in the longer term. On the other hand, the initial list did not ascribe a cost to the Oxford Flood Defence Scheme; the Environment Agency has now provided an estimated cost range of £138-£163m for this project.

CIL receipts

6. CIL is payable within 60 days of commencement of development and income is therefore reliant on development proceeding. On certain larger developments, payments will also be phased (as set out in Annex 4 of the Charging Schedule). This means that there is likely to be a significant time lag between the introduction of CIL in October 2013 and the actual receipt of payments. Very little CIL receipts can be expected before the end of the

2013/14 financial year, and it may well be well into the 2014/15 financial year before significant funds start to accumulate.

7. Within the total income received, 15% of receipts in parished areas has to be passed directly to the relevant Parish Council. In unparished areas, this 15% would be held by the City Council and spent in accordance with the wishes of the community. The neighbourhood proportion would rise to 25% in areas covered by adopted neighbourhood plans.
8. CIL incomes and expenditure will be monitored and reported quarterly in line with the City Council's Capital Programme. Once CIL has been brought into effect for a few months, and we see the impact of various factors such as the charitable relief provisions, we should be in a position to make informed forecasts about expected incomes.

Process for preparing and changing the Regulation 123 List

9. The purpose of introducing CIL is to help deliver new and improved infrastructure to meet the needs of a growing population and economy. Infrastructure is provided and managed by a number of partner organisations as well as the City Council, but it is the City Council's responsibility as the charging authority to ensure that the funds raised are allocated to bring maximum benefit and value to local residents and businesses. CIL will not be able to fund the necessary infrastructure on its own. Effective and creative partnership working will therefore be required to identify additional funding sources in order to deliver infrastructure projects in a timely manner.
10. The most important relationship in the effective delivery of infrastructure will be that between Oxford City Council and Oxfordshire County Council. The two councils have agreed a protocol at officer level with the aim of working collaboratively to ensure that the relevant requirements of the CIL Regulations are complied with, that the necessary information flows are managed efficiently and that infrastructure projects and plans are identified to support growth in Oxford.
11. As charging authority, the City Council is responsible for preparing the Regulation 123 list, and for the subsequent prioritisation of projects on the list for actual expenditure. However, the City Council will seek the County Council's views on a regular basis to help inform decision-making. Standard pro-forma will be used to help assess bids for the use of CIL funds against jointly agreed criteria. Other infrastructure providers will also be able to seek inclusion of their projects on the Regulation 123 list, and subsequently the allocation of CIL monies towards their projects.
12. The list will be kept under review at least twice a year to ensure that it remains up-to-date and relevant to the needs of the city. Projects and priorities are likely to change because of the links with development or because new opportunities arise. It may be necessary to review the list at short notice if a particularly urgent infrastructure requirement arises.

13. The Government carried out consultation on various reforms to CIL earlier in the year, and amongst the draft proposals was that charging authorities should carry out proportionate consultation if they wish to bring forward a replacement Regulation 123 list in future. The Government stated that it did not intend to prescribe how such consultation should be carried out, adding that for minor changes it could be very light touch. Any future national requirement for consultation will of course be reflected in the procedures adopted by the City Council for changes to the Regulation 123 list.

Project prioritisation

14. It is important to recognise that infrastructure spending under CIL will be a two-stage process. The inclusion of a specific project or type of infrastructure project on the Regulation 123 list does not constitute a commitment on behalf of the City Council to fund the project, either in whole or in part. There will then follow a project prioritisation process whereby the projects on the Regulation 123 list will be reviewed in the light of known and projected CIL receipts.

15. Each year the City Council will produce a four-year rolling plan of CIL expenditure. Council will be asked to agree the following year's detailed expenditure, with an indicative plan for the next three years. This report will be included in or alongside the Capital Programme Report. As such, Members will have control over actual expenditure as the report will be approved as part of the annual budget discussions.

Relationship to Planning Obligations

16. The main legal implication of the Regulation 123 list is in its relationship to planning obligations. The CIL Regulations make clear that planning obligations may not constitute a reason for granting planning permission to the extent that the obligation provides for the funding or provision of 'relevant infrastructure'. The term 'relevant infrastructure' is defined as the infrastructure set out in the CIL Regulation 123 list.

17. This means that Section 106 contributions cannot be collected towards specific projects or generic types of infrastructure identified on the Regulation 123 list. If no such list were published, then the limitation on the use of planning obligations would apply to any infrastructure.

18. In addition, the CIL Regulations limit the pooling of Section 106 contributions so that no more than five obligations may contribute to the same infrastructure project. This limitation comes into effect when CIL is implemented or from 6th April 2014, whichever is sooner, and applies to planning obligations entered into on or after 6th April 2010.

19. As a result of the CIL Regulations and accompanying guidance, planning obligations will be scaled back to cover the provision of affordable housing and site specific measures required to mitigate the impact of development. In addition, there may be circumstances where a development proposal directly results in the loss of an existing facility or site feature, and the City Council may require the replacement of that facility/feature either directly by the developer or through a financial contribution that would be set out in a planning obligation. Further guidance is set out in the City Council's Affordable Housing and Planning Obligations SPD, adopted in September 2013.

To: Council - 30 September 2013

Report of: Head of Law & Governance

Title of Report: GOVERNANCE REVIEW - PROTOCOLS

Summary and Recommendations

Purpose of report: This report presents an updated Code on Councillor-Officer Relations and Publicity as part of the Governance Review which was considered by Council at its meeting on 22nd April 2013. It also presents a draft Councillor Call for Action Protocol.

Key decision: No

Executive Lead Member: Councillor Price

Policy Framework: An effective and efficient Council

Background papers: None

Recommendation(s):

Council is RECOMMENDED to:-

- (1) approve and adopt the revised Code on Councillor-Officer Relations and Publicity;
- (2) approve the draft Councillor Call for Action Protocol subject to any amendments required by the Scrutiny Committee; AND
- (3) authorise the Head of Law & Governance to make the necessary changes to the Constitution to give effect to the recommendations arising from the report.

Appendices

- **Appendix 1 – Code on Councillor/Officer Relations – Summary of Main Amendments**
- **Appendix 2 – Draft Revised Code on Councillor/Officer Relations and Publicity**
- **Appendix 3 – Draft Protocol on Councillors’ Call for Action**

Introduction

The Council’s Code on Councillor-Officer Relations and Publicity has been amended to provide further guidance for both Members and Officers. A summary of the main changes can be found at Appendix 1 to this report. A Councillor has the right to formally request a scrutiny committee to consider an issue, a “Local Government Matter”, in their ward for further investigation through a “Councillor Call for Action”. The Constitution does not currently provide any information on Councillors’ Calls for Action. The proposed draft protocol is attached at Appendix 3 to this report.

Revised Code on Councillor-Officer Relations and Publicity

The code seeks to offer guidance on some of the issues which commonly arise between members and officers. In particular the revised Code covers expectations as to how officers should respond to members, and how members should respond to officers, and each group’s expectations of the other generally.

The code gives guidance only but it can be taken into account if there is a complaint about a councillor or an officer.

The manner in which the authority interacts with media has also been clarified in the code. Guidance is given to members and officers on how to deal with media releases and how ward councillors are to be appraised of issues arising within their ward.

The revised code can be found at Appendix 2 to this report.

Councillor Call for Action Protocol

The draft Councillor Call for Action (CCfA) Protocol sets out how Councillors can refer any local government matter in their ward which is of significant community concern to an overview and scrutiny committee. Referral to the Council’s Scrutiny Committee is a measure of last resort once other approaches have been exhausted. The Council’s Constitution sets out the role and powers of the Scrutiny Committee in Section 8. The new protocol will be annexed to that section of the Constitution.

The views of the Scrutiny Committee on the draft protocol will be sought at its meeting in October. The details regarding, for example, the timescales for dealing with matters and the amount of information required before the protocol would be activated can be finalised.

The draft protocol can be found at Appendix 3 to this report.

Name and contact details of author: Emma Griffiths Tel: 01865 252208

Background papers: None

Member/Officer Protocol Main Amendments

Issue	Amendment made
Expectations (Paragraph 23.3)	This is a new section which sets out what members and officers can expect from each other in terms of their working relationship
Limitations on behaviour (Paragraph 23.6)	The former section on “Close personal relationships” has been developed to offer further guidance to officers and members
Information and advice (Paragraph 23.8)	<p>There is now a clear explanation for officers as to how they ought to be providing written information to members. This includes requests by groups for reports on specific issues which will be limited to material facts and options available for the authority</p> <p>A detailed procedure for dealing with members “briefings” has been introduced</p> <p>Officers are to provide ward councillors with information relevant to their ward – there is a clear procedure for keeping members up to date with ward issues</p> <p>A detailed procedure for dealing with officer attendance at group meetings has been introduced</p>
Councillors’ briefings on agenda and reports (Paragraph 23.13)	There is now more detailed guidance on the circumstances in which members can instruct officers to prepare reports for consideration by one of the Council’s decision making bodies
Correspondence (Paragraph 23.11)	There is clarification that councillors should not forward information received from an officer to a constituent if that information is confidential or without the officer being aware that the information provided will be made available to a member of the public

23 CODE ON COUNCILLOR-OFFICER RELATIONS AND PUBLICITY

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23.1 Status of this code

This protocol seeks to offer guidance on some of the issues, which most commonly arise in relation to the relationships between Members and Officers.

This Protocol is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it will cover expectations of behaviour as between Members and Officers.

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

23.2 Roles of Councillors and Officers

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

Employees are answerable to the Chief Executive, not to individual Councillors (whatever office they hold), but there should be good communication between senior officers and Councillors with special responsibility for their area of work.

23.3 Expectations

What Councillors can expect from Officers:

- A commitment to the authority as a whole, not to any political group;
- A working partnership;
- An understanding of and support for respective roles, workloads and pressures;
- Timely responses to enquiries and complaints in accordance with agreed standards (see para 23.6)
- Professional advice, not influenced by political views or preference;
- Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- Awareness and sensitivity to the political environment;
- Respect and courtesy;

- Training and development in order to carry out their roles effectively;
- Not to have personal issues raised with them by Officers outside the agreed procedures;
- Officers should not try to persuade individual Councillors to make a decision in their personal favour or raise things to do with their employment with individual Councillors. Nor should they approach individual Councillors with allegations about other Officers. They should use the Council's, grievance, whistle blowing and disciplinary procedures instead.
- Compliance with the relevant Code of Conduct;

What Officers can expect from Councillors:

- A working partnership;
- An understanding of and support for respective roles, workloads and pressures;
- Political direction and leadership;
- Respect and courtesy;
- Councillors should generally restrict their discussion on strategic or significant issues to more senior officers (that is Directors, Heads of Service or team leaders);
- Councillors should normally make appointments before visiting Officers and should try to avoid frequent unscheduled interruptions;
- Councillors should not pressure Officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work;
- Not to be subject to bullying or harassment. Councillors should have regard to the seniority and experience of Officers in determining what are reasonable requests. Councillors with special responsibilities should be particularly aware of this;
- Councillors should not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;

- Councillors should not make detrimental remarks about individual Officers during public meetings;
- Councillors should at all times comply with the relevant Code of Conduct.

23.4 Limitations on behaviour

The distinct roles of Councillors and Officers necessarily impose limitations upon behaviour. By way of illustration and not as an exclusive list:

Close personal relationships between individual Councillors and Officers can confuse the separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor or Officer may secure advantageous treatment. Personal relationships should be avoided. Where they do exist they should be notified to the Chief Executive.

The need to maintain the separate roles means that there are limits to the matters on which Councillors may seek the advice of Officers, both in relation to personal matters and party political issues;

Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Councillor or group above others.

23.5 Complaints about Councillors or Officers

If an Officer feels a Councillor is not treating them with politeness and respect, they should consider talking to the Councillor directly. If they do not feel they can talk to the Councillor or talking to the Councillor does not help, they should talk to their line manager, Head of Service or Director immediately. The manager approached will talk to the Councillor or the Leader of their political group and may also tell other senior officers. The Officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct.

If a Councillor feels an Officer is not treating them with politeness and respect, they should consider talking to the Officer directly. If they do not feel they can talk to the Officer or talking to the Officer does not help, they should talk to the Officer's line manager, Head of Service or Director immediately. If the problem continues the manager approached will consider whether to use the Council's disciplinary procedures.

23.6 Politeness and respect

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

- avoid personal and/or public attacks; and
- ensure their criticism is fair and constructive.

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

23.7 Councillors' enquiries

Officers should answer Councillors' enquiries, in whatever form, within five working days. If that is not possible, they should send a holding reply. Councillors should contact a more senior officer in the event that a response is not received within this time. The Chief Executive may be asked to resolve any issues arising from unreasonable delays in responding to Councillors' enquiries.

23.8 Information and advice

(a) Requests for written information

Councillors should be provided with adequate information about services or functions which they may be called upon to make decisions on or scrutinise the decisions of others about, or which affect their constituents. In the normal course of events, this information will be made routinely available by Officers in the form of reports, departmental plans etc. Members are encouraged to make use of existing sources of information wherever possible.

Written information supplied to a Councillor regarding the implications of current Council policies or containing statistical information about Council services shall be copied to the relevant Executive Board Member.

The Leader of the Council or Leader of any of the other political groups may request the Chief Executive or the relevant Director, or other designated Officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information in relation for instance to casework or personal details of applicants for services. Wherever possible, but subject to any overriding data protection or other legal

requirements, such requests will be met. However, if the Officer considers that the cost of providing the information, or the nature of the request is unreasonable, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups.

Officer reports to political groups should be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports should not deal with any political implications of the matter or any option and Officers should not make any recommendation to a political group.

(b) “Briefings”

In order for them to discharge their responsibilities Executive Members will be briefed by senior officers (Directors, Heads of Service or team leaders) on service issues, proposals and policy development either on an ad hoc or a regular basis, in accordance with the requirements of the Councillor involved.

The other political party groups may also have nominated portfolio leads and, if those leads so request, the relevant senior officers will make themselves available to meet with them to brief them on service issues.

These meetings shall be in addition to the cross party working group which has routine meetings.

The content of these informal briefing sessions shall remain confidential as between Officers and the political group concerned.

(C) “News” items

When an event or development occurs in the city which has or will have a significant impact on the Council or city residents, the Chief Executive will ensure that the Leaders of all political groups are informed as soon as possible.

(d) Ward Councillors

Senior officers should ensure that ward Councillors are given information relevant to their ward on a regular basis. As well as letting Ward Members know when there has been a significant incident in their ward, ward

Members should be routinely notified about the following types of issue:

- Public consultation events affecting their wards;
- Proposed changes to services sited within their wards;
- Proposed anti-social dispersal orders.

Ward Councillors should be invited by Officers to public events, such as openings, festivals etc., in their wards regardless of political affiliation.

The Media team will advise group Leaders of 'photo shoots' taking place. The team will aim to give 48 hours' notice of any photo shoot to the group Leaders.

If Officers organise a public meeting, about a specific ward issue all the Councillors for that ward should be invited and given as much notice as possible.

If Officers undertake consultation about specific ward issues they should consult the Councillors for that ward at the start of the consultation.

Ward Councillors should be told in advance about anything which particularly affects their ward and which is potentially controversial.

(e) Officer attendance at Group Meetings

The Leader of the Council or Leader of any of the other political groups may ask the Chief Executive or relevant Director to give or arrange a private briefing for the party group on a matter of relevance to the Council.

Any briefings offered to or requested by a party group will be offered to the other party groups.

No Officer of the Council should attend any political group meeting which includes non-Council members.

Decisions are not Council or Executive decisions and party groups do not have any delegated authority to make formally binding decisions.

(f) Advice for Councillors with special responsibilities

The lord mayor, Board Members and Committee Chairs can ask the Chief Executive, Directors and Heads of

Service for extra background information and advice on different courses of action.

Although these Members have additional responsibilities and different relationships because of their more frequent contact with Officers, these Members must still respect the impartiality of Officers. This includes not asking them to undertake work of a party political nature, or to do anything which would prejudice that impartiality.

The Leaders of minority political groups can ask the Chief Executive or Directors or Heads of Service for background information or more details about items coming to the next meeting of a Committee or the Board. The appropriate chair or Board Member will be entitled to receive the same information.

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

23.9 Councillors' briefings on agendas and reports

(a) Briefings on agendas

Directors and Heads of Service will give briefings on full Council, Board and Committee agendas to the Leader and Deputy Leader and Committee Chairs and Vice Chairs.

(b) Consultation on agendas

The Leader will be consulted on agendas for the Board. Committee chairs will be consulted on agendas for their Committees.

(c) Requests for reports

Instructions for reports to come to the Board or Committees can only come from the Leader, the Board, an Executive Board Member in respect of the Board and a Committee or a Committee Chair in respect of Committees.

Whilst Executive Board Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, senior officers will always be fully responsible for

the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between an Executive Member and a senior officer in this respect should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

23.10 Restrictions on Officers' political activities

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

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

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

23.11 Support services to Councillors and political groups

Support services should only be used for Council business. They should never be used for private purposes, for party political or campaigning activity.

23.12 Correspondence

(a) Between Councillors and Officers

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

Councillors should not forward information received from an Officer to a constituent or member of the public if that information is expressed to be confidential.

(b) Letters on behalf of the Council

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

23.13 Media releases and publicity

Local authorities are accountable to the population they serve. Accountability requires local understanding. This will be promoted by the Council publicly explaining its objectives and policies. In recent years all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides, however, publicity is a sensitive matter in any political environment because of the impact it can have.

Oxford City Council is a local authority in a high profile city and it attracts a lot of media attention. All of the Council's media contact will be professionally managed to meet the communication needs of the Council and of the media by the Council's Communications team. The purpose of the team is to advise and support Councillors and Officers and to maintain and improve the Council's corporate reputation by leading the development, implementation and delivery of an effective media relations service for the Council.

The media is a channel for communicating with Oxford City Council's many varied stakeholders and has a strong influence over how people view the Council and its services. It is therefore crucial that media communications are managed effectively and with due regard for the legal restrictions that the whole Council, led by the media office, must work under and be clear about.

Underpinning all aspects of this protocol is the general principle, enshrined in legislation that the Council will not publish material which in whole or in part appears to be designed to affect public support for a political party.

(a) The Legal Position

Publicity issued by a local authority is subject to a number of constraints imposed by Section 75 of the Representation of the People Act 1983, section 2 of the Local Government Act 1986 (as amended) and the Code of Recommended Practice on Local Authority Publicity issued in 2011 under section 4 of that Act.

Section 75 of the Representation of the People Act 1983 makes it a criminal offence for the Council to incur any expense with a view to promoting the election of a candidate on account of:

- circulars, publications and advertisements;
- otherwise presenting the candidate or his views;

- disparaging another candidate.

The overarching principle contained in section 2 of the Local Government Act 1986 is that no publicity must be issued by a local authority which “*appears to be designed to affect support for a particular political party*”. As well as refraining from issuing such material itself, a local authority must not give anyone else financial assistance to publish such material.

In seeking to adhere to this principle, account will be taken of the content and style of the material, the time when it is issued and whether or not it refers to a particular party or person identified with it, or whether it promotes or opposes a point of view that is politically controversial.

The Communications Team will advise all Councillors on media relations but it cannot support Councillors on media relations in respect of views which do not reflect council policies or which affect public support for a political party or the promotion of individual Councillors.

(b) Media enquiries

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

(c) When to issue media releases

The Communications Team will be guided by the Leader, Board Member or Committee Chair on whether to issue a media release before or after a meeting. The Communications Team will advise these Councillors on when a media release would be appropriate, taking into account any recommendations made by Directors or Heads of Service. If there is a disagreement about what a media release should say, the Chief Executive will decide.

(d) Content of media releases

Quotes on behalf of the Council for media purposes would normally come from Executive Members or the Leader of the Council. The content of such quotes or press releases will be cleared in advance with the Members concerned. The Leader, Board Members, Committee Chairs, the Lord Mayor, the Deputy Lord Mayor or the Sheriff will normally speak on behalf of the

Council for their area of responsibility. Ward Councillors may be quoted on matters that they have significantly influenced. Any quotes from Officers must be either factual or consistent with Council policy.

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

The principle of executive decision-making and accountability will be strongly reflected in the Council's media liaison arrangements. In particular:

- Media statements on Executive decisions will be made by the appropriate Executive Member (or their substitute), the Leader of the Council or issued on behalf of the entire Executive.
- Interviews on Executive decisions will only be given by the appropriate Member of the Executive, their substitute or the Council Leader.
- The Executive will be given relevant support and advice to enable them to play a proactive role in presenting issues to the media, explain their work and manage controversial issues covered by the media.
- Where the Communications Team is asked to draft press releases or letters on behalf of the Executive, such releases/letters will be of a factual nature.

Although Officers will not be allowed to comment to the media on Executive decisions they may continue to speak to the media within the following parameters:

- Where they have been specifically asked to speak to the media by the Leader, Executive, relevant Executive Member or Chair of the relevant Overview/Scrutiny panel.
- On matters of clarification with reference to Officer reports submitted for consideration to Executive, Scrutiny, full Council or to regulatory Committees.
- To explain the operational detail of decisions and policies they are implementing.
- On issues pertaining to the exercise of professional judgement.

The work of regulatory bodies and Committees (such as planning or licensing etc.) will be publicised in consultation with relevant Chairs and lead Officers.

(e) Notification of media releases

All Members will receive notification of all press releases made on behalf of the Council by the Communications Team. Media releases which are embargoed will be sent to all Members at the time that the embargo is lifted.

(f) Publicity in the run-up to elections

The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political positions should be able to comment in an emergency or where there is a genuine need for a Member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve Members likely to be standing for election.

(g) Invitations to media events

Representatives of each political group will be invited to all media events involving Councillors. The Communications Team will liaise with the Leader, Board Member or Committee Chair when setting up media events involving Councillors.

(h) Media releases by party groups and individual Councillors

When individual Councillors or spokespeople for political groups issue media releases, they must make it clear that they are not issuing them on behalf of the Council. Whilst it is legitimate for the Council to publicise local issues, the Council will not involve itself in any publicity which 'personalises' such issues and thereby appears to be designed to affect public support for a political party.

Publicity about individual Councillors may include the contact details, the position they hold in the Council (for example, Member of the Executive or Chair of Scrutiny Committee), and their responsibilities. Publicity may also include information about individual Councillors'

proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual Councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.

Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual Councillor which are relevant to her/his position and responsibilities within the Council, and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans or directly attacking policies and opinions of other parties, groups or individuals.

(i) Scrutiny

The work of the Scrutiny Committee is an important and integral part of the political arrangements of the Council for the purposes of media liaison. In particular:

- Media statements and interviews on Scrutiny matters will be made by the convenor of the relevant panel, their substitute or, if appropriate, by the Chair of the Scrutiny Committee.
- Interviews on Scrutiny matters will be given by the convenor of the appropriate Scrutiny Panel, their substitute or, if appropriate, by the Chair of the Scrutiny Committee.
- Members of Scrutiny panels and the Chair of the Scrutiny Committee will be offered relevant support and advice to enable them to play a proactive role in presenting issues to the media and explain their work.
- Where a minority report is released by a Member or Members of a Scrutiny Panel, media statements will be the responsibility of those issuing the report.
- Where the Communications Team is asked to draft press releases/letters on behalf of Scrutiny, such releases/letters will be of a factual nature and will contain nothing that could be construed as politically motivated or biased.
- All official Scrutiny press releases will be issued by the Communications Team in the standard format.

23.14 The Council as an employer

(a) Fairness in employment

Councillors should not take part in a recruitment process where any of the candidates are friends, relatives, partners or other people they live with. Nor should they have any role in disciplinary action or grievances involving these people.

Councillors should not try to influence appointments (except as members of the Appointments Committee or when appointing a political assistant). Nor should they help any particular candidate by giving them information that the other candidates could not get.

Councillors should not discriminate unfairly against Officers and should judge candidates for employment or other rewards on merit.

Councillors should not take part in a recruitment process without having undertaken appropriate training.

Councillors may choose to write personal references for members of staff if requested, but are under no obligation to do so, and should be clear that this is not the employer's reference.

(b) Grievances and disciplinary procedures

Councillors should not try to influence the handling of any grievance. Councillors can report their concerns about an Officer's performance or behaviour to a line manager. But they should not try to influence any disciplinary procedure (except as members of the disciplinary committee for the Chief Executive, Directors and Heads of Service).

Councillors serving on the disciplinary committee for the Chief Executive, Directors and Heads of Service must base their decisions on the facts and in accordance with the Council's employment obligations. They should not be influenced by party political or personal factors.

Councillors should not take part in any disciplinary process without having undertaken appropriate training.

(c) Accountability and confidentiality

Councillors are accountable for the decisions they make as employers but they should keep individual employment matters confidential.

23.15 Responsibility for this code

The Monitoring Officer has overall responsibility for this code and will periodically review how the code is working.

COUNCILLOR CALL FOR ACTION PROTOCOL

Introduction

1. The Councillor Call for Action (CCfA) Protocol sets out how Councillors can refer any local government matter in their ward which is of significant community concern to an overview and scrutiny committee. Referral to the Council's Scrutiny Committee is a measure of last resort once other approaches have been exhausted.
 2. A local government matter is defined in legislation as one which:
 - (a) Relates to the discharge of any function of the authority;
 - (b) Affects all or part of the electoral area for which the referring member is elected or any person who lives or works in the area; and
 - (c) Is not an excluded matter. Excluded matters are matters relating to:
 - (i) the formulation or implementation of the Council's crime and disorder strategy;
 - (ii) a planning decision;
 - (iii) a licensing decision; or
 - (iv) an individual or entity where that individual or entity has a statutory right to a review or appeal other than to the ombudsman; or which are
 - (v) vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny Committee;
- unless the matter consists of an allegation that a function of the Council has not been discharged at all or that its discharge has failed or is failing on a systematic basis.
3. The CCfA is not an appropriate route for:
 - (a) Raising individual complaints, for which the Council's corporate complaints procedure should be followed;
 - (b) Scrutinising matters of wider council policy;
 - (c) Questioning decisions which have been taken but not yet implemented by the Executive; or
 - (d) Seeking to resolve urgent matters, in view of the time which may be needed for the committee to assess the initial referral and then investigate the matter if it agrees to do so.

Referral Procedure

4. Matters referred as a CCfA will be referred to the Scrutiny Committee. Prior to referring a matter as a CCfA, a councillor must have tried to resolve the matter themselves using the other mechanisms and resources available to them at ward level. Councillors must have regard to any government guidance issued and should:
 - (a) Ensure that the relevant council department and/or any partner organisation has been informed of the issue and been given enough time to resolve it;
 - (b) Ensure that this is not an issue that is currently being or should be pursued via the Council's complaints process;
 - (c) Ascertain whether or not the matter is being investigated through any other local scrutiny mechanism.
5. If the matter is still not resolved the councillor can refer it to the Scrutiny Committee as a 'Councillor Call for Action'. To avoid delays in the referral process, all referrals should be made on the CCfA request form. This will ensure that the necessary information to enable the applicability of the Protocol to be confirmed and to enable the matter to be put before Scrutiny will be provided at the outset.
6. The referral form should be sent to democraticservices@oxford.gov.uk. The Monitoring Officer shall be responsible for determining whether a matter is required to be referred to the Scrutiny Committee under this protocol.
7. Referrals approved by the Monitoring Officer will then be included on the next available agenda of the Scrutiny Committee. It will be up to the Committee to decide whether or not to take the matter further.

Considering the CCfA

8. The referring councillor and other councillors representing the same ward will be invited to attend a Scrutiny Committee meeting at which the CCfA is discussed, in order to make representations and answer questions. The relevant Executive member and senior officer will also be invited if appropriate.
9. In deciding whether or not to take the matter further the committee will consider:
 - (a) Actions already taken by the councillor in relation to the matter; and
 - (b) Representations made by the member as to why the committee should take the matter up.
10. The criteria the committee will use to decide whether or not to take the matter further include:

- (a) Is the committee satisfied that reasonable attempts at a resolution have been made by the ward councillor?
 - (b) Has the committee considered a similar issue recently and, if so, have the circumstances or evidence changed?
 - (c) Has the relevant service or partner agency been informed and been given enough time to resolve the issue and, if so, what response the councillor has received?
 - (d) Is the matter currently being looked at by another form of local scrutiny?
11. If the committee decides not to take further action in respect of the referral it must inform the councillor and explain why.
12. If the committee decides to accept the referral it must decide how it intends to take the matter further. It may:
- (a) Make an immediate report or recommendations to:
 - (i) the Executive or other relevant council body;
 - (ii) the relevant senior officer; or
 - (iii) to any relevant partner organisation or other local organisation;
 - (b) Request further information or evidence from the ward councillor;
 - (c) Ask officers to look into the matter and report back;
 - (d) Invite other local stakeholders to give evidence to a future meeting; or
13. If the matter is referred under 12 (a) (i) or (ii), the relevant body or person shall report back to the Scrutiny Committee indicating any action that has been, or is intended to be, taken in respect of the recommendation, normally within 2 months.
14. Once the committee has completed its work on the referral the member who made the referral will receive a copy of any report or recommendations made in relation to it.
15. In the case of a crime and disorder matter:
- (a) A copy of any report or recommendations under 12(a)(i) or (ii) above shall also be provided to the chief officer of police, the fire authorities, the probation board and the primary care trust ("the Council's crime and disorder partners").
 - (e) If a report or recommendation is made to one of the Council's crime and disorder partners under 12(a)(iii), that partner will be notified that they are required to:

- (i) consider the report or recommendations and to respond to the committee indicating what action, if any, it propose to take, normally within one month; and
- (ii) have regard to the report or recommendations in exercising their functions.

Councillor Call for Action Referral form

If you wish the Scrutiny Committee to consider a Call for Action in your ward you should complete this form and submit it to Democratic Services at democraticservices@oxford.gov.uk.

Before submitting this form you must:

- (a) Ensure that the relevant council department and/or any partner organisation has been notified of the issue and been given enough time to resolve it (and give details of the date and outcome of such notification).
- (b) Ensure that this is not an issue that is currently being or should be pursued via the council's complaints process.
- (f) Ascertain whether or not the matter is being investigated through any other local scrutiny mechanism.

Your Contact details:

Name:

Address:

Telephone:

E-mail:

The Ward you represent:

Title of your Call for Action:

Date of Submission:

Would you like the opportunity to speak to the Committee?

Yes/No

Please give a brief summary of your Call for Action

CITY EXECUTIVE BOARD

Wednesday 10 July 2013

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

17. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Turner.

18. DECLARATIONS OF INTEREST

No declarations of interest were made.

19. PUBLIC QUESTIONS

Written questions were accepted by the Chair. Written answers were given to the questions. The questions and the answers are attached to the minutes as Appendix 1.

20. SCRUTINY COMMITTEE REPORTS

Two Scrutiny reports from the Scrutiny Committee meeting on 2 July were circulated (now appended).

Resolved:-

- (1) On the report on the Youth Ambition Strategy, that each of the recommendations in the report be agreed and that the officers be asked to incorporate the matters contained in the recommendations into the ongoing Strategy;
- (2) On the report on the Low Emission Strategy, to agree the recommendation in the report and to ask the Board Member, Cleaner Greener Oxford to take the Low Emission Strategy to the Carbon and Natural Resources Board for the purpose contained in the recommendation.

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

Councillors who were not members of the Board requested to speak on five items on the agenda. The addresses are referred to at the relevant minute items.

22. EQUITY LOANS SCHEME FOR TEACHERS - PROJECT APPRAISAL

The Head of Housing submitted a report (previously circulated, now appended).

Councillor Campbell spoke on the item. He asked questions concerning interpretation of which teachers would qualify for the loans (described in the report as teachers who were in leadership roles) and on the success in practice of the 2005 equity loans for key workers scheme.

On the first question the Leader explained that teachers in leadership roles had a particular meaning in education (ie teachers in senior management teams). On the 2005 scheme, the Chief Executive said he would arrange for the outcome of the 2005 scheme to be checked and evidence of its success reported upon to members.

In response to further questions the Executive Director, City Regeneration and Housing said that the equity loans for teachers scheme was likely to go live in September.

Resolved to:-

- (1) Grant project approval for the equity loan scheme for teachers;
- (2) Waive the requirement to seek quotes under Contract Rule 19.12 on the grounds that to do so would achieve no overall economic benefit to the Council;
- (3) Agree a virement of £150,000 from the Depot Relocation Feasibility Study budget;
- (4) Grant delegated authority to the Executive Director, City Regeneration to:-
 - (a) approve the operational details of the scheme and the funding based on the principles set out in section 3 of the report;
 - (b) in conjunction with Procurement Team and Legal Services, negotiate the operation and capital funding of the scheme with Catalyst Housing Group.

23. YOUTH AMBITION STRATEGY

The Head of Leisure, Parks and Community Services submitted a report (previously circulated, now appended).

The Board also had before it a report (previously circulated, now appended) from the Scrutiny Committee on 2 July.

Councillor Fooks spoke on the item. She referred to Appendix 4 to the report insofar as it dealt with the activity preferences of young people and suggested that in relation to the Strategy it appeared to her to be sport-focussed whereas the activity preferences were very much broader than sport.

Both the Board Member and the Head of Leisure, Parks and Communities responded by saying that the Strategy was not and would not be biased towards sport and that the Council would continue to respond to activity preferences of young people.

Resolved to approve the Youth Ambition Strategy for the Council for the period 2013 – 2017 as set out in Appendix 3 to the report.

24. PAVILIONS PROGRAMME - PROJECT APPROVAL

The Head of Leisure, Parks and Community Services submitted a report (previously circulated, now appended).

Councillor Fooks spoke on the item. She raised the matter of public expectation concerning the upgrading generally of pavilions and in particular she suggested that the condition of the Alexandra Courts pavilion was below the average condition referred to in Appendix 1.

In response the Leader said that, depending upon budgets, public demand for quality pavilions would be met. But he emphasised that the programme did depend upon the availability of finance. On the Alexandra Courts pavilion the Board Member, Parks, Sports and Events referred the councillor to the remarks in Appendix 1 concerning the opportunities for investment in the pavilion.

Resolved to:-

- (1) Grant Major Project Approval of £3.143million for the Pavilion Programme as set out in Appendix 1, subject to securing the relevant external funding;
- (2) RECOMMEND to Council an increase to the project budget to £3.143million subject to securing external funding, and Capital and Asset Management group agreeing the virements noted in Appendix 1;
- (3) Give delegated authority for the Executive Director, Community Services to undertake a procurement exercise for the construction contracts for the various pavilion projects detailed within the report and award the construction contracts to the successful tenderer(s) subject to them being within the overall budget.

25. COMMUNITY AND VOLUNTARY ORGANISATIONS - GRANT MONITORING FEEDBACK 2012/13

The Head of Leisure, Parks and Communities submitted a report (previously circulated, now appended).

Resolved:-

- (1) To note the contents of the report;
- (2) To record that the information contained in the report represented a usual reference in relation to grants determinations for 2014/15 and

that the absence of feedback information (paragraph 8 of the report refers) would be borne in mind for the 2014/15 grants awards.

26. BARTON - ACQUISITION OF AFFORDABLE PROPERTY

The Head of Housing and the Major Projects Service Manager submitted a report (previously circulated, now appended).

Resolved, having regard to the not for publication appendix to the report, to:-

- (1) Note the contents of the Report and progress in discussions with Barton Oxford LLP;
- (2) Grant delegated authority to the Executive Director, City Regeneration and Housing in consultation with the Head of Finance to authorise the Council's entry into required legal documentation with Barton Oxford LLP to give effect to this matter, the terms to be consistent with the contents of the Not For Publication Appendix in relation to:-
 - (a) Approval to enter into an Agreement to purchase the affordable housing (354 units approximately) noting the intention that the Agreement be novated to the successful / nominated house builders for each phase of development;
 - (b) The entering into a Management of Homes Agreement;
 - (c) The entering into an Allocations and Lettings Agreement;
- (3) Note that in order to maintain flexibility going forward the Council may, at its discretion at a point in the future, procure a partner (such as a Registered provider) for up to 25% of the total affordable units;
- (4) Note that Officers will present update and monitoring reports on a regular basis to both the Corporate Asset and Capital Board and the City Executive Board as the project progresses.

27. LOW EMISSION STRATEGY AND AIR QUALITY ACTION PLAN

The Head of Environmental Development submitted a report (previously circulated, now appended). The Democratic Services Manager said that the Low Emissions Strategy had not been reproduced with the report and so could not be taken today. However, the matter could be included on the agenda for the special City Executive Board meeting on 30 July.

The Board also had before it a report (previously circulated, now appended) of the Scrutiny Committee of 2 July.

Councillor Jones spoke on the item. He referred to the aspirational nature of some aspects of the Strategy (eg take-up of electric vehicles, reduction in car

mileage). He also expressed some concern over consulting on the Air Quality Action Plan over a period when many people would be on holiday.

In reply the Board Member, Cleaner Greener Oxford said that the consultation period was of a sufficient length to span people's holidays. He also referred to air pollution in High Street and in St Aldate's. This was unacceptably high and the Air Quality Action Plan would address this.

Resolved to:-

- (1) Defer consideration of the adoption of the Low Emission Strategy for Oxford to the special meeting of the City Executive Board on 30 July;
- (2) Approve for consultation the draft Air Quality Action Plan for Oxford as contained in Appendix 2 to the report.

28. NEIGHBOURHOOD PLANNING AREAS - DESIGNATION

The Head of City Development submitted a report (previously circulated, now appended).

Councillor Fooks spoke on the item. In particular she expressed some surprise that the Council used Ward boundaries to define neighbourhood areas because those boundaries did not necessarily coincide.

Resolved:-

- (1) to designate the Summertown and St Margaret's and the Wolvercote areas as shown on the maps that form Appendix 1 to the report as neighbourhood area (but not as business areas) under the provisions of the Localism Act 2011 and associated Regulations;
- (2) To ask the Executive Director, Regeneration and Housing to cause to be checked the availability of grant assistance from the Department for Communities and Local Government, and when in the process any such grants might be available.

29. OXFORD STADIUM, SANDY LANE - INCLUSION ON THE OXFORD HERITAGE ASSETS REGISTER

The Head of City Development submitted a report (previously circulated, now appended).

With the agreement of the Board, Mr Wheble addressed the meeting. He explained that he was a private individual with a keen interest in greyhound racing. He said that greyhound racing and speedway had been long established at the Oxford Stadium. The activities had over the years provided much pleasure for many people. He said that there were entrepreneurs willing and financially able to take over, invest in and re-open the Stadium for greyhound racing, speedway and associated activities.

Resolved to register the Oxford Stadium, Sandy Lane as a building of local interest on the Oxford Heritage Assets Register.

30. COUNCIL SERVICES AND THE WORK OF COUNCIL STAFF

The Leader referred to the high quality of the work that had culminated in the submission of reports to today's Board meeting. He paid tribute to all the staff involved. The Chief Executive added to the Leader's remarks by saying that in a period of retrenchment, the City Council, through prudent financial management and innovative methods of working was providing high quality services to the people of Oxford.

31. FUTURE ITEMS

Nothing was raised under this item.

32. MINUTES

The minutes of the meeting held on 12 June 2013 were approved as a correct record and signed by the Chair subject in minute 11 (OUTSIDE BODIES – APPOINTMENT OF REPRESENTATIVES 2013/14) to the inclusion of an Appendix setting out, in relation to Appendix 3 to the report, the appointments to outside bodies agreed by the Board.

33. 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 33

The Board received and noted the contents of not for publication appendix to the reports at agenda item 10 (minute 26 refers).

34. BARTON - ACQUISITION OF AFFORDABLE PROPERTY

The Head of Housing and the Major Projects Service Manager submitted an appendix (previously circulated, now appended) to the report at agenda item 10 (minute 26 refers).

Resolved to have regard to the appendix in reaching decisions on the report at agenda item 10.

The meeting started at 5.00 pm and ended at 6.12 pm

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CITY EXECUTIVE BOARD

Wednesday 31 July 2013

COUNCILLORS PRESENT: Councillors Turner (Vice-Chair, in the Chair), Cook, Kennedy, Lygo, Rowley, Seamons and Tanner.

35. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Price, Brown and Clack.

Councillor Turner clarified that members of the public could not record the meeting. He appreciated the interest in the meeting, and indicated that officers would explore the possibility of providing an audio recording of City Executive Board meetings in future.

36. DECLARATIONS OF INTEREST

No declarations of interest were received

37. PUBLIC QUESTIONS

Written questions from a member of the public were received. Those questions with answers were distributed at the start of the meeting. They are attached to the minutes as Appendix 1.

38. SCRUTINY COMMITTEE REPORTS

The Scrutiny Committee submitted a report (previously circulated, now appended) concerning its comments and recommendations on the Low Emissions Strategy and Air Quality Action Plan.

The Board noted that at its meeting on 10 July it had resolved to agree the recommendation in the report and to ask the Board Member, Cleaner Greener Oxford to take the Low Emission Strategy to the Carbon and Natural Resources Board for the purpose contained in the recommendation.

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

Councillors who were not members of the Board requested to speak on one item on the agenda. The addresses are referred to at the relevant minute item.

40. LOW EMISSION STRATEGY

The Head of Environmental Development submitted a report (previously circulated, now appended). Councillor John Tanner (Board Member for Cleaner

Greener Oxford) presented the report to the Board and provided some background and context.

Councillor Jean Fooks addressed the Board. She welcomed the action plan to put into place what was a very ambitious strategy, and spoke about carbon financing and a freight exchange hub. Councillor Craig Simmons also addressed the Board, broadly welcoming the action plan, but observing that further information was needed about the means of both the delivery and the financing of it. He added that he believed that the strategy could usefully have been considered first by the Carbon and Natural Resources Members' Board

Councillor Ed Turner commented that energy efficiency in private rented housing would be a challenging matter, but that officers had now obtained some EPC data from rented properties which would provide the Council with some insights.

Councillor John Tanner believed it would be possible to make progress as there was money that utility companies must spend on environmental improvements and saving customers' money. He recognised that there were some good landlords who were keen to respond, but there were others who were less interested. It was important to reduce the carbon footprint across Oxford. He felt it would be possible to establish a freight exchange hub on the ring road, but it would be important for Oxfordshire County Council to work with the City Council on this. He encouraged officers to work on reducing carbon emissions across the Council.

Resolved:-

- (1) To adopt the Low Emission Strategy;
- (2) To agree the recommendation from Scrutiny, namely to support the setting of the Low Emissions Strategy and ambitions, but to require early reference of the document to the Carbon and Natural resources Members' Board, so that gaps on data, resources and financing can be discussed and a robust action plan produced.

41. PROPOSAL TO PROCEED WITH A CONTRACT TO UNDERTAKE PLANNED AND REACTIVE BUILDING MAINTENANCE PROPERTY WORKS FOR AN EXTERNAL, PUBLIC SECTOR CLIENT

The Executive Director, Community Services, submitted a report (previously circulated, now appended). Cllr Ed Turner presented this report to the Board.

Resolved:-

- (1) To delegate to the Executive Director Community Services the authority to enter into an appropriate contract with the public sector body identified in the Not for Publication Annex attached to the report for the supply of various building services works;
- (2) Further to delegate to the Executive Director Community Services authority to approve extensions to work where it is on the same basis as currently agreed;

- (3) To note that the service provision 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.

42. FUTURE ITEMS

Nothing was raised under this item.

43. 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 43

The Board received and noted the contents of not for publication appendix to the reports at agenda item 7 (minute 44 refers).

44. PROPOSAL TO PROCEED WITH A CONTRACT TO UNDERTAKE PLANNED AND REACTIVE BUILDING MAINTENANCE PROPERTY WORKS FOR AN EXTERNAL, PUBLIC SECTOR CLIENT

The Board received and noted the contents of not for publication appendix (previously circulated, now appended) to the report at agenda item 7 (minute 41 refers).

The Board decided not to release the appendix from confidentiality because the information contained within in was, and remained, commercially sensitive.

The meeting started at 9.00 am and ended at 9.45 am

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APPENDIX 1

Questions for City Executive Board 31st July 2013.

From: Mr Nigel Gibson

Question 1: Agenda Item 6, Low Emission Strategy.

A large amount of carbon emissions are generated during building activities. These 'capital' carbon emissions are not required to be reported by Central Government, only annual building emissions. Can you please explain why the City Council that is supposed to be so committed to lowering emissions is not prepared to report these total carbon emissions?

Reply: *The City Council takes carbon management very seriously and has already achieved many firsts in this field. It is working hard to be one of the first, Low Carbon cities in the country. In an ideal world, the Council would have comprehensive and fully complete data for all carbon related operations, irrespective of their origin within the City. However, this is not practicable at this point. Carbon accounting is still a developing field and the Council must have regard to proportionality – the extra cost of deriving complete data has to be weighed against any additional benefits arising. For this reason, the additional datasets are not part of the national reporting framework and therefore, this is outside of the reporting regime.*

The LES will focus upon the measures and policies the City Council can carry out or influence, rather than actions from all actors in the City. As regards to the construction sector, there is a separate voluntary strategy prepared on behalf of the Strategic Forum for Construction and the Carbon Trust in 2010. This forms part of a series of outputs aimed at supporting the delivery of the targets within the Strategy for Sustainable Construction, a joint industry and Government strategy published in June 2008. An action plan aims to reduce construction process emissions in England, by 15% by 2012. As this is a voluntary target and not all construction is covered, data may be incomplete and the results are not combined with any other carbon reporting outputs.

The City Council is committed to promoting low carbon developments and since 2006 has put in place a requirement for 20% on site renewable, low-carbon energy for new developments.

Question 2: Agenda Item 6, Low Emission Strategy.

It has long been recognised that approximately 18% of global carbon emissions are due to the meat industry. There are more recent figures indicating that this percentage may be low, and that the meat industry is responsible for nearer 50% of global carbon emissions. For a strategy to be of any real value and demonstrate full commitment, it should surely consider how we can affect all types of carbon emission – why is the impact of food not considered in this council strategy?

Reply: *The City Council has looked previously at carbon foot printing for food and is most conscious of the role that food plays in the overall carbon picture. This earlier work, carried out as part of the Low Carbon Oxford programme in conjunction with Oxford University, has helped demonstrate typical footprints from food operations, good local practice and a way forward.*

Separately, food manufacturers in the UK have been subjected to climate change agreements since 2001. These impose annual carbon reduction targets for individual manufacturers which are administered by the trade body (the Food and Drink Federation). In exchange for meeting these targets, manufacturers can claim a discount on the climate change levy, imposed on every unit of energy that they buy. To avoid double counting, emissions reported under climate change agreements are exempt from the Government's Carbon Reduction Commitment. Also, most food manufacturing sites are regulated under the Integrated Pollution Prevention and Control Legislation, which imposes conditions around Energy Efficiency and provides obligations to report on all emissions to the Environment Agency.

The City Council LES will cover emissions associated with food in relation to the transportation of foodstuffs in the City, just as the Council's Procurement Strategy (which aims to increase the spend with local businesses), will reduce the emissions related to the transportation of food by reducing food journeys.

Question 3: Agenda Item 7.

Which process is being followed for this procurement – is it fully open like OJEU, qualified as in a framework, a private arrangement or some other mechanism?

Reply: *The opportunity was available to any organisation who wished to express an interest*

Question 4: Agenda Item 7.

What is the approximate cost of this bid to the Council?

Reply: *The cost of putting together the initial expression on interest and submitting the bid is probably best expressed in the total amount of officer time used. We don't have an exact record of this but a reasonable estimate is that the aggregate amount was less than two days' work for one person.*

Question 5: Agenda Item 7.

You mention that you are looking for only a minimal return from this contract, which prompts three questions:

- a. Why are you setting your fees so low? Surely you should be seeking to offset the cost of the current resources as much as possible to be able to address any budget cuts?
- b. How far through the life of the contract do you anticipate recouping the cost of bidding?
- c. What is the current utilisation of the workforce that you are intending to deploy with this contract, and how much overall do you expect to increase that utilisation by?

Reply: *Part A – The prices we are charging are commercially confidential. The intention is to provide a service which is good value and low risk to both the Council and procuring organisation. It is the Council's policy to set tenders and prices so that all prime costs are recovered along with a contribution to departmental and central overheads.*

Part B – The cost of bidding is trivial compared to the value of the contract

Part C – To provide a single figure for workforce utilisation without any context is not helpful as there are various definitions and other factors such as the total hours worked may be more significant in determining competitiveness. In servicing this contract, however, we will utilise the increase in productivity of between 12% and 22% negotiated with trades unions earlier in the year.

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CITY EXECUTIVE BOARD

Wednesday 11 September 2013

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

45. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Turner.

46. DECLARATIONS OF INTEREST

Councillor Susan Brown declared a pecuniary interest in agenda item 11 – Jericho Canalside SPD (minute 55 refers) on the grounds that she lives close to the Community centre that will be impacted by this document. She stated her intention to withdraw from the room while this item is considered.

47. PUBLIC QUESTIONS

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

Resolved to note the questions and answers provided.

48. SCRUTINY COMMITTEE REPORTS

The following Scrutiny reports (now appended) were submitted to the meeting:-

Allocations Scheme Review
Customer Contact Strategy
Treasury Management Quarter 1
Quarter 1 Spending.

They were considered when the relevant item on the agenda was reached.

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

Councillor Jean Fooks attended the meeting and addressed the Board on agenda item 12 – Finance, Performance and Risk; Quarter 1 progress.

50. CUSTOMER CONTACT STRATEGY

The Head of Customer Services submitted a report (previously circulated, now appended) concerning the draft Customer Contact Strategy. The Board was

asked to agree this for consultation, following which the proposed strategy for adoption would return to the Board in February 2014.

Councillor Susan Brown (Board member for Benefits and Customer Services) presented the report to the Board and provided some background and context.

The following Scrutiny recommendations were submitted:-

Recommendation 1: To ensure that separate arrangements for consultation with the Business Community are included in the information gathering to inform the final strategy.

Agreed by the Board

Recommendation 2: To explore the use of Skype as a communication tool within this strategy

Councillor Mark Mills (Scrutiny Chair) explained that scrutiny considered Skype to be a useful method to contact customers in specific situations, and asked the Board to consider it.

Comment from the Board: Understanding how our customers wish to engage with us and through which mediums is fundamental to the consultation approach. This and all other communication mediums are to be considered. The consultation findings will be reported to CEB in due course and inform the final strategy. The Board would be willing to investigate the use of Skype in order to ensure that our methods of communication reflect modern conditions. Therefore this is also agreed.

Recommendation 3: To ensure that any service developments are evaluated financially around clear value for money principles.

Agreed by the Board.

Resolved: To approve the Draft Customer Contact Strategy for consultation, with recommendations from Scrutiny as shown above.

51. HOUSING STRATEGY ACTION PLAN 2012-16 - PERIODIC REVIEW

The Head of Housing and Property submitted a report (previously circulated, now appended) concerning the Housing Strategy Action Plan 2012-2016 Periodic Review.

Councillor Scott Seamons (Board Member for Housing) presented the report to the Board and clarified those indicators that were currently red. The Action Plan would go for consultation and return to the Board in December.

Resolved to:-

- (1) Note the progress made against the tasks in the Plan;
- (2) Revise Plan targets as detailed in Appendix B to the Report;

- (3) Note that progress will be reported annually to the Board;
- (4) Note that the refresh of the Housing Strategy Action Plan would return to the Board in December 2013 following consultation with partners.

52. HOMELESS ACCOMMODATION SUPPLY

The Head of Housing and Property submitted a report (previously circulated, now appended) concerning the supply of temporary accommodation in order to meet the Council's duties to homelessness households, and proposes improvements to it.

Councillor Scott Seamons (Board Member for Housing) introduced the report and provided some background and context.

Resolved:-

- (1) To endorse the approach being taken to procure additional properties for temporary accommodation as part of the discharge of the Council's homelessness duties;
- (2) To give project approval to the Homeless Accommodation Supply Project identified in the report, and to grant delegated authority to the Executive Director for Regeneration and Housing in consultation with the Chief Executive to decide on the final management model, to tender contracts to set up and operate a scheme, and to award appropriate contracts and, as necessary, to agree property acquisitions, that are the most financially advantageous for the Council with respect to the Council's Medium Term Financial Plan, following approval from the Council's Head of Finance; and that the final management model will be agreed in consultation with the Leader of the Council, Board Member for Housing and the Leaders of the two Opposition Groups;
- (3) To ask officers report progress to the Board after the first £5million spend to evaluate the impact of the scheme;
- (4) To recommend Council as follows:-
 - (a) That the 2013/14 General Fund Capital Budget be updated with the inclusion of a new scheme, namely "Homeless Property Acquisitions", estimated at £5 million, funded from borrowing, and to include a further £5 million budget in 2014/15;
 - (b) To increase General Fund external borrowing of up to £10 million to finance the capital expenditure.

53. ALLOCATIONS REVIEW AND CHANGES TO THE ALLOCATIONS SCHEME

The Head of Housing and Property submitted a report (previously circulated, now appended) concerning the Allocations Review and changes to the Allocations Scheme.

Councillor Scott Seamons presented this report to the Board and explained the background to it. He added that the Oxfordshire sub-regional Choice Based Lettings scheme was in effect disbanded because there were now different schemes in place across the County. Arrangements for reciprocal lettings were, and would remain, in place.

Scrutiny recommendation

A Communications Strategy should be in place to explain the scheme as agreed, what it means for the applicants, alongside some general information on the likelihood of being housed. Communications should include the opportunity for feedback on the scheme itself and the understandability of it.

Agreed by the Board.

The following amendment to the scheme was also AGREED by the Board, following comments from the Scrutiny Housing Panel:-

- (1) Section 1.3 Oxford City Council's Principal Housing Objectives (agenda page 103, bottom of the page)

Changed from:

- To not discriminate against members of the armed forces/former members of the armed forces in housing need, with regard to local connection

To:

- To treat members of the armed forces/former members of the armed forces in housing need, equally with regard to local connection (see section 3.3.3)"

- (2) Section 3.3: Qualification For Inclusion On the General Register List (agenda pages 112, 113)

Added:

"5. The applicant met one or more of the criteria in 1 to 4 above at the time they entered the armed forces, they will then retain this Local Connection when applying for housing on leaving the Armed Forces." & "in accordance with Section 3.4" at the end of each paragraph shown in Sections 3.3.3 & 3.3.4.

Resolved to:-

- (1) Note the proposed changes to the existing Allocation Scheme and responses to consultation;
- (2) Recommend Council to approve the new Allocations scheme (as amended above);
- (3) Give delegated authority to the Head of Housing and Property to introduce the new Allocations Scheme within three months of its approval by Council (in order to allow time to implement the changes);
- (4) To agree to the Council leaving the Oxfordshire sub-regional Choice Based Lettings Scheme.

54. AFFORDABLE HOUSING AND PLANNING OBLIGATIONS - SUPPLEMENTARY PLANNING DOCUMENT - ADOPTION

The Head of City Development submitted a report (previously circulated, now appended) concerning the Affordable Housing and Planning Obligations Supplementary Planning Document.

Councillor Colin Cook (Board Member for City Development) introduced this report. And commended it to the Board as he felt it would offer further clarity and guidance.

Resolved to:-

- (1) Adopt the Affordable Housing and Planning Obligations SPD;
- (2) Authorise the Head of City Development to make any necessary editorial corrections to the document prior to publication;
- (3) Note that a separate report will go to Council on 30th September in order to approve the bringing into force of the CIL on 21st November 2013 [to allow a clean break between the old system and the new]. Linked to this, a report will be presented at CEB on 9th October to agree the Regulation 123 list that details the infrastructure projects that may be funded in part or whole by CIL.

55. JERICO CANALSIDE SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION

The Head of City Development submitted a report (previously circulated, now appended) concerning the Jericho Canalside SPD Consultation.

Councillor Colin Cook (Board Member for City Development) presented the report to the Board and asked to make one minor change to the draft SPD document as follows:

- Paragraph 6.15 – to remove the reference to 1,000m square gross external area as a guideline for the Community Centre, pending further work with the Community Centre and consultees.

Laura Goddard (Planning Policy) outlined two further changes, the wording of which would be agreed with Councillor Cook and the Head of City development:-

- Paragraph 6.13- planning consent had not lapsed; and the stated 1,400m square gross external area should be 1,600m square;
- Paragraph 6.14 needs further clarity generally and this will be agreed as above.

Laura Goddard indicated that the consultation was expected to start on Friday 13th September and would last for six weeks. The final report would return to CEB in December 2013.

Resolved to:-

- (1) Approve the draft Jericho Canalside SPD for public consultation with amendments as listed above;
- (2) Approve the draft Jericho SPD as a material consideration in determining planning applications;
- (3) Endorse the accompanying Strategic Environmental Assessment screening 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.

(Having declared a pecuniary interest in this item, Councillor Susan Brown withdrew from the room whilst the matter was discussed, and took no part in the proceedings)

56. FINANCE, PERFORMANCE AND RISK - QUARTER 1 PROGRESS

The Executive Director, Organisational Development and Corporate Services submitted a report (previously circulated, now appended) that updated the Board on Finance, Risk and Performance at the end of Quarter 1 (30th June 2013)

In the absence of the Board Member for Finance, Efficiency and Strategic Asset Management, Councillor Bob Price presented this report to the Board. He invited Councillor John Tanner, Board Member for Cleaner, Greener Oxford, to introduce the section on recycling rates.

Councillor Jean Fooks attended the meeting and addressed the Board on the contents of this report.

Scrutiny Recommendations

The following recommendations were submitted:-

Recommendation 1: To express concern about the availability of resources to deliver the Capital Programme.

Response: The Council's 2013/14 capital programme is significantly greater than in previous years. The administration involved in delivering this programme is similarly considerable and whilst every effort is made to use the councils in-house resources there are occasions when this is not always possible. Consequently the monitoring report identifies a number of additional external posts which will be required to facilitate key capital projects.

Recommendation 2: To reconsider the reporting of the Commercial Property rental measure using dates that align to produce a more accurate picture of performance.

Response: Agree that the reporting of this indicator needs improving to mitigate the timing differences highlighted in the report. Officers will ensure that this is undertaken going forward

Recommendation 3: That the City Executive Board bring forward their strategy for the provision of contingencies with the forthcoming medium Term Financial Strategy to the next meeting of the Panel in November.

Response: The Medium Term Financial Plan and Consultation Budget for 2014-15 is scheduled to be presented to CEB in December 2013 at which point the Finance Panel will be able to consider the strategy for the provision of contingencies in the context of the pressures and risks identified.

Resolved to:-

- (1) Note the financial position and performance of the Council for the first quarter of 2013/14, and also the position of risks outstanding as at 30th June 2013;
- (2) That the Council's performance indicator for the Recycling Rate Target be amended to a floor target of 44% for 2013/14 and 2014/15, and to 45% for 2015/16 and 2016/17 in accordance with paragraph 8 of the report. The Council still aspires to reach a 50% target for recycling;
- (3) That the Board agrees that the weight of residual waste per household, per annum, should in future be used as the Council's key indicator (published in the Corporate Plan) to measure its recycling performance in accordance with paragraph 8 of the report.

57. TREASURY MANAGEMENT ANNUAL REPORT

The Head of Finance submitted a report (previously circulated, now appended) that outlined the Council's treasury management activity and performance for 2012/13.

Nigel Kennedy (Head of Finance) presented the report to the Board and provided some background and context.

Scrutiny Recommendations

The following recommendations were submitted:-

Recommendation 1: To raise the non-specified investment limits from their current levels and redefine what is grouped in this area to manage risk, in an effort to encourage investment diversity and higher rates of return.

Response: The limit on non-specified investments contained within the Treasury Management Strategy agreed by Council in February 2013 is 25% of the total investment portfolio. Non-specified investments are considered inherently more risky in nature, but are used to increase the diversity, the number of counterparties.

The Council already makes use of non-specified investments including non-rated building societies and to a limited extent property funds. The Council is actively considering placing further deposits with property funds to gain higher rates of interest. However, property funds require longer term investments which are more illiquid.

As a consequence the 25% limit is considered reasonable given the level of 'core cash' held and our advisors assessment of the amount of risk the council should bear.

Recommendation not accepted by the Board.

Recommendation 2: Wherever it provides for good value for money to consider using investment funds for internal borrowing in order to avoid prudential borrowing.

Response: Agreed - where it provides better value for money the Council will continue to use internal rather than external borrowing, i.e. where the return on investment income is less than interest payable on PWLB loans.

Resolved to note the report.

58. TRANSFERS FROM HOUSING REVENUE ACCOUNT TO GENERAL FUND

The Head of Finance submitted a report (previously circulated, now appended) that sought approval for the transfer of assets from the HRA to the General Fund, together with a proportion of HRA cash balances.

Jackie Yates (Executive Director for Organisational Development and Corporate Services) presented the report to the Board and provided some background and context. The Board noted that the proposed £7million transfer was to be used in such a way that it could in future achieve long term savings and solid value; and should not be allowed to fund ephemeral schemes of the moment, no matter how well meaning.

Resolved to recommend that Council:-

- (1) Transfers the non-dwelling assets identified in Appendix B of the report with a net book value of around £18 million from the HRA to the General Fund;
- (2) Transfers with immediate effect cash balances of £7 million from the HRA to the General Fund in order to fund future projects that achieve on-going General Fund savings.

59. 15 - 19 GEORGE STREET - LEASE RESTRUCTURE

The Head of Housing and Property submitted a report (previously circulated, now appended) that sought approval for the restructuring of the lease of the part basement and upper floors and roof of 15-19 George Street in order to facilitate a hotel development.

Jane Winfield presented the report to the Board and provided some further detail of what was proposed.

Resolved to:-

- (1) Approve the acceptance of a surrender of the existing lease, together with the simultaneous grant of an Agreement for Lease, to be followed by a new lease of the part basement, upper floors and roof of 15-19 George Street for hotel development; on the terms and conditions attached in the "not for publication" appendix to the report, and otherwise on terms and conditions to be approved by the Service Manager of Regeneration and Major Projects;
- (2) Give authority to the Service Manager of Regeneration and Major Projects to vary the proposed terms as detailed herein, in line with any further negotiation with the tenant, provided the transaction continues to represent best consideration.

60. LANHAM WAY - COMPULSORY PURCHASE

The Head of Housing and Property submitted a report (previously circulated, now appended) concerning a proposed Compulsory Purchase Order for a property in Lanham Way, Oxford.

Councillor Bob Price, Leader of the Council, explained that in the light of very recent correspondence on this item, consideration of it should be deferred pending further legal discussions.

Resolved to defer this item to the next meeting of CEB.

61. GAMBLING POLICY - UPDATE

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the Council's Statement of Licensing Policy.

Councillor Colin Cook, Board Member for City Development, presented the report to the Board. Julian Alison (Licensing Team Leader) clarified that the Council was able to formally adopt a "no casino" policy as its Council meeting, should it wish to do so.

Resolved to:-

- (1) Approve the recommendation of the Licensing and Gambling Acts Committee that the draft revised statement of Gambling Licensing Policy be recommended to Council for adoption, and,
- (2) Recommend to Council that the said Policy be adopted, including the re-adoption of a "no casinos" policy.

62. TAXI LICENSING: EURO EMISSIONS AND VEHICLE AGE LIMITS

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the age limits and euro emissions of Hackney Carriages and Private Hire Vehicles.

Councillor Colin Cook, Board Member for City development, presented the report to the Board. He confirmed that the taxi licensing trade had been consulted on this issue.

The Board noted that the Law Commission was due to report on the reform of Taxi and Private Hire Services at the end of 2013, but that any proposed reforms were unlikely to come into force during the lifetime of the current Government. The age limits proposed to Council would not take effect until after 1st January 2016 in order to allow both a lead in period for the taxi trade, and a period for further progress in relation to the Law Commission proposals.

Resolved to recommend to Council the following age limits for Hackney carriage and Private Hire Vehicles:-

- New Hackney Carriage and Private Hire Vehicles – 5 years;
- Existing Hackney Carriage Vehicles – 12 years;
- Existing Private Hire Vehicles -10 years.

63. HACKNEY CARRIAGE VEHICLE LICENSES - REGULATION OF NUMBERS

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the policy on Hackney Carriage Quantity Control.

Councillor Colin Cook, Board Member for City Development presented the report to the Board, and confirmed that no change to present arrangements was proposed.

Resolved to:-

- (1) Approve the recommendation of the General Purposes Licensing Committee that accepted the conclusions of the hackney carriage "unmet demand" survey report prepared by Halcrow Group Limited, that there is currently no significant unmet demand for hackney carriage vehicles;
- (2) Agree that there is currently no significant demand for the services of hackney carriage vehicles which is unmet and to therefore resolve to maintain the Council's policy of quantity control on the number of hackney carriage vehicle licences;
- (3) Agree that a further unmet demand survey be commissioned in 2015, subject to any future changes to legislation,

And that the above is therefore recommended to Council.

64. FUTURE ITEMS

Nothing was raised under this item.

65. MINUTES

Resolved to confirm as a correct record the minutes of the meetings held on 10th and 31st July 2013.

66. 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 66

The Board received and noted the contents of not for publication appendix to the reports at item 15 (minute 59 refers).

The Board noted that the report at item 16 had been deferred to the next meeting (minute 60 refers).

67. 15-19 GEORGE STREET - LEASE RESTRUCTURE

The Board received and noted the contents of a not for publication appendix (previously circulated, now appended) to the report at agenda item 15 (minute 59 refers)

The Board decided not to release the appendix from confidentiality because the information contained within it was, and remains, commercially sensitive.

68. LANHAM WAY - COMPULSORY PURCHASE

Resolved to note that this item had been deferred to the next meeting (minute 60 refers)

The meeting started at 5.00 pm and ended at 6.16 pm

APPENDIX 1

Public Questions for CEB, 11/9/2013.

From Mr Nigel Gibson.

Agenda Item 10, Affordable Housing and Planning Obligations

Question 1: Can you please confirm the number of people currently on the Housing Register, reported as 4,700 in a recent edition of the Oxford Mail?

Reply: As of 6th September 2013 there are 4,789 households on the housing register.

Question 2: Can you supply the numbers of people in each of the five housing bands that comprise the Housing Register?

Reply:

Band 1: 58
Band 2: 403
Band 3: 1312
Band 4: 90
Band 5: 2926

Question 3: There seems to be a continual emphasis, focus and drive on increasing the amount of social housing; can you please explain why you believe there is such a demand for housing in Oxford that you need to afford spending on new housing such a priority?

Reply: The city has in recent years experienced a booming housing market with rising house prices, comparable to London. This has led to open-market housing becoming more difficult to obtain and expensive, and has limited the supply of affordable housing. According to Cities Outlook 2013, Oxford has overtaken London as the UK's least affordable city in terms of housing. The average house price in Oxford is £380,000 while the average salary is £25,800. Average Oxford house prices are now nearly fifteen times higher than average annual incomes. Owner-occupied housing is increasingly out of the reach of people on lower incomes. Oxford is also the least affordable city in the UK for private rented housing.

This has caused problems for existing residents wanting to relocate within their local community, and for younger people wanting to buy in Oxford. There are severe pressures on the housing stock, with concentrations of homes in multiple occupation and many homeless and other vulnerable people. The lack of housing, especially affordable housing, can also make it difficult for employers to retain and recruit staff.

The City Council therefore has provision of new housing, and particular affordable housing, as one of its top priorities, due to the clear impacts that the housing

problem is having on local communities and the local economy. The City Council's approach and further justification is set out in the Corporate Plan.

Agenda Item 12, Finance, Performance and Risk Quarter 1 Performance

Question 4: What proportion of the reported percentage recycling rate (target amended to 44% and 45% in this meeting) is actually non-recyclable, ie has been placed (for whatever reason) in the incorrect bins?

Reply: Each month, a percentage of the domestic and trade recyclate collected and taken to the recycling plant is contaminated with waste that cannot be recycled and as a result it is sent to an energy from waste plant. The main reason for such contamination is due to items being placed in the incorrect bin.

The table below features both the tonnage and % of recycled and contaminated material for the first quarter of 2013. The average is an impressive 3.09%, a huge decrease compared to the first quarter in 2012 which was 1.27% higher at 4.36%.

	Quarter 1 2013		
	April	May	June
Tonnes for recycling (commingled)	1192.62 (97.16%)	1352.73 (96.65%)	1255.51 (96.91%)
Tonnes rejected to landfill (contamination)	34.86 (2.84%)	46.89 (3.35%)	40.03 (3.09%)

Question 5: What is the actual value of waste (in terms of tonnes or other similar metric, not a ratio), in total, and split between recyclable and non-recyclable, disposed for by or on behalf of the Council for each of the last three years?

Reply: The table below shows both the total tonnage of refuse (landfill) waste and recyclate material for the previous three years.

Year	Refuse (tonnes)	Recyclate (commingled & compost – tonnes)	Total (tonnes)
2010-2011	32,906,64	21,280,57	54,187,21
2011-2012	31,235,95	22,184,31	53,420,26
2012-2013	30,840,01	23,099,14	53,939,15

The figures reveal that there has been a year on year decrease in refuse waste by an average of 1033.32 tonnes while recyclate has continued to increase at an average rate of 909.29 tonnes per year.

Question 6: Following on from the previous question, what is the target reduction in total waste from these actual figures for the next two years?

Reply: There are many variables associated with compiling a total waste figure, not least the annual changes in the number of households and the changes to the number of different items that can be recycled. The only weight measured target involves the number of kilograms of residual waste (non-recyclate) collected per household which is targeted to reduce by a total of 3.38% over the next two years.

Question 7: Budget Monitoring Report Para 15 lists “Mitigating” Actions, including no 3, Additional car park income of £50,000. Can you please explain where this additional income came from, and if it was indeed planned as a mitigation against anticipated overspend in other areas?

Reply: The increased car park income of £50k represents 0.6% of total car parking income and is an unbudgeted ‘mitigation’ against the budget pressures which have arisen this year in Direct Services. There is no specific reason for the increased income with the variation being within the normal tolerance of what would be expected.

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To: Council

Date: 30th September 2013

Report of: Policy, Communication and Culture

Title of Report: The Oxfordshire Local Enterprise Partnership

Summary and Recommendations

Purpose of report: To inform members of the work of the Oxfordshire Local Enterprise Partnership and to answer questions about the work of the Partnership.

Report approved by:

Finance: Emma Burson, Business Partner

Legal: Lindsay Cane, Legal Services Manager/Deputy Monitoring Officer

Executive lead member: Councillor Bob Price

Policy Framework: The Corporate Plan

Recommendation:

1. Council is asked to comment on and note the contents of the report.

The role of the Oxfordshire Local Enterprise Partnership

1. 'The Oxfordshire Local Enterprise Partnership (LEP) is responsible for championing and developing the Oxfordshire economy. Working with businesses, academia and the public sector we are driving economic development across the county. Our overarching aim is to be the catalyst for realising Oxfordshire's economic and commercial potential'.

Source: Oxfordshire Local Enterprise Partnership web site

2. Councillor Bob Price, Leader of Oxford City Council, is one of the two District Council representatives on the LEP (the other is Councillor Anne Ducker, Leader of South Oxfordshire). Cllr Price is also a representative on the Oxfordshire Skills Board. A full list of the LEP Board members is available in Annex 1.

3. The Board has appointed a Chief Executive, Nigel Tipple, who is supported by Oxfordshire County Council, Environment, Economy and Infrastructure, staff.
4. The LEP as a number of programmes of work including:
 - Increasing inward investment in Oxfordshire
 - Business support
 - Improving infrastructure for growth and jobs
 - Skills development
 - Economic development
 - Broadband
5. These programmes are delivered through a number of sub groups. Details of these are provided below.

Increasing inward investment in Oxfordshire

6. 'Invest in Oxfordshire' supports existing companies to grow and helps potential investors, primarily overseas, to make informed decisions about locating to the county.
7. They offer an inward investment service to potential new companies to the area and an aftercare service to existing key companies.
8. They work closely with UKTI, the Government's national inward investment arm, and are their official partner for enquiries into Oxfordshire.
9. Current focus:
 - The need to raise awareness of the work being done by Invest in Oxford.

Developing business support services

10. 'Support in Oxfordshire' provides links to specialist not-for-profit organisations that can give businesses in Oxfordshire information, advice and guidance on a range of issues, including: finance, recruitment, starting out, finding customers, legal responsibilities, training, planning, and more.
11. Current focus:
 - The Government Growing Places Fund – allocation of funding to support businesses.
 - Commitment to establishing a SME Loan Fund.
 - Development of a Business Hub.
 - Development of support to assist firms in accessing public sector grants.

Improving infrastructure for growth and jobs

12. 'The LEP aims to ensure that infrastructure needs are fit for purpose. They aim to ensure that the planning system does not hold back economic growth while being sensitive to the needs of the environment.'

Source: Oxfordshire Local Enterprise web site

13. This is an area of work which the LEP oversees directly. However, clearly there are links to the Oxford City and the District Councils Local Development Frameworks and the County Council Minerals and Waste Development Frameworks.
14. The LEP has been successful in gaining £9 million from the Governments 'Growing Places Fund' for major infrastructure work.
15. Current focus:
- Developing an agreed plan and priorities for the spending of the Growing Places Fund.
 - Ensuring effective and transparent decision making on spend.

Skills development

16. The Oxfordshire Skills Board brings together a wide range of public and private employers, secondary, further and higher education skills providers and stakeholder groups. The Board works closely with the Oxfordshire Local Enterprise Partnership. Their aim is to achieve improvements in the skills available to Oxfordshire's employers and the learning opportunities available to students, residents and workforce.
17. Oxfordshire Skills Board aims to develop a strategic and coordinated approach to skills development in Oxfordshire to:
- Ensure that all residents are able to develop the skills that enable them to successfully enter and remain in the workforce
 - Assist local employers to develop or access the training they require to equip their workforce with the skills they need
 - Enable all residents to make a positive contribution to their communities.
18. Current focus:
- European Structural Funds are now allocated through the LEP €16 million. (see below)
 - Development of the Oxfordshire Skills Analysis and 'Labour Insight'
 - Development and coordination of Apprenticeship Schemes
 - Development and coordination of work experience schemes
 - Development of a Framework for effective Education and Business Links

- Development of the skills element of City Deal

Oxfordshire European Structural Funds

19. The funds available come from three sources: European Regional Development Fund, European Social Fund, and European Agricultural Fund for Rural Development. The allocation for Oxfordshire is allocation is €19.4 million.
20. The funding will be overseen by the LEP. The development of an Oxfordshire European Structural Fund Strategy is required. This will be closely aligned with City Deal. It will set out the thematic objectives and investment priorities.
21. The LEP has appointed a specialist consultant with experience of European funding bids to work with and consult with businesses, local authorities and the voluntary and community sector on the a draft Strategy. A high level steering group has been formed to oversee the development and delivery of the Strategy. A draft strategy will need to be submitted to government on 7th October with a consultation period running from November to December 2013.

Better Broadband for Oxfordshire

22. The County Council and BT have reached an agreement to improve broadband connectivity across Oxfordshire. The County Council will invest £10million, £4million from the government's Broadband Delivery UK fund and contributions expected from the private sector.

Economic development

23. The LEP aims to work alongside existing organisations and projects in relation to economic development, rather than replacing them. There are many economic development activities that relate to the work of the LEP, but which are not delivered by them. For example: Tourism, market towns, creative and cultural industries, retail (including Oxford City Centre Management), the West End Partnership and others.
24. Current issues
 - The LEP has been asked to contribute financially to an economic impact study of the effect of developing London Heathrow airport (£5K).
 - The LEP has been asked to input into the wider economic aspects of the Strategic Housing Market Assessment that is currently underway.

City Deal

25. The City Council. County Council and LEP were invited to bid for a City Deal. Currently a detailed proposal is being developed. The focus is on

economic growth through the creation of innovation hubs that harness the knowledge and expertise of our world class universities and science facilities. Linked to this are the necessary transport and infrastructure, housing and skills. The proposal will be considered by Ministers in October/November 2013.

26. Current issues:

- The need to develop an agreed list of priorities, across Oxfordshire, for transport, housing and skill development priorities.
- The need to develop transparent governance, decision making arrangements.
- The need to consider the secretariat and staff support arrangements of the LEP and City Deal. This may include having management arrangement which is independent from the County Council.

Resources

27. The City Council has not currently committed any financial resources to the Oxfordshire LEP, although there is a commitment in terms of member and staff time for attending meetings and coordination and communication of decisions.

Name and contact details of author:-

Name: Val Johnson

Job title: Policy and Partnership Team Manager

Service Area: Policy Communications and Culture

Tel: 01865 0 252209 **e-mail:** vjohnson@oxford.gov.uk

List of background papers:

Further information can be found on the web site link below.

<http://www.oxfordshirelep.org.uk/cms/content/about-oxfordshire-local-enterprise-partnership>

Version number: 3

Annex 1

Oxfordshire Local Enterprise Partnership

Board members

Adrian Shooter CBE Chairman Area of responsibility – Infrastructure
A Fellow of the Royal Academy of Engineering, Institute of Mechanical Engineers and Chartered Institute of Transport

Ian Wenman Vice Chairman Area of responsibility – Finance
Director Wenman Ltd

Margaret Coles Area of responsibility – Broadband
Chairman of the Federation of Small Businesses, Oxfordshire Branch

Professor Steve Cowley
Director of Culham Centre for Fusion

Sally Dicketts
Principal of Oxford and Cherwell College

Councillor Ann Ducker MBE
Leader of South Oxfordshire District Council

Nicolas Grant
Managing Director, Gas Corporate Markets (part of Centrica)

Councillor Ian Hudspeth
Leader Oxfordshire County Council

Paul Inman Area of responsibility – Communications
Pro-Vice Chancellor and Dean of Faculty of Technology, Design and Environment, Oxford Brookes University

Adrian Lockwood Area of responsibility – Skills
Manager Director, Integration Technology Ltd

Cllr Bob Price
Leader of Oxford City Council

Philip Shadbolt Area of responsibility – Business support
Zelta Consultants Ltd

Professor Ian Walmsley Area of responsibility - Innovation
Pro-Vice-Chancellor for Research, Academic Services and Collections,
University of Oxford

To: Council

Date: 30th. September 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. Since my last briefing the Scrutiny Committee has set its work programme and begun work on the various debate and inquiries. I am grateful to all councillors who made suggestions for items they wished to see in the programme and pleased to inform you that most of these suggestions will be pursued in some form by the Scrutiny Committee. There is a lot of work going on outside of formal committee meetings and I would like to commend member's hard work and focus in their areas of choice. In particular I would like to highlight and thank those members who have agreed to take a lead role for a debate, inquiry or review. These are:
 - Councillor Sanders – Vice Chair.
 - Councillor Darke – River and Sewage Flooding and Empowerment.
 - Councillor Coulter – Discretionary Housing Payments and Participation in Leisure.
 - Councillor Fry – Recycling and Evaluation Scale in Planning Applications.
 - Councillor Campbell – Educational Attainment and Covered Market.
 - Councillor Brett – Public Engagement and the Use of Social Media.
 - Councillor Smith – Chair of the Housing scrutiny Panel.
 - Councillor Simmons – Chair of the Finance Scrutiny Panel.
 - Linda Smith (Tenant) – Mutual Exchanges.

2. One of the aims of the new scrutiny structure was to provide as many opportunities as possible for non-executive councillors to be involved in areas that interest them or are a priority for their constituents. Officers and Lead Members have been able to do this and to date 21 out of 37 non-executive councillors are actively engaged in the programme.

Standard Information

3. The information I presented to you last time has been updated to show the progress made and is attached at Appendix 1. In addition to the larger reviews a number of other inquiries are being pursued by the Scrutiny Committee at their formal meetings. Council can see some of these in agenda schedules but more detail can be found in the full Scrutiny Work Programme which can be viewed via any scrutiny agenda, on line or is available from Pat Jones, contact details at the end of this report.
4. The Scrutiny Committee has agreed to set 2 Standing Panels to consider Housing and Finance issues. Their forward agenda are attached and any member who has a specific issue they would wish to see considered by these Panels should contact the Lead Councillor, Pat Jones or I.
5. A number of recommendations from Scrutiny have been considered by the City Executive Board and Council will see from the information attached that most of these have been accepted. I am grateful for the attendance of Board Members at meetings and the open and collaborative way the Executive work with Scrutiny. I think Council will agree that this supports non-executive councillors in having a real influence in decision making.

Current Activity

6. The Scrutiny Committee is hoping to receive final recommendations from 3 Review Panels during October and November. These are:
 - Covered Market.
 - Recycling Incentives.
 - Empowerment.

I hope Council find these outcomes helpful and supportive of the priorities of the Council.

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Appendix 1

Committee Agenda Schedules

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 Debt 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. Pre-scrutiny- Youth Ambition Strategy.
5 th . September	<ol style="list-style-type: none"> 1. Performance Monitoring – Qtr. 1. 2. Discretionary Housing Payments – Monitoring Report. 3. Pre-scrutiny - Riverside Land(item delayed at CEB). 4. Pre-scrutiny -Customer Contact Strategy. 5. Pre-scrutiny -Oxfutures Fund (item delayed indefinitely) 6. Pre-scrutiny – City Deal (item delayed at CEB)) 7. Pre-scrutiny -Grants Programme Commissioning Review (item delayed at CEB).
1 st . October	<ol style="list-style-type: none"> 1. Community Safety issues – Board Member. 2. Interim Covered Market – Panel report. 3. Pre-scrutiny – City Deal. 4. Pre-scrutiny – Review of the Community and Voluntary Organisations Grants Programme.
5 th . November	<ol style="list-style-type: none"> 1. Performance Monitoring – Qtr. 2. 2. Pre-scrutiny - Oxpens Master Plan – consultation outcome. 3. Discretionary Housing Payments – Monitoring Report. 4. Pre-scrutiny - Public Engagement Strategy. 5. Pre-scrutiny – Riverside Land 6. Use of Social Media by the Council. 7. Student Council Tax Exemptions – issues.

	<ul style="list-style-type: none"> 8. Enfranchisement and Empowerment – Panel report. 9. Recycling – Panel report 10. Final Covered Market Report.
3 rd . December	<ul style="list-style-type: none"> 1. Panel advice on Thames Water investment.
14 th . January	<ul style="list-style-type: none"> 1. Public Involvement Strategy (consultation outcome).
4 th . February	<ul style="list-style-type: none"> 1. Discretionary Housing Payments – Monitoring Report. 2. Performance Monitoring – Qtr. 3.
4 th . March	<ul style="list-style-type: none"> 1. Education Attainment Panel report.
1 st . April	<ul style="list-style-type: none"> 1. Leisure centre usage and the engagement in all leisure activities across the City with a particular focus on engagement of residents from our most deprived wards.

Finance Standing Panel – Lead Member Councillor Simmons

Dates	Agenda Items
6 th . September 5.00pm.	<ul style="list-style-type: none"> 1. Quarter 1 spending against budget. 2. Treasury Management outturn 2012 – 2013. 3. Quarter 1 2013 – 2014 Treasury Management performance. 4. Panel work programme.
7 th . November 5.30pm	<ul style="list-style-type: none"> 1. Quarter 2 spending against budget. 2. Quarter 2 2013 – 2014 Treasury Management performance. 3. Budget review scope and timetable. 4. Contingencies detail 2008 to date. 5. Modelled effects of the agreed transfer of assets from the Housing Revenue Account to the General Fund.
6 th . February 2014 at 6.00pm.	<ul style="list-style-type: none"> 1. Quarter 3 spending against budget. 2. Quarter 3 Treasury Management performance. 3. Draft Treasury Management Strategy 2014 - 2015

Housing Standing Panel – Lead Member Councillor Smith

The Scrutiny Committee has asked that this Panel also take issues from the Forward Plan related to the Housing theme. Addition dates have been reserved to allow this to happen if necessary, these are:

- 3rd. October.
- 5th December (used).
- 15th. January 2014.
- 6th. March 2014.
- 3rd. April 2014.

Dates	Agenda Items
3 rd . September 5.00pm.	<ol style="list-style-type: none"> 1. Housing Strategy Action Plan. 2. Long term affordable housing for homelessness prevention. 3. Allocations review and changes to the Allocations Policy. 4. Performance monitoring – Housing Measures – Qtr. 1. 5. Allocation Policies and how we communicate, give advice and take account of feedback. 6. Panel work programme.
3 rd . October 5.00pm.	Provisional
4 th . November at 5.00pm.	<ol style="list-style-type: none"> 1. Performance monitoring – Housing Measures- Qtr. 2. Item to include a report back on performance against CS002 and CS005 2. Outcome from review of the Mutual Exchange process. 3. Estate Regeneration – Scope 4. Communications Strategy for the Allocations Scheme 5. Management arrangements – Temporary Accommodation? 6. Follow up on benefits performance indicators.
5 th . December at 5.00pm.	<ol style="list-style-type: none"> 1. Housing Strategy refresh. 2. Management arrangements – Temporary Accommodation?

15 th . January 2014 at 5.00pm.	Provisional 1. Possible Asset Management Strategy – Oxford Standard
7 th . February at 5.00pm.	1. Performance monitoring – Housing Measures – Qtr. 3. 2. Possible Asset Management Strategy – Oxford Standard
6 th . March at 5.00pm.	Provisional
3 rd . April at 5.00pm.	Provisional

Scrutiny Recommendation 2013 – 2014

All recommendations

Customer Contract Strategy		
Scrutiny Committee – 5th. September 2013		
Recommendation	Outcome	Considered by
To ensure that separate arrangements for consultation with the Business Community are included in the information gathering to inform the final Strategy.	Agreed	City Executive Board 11 th . September
To explore the use of Skype as a communication tool within this Strategy.	Agreed with Amendment Will explore Skype as a communication tool along with other methods rather than in isolation.	
To ensure that any service developments are evaluated financially around clear value for money principles.	Agreed	
Budget Spending – Qtr. 1		
Finance Scrutiny Panel – 6th. September 2013		
Recommendation	Outcome	Considered by
To express concern about the availability of resources to	Noted – arrangements already being	City Executive Board

deliver the Capital Programme.	considered	11 th . September
To reconsider the reporting of the Commercial Property rental measure using dates that align to produce a more accurate picture of performance.	Agreed	
That the City Executive Board bring forward their strategy for the provision of contingencies with the forthcoming medium Term Financial Strategy to the next meeting of the Panel in November.	Noted – will happen as part of the MTFS in December	
Treasury Management – Qtr. 1		
Finance Scrutiny Panel – 6th. September 2013		
Recommendation	Outcome	Considered by
To raise the non-specified investment limits from their current levels and redefine what is grouped in this area to manage risk, in an effort to encourage investment diversity and higher rates of return.	Refused	City Executive Board 11 th . September
Wherever it provides for good value for money to consider using investment funds for internal borrowing in order to avoid prudential borrowing.	Noted this is already done	
Allocation Scheme Review		
Housing Scrutiny Panel – 3rd. September 2013		
Recommendation	Outcome	Considered by

<p>A Communication Strategy should be in place to explain the scheme as agreed, what it means for applicants alongside some general information on the likelihood of being housed. Communication should include the opportunity for feedback on the scheme itself and the understandability of it.</p>	<p>Agreed</p>	<p>City Executive Board 11th. September</p>
<p>Youth Ambition Strategy Scrutiny Committee – 2nd July</p>		
<p>Recommendation</p>	<p>Outcome</p>	<p>Considered by</p>
<p>To provide now a set of concrete outcome measures focused on the direct effects on the ambitions and pathways of the young people involved in this work.</p>	<p>Agreed</p>	<p>City Executive Board 10th. July</p>
<p>To monitor and revisit regularly the type of activity provided to ensure that it is flexible, contemporary and engaging the right numbers, in the right place, at the right time.</p>	<p>Agreed</p>	<p>City Executive Board 10th. July</p>
<p>To express the need for the provision of safe spaces for young people to express themselves as an overarching priority for all the schemes, actions and outcomes within this Strategy.</p>	<p>Agreed</p>	<p>City Executive Board 10th. July</p>
<p>Low Emission Strategy and Air Quality Action Plan Scrutiny Committee – 2nd. July</p>		

Recommendation	Outcome	Considered by
To support the setting of the Low Emissions Strategy and ambitions but for the City Executive Board to require early reference of the document to the Carbon and Natural Resources Members Board so that gaps on data, resources and financing can be discussed and a robust action plan produced.	Agreed	City Executive Board 10 th . July
Discretionary Housing Payments		
Scrutiny Committee – 4th. June 2013		
Recommendation	Outcome	Considered by
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.	Agreed	City Executive Board 12 th . June 2013
To extend current outreach work to include benefit take-up to maximise benefits to current and potential claimants.	Agreed with amendment. Clarity in some aspects of Welfare reform is needed.	City Executive Board 12 th . June 2013
To keep the Discretionary Housing Payment Policy under review and in particular to revisit it once regulations on further Welfare Reform are clear.	Agreed	City Executive Board 12 th . June 2013

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.	Agree	City Executive Board 12 th . June 2013
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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 (resigned), 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.</p> <p>Alongside this:</p> <ul style="list-style-type: none"> • Face to face consultation with Market Traders has taken place. • Visits to 4 London markets and Bristol market have happened. • Interviews with Officers and Board Members have taken place. <p>Interim findings to the October Scrutiny Committee. Final report expected in November.</p> <p>Programmed to finish in November</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 has agreed to focus its efforts around reward and penalty schemes taking in a broad range of suggestions.</p> <p>Data gathering is underway.</p> <ul style="list-style-type: none"> • Information has been gathered on the incentives currently used by the Council and the effects of these. • Information is being gathered from WRAP and other authorities on incentives and outcomes.

	Programmed to finish no later than November.
<p>Enfranchisement and Empowerment.</p> <p>Councillors Jones, Darke(Lead) and O'Hara.</p> <p>Scope: As census data is published we begin to see the diverse and changing 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>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. These will happen in September 2013.</p> <p>Programmed to finish in October.</p> <p>Focus groups delayed.</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 	<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>the school management team and the part KRM plays in this.</p> <p>Latterly the group has also decided to look at absenteeism.</p>	
<p>Mutual Exchanges between Council Tenants.</p> <p>Housing Panel with Linda Hill (Lead) 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>Interviews with tenants who are at various stages of the Mutual Exchange process have been completed.</p> <p>Interviews with scheme administrators have been completed.</p> <p>Observation of mutual exchange events is underway.</p>
<p>Thames Water investment to improve flooding and sewage issues in the City.</p> <p>Councillors Darke (Lead), Pressel, Hollick and Jones.</p> <p>Committee agreed to extend the Panel membership to allow a group of councillors to meet officers in October to take a brief on:</p> <ul style="list-style-type: none"> • The amount of investment already made by TW. • What further investment is needed. 	<p>Panel meeting at the end of October to consider briefing.</p>

<ul style="list-style-type: none">• Advice on our priorities for this investment.• What are the City Council responsibilities as riparian owners and what money is available to deliver on these responsibilities.• Any lessons that can be learnt from Swindon. <p>This Group will then advise the Committee on the best focus for this item.</p>	
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Called in Decisions and Councillor Calls for Action

None.

23. MOTIONS ON NOTICE

(1) **Freight Consolidation Centre for Oxford – (Proposed by Councillor Graham Jones, seconded by Councillor Mike Gotch)**

Council notes

- the current Air Quality Action Plan to reduce Nox emissions in the city and the Low Carbon Energy Strategy to reduce carbon emissions
- that current levels are too high
- that the Westgate development will bring more traffic into the city centre with consequent increases in traffic-related pollutants.

It therefore requests the Executive Board to ask officers to work with the County Council and other partners to develop a series of measures to address both these pollutants and carbon constraints in the new development generally.

Noting too the high levels of congestion and pollution caused by commercial vehicles in district retail centres as well as the city centre, Council further requests the Executive Board

- to ask officers to explore and report on the establishment of a freight consolidation depot as is happening in cities across the UK and abroad
- identify feasible sites, and
- explore the feasibility of making the use of electric delivery vehicles a condition of such a scheme's operation.

(2) **Youth Contract Compliance - (Proposed by Councillor David Williams, seconder Councillor Sam Hollick)**

'Given that youth unemployment is now an extremely serious issue with damaging long term social and personal consequences Oxford City Council would seek to establish from its suppliers that they have employees drawn from all age cohorts and do not neglect young people.

Henceforth a condition of securing a contract to supply goods and services to Oxford City Council will be that the contracting company must have at least 5% of its registered workforce under the age of 21. (Applicable to all companies with a workforce of 25 or more employees). As the City Council is compliant with this rule it would expect all its suppliers to meet this contractual obligation.

This motion of Council to be forwarded to the City Executive Board with a relevant officer's report providing a strategy for implementation within the next two cycles of Committee'

(3) Royal Mail Privatisation – (Proposed by Councillor Bob Price)

This Council recognises that the Royal Mail is part of the fabric of our nation and believes that plans for its privatisation will lead to high prices and a reduction in services for the people who need those services the most. Therefore we resolve that Council should formally sign the "Save our Royal Mail" petition to put pressure on the Government to reverse its decision and protect the country's postal services; and that the Leader of the Council should write to the Secretary of State for Business and Enterprise conveying the terms of this Resolution.

(4) Energy Bill – (Proposed by Councillor Jean Fooks, seconded by Councillor Mike Gotch)

UK homes are amongst the least energy efficient in Europe. The contribution this makes (along with high fuel costs) to high fuel bills helps account for the fact that a quarter of UK households are now in fuel poverty, requiring more than 10% of their income to keep warm in the winter. The World Health Organization estimates that between 30 and 40 per cent of excess winter deaths in cold countries can be attributed to cold indoor temperatures. In the UK excess winter deaths (about 7800 of them die each year to living in cold homes) exceed those in colder countries such as Norway and Sweden.

More than a third of the UK's greenhouse gas emissions come from non-industrial buildings, and besides accounting for thousands of deaths annually, poorly insulated homes are leaking CO₂ into the atmosphere without it having served any useful purpose. The Government's Green Deal and Energy Company Obligation policies can address some of this but not enough. By channelling sufficient funds into subsidies for insulation, renewable energy and modern boilers, the Government could end fuel poverty, protect the environment and create jobs.

Over the next 15 years the Government will raise an average of £4 billion every year in revenue from the European Emissions Trading Scheme and the Carbon Floor Price. An alliance of charities, groups and individuals concerned about fuel poverty and carbon reduction have launched a campaign (the Energy Bill Revolution - <http://www.energybillrevolution.org/>) to ask the Government to dedicate this revenue to subsidizing energy-efficiency in homes.

This Council asks its Chief Executive Officer to write to the City's Members of Parliament asking them to support this initiative.

(5) Legal Aid- (Proposed by Councillor David Williams, seconded by Councillor Craig Simmons)

This Council opposes the Government restrictions on the ability of citizens of Oxford and all UK citizens to seek legal aid. The Council

believes that all its services should be open to judicial review and legal action by citizens no matter what their financial resources.

These moves will undermine the ability of the average individual to obtain justice and will without doubt damage the ability of the courts to resolve disputes peacefully. The reputation of the courts as defenders of liberty and justice will be undermined and recourse to law will become restricted to a wealthy elite.

The Chief Executive is authorized to make the opinions and concerns of the Council on this matter known to the Lord Chief Justice and the relevant Government Ministers of State.

(6) **The Living Wage – (Proposed by Councillor Van Coulter, seconded by Councillor John Tanner)**

This Council reaffirms its commitment to the Living Wage and for the promotion of decent terms of employment.

Council condemns the burgeoning use of Zero Hours contracts.

Zero Hours contracts condemn many people in work to poverty, facilitate discrimination and bullying in the workplace and undermine Minimum Wage legislation.

We congratulate all Oxford employers who pay the Living Wage as a minimum and who strictly restrict the use of Zero Hours Contracts to where they are by genuinely mutual agreement in the interest of the employee concerned, or where they reject them altogether.

We call on the Coalition Government to increase the legal Minimum Wage in line with the Living Wage and to legislate tightly to restrict the use of Zero Hour Contracts, and to pursue the right for workers to stable and predictable employment contracts at the EU level, to avoid a destructive pan-European race-to-the-bottom in their rights.

(7) **Ethical Procurement- (Proposed by Councillor Craig Simmons, seconded by Councillor David Williams)**

‘The Council is concerned that all its investments are ethical, not only related to the products and services the companies offer but also from their operational location. As a consequence the Council will not place its monies be they direct purchases or long term investments in companies or concerns that operate with off offshore accounts or in known tax havens where the full rigor of UK and European tax levies are avoided.

The Finance Officers to proceed to redirect any investments already lodged with companies that give known tax avoidance locations as their

business address and to only invest ethically in all future financial transactions.'

(8) Supermarket Levy – (Proposed by Councillor Craig Simmons, seconder Councillor Dick Wolff)

The City Council notes the possibility of making an application under the Sustainable Communities act to levy local large supermarkets with a rateable value of £500,000 or more to raise an estimated income of over £1 million.(The Act indicates an extra rateable levy of 8.5%). The money raised may according to the Act be used to improve local economic activity, support local services social and community wellbeing and environmental protection.

With this in view a report to CEB illustrating how such a levy will could be implemented should be prepared and considered in the manner recently adopted by Bristol City Council.

(9) Supporting the Robin Hood Tax- (Proposed by Councillor Elise Benjamin)

Council notes that:

- as a result of the economic crisis, unemployment has become a serious concern;
- local government will see real term cuts in central grant of 28% over the 2010;
- Comprehensive Spending Review period, meaning a cut of £6bn in annual grant by 2015;
- extending the current Financial Transaction Tax (FTT) on shares to other asset classes such as bonds and derivatives could raise £20bn of additional revenue in the UK a year; and;
- At least 11 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives estimated to raise £30bn a year.

Council believes that:

- revenues from the FTT could help repair the damage caused by cuts in public services since 2010;
- local government deserves to receive a significant proportion of FTT revenues, making an important contribution to both capital and revenue expenditure such as reversing cuts to council tax benefits; and thatwhilst an FTT might have a negligible effect on jobs in the City of London, investing FTT revenues in a smart and progressive way would see a significant increase in employment levels in other sectors.

Council resolves that:

- the UK government should extend the current FTT on shares to other asset classes, such as bonds and derivatives.

Council further resolves to:

- write to the Prime Minister, Deputy Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, and Secretary of State for Communities and Local Government stating this council's support for extending FTTs; and;
- write to all local MPs outlining the Council's position.

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