

Agenda

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Scrutiny Committee

Date: **Monday 19 January 2015**

Time: **6.00 pm**

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

For any further information please contact:

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Scrutiny Committee

Membership

Chair	Councillor Craig Simmons
Vice Chair	Councillor Tom Hayes
	Councillor Mohammed Altaf-Khan
	Councillor Farida Anwar
	Councillor Van Coulter
	Councillor Roy Darke
	Councillor James Fry
	Councillor Sam Hollick
	Councillor David Henwood
	Councillor Ben Lloyd-Shogbesan
	Councillor Linda Smith
	Councillor Louise Upton

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

3 UPDATES SINCE THE LAST MEETING

For Scrutiny Members to update the Committee on any developments since the last meeting.

Chairs of the Finance and Housing Standing Panels may wish to update the Committee on their work.

The progress of review panels is briefly set out in section 2 of the work programme but Lead Members may also wish to provide a verbal update.

4 OXFORDSHIRE GROWTH BOARD

1 - 48

Contact Officer: Paul Staines
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Email: paul.staines@westoxon.gov.uk

Background Information
<p>The City Executive Board on 10 September 2014 approved the City Council becoming a member of the Oxfordshire Growth Board and appointed the Leader of the Council as the City Council's representative on the Board.</p> <p>On 2 September 2014 the Scrutiny Committee pre-scrutinised this decision and agreed to monitor the work of the Board.</p>
Why is it on the agenda?
<p>The Scrutiny Committee has agreed to monitor the work of the Board.</p>
Who has been invited to comment?
<p>Councillor Bob Price, Leader of the Council, and Paul Staines, Oxfordshire Growth Board Programme Manager, have been invited to support the committee in its discussion.</p>

5 EDUCATIONAL ATTAINMENT

Contact Officer: Andrew Brown
Tel: 01865 252230
Email: abrown2@oxford.gov.uk

Background Information
The Scrutiny Committee has asked to review to progress of the City Council's investment in educational attainment at primary level.
Why is it on the agenda?
For Members to receive a brief presentation and speak with the providers of the KRM programme in Oxford.
Who has been invited to comment?
Jonathon Solity and Helen Wall from KRM have been invited to present and discuss their findings with the Scrutiny Committee. Councillor Pat Kennedy has also been invited to contribute to this discussion.

6 NEW COUNCIL CONTROLS OVER ANTI-SOCIAL BEHAVIOUR

49 - 120

Contact Officer: Richard Adams
Tel 01865 252283
Email: radams@oxford.gov.uk

Background Information
New tools and powers have been made available to the police and local authorities under the Anti-social Behaviour, Crime and Policing Act 2014.
Why is it on the agenda?
The Scrutiny Committee has agreed to review the Council's approach to anti-social behaviour.
Who has been invited to comment?
Councillor Dee Sinclair and Richard Adams, Service Manager for Environmental Protection, have been invited to present this item.

7 WORK PROGRAMME AND FORWARD PLAN

121 - 154

Contact Officer: Andrew Brown, Scrutiny Officer
Tel 01865 252230
Email: abrown2@oxford.gov.uk

Background Information
Indicative agenda schedules are set out in section 5 of the Scrutiny Work Programme.

The latest Forward Plan is included which outlines decisions to be taken by the City Executive Board or Council.
Why is it on the agenda?
<p>The work programme will be reviewed at every meeting so that it can be adjusted to reflect the wishes of the Committee</p> <p>Members are asked to select which Forward Plan items they wish to pre-scrutinise based on the following criteria:</p> <ul style="list-style-type: none"> - <i>Is the issue controversial / of significant public interest?</i> - <i>Is it an area of high expenditure?</i> - <i>Is it an essential service / corporate priority?</i> - <i>Can Scrutiny influence and add value?</i> <p>A maximum of three items for pre-scrutiny will normally apply.</p>
Who has been invited to comment?
Andrew Brown, Scrutiny Officer can support the Committee in its discussion.

8 REPORT BACK ON RECOMMENDATIONS

155 - 164

Contact Officer: Andrew Brown, Scrutiny Officer
 Tel 01865 252230
abrown2@oxford.gov.uk

Background Information
The Committee makes a number of recommendations to officers and decision makers. This item allows Committee to see the results of recommendations since the last meeting and the cumulative results of all scrutiny recommendations.
Why is it on the agenda?
<p>Since the last Scrutiny Committee meeting, recommendations on the following items have been added:</p> <ul style="list-style-type: none"> - Clean Streets - Discretionary Rates Relief Policy - Oxford Standard - Asset Management Strategy (Housing Panel) - Older Persons Housing Review (Housing Panel)
Who has been invited to comment?
Andrew Brown, Scrutiny Officer.

9 LOCAL ECONOMY SCRUTINY PANEL - DRAFT SCOPE

165 - 166

Contact Officer: Andrew Brown, Scrutiny Officer
 Tel 01865 252230
abrown2@oxford.gov.uk

Background Information
The Committee established a 'Local Economy' Scrutiny Panel to review how the City Council supports local businesses and identify what more could be done. The Panel has met to gather some initial evidence and consider its areas of focus.
Why is it on the agenda?
For the Scrutiny Committee to note and comment on the proposed scope of the Panel.
Who has been invited to comment?
Councillor Fry, Chair of the Panel can introduce the proposed scope.

10 MINUTES

Minutes from 8 and 23 December Scrutiny Committee meetings

Recommendation: That the minutes of the meeting held on 8 December 2014 be APPROVED as a true and accurate record.

Recommendation: That the minutes of the meeting held on 23 December 2014 be APPROVED as a true and accurate record.

11 DATES OF FUTURE MEETINGS

Meetings are scheduled as followed:

3 February 2015
2 March 2015
23 March 2015
5 May 2015

DECLARING INTERESTS

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

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

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

Members' Code of Conduct and public perception

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

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

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[Shadow] Oxfordshire Growth Board

Thursday 20 November 2014, 2.00pm

WODC; Committee Room 1; Woodgreen Offices, Witney, OX28 1NB

Agenda

1. Apologies for absence and substitute members
2. Declarations of interest
3. Minutes of the Shadow Growth Board held on 12 September 2014
([attached – pages nos. 1 – 6](#)) Barry Norton
4. Post SHMA Strategic Work Programme
([attached – pages nos. 7 – 12](#)) David Neudegg
5. Report on Cambridge Visit and Implications for Oxfordshire
([attached – pages nos. 13 – 28](#)) Adrian Shooter
6. Growth Board Work Programme
([attached – pages nos. 29 - 41](#)) David Neudegg
7. City Deal Finance Summary
([attached – page no. 42](#)) Sue Scane
8. Local Transport Board Update
(verbal report) Sue Scane
9. LEP Update
(verbal report) Nigel Tipple
10. Any Other Business

[Shadow] Oxfordshire Growth Board

Friday 12 September 2014, 14:10

Committee Room One, West Oxfordshire District Council Offices

Present:

Councillor Anna Badcock, Deputy Leader of South Oxfordshire District Council
Councillor Barry Norton - Chairman, Leader of West Oxfordshire District Council
Councillor Barry Wood, Leader of Cherwell District Council
Councillor Bob Price, Leader of Oxford City Council
Councillor Ian Hudspeth, Leader of Oxfordshire County Council
Councillor Matthew Barber, Leader of Vale of White Horse District Council

Non-voting Members:

Adrian Shooter, Chairman Oxfordshire LEP
Alistair Fitt, Universities Representative, Oxford Brookes
Adrian Lockwood, Business Representative, Oxfordshire Skills Board

In attendance:

David Neudegg, West Oxfordshire District Council
Andrew Tucker, West Oxfordshire District Council
Paul Staines, Growth Board Programme Manager
Anna Robinson, South Oxfordshire and Vale of White Horse District Councils
David Edwards, Oxford City Council
Mark Jaggard, Oxford City Council
Val Johnson, District Councils Partnership Officer
Nigel Tipple, Local Enterprise Partnership
Sue Smith, Cherwell District Council
Sue Scane, Oxfordshire County Council
Tom Flanagan, Oxfordshire County Council
Peter Day, Oxfordshire County Council

Apologies:

Councillor Anne Ducker, South Oxfordshire District Council
Andrew Harrison, Business Representative
Phil Shadbolt, Business Representative
Richard Venables, Business Representative
David Warburton, Housing and Communities Agency
Jon Mansbridge, Environment Agency

1. Introductions and Welcome

Those present introduced themselves.

David Neudegg drew attention to the fact that this was, of course, the first meeting of the Shadow Board. He emphasised that the Board and the format and content of meetings and papers were both “works in progress”, and underscored the intention to ensure that the Board and its business were clearly distinct from the Local Economic Partnership (LEP).

2. Apologies for Absence

In receiving the apologies recorded above, the Shadow Board noted that Councillor Anna Badcock was substituting for Councillor Anne Ducker.

3. Declarations of Interest

There were no declarations of interest in matters to be considered at the meeting.

4. Matters arising from LEP Meeting on 2 September 2014

Nigel Tipple advised that, where necessary, relevant matters considered at the meeting were included elsewhere on the agenda for this meeting, and David Neudegg confirmed that matters arising from the previous LEP meetings would generally be included on agendas to ensure any particular issues were able to be considered by the Board. The intention was that these would be identified as specific agenda items.

5. Minutes of SPIP Board Meeting on 29 May 2014

The above minutes were noted and endorsed.

6. Terms of reference and framework for future meetings

In briefly introducing this paper, David Neudegg stated that once all the Councils had approved them, the Board would operate as a full Board (i.e. a statutory joint committee), which was likely to be effective from the meeting scheduled for November. He observed that the wording of the document was partially historic and would need to be updated, and suggested that the terms of reference should be approved, but with a commitment to review them after six to nine months, in the light of experience gained during that period.

Attention was also drawn to Appendix A, which included suggested meeting dates for the period to June 2015. In this context it was observed that there might be doubt about holding a meeting on 23 April 2015, because of the proximity to the general and local elections. It was agreed that the meeting arrangements would go ahead and that a decision would be made nearer the time.

In response to comments and questions, it was:

- confirmed that the Local Transport Board would formally merge with the Oxfordshire Growth Board on 1 April 2015
- acknowledged that the reference in paragraph 4.4. should be to Universities, plural
- reported that David Warburton would be the Housing and Communities Agency representative on the Board
- stated that the papers for Board meetings would be available on the website of the host authority, and that a link would be supplied to the other authorities and partners for inclusion on their websites

David Neudegg also suggested that the Board's work programme would be published on the host authority website, and that it would be for the respective Councils to include matters in their own Cabinet/Executive work programmes as necessary.

The Shadow Board –

RESOLVED:

- (a) That the terms of reference be approved, subject to a review after six to nine months;
- (b) That Board meetings be scheduled for Thursdays 20 November 2014, and 26 February, 23 April and 25 June 2015, all to begin at 2 pm at the West

Oxfordshire District Council Offices, but subject to the 23 April meeting being kept under review in views of its proximity to the scheduled elections; and

- (c) That the Board's meetings papers, and its Work Programme, be published on the website of the host authority, with the other Councils, and partners as desired, to provide links from their own websites.

7. Terms of reference for the Growth Board Executive Group

RESOLVED: That the terms of reference for the Executive Group be approved.

8. Local Transport Board

Tom Flanagan briefly presented the previously circulated paper, which provided a summary update of recent transport funding announcements covering City Deal, Local Transport Board, Local Growth Funding and the Local Sustainable Transport Fund. It also provided an overview of LGF schemes which were not funded in the current round and options for those schemes that remained in the long list of approved Strategic Economic Plan LGF schemes; and sought guidance on the development of new schemes, including whether the Shadow Board would support reference to the original list in proposing schemes to replace those which had dropped out.

Nigel Tipple emphasised that, previously, no schemes had been rejected, but some had been more successful than others, so there was the option of re-presenting them and considering whether the priorities should be changed or different.

Matthew Barber queried how best information could be presented for monitoring and comparison purposes, including taking into account the fact that the meetings and papers would generally be public, and the need both to demonstrate proper and adequate monitoring and scrutiny and for presentation in the same format for ongoing comparisons. It was confirmed that this was actively under consideration, including the possible need for re-profiling.

David Neudegg stressed that this was another example of "work in progress" and, in response to a comment concerning some of the possible implications of potential schemes, and a query as to whether there could be occasions where reports had to be considered in private session, emphasised the need for precision and clarity, so that reports did not give a misleading impression that schemes were fully approved when that was not the case.

Sue Scane acknowledged the points, and also referred to the possible lack of transparency should reports be considered privately. She emphasised the need to be clear that these were not approved schemes, but bidding mechanisms for part of the funding with the remainder to be sought from various other sources, which could include local authorities, businesses, universities and developers.

RESOLVED:

- (a) That the proposal to update and resubmit schemes that already appeared on the Local Growth Fund long list for 2016/17 be approved; and
- (b) That the Board should focus on new schemes with a start date post 2017/18 alongside those previously submitted, via the Oxfordshire LEP Local Growth Fund review process and with the approval of the Local Transport Board and the Oxfordshire Growth Board.

9. Growth Board Work Programme

The Shadow Board was advised that some of the points made in relation to the previous item also applied to this, in terms of future improvements to the information and presentation. It was intended that a monitoring report would be presented to each meeting, and suggested that the Board might wish the Executive Officer group to consider matters in detail.

Barry Wood expressed concern about the comments in the report about the lack of available data from the Skills Funding Agency in relation to trainees and apprenticeships. In response the Shadow Board was advised that agreement on targets had been reached with the SFA, and that an action plan to achieve them had been developed. These matters would be reported in detail at the next meeting.

David Neudegg referred to the importance of the programme report in terms of reassurance, and providing the Board with the ability to identify issues or concerns and seek appropriate action where necessary.

RESOLVED: That the report and the current position be noted.

10. Oxfordshire Growth Deal

The Shadow Board considered and noted the previously circulated report, which advised of the timetable for the next round of Growth Deal submissions and the proposed approach to the submission of bids. Nigel Tipple stated that whilst there had been no formal confirmation of timescales, it was anticipated that submissions would be required by the end of 2014 with announcements about the outcome towards the end of March 2015. Additionally, how much funding would be available and the split of funding were not yet known. He also referred to the possible opportunity to review those schemes which had been unsuccessful on the previous occasion.

In response to a question concerning the sign-off process, Nigel Tipple stated that the intended approach was for the Board to approve the programme, as a recommendation to the LEP prior to submission to the government. Matthew Barber expressed the wish for the Board to be able to sign off the final versions of the submissions although he accepted that this was not always possible. Ian Hudspeth endorsed this and suggested that the Executive Group would need to report on material alterations to submissions where necessary. David Neudegg emphasised that submissions needed to be considered by the Board far enough in advance to allow for any subsequent negotiation process; and that the Board would need to be clear about priorities, thereby necessitating a longer term strategic vision.

Adrian Shooter referred to the Strategic Economic Plan, with the view that that should be continued, alongside short, medium and longer term plans, even where funding was not clear. He also commented that although there had previously been late changes, more money had been achieved than anticipated.

RESOLVED: That the report and the current position be noted.

11. Post SHMA Work Update

Andrew Tucker presented this report, which provided a brief update on the advice being sought from independent 'critical friends' on the most appropriate way forward for dealing with unmet housing need arising from the findings of the Oxfordshire Strategic Housing Market Assessment (SHMA). He advised that the draft consultant's report referred to in the report to the Board had been received,

and would be discussed at the next meeting of the Executive with a view to a further report setting out the recommended approach and resourcing implications coming to the Board in November.

He also advised the meeting that the City Council had commented on three points referred to in the report: (i) in paragraph 2, the quoted figure of 28,000 was actually the mid-point of the range of unmet need, being 24,000 to 32,000 homes in the period 2011 to 2031; (ii) independent consultants were due to report on the ongoing work to determine the likely capacity for additional housing within the City's administrative boundaries, referred to in paragraph 3; and (iii) in relation to paragraph 5, although Keith Holland was employed by the Planning Inspectorate, the meeting had actually been arranged under the auspices of the Department for Communities and Local Government.

RESOLVED: That the report and the current position be noted.

12. LEADER Programme and European Structural Investment Fund Update

Nigel Tipple introduced the report, the purpose of which was to introduce the Growth Board to the progress of the two programmes. In doing so, he drew particular attention to (i) the large amount of work needed to support the programmes and the need for active partner contributions (ii) the fact that the LEADER programme was separate from ESIF, and because both programmes related to Oxfordshire there was an opportunity for as much coverage of the county as possible, by avoiding duplication through different routes.

David Neudegg emphasised that the report was for information, and stated that whilst the funding for these projects came direct from government and was subject to distinct and prescribed governance arrangements there was an opportunity to align delivery of the projects approved with the priorities identified in the Strategic Economic Plan.

RESOLVED: That the report and the current position be noted.

13. Minerals and Waste Local Plan: Core Strategy

Sue Scane and Peter Day briefly presented the report, which was primarily for information, with the purpose of advising the Board on the issues arising from the recent consultation on the draft Minerals and Waste Local Plan, and how the County Council was minded to take the Plan forward.

In response to questions, it was (i) confirmed that whilst attempts would be made through the planning process to try to ensure that the excavation of mineral workings would be as close as possible to development areas, ultimately this was a commercial decision for the industry, which could not be forced to work in any particular place; and (ii) stated that routing agreements were generally used where excavation was permitted within Oxfordshire, but that the county did not have control otherwise.

RESOLVED: That the report and the current position be noted.

14. Dates for Future Meetings

These had been approved under agenda item no. 5 (minute no.6 above).

15. Any Other Business

Nigel Tipple advised the Board of contact from a minerals company seeking support, to which the response had been that it was a planning issue and a matter for the planning process.

The meeting finished at 3:20 pm

Title: Post SHMA Strategic Work Programme

Purpose of Report

1. To outline a strategic work programme that can address the unmet need arising from the Oxfordshire Strategic Housing Market Assessment (SHMA), and help local planning authorities meet the duty to cooperate, whilst protecting the sovereignty of individual Councils over their Local Plans.

Recommendations

2. That the Growth Board endorses the principles set out in the proposed strategic work programme.
3. That the Growth Board asks each member council to identify the necessary resources for this collaborative work.
4. That a report from the Growth Board Executive Officer Group be presented to the next Growth Board outlining the project plan and resourcing arrangements for the strategic work programme.

Background

5. The Oxfordshire SHMA was published in April 2014. This suggests that across Oxfordshire, there is an identified need for provision of around 5,000 homes a year over the 2011-31 period. The need in Oxford City was identified as between 1,200 and 1,600 homes a year, a potential requirement of around 28,000 additional homes up to 2031. Although the precise ability of Oxford to accommodate its own need has yet to be concluded there is general agreement that there is limited capacity within the city to accommodate this number of dwellings and therefore there will be a significant potential shortfall which will need to be provided in neighbouring districts.
6. In March 2014, the Spatial Planning and Infrastructure Partnership (SPIP) agreed a headline process, as part of the Statement of Cooperation, setting out how to address the outputs of the SHMA in relation to unmet housing need. Because this was relatively new ground for Oxfordshire, SPIP sought advice from two independent "critical friends". The advice concluded that a collaborative process is required to understand the strategic options, in the context of both the Strategic Economic Plan, and of existing and planned infrastructure.
7. Council leaders have considered the emerging ideas for the strategic work programme and agreed some key principles that should underpin future post SHMA work. These are summarised as:

- The district Local Plans are sovereign and all work should feed into Local Plans for them to determine the spatial future of the districts;
 - A recognition however that the work must be collaborative and joined up to provide a county wide spatial picture and strategy;
 - A recognition therefore that joint work on future spatial options, transport infrastructure and green belt will be required to feed into Local Plans;
 - Recognition that the City cannot fully meet its housing needs and there is a need to agree on the level of unmet need. However work on determining spatial options in Local Plans can commence alongside this;
 - A wish that the timescale for completing the Review is 12-18 months and that this should not hold up Local Plan timescales
8. Using these principles as a basis and following further discussions at the EOG , officers have drawn upon the attached Strategic Work Programme for consideration by the Growth Board.
9. The key messages from the programme are:
- The need to coordinate an agreed timetable for Local Plan reviews for the rural districts that build a collective spatial vision through the individual reviews;
 - The need to recognise the economic geography of the county and strategic infrastructure implications of growth;
 - The need to agree how to distribute the unmet need for Oxford City to enable districts to consider this need through their Local Plan reviews;
 - The constituent parts of the work programme necessary to meet the duty to cooperate;
 - The timetable together with an initial assessment of resource implications;
 - The respective roles of the partner agencies.

Conclusion

10. Officers believe that the attached proposal offers a methodology that appropriately balances the need for collaborative working, required by the Duty to Cooperate, and for county wide strategic infrastructure planning with the statutory role of Local Plans.
11. The proposed work programme plans to complete the project within 12-18 months. However, the lead authority's view is that whilst this is achievable there are significant risks inherent in the approach that could lead to delay and these will need to be recognised and mitigated in a formal project plan.

Scope of Post SHMA Strategic Work Programme

1. Purpose of the Strategic Work Programme

- 1.1 To protect the sovereignty of individual council's Local Plans whilst meeting the Duty to Co-operate, by providing an expedient but sound planning process for identifying the roles of the Districts/ City in accommodating future growth. This will consider housing need, including any unmet need, economic growth and infrastructure.
- 1.2 The work will allow Local Plans, in combination, to set out a coherent long- term spatial vision, and provide evidence that DPA s have complied with the Duty to Cooperate. The work programme will also include a long-term infrastructure strategy, led by the County Council, highlighting the key infrastructure interventions required to support growth.

2. Milestones and Key Deliverables

- 2.1 The following key milestones will need to be delivered:

Milestone	Indicative Completion Date
Detailed Project Plan	January 2015
Further refine scale of Oxford City's unmet housing need	March 2015
Through iterative 'bottom up' processes identify long list of strategic spatial options to inform potential distribution of unmet need	March 2015
Infrastructure assessment of options	June 2015
High level Sustainability Appraisal	June 2015
Assessment of options for consistency with Strategic Economic Plan	June 2015
Green Belt review	June 2015
Determine distribution of unmet need amongst Districts	August 2015
Develop Local Plan growth proposals	December 2015
Informal consultation on emerging proposals through Local Plan reviews	January 2016
Formal publication of coordinated Local Plan Reviews and County-wide Infrastructure Delivery Plan	June 2016

3. Scope

- 3.1 The strategic work programme will need to cover the following elements:
 - Coordinated Local Plan Reviews, published to an agreed timetable, that will in combination, provide a collective spatial vision for Oxfordshire and its constituent districts, with clarity on how the area functions, both now and into the future.

- Needs assessment - what growth is required to meet future housing needs:
 - Population and jobs forecast , building on the SHMA;
 - Agreement of the scale of unmet housing need in Oxford City
 - Agreement of the existing shortfall in the ability to meet present housing need including a robust assessment of Oxford City’s capacity for new housing.
- Opportunities and constraints – are there any strategic environmental or infrastructure constraints or limitations on the scale of future growth, and what areas of search emerge as the preferred, most sustainable options for meeting the county’s needs spatially – this will include:
 - Landscape and physical capacity assessment, including green Infrastructure, SFRA and Green Belt Review;
 - Transport assessment - a county-wide agreed method of testing strategic options in transport terms (taking account of the emerging LTP4);
 - County-wide Infrastructure Delivery Plan (IDP) – collate existing and emerging District level IDPs – also regional and intra-regional needs and emerging supply (rail, water, power);
 - Health, education needs and options assessment;
 - The Strategic Economic Plan, economic forecasts and fit with economic vision;
 - Environmental constraints – including a Habitats Regulations Assessment.
 - Strategic spatial options generation to inform District shares of unmet need - in light of the opportunities and constraints based on SHLAA work to date and updated with any further known major proposals, including those identified through any further Local Planning Authority calls for sites.
- Sustainability and deliverability appraisal – assess the relative sustainability of the strategic spatial options available for meeting the vision and growth needs of the county:
 - need to assess how deliverable the necessary infrastructure will be to support the various spatial options, this will include consideration of development viability.

4. Timelines

4.1 The indicative timelines for key elements of the strategic work programme, Local Plans and the Local Transport Plan LTP4 are shown in the following table. The work programme will be an iterative process. Timeframes may be affected by external events such as the forthcoming Local Plan Examinations.

5. Resources

5.1 The work programme will have significant staffing and resource implications for all of the six councils. Initial indications are that the total cost, including staffing and consultancy input, could be in the order of £800,000. Consultancy input may be needed to provide capacity for project management, for technical studies, and for independent scrutiny. A tight timescale to deliver this work is crucial and needs credibility, as it will inform emerging Local Plans and be used as evidence of compliance with the Duty to Co-operate in forthcoming examinations. Each council is asked to identify a budget for this work.

6. Key Roles

6.1 Oxfordshire City and District Councils – the councils will carry out future reviews of their Local Plans, and provide financial and technical input into the collaborative work programme.

		2014		2015												2016												
		November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	
Cherwell	Examination																											
	Adoption																											
	Informal Consultation Future Local Plan Review																											
	Formal Publication Future Local Plan Review																											
Vale of White Horse	Publication Draft Local Plan																											
	Submission																											
	Examination																											
	Adoption																											
West Oxfordshire	Informal Consultation Future Local Plan Review																											
	Formal Publication Future Local Plan Review																											
	Publication Draft Local Plan																											
	Submission																											
South Oxfordshire	Examination																											
	Adoption																											
	Informal Consultation Future Local Plan Review																											
	Formal Publication Future Local Plan Review																											
Oxford	Preferred Options Consultation																											
	Publication Draft Local Plan																											
	Submission																											
	Examination																											
Local Transport Plan LTP4	Adoption																											
	Consultation Draft LTP4																											
	Adoption																											
	Timetable for future Core Strategy/Local Plan Review to be confirmed																											
Strategic Work Programme	Project Initiation																											
	Detailed Project Plan																											
	Refine scale of Oxford's unmet need																											
	Assessment of options and Green Belt review																											
	Distribution of unmet need amongst Districts																											

6.2 Oxfordshire County Council – the County Council will prepare a countywide Infrastructure Delivery Plan, and provide financial and technical input into the collaborative work programme.

6.3 Growth Board – the Oxfordshire Growth Board will provide the forum where project management of the post SHMA timetables will be monitored and where processes and outcomes can be challenged. The Growth Board has a key role in assisting the authorities to demonstrate compliance with the Duty to Cooperate and reports will be brought regularly to the Board for consideration.

- 6.4 Growth Board Executive – the Executive will act as a project management board to ensure that the programme stays on brief, on time and on budget and will provide scrutiny of draft and final reports to the Growth Board.
- 6.5 West Oxfordshire District Council Chief Executive – the lead Chief Executive from Oxfordshire Local Authorities for Growth Board issues, chairs the Growth Board Executive.
- 6.6 Growth Board Programme Manager – the Programme Manager will coordinate the work programmes and agendas of the Growth Board and Growth Board Executive. The Programme Manager will be supported as required by staff of West Oxfordshire District Council.
- 6.7 Oxfordshire Planning Policy Officers Group – this group will act as a technical sounding board.
- 6.8 Oxfordshire Local Enterprise Partnership – the Local Enterprise Partnership, through its officers and Board and business members, will provide guidance on the Strategic Economic Plan, and economic and infrastructure priorities.



Summary

The report reflects on some of the key lessons learnt for from the Cambridge visit and challenges Growth Board partners to respond to the growth agenda set out in the Strategic Economic Plan. The paper is supported by a note prepared by the steering group for context at [annex 1](#) - Oxford Innovation Engine visit to Cambridge and a case for investment in the A34 at [annex 2](#) – Oxfordshire County Council. The paper has been prepared jointly with contributions from the Oxford Innovation Engine Steering Board, The University of Oxford and Oxfordshire LEP.

Recommendation

That the Board notes:

- The report and growth implications,
- The need to support the University in developing their growth approach,

And agrees:

- The submission of a comprehensive A 34 improvement programme to Government as detailed at annex 2.

Information

Following the visit to Cambridge on the 22nd September to explore their approach to driving co-ordinated economic Growth, a core group of those attending the visit met on the 28th October to review the lessons learnt and explore the issues raised in the note attached at annex 1. The follow up meeting was co-ordinated by the Innovation Engine steering group chaired by Sir John Bell and contains representatives from all LA partners, The University of Oxford, University College Bursars, senior business leaders such as Lord Drayson, Ian Laing of MEPC/SQW and OxLEP representation.

The note attached seeks to explore the key areas of opportunity, differences and challenges which arose during the course of the visit and in part forms a programme of work for the emerging steering group to focus upon. At the recent meeting a number of key actions were flagged in order to move Oxfordshire forward and it was agreed to raise the issues with the Growth Board for consideration and response.

Key discussion points

All present recognised the strength of our recent collective work associated with development of the Economic Plan, City Deal and LGF programmes. Whilst our focus now moves to delivery it was felt that due to the constraints placed upon the Local Growth Fund (LGF) process we should be seeking to raise the bar. The emphasis was to develop a dialogue direct with government in respect of our ability to drive economic growth on a local and national basis. Colleagues also noted that in addition to having strengthened our collective ambition within the context of the SEP, the delivery of the programmes supported was now a key operational priority which must be supported by the Growth Board. If we are to take the growth agenda forward Oxfordshire had to come together focused around our functional economic geography.

Specific issues debated included:

- Oxfordshire wide housing allocation, supply and timetable
- Oxford City Housing pressures
- Strategic Infrastructure e.g. Road A34 and Rail (station and track improvements)
- Private sector employment land/premises supply
- University/University College opportunities - research, development and land/premises

Fundamental to the delivery of our shared vision is the provision of quality housing and employment space facilitated through the Local Plan process and underpinned by a comprehensive infrastructure plan. The collective commitments made in the Oxfordshire SEP and the SHMA have to be driven operationally through the Growth Board partners. Should we not commit to this, we will undermine our growth ambitions and fall further behind our local and global competitors economically. Local Authority partners must agree collectively the timetable for Local Plan delivery if we are to maintain momentum through the LGF process.

Key opportunities and commitments

The University (Oxford) has reaffirmed its commitment to working with local partners in supporting the economic growth vision founded on an Innovation ecosystem which is a prerequisite for realising the collective growth potential of the region. The University will continue to invest in developing buildings and spaces to enhance innovation (such as the Innovation Centres highlighted in the City Deal) and new facilities that will enhance its research capacity and maintain its position as a globally leading institution collaborating with current and future businesses (such as the applied superconductivity centre highlighted in LGF1 and the Data Infrastructure highlighted in LGF 2) large and small. The University is concurrently reviewing its innovation processes and structures to improve its ability to support innovation and entrepreneurship within and across the boundaries of the University.

In supporting the shared vision and ambition set out in the SEP, they recognise the significant need to upgrade local infrastructure and accommodation for businesses and their employees to realise their ambition. This includes commitment of the University to developing its own estates and activities in ways which enhance both its own needs and the regional priorities for innovation agreed by all Growth Board partners. The University will work with its colleges to consider their ambitions in a similar light, to work together to develop a strategy for innovation and growth for the City and Region which is consistent and coherent.

The physical development of the knowledge spine is therefore important and urgent. Close to the University the development of sites including Begbroke, Northern Gateway, Oxpen's and the new hinterland of the station must be coherent and consistent with the vision of driving growth through innovation. Transport links within this area, and along the routes to Bicester, Culham and Harwell must be upgraded to a standard that suits this ambition, and must acknowledge and be consistent with the development of individual sites.

The University's own activities in research and education will also be considered in the light of the overall plan. Where the regional aspiration does not conflict with its own academic and charitable requirements, the University will shape its activities to support the plan, including the consideration of measures such as considering the needs of key workers in the research sectors.

The A34 in Oxfordshire runs between the M40 in the north, and the A1485 (Chilton) in the south and represents a significant constraint on the growth of Oxfordshire's economy. This section of the A34 is being considered as part of the 'Solent to Midlands' RBS which considers the A31, M27, M3, A34 and A43 between the south coast and Northampton.

The Highways Agency recently published Phase 1 of the Solent to Midlands RBS in summer 2014 after consultation with the stakeholders mentioned above. In preparation for the consultation process, Oxfordshire County Council (OCC) as a key stakeholder produced a Baseline Statement (Sep 2013) for the A34 (within the county boundary) which set out an initial study into:

- The key areas of stress on the network;
- Identified areas of economic and housing growth;
- The impact of additional traffic generated by planned development on local roads in surrounding areas that interface with the route;
- The potential for alternative modes of travel to reduce trips on the A34;
- Previously proposed A34 improvement schemes; and
- Opportunities for innovative transport solutions to mitigate for additional traffic including active traffic management.

A Long Term Solution

The RBS work shows that for a long term solution (5-15 years) to accommodate planned growth and expected trip growth, a more fundamental upgrade is required that provides major capacity enhancements either on or offline of the corridor. OCC will continue to work with HA to inform the next stage of the national RBS process and look to push forward committed feasibility work to access part of the £15 billion pot the HA has allocated for 2015 to 2021 for national network enhancements, so that major route capacity enhancements can be implemented on the A34 in this funding period see annex 2.

Given the modelling work shows that the current network is at or near capacity and while short term options will help alleviate some issues a solution for the whole length of the A34 in Oxfordshire is required. We would seek a commitment from DFT and the HA to bring forward a full feasibility study for whole length capacity upgrades to the A34 ahead of the completion of the National RBS next year so that funding and delivery for the solution could come forward in the next funding period.

The County Council is developing a new Strategic Transport model and has already started to work closely with the HA's consultants at looking how they can use the model and we can update the model to meet both organisation's needs, we now need commitment for looking for a viable solution, which Oxfordshire County Council would expect to continue to closely support, while we seek funding through our Local LGF ask for short term schemes that will benefit the route in the interim period.

Conclusion

We therefore urge the growth board to work together to take a strategic view of sustainable Housing and Employment growth across the county – including support for major infrastructure investment aligned to our economic growth ambitions. Both the County and University are committed to contributing to this growth agenda as part of an agreed plan with our regional partners.

In support of the approach it was suggested that all stakeholders should develop an MOU which sets out both collective ambition and individual commitment to the Oxfordshire Growth ambition. This would complement the approach taken in developing the SEP and specific LGF submissions and in so doing bring the focus onto “who, what and how” we support the growth of Oxfordshire's economy

Oxford Innovation Engine visit to Cambridge, 22nd September 2014

Summary of outputs

Executive summary

The Oxford Innovation Engine organised a visit to Cambridge by a group of delegates broadly representing Oxford and Oxfordshire. The group visited various sites in and around Cambridge and received briefings from representatives of County, City and District Councils, as well as business leaders and senior representatives of the University. These covered the planning of infrastructure improvements, coordinated development on a large scale of land for academic, business (both early stage and large international corporates) and community purposes, including housing and transport. Key points to emerge from the day were

1. The situation
 - In Cambridge there is clarity about and real evidence of, the benefits for the community at large in participating in a cohesive and coherent long term effort to make the whole area an attractive location for employers. A spirit of “enlightened self-interest” leads logically to recognising this.
 - A balanced focus on employment opportunities, infrastructure, and quality of life is required, with all participants committing time, resource and goodwill to the process of improving the long term competitiveness of the region, recognising that constructive engagement is required to develop a common view despite different parties’ individual interests.
2. The players
 - The University: has a key role to play in providing leadership, both in giving weight to high level appointments in areas like estate planning and communications, and investing in productive and collaborative long term relationships with other players. There should be more recognition of the attractiveness to the best and brightest to an academic community which is linked in to business and the outside world.
 - Local government: The different local government constituencies need to commit collectively to the same process in the same spirit – there is no doubt that development is focused on a small number in Cambridge and that this is an advantage.
 - Business: The framework for the development of IP, the links between the business and the academic communities, and the transport and housing infrastructure are all key elements which combine in the development of a virtuous circle. Larger companies wish to invest and create employment, leading in turn for greater opportunities for talented and energetic individuals, from all geographies and walks of life. These raise academic standards, attract investment capital, and establish the area as a globally attractive magnet for talent and investment, in turn creating the potential to improve the quality of life for the community at large. At this stage the business community in Oxford simply does not have the benefit of this virtuous circle, at least on this scale, and consequently does not have a strong enough voice in this debate, whereas Cambridge clearly does.
 - Central government: will be easier to convince of the case for support if all the above speak with one voice!
3. Urgency and opportunity
 - All the success and high profile that Cambridge and Cambridgeshire enjoy today stem from decades of effort and hard-fought progress – Oxford and Oxfordshire have a great opportunity, and in some ways greater potential, but the need to bring together the interested constituencies and grasp that opportunity is urgent.

A. Briefings by the local authority teams (South Cambridgeshire DC, Cambridge City and Cambridgeshire CC), SQW and Bidwell's

1. 50 years ago, Cambridge found itself in the same position that Oxford now is facing. There had been a decision by the local councils and the University not to increase the size of Cambridge. This led to utilising the adjacent market towns to expand the population base and, because of the infrastructure challenges of people getting into Cambridge; this led to a transportation gridlock and a failure to achieve any significant or substantial economic growth.
2. SQW produced their initial report in 1985 on the Cambridge Phenomenon and, by that stage, there was significant momentum in commercial development.
3. A crucial turning point in the evolution of the Cambridge Cluster was when the three authorities undertook a fundamental review of the Green Belt in 2006 and attempted to achieve a balance between the need to sustain some sustained quality of life for the inhabitants of Cambridge and Cambridgeshire and balancing that against economic growth.

The major conclusion from that discussion was that all three councils agreed a new plan which would use the Green Belt more creatively to allow business expansion, but also to ensure that the necessary transport and housing infrastructure followed these developments and they were of high quality with strong supporting facilities (schools, shops, etc.).
4. The agreement of the three councils was signed in an MOU which will be made available to us.
5. Other major factors in the success of this programme were that the University and the Councils worked closely together to achieve a consensus on the expansion of Cambridge and the development of adjacent land assets.
6. Business leadership also provided strong support for this new vision for development of Cambridgeshire.
7. Networking provided a crucial component that drove the success of this joined up vision. This began with Cambridge Network, which had approximately 1,200 members, then Cambridge Angels and, more recently, Cambridge Ahead. Cambridge Ahead is now intent on looking forward into the future and promoting Cambridgeshire more widely.
8. Over this period, Cambridge has produced two very large technology companies, ARM and Autonomy, and a host of other “billion dollar” companies, most of which have now been sold on.
9. AstraZeneca is the first major international company to move to Cambridge for access to the high tech environment.
10. Lord Broers provided some of the key leadership in the University to allow these developments to evolve, and the University has been integrally involved, both centrally and through its colleges.
11. There are approximately 20 business parks in the Cambridge area, some of which have been developed on land owned by the colleges. Trinity Science Park was the first pioneer science park in the UK.
12. The LEP has been engaged in some of the discussions around growth recently, but has a complicated structure and did not appear to have contributed much to the discussions.
13. The City Deal they had intended to obtain was not forthcoming, but Government has provided them with £500 million of infrastructure support, mostly for transport, that will be fed into Cambridge as it meets a range of growth targets over the next fifteen years.

14. The growth deal they achieved this year was apparently suboptimal.
15. Local government officials made it clear that Cambridge colleges were expected to benefit financially from their real estate contributions to the Cluster and that they should operate in that sense as crucial commercial partners. It was noted that this was important as it created revenues that were ultimately turned back into the Cluster to add further strength.

Conclusion from Cambourne visit

The key message from this part of the visit was the clear unanimity of direction and purpose of the County, City and District Councils for the Cambridgeshire area. This allowed them to grapple with the issue of the Green Belt and has ensured that there is firm commitment at the planning and local government level to the expansion of the commercial footprints for the technology agenda in Cambridgeshire and similar support for housing and transport infrastructure has been crucial in ensuring that the quality of life for Cambridge citizens has remained high. The critical alliance between business leaders, University and local government has been catalytic in ensuring success of this strategy.

B. West Cambridge and Northwest Cambridge Development (Professor Jeremy Saunders and Roger Taylor)

1. The development of the West Cambridge Campus involves 400 acres of green field land owned by the University in Northwest Cambridge. This land originally housed the Cavendish Laboratories, but is now intended to be a major area of growth for the University, both in terms of research facilities and in terms of housing for postdocs, the wider population of Cambridge and for a certain amount of commercial technology development on the site.
2. The presentation by Jeremy Saunders and Roger Taylor demonstrates the power of a strategic view from the University. Oxford University's failure to capitalise on an equivalently sized site, 300 acres at Begbroke is interesting in this context.
3. The University has identified the West Cambridge site and defined carefully its needs, both in terms of housing and science infrastructure, as well as adjacencies to tech companies, created a business plan, borrowed the necessary money to undertake this project (£350 million) with a bond issue it obtained at very low rates, and is now embarking on what will be a major project for the University.
4. It is clear that, in these plans, there will be sufficiently commercially viable opportunities, both in terms of equity sharing of houses purchased and commercial development on the site, that the payment of the interest on the bond and the repayment of the bond is likely to create very few challenges for the institution financially.
5. Again, the notion of working together between University and local government was emphasised, along with the need to develop strong relationships with business.
6. Combined with the contributions with the Cluster from the Cambridge colleges, the University broadly defined has played a crucial role in the success of the Cambridge Cluster and continues to do so.

C. Cambridge Science Park

a) Public Private Partnership

1. David Cleevely and Charles Cotton provided a briefing around the public private partnership that led too much of the evolution of this programme in Cambridge over the past 30 years. Both have been involved since the origins of the Cambridge Phenomenon.

2. Both emphasised the need for public sector bodies such as the local councils to partner systematically with business and with the University to make this vision happen.
3. The glue that holds these joint programmes together has been the networks around Cambridge which have been so successful to this day.
4. They emphasised the need for champions from each of these sectors to push this agenda forward.
5. David Cleevly raised the important challenge of MedCity and the question of how the Cambridge Cluster deals with an emerging technology story from London. Oxford will have the same issue.
6. Communication strategy, both internationally and specifically to persuade decision makers in Whitehall, did not have a single point contact, but relied on the fact that all participants in the Cambridge tech strategy, from local government through University through business leaders and champions, had exactly the same story to tell and told it repeatedly and effectively.

b) Cambridge High Tech Market

1. Dick Wise from Bidwell's provided us with data on land use and property supply. The current available space is 7.5 million square feet of labs and offices and a crucial objective has been to provide the space for companies and programmes to grow in Cambridge.
2. The arrival of AstraZeneca is perceived to be a major game changer as it is the first major company to move to the area.
3. Supply of space

	Cambridge centre	Cambridge fringe	Greater Cambridge
Available space	30,000 sq ft	50,000 sq ft	250,000 sq ft
Under Construction	660,000 sq ft	2.2 million sq ft	550,000 sq ft
Allocated and consented	250,000 sq ft	1.7 million sq ft	1.2 million sq ft

4. Total space available 2014
 - Available 430,000 sq ft
 - Stock 7.5 million sq ft
 - Take up 600,000 sq ft per annum
 - Demand 3.8 million sq ft
 - Consented 2.9 million sq ft
5. They are anticipating that they will be putting 1 million sq ft of commercial space into the Cluster every year going forward.
6. A crucial difference in the Cambridge strategy is that they clearly build and have space ready when potential customers come rather than building only demand. This provides them with huge scope for accommodating new businesses and clearly has been a commercially extremely successful strategy.

c) Cambridge Science Park

1. We heard the story of the Cambridge Science Park from Rory Landman, the Senior Bursar at Trinity College.
2. The Science Park was created 45 years ago, the first such science park in the UK.
3. It has nurtured and created much of the early growth in the Cambridge Cluster and now has achieved 1.6 million sq ft of developed space.
4. There is now an attempt to rebuild on some of the older sites and to densify the estate to further increase its capability.

D. CB1 Station area

1. We stopped briefly outside the rail station to see some of the developments on that site.
2. Microsoft found that its original building on the West Cambridge site was unsatisfactory for its scientists who wanted to be closer to town and also with close links to London and hence moved their enterprise next to the station.
3. The demand for space close to the city and the University is substantially greater than that seen as one moves further away. New companies often like connectivity close at hand and isolation is sometimes not attractive. This has relevance to Begbroke, Harwell and Culham.
4. The area around the station also has been the recipient of significant new housing developments and there are plans to rebuild the station which can now connect through to King's Cross on an electrified line in less than an hour.

E. Cambridge Biomedical Campus at Addenbrooke's

1. The Addenbrooke's Biomedical Campus has undergone dramatic expansion in the past decade. In particular, there is substantial space which was taken out of the Green Belt to make room for a significant housing development which now has facilities such as a school and shops.
2. The linkage of Addenbrooke's to the Station by guided bus (4 minutes and 1 stop) is a key mechanism for linking that technology hub to central Cambridge and London.
3. The Biomedical Campus has had a large number of medical research facilities built, as well as expansion of Addenbrooke's and the relocation of Papworth which has just begun to be rebuilt on the site.
4. The arrival of AstraZeneca will position a major pharmaceutical company between the Laboratory of Molecular Biology and the remainder of the Biomedical Campus.
5. The Laboratory of Molecular Biology building was funded by central government and represents one of the most successful biomedical research institutes. The importance of this centrally funded institute has been probably greater than any other component of the Addenbrooke's campus. Note that Oxford has not yet acquired a major research institute of this kind, despite its pre-eminence in medicine and other science subjects.

The site has new space available for commercial expansion but, besides AstraZeneca, most of the space on the site is currently funded through the University, the Medical Research Council or the NHS.

F. Granta Park

1. Granta Park lies further south of Addenbrooke's, not far from the Babraham Campus. Both of these sites have seen remarkable commercial development in recent years.

2. Granta Park was established around TWI and now houses a substantial number of both engineering and biomedical companies, including Metimmune and Pfizer.
3. Granta Park has received substantial money to create a training environment for structural engineering, funded by HEFCE and partnered with other universities around the UK.

Overall conclusion

In our final discussion, there was a clear consensus emerging that the unified approach to economic growth, housing and infrastructure that has occurred in Cambridge has no equivalent in Oxfordshire. The speed and effectiveness by which they are now developing the commercial offering in Cambridge suggests that Oxfordshire is likely to be a significant loser in terms of economic development in the South East of the UK if it does not dramatically change its strategy.

1. Two crucial elements are missing, even if it was possible to get alignment of local government to pursue a similar course of action to deal with Green Belt issues, infrastructure and economic development in the way that has been achieved in Cambridge. These are a) serious University engagement and b) a business network.
2. It was observed that Oxford is a University that looks very introspectively and also seeks attention on the international stage, but has had essentially no interest in the regional economy. This must change if we are to even come close to replicating the success that Cambridge has had.
3. The lack of business networks and business champions is another serious liability. The fact that business was represented in the City Deal by a Pro Vice Chancellor in the University indicates how far we are from having proper business champions.
4. The first and most important step is to agree amongst all the parties what we are going to do and how we are going to do it and this requires local government to work more effectively together than they have in the past, the University to commit to a regional growth strategy and business to be more effective at supporting, networking and developing such a strategy. An MOU is what allowed this agreement to be created in Cambridge.
5. The Oxford Innovation Engine agreed that it would undertake to assemble a small group of those involved in the visit representing the relevant parties to work through a discreet strategy as to how we could pursue a project similar to that in Cambridge. This will require several meetings to take place over the next few weeks then, if possible, it will be necessary for all those who came on this trip to assemble to endorse a strategic plan that could begin to move the city and the county forward to achieve some of the benefits we saw on 22nd September in Cambridge. A failure to grapple with this issue and align ourselves together to achieve these outcomes is likely to lead to the gradual deterioration of the Oxfordshire economy as other jurisdictions obtain the bulk of inward investment. Similarly, existing businesses are likely to move to more developed regions where the infrastructure properly supports their activities and the University is unlikely to retain its position as a top 10 university without a significant regional technology cluster. Together, these will have profoundly bad consequences for those who live in Oxfordshire and who deserve a coordinated effort to fix some of these deep rooted problems before it is too late.

A34 Strategy Key Points

- During Peak A34 is heavily congested
- A34 around Oxford currently one of the worst parts of strategic network for delays (34% of all journeys along the A34 in county get delayed)
- Business cite A34 as significant impact on business and is restricting innovative growth.
- Infrastructure Deficit - Still haven't had level of investment allocated under Access to Oxford to support delivery previous levels of growth (40,000 homes)
- Growth is expected to double from this previous level to 85-100,000 homes and jobs by 2031 - majority focused along the A34 corridor as the Knowledge Spine
- Oxfordshire is seeking £21.5million of Local Growth Fund, via the SEP to implement short term solutions along the A34.
- Evidence suggests that only a major capacity enhancement will support continued growth of Oxfordshire and increase Oxfordshire potential as a net contributor to UK economy.
- We want early commitment to a major feasibility study for the A34 capacity enhancements to get access to Highways Agency £15billion Strategic Road Investment funding to 2021.
- The County Council are already working with HA's consultant to provide access to County Council's new Strategic Transport Model to move support A34 feasibility work.

A34 Oxfordshire Route Based Strategy Summary

Purpose

This summary provides an update on work underway to implement a Route-Based Strategy (RBS) for the A34 in Oxfordshire. RBSs are a new approach to planning investment opportunities on the Strategic Road Network. The Highways Agency is engaging with local authorities, Local Enterprise Partnerships (LEPs) and other stakeholders in order to define challenges and opportunities for each route which will, over time, be used to inform prioritisation of operational, maintenance and enhancement measures which will be fed into the Department for Transport's Roads Investment Strategy (RIS).

Background

The baseline report confirmed that the A34 is heavily congested during peak periods and experiences some of the worst level of delays in the country (See Fig.1) with typically 34% of all trips experiencing delay between J9 and Milton Interchange. This situation is expected to get worse by 2030 as a result of planned growth in the County. As a result of this baseline report, OCC commissioned Atkins to take forward a number of transport measures, which were identified within the Baseline Statement as potential mitigation for the growth in traffic over the next 15 years. The measures were a combination of traffic control, capacity enhancements and demand management. The report undertook a high-level review of the twelve measures using the application of engineering judgement to assess the potential impact of the measures.

The scoping study suggested that some of these measures are predicted to mitigate some of the increased demand for travel on the A34, albeit at varying levels of cost. The actual benefits which are likely to be realised by the measures discussed in the report will not be quantifiable until each has been subjected to a full and detailed assessment. The measures can be split into short term

solutions some of which are suitable for funding through the Local Growth Fund and long-term solutions undertaken under the Highways Agency’s (HA) funding allocation of £15billion for 2015-2021.

Fig 1. A34 Vehicle Delay Map (From HA Route Based Strategy)



Previously Allocated RFA Funding – Access to Oxford

The Access to Oxford programme of schemes was an £88 million programme of schemes to support the delivery of the previous S.E. regional plan allocations of housing in Oxfordshire – the project focused on improvements to ease the congestion along the A34 corridor - £62million was allocated under Regional Funding Allocation – however this was withdrawn in 2011 following the restructure of national transport funding. Working with partners a number of these projects have or are now being delivered however it has still left a major infrastructure deficit.

Increased Growth in Oxfordshire

It is important to note that the previous RFA funding level was to support the delivery of 40,000 homes to 2026 after the Highways Agency had given evidence at the SE regional Plan inquiry to suggest that the a34 would be gridlocked by 2026 based on the allocated levels of growth. If we are to deliver 100,000 homes and jobs by 2030 as the recent housing market assessment suggests is required to keep the Oxfordshire economy growing quickly and a major net contributor to UK plc then a major infrastructure investment on the A34 corridor will be required.

Local Business Need A34 Improvements To Grow.

The recently study report, launched by David Willets, *Oxfordshire Innovation Engine*, cited the A34 as the highest priority for High Tech business community to support growth in the county, this is reinforced by the Oxfordshire LEP barriers to growth surveys of the business community with 30% saying congestion on the A34 had a severe impact on their business.

Potential Local Growth Fund Improvements

The County Council's work suggests there is a combination of short and long term measures

The work to date has identified a number of small scale short term measures (delivered in 1-5 years) that will help manage congestion on A34 and these will inform part of the Oxfordshire Local Growth Fund ask via the Strategic Economic Plan.

Short Term possible measures for A34:

The A34 RBS solution assessment proposed early solutions that can go through full feasibility and design within the next 1 – 5 years, we have included an ask to use LGF to deliver these quick win solutions ahead of HA funding arrangements being developed for the route.

Early projects include **Ramp Metering** – the report suggests this is suitable for feasibility testing on 10 slips (See Table 1), 4 without upgrade works to the ramp. Evidence suggests that this type of scheme can provide a Journey time benefit of 5-15% for the A34 link sections they merge onto, and downstream average speed increase of around 7%. This would take some links below “red” peak time congested level, effectively increasing their capacity by managing flow onto the A34.

Table 1. Suitable A34 junctions for consideration for ramp metering (Highlighted in Green)

Location	North-bound (Slip Flows)		South-bound (Slip flows)	
	AM	PM	AM	PM
Pear Tree - A44	146.5	369.5	622.5	968
Botley – A420	418.5	514	155	279
Hinksey – A423	365.5	685.5	850	936
Lodge Hill – A4183	314.5	328.5	-	-
Marcham – A415	141	184	601	727.5
Milton – A4130	818.5	680.5	41	158.5
Chilton – A4185	189	295.5	816.5	192.5

The report also found that all laybys are currently under DMRB standard and there have been 14 personal injury accidents, 1 proving fatal, between 2008-2013 within the vicinity of A34 laybys with at least 9 accidents clearly associated with entering or exiting the laybys. **Layby Upgrades** and re-designation, possibly as emergency refuge only, would improve a cause of major delay incident through reduced accidents and also the shockwave, (caused by the dramatic speed reduction to the online flow of vehicles), that vehicles, particularly HGV's, can cause from entering and exiting below standard laybys.

The LGF scheme will also look to provide increased capacity at Seacourt Park and Ride to intercept journeys into Oxford, while linking into existing study looking at the future potential for new P&R sites in Oxfordshire.

The A34 RBS report also looked at Variable Message Signing as well as longer term solutions around controlled Active Traffic Management such as variable speed restrictions (As has been implemented on M42 and M25), these require major investment in supporting infrastructure but can provide major capacity enhancements of up to 15/20%. It is envisaged that short term solutions will combine with the outcomes of innovative work that OCC are completing, as part of a consortium behind a **Technology Strategy Board (TSB) project**, to implement direct information to drivers at a much reduced cost – this project is looking at ways to provide a major enhancement to monitoring of traffic in and around Oxford and providing customer focused travel information, such as pushed messages/directions via email, text, Sat Nav, social media, to travellers to help inform their journeys in real time and guide them onto best least congested routes for their journeys.

The A34 RBS also suggested that a review of **HGV overtaking** should be undertaken by the HA to examine suitable locations where this may be effective particularly in sections where gradients reduce overtaking ability of large vehicles, these bans tend to have slight impact but would be positive in conjunction with other short term measures.

The short term measures will also be enhanced through the strategic approach of **Science Transit** and other schemes proposed within the LGF. The rail enhancements such as East –West rail will provide suitable alternatives for journeys along the A34 corridor. The Science Transit project will look to boost this impact through improving interchanges between rail and other modes, making multi-modal travel easy through better ticketing, reliable and simple inter-changing and keeping the customer connected and informed in real time. To support this programme of enhancement, there is a continued need to look at further rail enhancements such as 4 track between Didcot and Oxford to ensure capacity for rail based services is provided for. The A34 corridor needs to be considered across all modes to ensure a viable solution is developed that allows Oxfordshire to grow and congestion does not restrict the massive potential.

Future Technology potential – Early project development

Initial studies into vehicle to vehicle communication technology suggest that this technology could bring efficiency benefits of 30% to a corridor network. A level of impact that would bring the A34 under capacity and flowing. This technology is still in its infancy however Oxfordshire will continue to support the exploration of new technology applications along with driverless vehicles, which could in the future provide major efficiency savings on the existing network and will offer to work with the HA and the local R&D community to look at the applicability of specific A34 projects for future TSB funding routes that are expected in the next 2-3 years.

Potential Longer Term Solutions

The A34 RBS work shows that for a long term solution (5-15 years) to accommodate planned growth and expected trip growth, a more fundamental upgrade is required that provides major capacity enhancements either on or offline of the corridor. OCC will continue to work with HA to inform the next stage of the national RBS process and look to push forward committed feasibility work to access part of the £15 billion pot the HA has allocated for 2015 to 2021 for national network enhancements, so that major route capacity enhancements can be implemented on the A34 in this funding period.

Online Improvements for consideration

The A34 RBS recommends that the **Lodge Hill Interchange** scheme should be taken through to feasibility and assessed with Oxfordshire's emerging transport model suite, the scheme would

appear to result in overall benefits for transport users. These benefits may be amplified in combination with a new Park & Ride site, or a lorry park which could be accessed from the junction it is estimated that this work would cost £8 – 12 million and may be suitable for future Pinch Point type funding if the scheme feasibility work is progressed.

The major enhancement that needs to be considered and be part of a full scale feasibility study for whole route capacity is **widening the A34 to three lanes** in each direction. This has been shown to greatly improve capacity through the study area (See table 2), improving journey times through reducing delay and bringing the whole route below capacity. However, an investigation into the route suggests that between the Hinksey Hill interchange and the M40 there are numerous constraints, which would provide major impact to local community and will require substantial funding to overcome currently estimated to be at least £800 million. Within the Oxford section, the existing carriageway takes up all the available highway land and any expansion would result in the need to purchase private land and properties. To the north of the Botley interchange almost all existing structures would require substantial amendments. It is clear that the extra lane does provide capacity for growth in Oxfordshire but carries with it many constraints to overcome to deliver a scheme.

A further option was reviewed to provide widening only to Hinksey Hill to reduce costs, by approximately half and avoid impact on the community, however this scheme (Scenario 2) provided little benefit over the reference case where only known committed projects (Such as pinch point schemes, J 9, local junction enhancements) had been included and isn't recommended for further feasibility testing.

Table 2: The impact of 3 Lane widening of the A34

		Northbound AM			Southbound AM				
		Reference case	Scenario 1	Scenario 2	Reference case	Scenario 1	Scenario 2		
M40 Birmingham		Yellow	Green	Yellow	Yellow	Green	Yellow	M40 Birmingham	
B430		Red	Yellow	Red	Yellow	Green	Yellow		
B4027		Red	Yellow	Red	Yellow	Green	Yellow	B4027	
C34		Red	Yellow	Red	Green	Green	Green		
A44		Red	Yellow	Red	Yellow	Yellow	Yellow	A44	
A420		Yellow	Yellow	Green	Red	Yellow	Red	A420	
		Yellow	Yellow	Green	Red	Yellow	Red	A423	
		Yellow	Yellow	Green	Yellow	Yellow	Green	A4183	
A415		Red	Yellow	Green	Red	Yellow	Yellow	A415	
A4130		Green	Green	Green	Yellow	Green	Green	A4130	
A4185									

NOTE: Based on modelling in 2030 - Reference Case is no extra funding and only committed schemes, such as pinch point – Scenario 1 is whole length 3 lane widening – scenario 2 is widening to Hinksey Hill only.

Offline Improvements for consideration

There are a number of offline supporting projects that should be considered to support any A34 capacity enhancements, these include the potential scope for **expansion of existing and new Park & Ride locations** around Oxford. A study using current data within Oxfordshire's new variable demand modelling will be undertaken to explore the potential in more detail. For example Park & Ride site north of Abingdon could help facilitate a scheme to provide south-facing slips at the Lodge Hill interchange, and could accommodate space for lorry parking to allow for the rationalisation of lay-bys along the A34.

There are ways in which Oxfordshire can maximise any potential **freight transfer to rail**, starting with the ways in which the County can influence its own use of the freight sector. It will be important to ensure a commitment to the rail transfer of aggregates used in construction; waste etc. is included within the Minerals and Waste Core Strategy.

The major offline possibility is a **New Route Alignment** for the basis of the A34 RBS a model scenario for construction a 12.5 kilometre re-alignment of the A34 has initially been tested. The scheme would provide a link from the Lodge Hill interchange to the M40 Junction 8 and is intended to limit traffic on the northern half of the A34 by providing an alternative route for southern Oxford traffic and longer distance users of the A34 traveling North and South. Only a preliminary investigation into the likely route has been made at this stage and as expected there are numerous constraints within the surrounding greenbelt land. The initial estimate cost of such a scheme is £4-500million. Only a single option has been tested which had no new junction off the alignment and kept the A34 as a full trunk route, this provided a mix result, however further options with linkages to the Oxford ring road and de trunking have been initiated as the scheme clearly has potential at this stage.

Full Feasibility for Capacity Upgrade of the Whole A34 Route through Oxfordshire

The A34 RBS and HA RBS work shows that the current network is at or near capacity, while short term options will help alleviate some issues a solution for the whole length of the A34 in Oxfordshire is required. We would seek a commitment from DFT and the HA to bring forward a full feasibility study for whole length capacity upgrades to the A34 ahead of the completion of the National RBS next year so that funding and delivery for the solution could come forward in the next funding period.

The County Council is developing a new Strategic Transport model and has already started to work closely with the HA's consultants at looking how they can use the model and we can update the model to meet both organisation's needs, we now need commitment for looking for a viable solution, which Oxfordshire County Council would expect to continue to closely support, while we seek funding through our Local LGF ask for short term schemes that will benefit the route in the interim period.

Further Supporting Projects

In addition to the ambitions of Science Transit and the work as part of the TSB integrated Transport solutions project the County Council are continuing to work on a number of associated projects that will bring major benefits to traveling community within Oxfordshire:

A mobile phone responsive **Journey Planning Tool for Oxfordshire** has been commissioned to help people make informed decisions about their journeys and thus reduce congestion and

environmental impacts from travel in the county. This will be a tool to support multi-modal journey planning both in advance of a journey and in 'real-time' i.e. at the point in time at which a user wishes to travel.

The County Council are also working with the Oxford University the Transport Catapult and Satellite Catapult at Harwell to organise a **Hackathon**; enabling exploration of data to be used for traffic management and smart transactions. The event will promote new ways of managing traffic data, technically and commercially. This will promote new innovative and commercially driven techniques for managing the transport network and providing improved services to customers.

The **Connected Digital Economy Catapult** (CDEC) have confirmed that they will be undertaking a project related to personal data, and would like it to be based in Oxford after discussions with Oxfordshire County Council, The City Council and Oxford Internet Institute. This has further potential to enhance local travel information through providing transport data and live data feeds.

Growth Board Work Programme

Purpose of the report

1. To provide the Growth Board with an update on its work programme.

Background

2. The Growth Board work programme, attached as appendix to this report, demonstrates the programmes whose responsibility for delivery rests with the Growth board. There are two programme reports attached to this summary.
 - A programme report on growth deal and other collaborative local authority projects, this is an extract of the programme report that is received by the LEP.
 - A detailed programme report on the City Deal
3. The projects in both programme reports are labelled as either;



i. Projects needing action



ii. Projects requiring monitoring



iii. Projects on track and requiring no action

Summary of progress – Programme report on growth deal and collaborative projects

4. There are no projects requiring either monitoring or action at this stage.

Summary of progress – Programme report on City Deal

There are no projects requiring action at this stage, those that require monitoring by the EOG are as follows.

Innovation centres and Oxfordshire Innovation Support Programme

Grant drawdown according to delivery plan-Grant drawdown is currently behind the delivery plan. As at the end of Sept. 2014 defrayed expenditure was £318,683 against a delivery plan of £657,134

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This is due to delays in getting SLA's in place and a lower than expected take up of vouchers.

Harwell Open Innovation Hub-a decision to expand the scope of the planning application has led to delays in submitting a planning application-

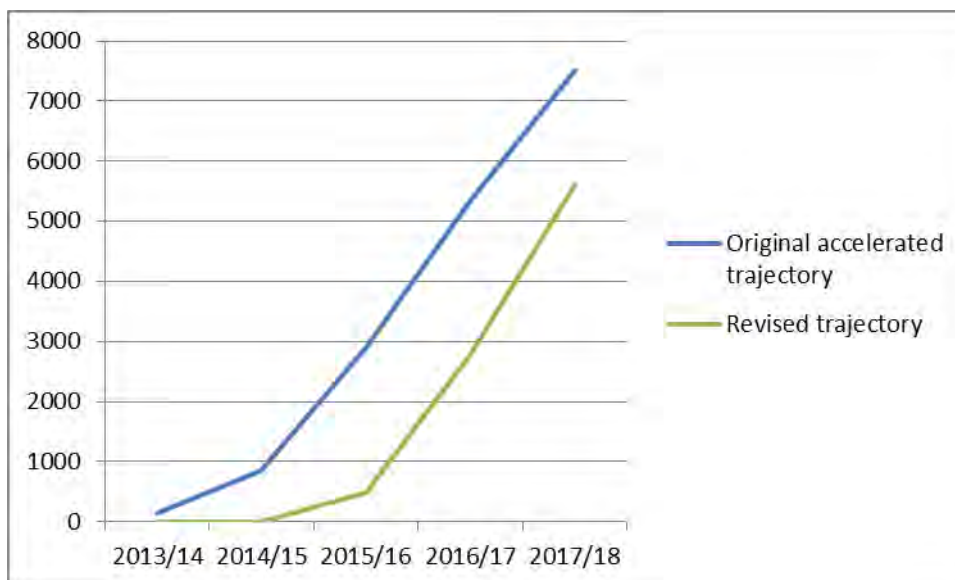
Planning for development

Upload property assets onto e-pims database. Officers have identified the methodology for carrying this piece of work out. It will involve all authorities providing key data on property and land assets and this being uploaded in to the e-pims Property Lite database. The EOG has agreed to identify officers in each authority to carry out this work.

Development of a virtual team to share expertise and accumulated experience- This is a standard commitment inserted by government into all City Deals. EOG believe that the existing partnership structure meets this commitment.

Develop a simplified planning package- This is also a standard commitment inserted into all City Deals. EOG have agreed to seek clarity on expectations and develop an action plan as appropriate.

Acceleration of housing delivery- Officers have collated information on expected delivery trajectory. We are only 1.5 years into the target timescale, however the current prediction is that the acceleration of housing will deliver approx. 5600 house against a target of 7500. The revised trajectory is shown on the chart.



Officers believe that there is some scope to improve this position. There is some anecdotal evidence that build rates are increasing and this may continue as the post SHMA process

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and Local Plan reviews take place. EOG has committed to closely examining this target and bringing forward initiatives to close the gap between target and delivery

Governance

Partnership working with Public service Transformation Network- This is also a standard commitment inserted into all City Deals. EOG have agreed to seek clarity on expectations and develop an action plan as appropriate.

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Funding Stream	Local Authority Delivery partner	Strategic Status				Operations				
		Project and lead officer	Outcome	Contribution to Growth Targets	Lead partner and role	Core Activity	Outputs Targets	Progress to Nov 2014	Comments	Status of project RAG
LOCAL AUTHORITY PINCH POINT FUNDING	Milton Interchange Oxfordshire County Council	Junction Enhancement Pat Mulvihill	Will lead to improvement in jobs by making the area more attractive to investors	Assists with delivery of EZ	Oxfordshire County Council	To enhance road improvements	£10mil scheme to improve junction capacity to support growth and improve access to Milton Park	Contractor appointed. Nov Start, 12 month construction period.		
LOCAL PLANNING AUTHORITIES	GROWTH BOARD EXEC	SHMA GB Programme manager	A county wide Strategic Housing Market assessment is completed and approved by the district planning authorities	Commit to deliver the necessary sites to meet the housing needs identified in the SHMA	Growth Board Executive	Development and approval of a county wide SHMA according to Government guidance and further work to allocate housing need across the county as part of duty to cooperate amongst LPAs	Document completed by April 2014	SHMA has been completed Principles of joint working on post SHMA process agreed by council leaders	Leader's meeting has approved principles of joint working, feeding into Local Plan. Growth Board to be asked to consider high level project initiation proposal Nov 2014 This will be the subject of future detailed programme management	

Oxfordshire Growth Board Programme Report November 2014

Funding stream	Local Authority Delivery partner	Strategic Status				Operations				
		Project and lead officer	Outcome	Contribution to Growth Targets	Lead partner and role	Core Activity	Outputs Targets	Progress to Nov 2014	Comments	Status of project RAG
GROWTH DEAL	OXFORD CITY COUNCIL	flood risk management scheme	Implementation of the flood risk strategy	Reduce disruption to businesses and local people	Oxford County Council/Env. Agency	a comprehensive package of measures to mitigate the risks of damage to homes, businesses and transport connections caused by excessive flooding.	tbc		Although funding is agreed we have yet to receive the detailed funding letter that will allow us to phase the projects and establish project plans	
GROWTH DEAL	OXFORD CITY COUNCIL	Upstream flood storage at Northway	Implementation of the flood risk strategy	Reduce disruption to businesses and local people	Oxford County/City Council/Env. Agency	a comprehensive package of measures to mitigate the risks of damage to homes, businesses and transport connections caused by excessive flooding.	tbc		Although funding is agreed we have yet to receive the detailed funding letter that will allow us to phase the projects and establish project plans	
GROWTH DEAL	OXFORDHIRE COUNTY COUNCIL	Headington Phase 1; Eastern Arc	Improved road connectivity	Improved access to growth areas	Oxfordshire County Council	Headington Phase 1 & Eastern Arc Transport Improvements - a package of junction and local road improvements to support growth in the Headington area of Oxford - a centre for medical research and the location of the bio-escalator at Oxford University Old Road campus, which was part-funded via the Oxford City Deal	tbc		Although funding is agreed we have yet to receive the detailed funding letter that will allow us to phase the projects and establish project plans	
GROWTH DEAL	OXFORDHIRE COUNTY COUNCIL	Didcot Station Car park	Increased car park capacity to aid expanded use of the station	Improved access to growth areas	Oxfordshire County Council	packages of measures for car park expansion including construction of a deck access car park on the existing Foxhall Road car park. Part of the expansion and improvement of Didcot station as a key gateway to Science Vale high tech cluster and the Enterprise Zone.	tbc		Although funding is agreed we have yet to receive the detailed funding letter that will allow us to phase the projects and establish project plans	

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GROWTH DEAL	OXFORDHIRE COUNTY COUNCIL	Science vale Cycle network Improvements	Sustainable access	Improved access to growth areas	Oxfordshire County Council	a sustainable transport scheme providing greater connectivity between Science Vale and the newly improved Didcot station by bike	tbc		Although funding is agreed we have yet to receive the detailed funding letter that will allow us to phase the projects and establish project plans	
GROWTH DEAL	OXFORDHIRE COUNTY COUNCIL	Bicester London road Level crossing	Sustainable access	Improved access to growth areas	Oxfordshire County Council	a pedestrian / cycle crossing to provide sustainable access into Bicester town centre, required for the more intensive train service as part of the East West Rail project.	tbc		Although funding is agreed we have yet to receive the detailed funding letter that will allow us to phase the projects and establish project plans	

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DEVELOPMENT OF KEY STRATEGIES

1. Strategic Economic Plan

Funding Stream	Strategic Status					Operations				
	Local Authority Delivery partner	Project and lead officer	Outcome	Contribution to Growth Targets	Lead partner and role	Core Activity	Outputs Targets	Progress to Nov 2014	Comments	Status of project RAG
LEP DIRECT FUNDING /COUNTY COUNCIL/PARTNERS	OXFORDHIRE COUNTY COUNCIL/LEP	Develop a Strategic economic plan that provides a clear positive narrative about Oxfordshire and a clear set of high level ambitions within which more detailed programmes and projects can be developed NIGEL TIPPLE	Final approval of strategy	Sets the strategic framework for all LEP work	Oxfordshire County Council/LEP	Development of a strategy that provides a positive narrative for Oxfordshire and knits together the ambitions of the City Deal, Transport and infrastructure plans, Skills and ESIF strategy.	Final approval of strategy by 30/6/2014	Final draft being completed, expected completion by 30/6/14	completed	

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2. European Structural Investment Fund

Funding Stream	Strategic Status					Operations				
	Local Authority Delivery partner	Project	Outcome	Contribution to Growth Targets	Lead partner and role	Core Activity	Outputs Targets	Progress to Nov2014	Comments	RAG
ESIF FUNDING	OCC/LEP	Finalising ESIF strategy DAWN PETTIS	Successful delivery of the £40 million ESIF programme up to 2020	Sets the strategic framework for all LEP work	Oxfordshire County Council/LEP		Preparation of the Implementation Plan – December 2014. Calls for projects early 2015. Delivery of projects from the summer 2015	Negotiations by the Government with the EC on the England Operational Programme continues. LEP strategies will get the final sign off once the OP approved. Sub Committee being put in place to oversee the programme in Oxfordshire up to 2020. Implementation Plan in preparation.	Project is on track and is determined by government timetable and negotiations with the EC	

3. Transport Strategy

Funding Stream	Strategic Status					Operations				
	Local Authority Delivery partner	Project and lead officer	Outcome	Contribution to Growth Targets	Lead partner and role	Core Activity	Outputs Targets	Progress to Nov 2014	Comments	RAG
COUNTY/LTB	OCC	Development of Transport Narrative and Prospectus to Support SEP TOM FLANAGAN	Prospectus agreed / referenced as part of final SEP submission	Identification of Transport Policies, Strategy and Infrastructure priorities to support growth, in particular Local Growth Fund Bids	OCC as Highway Authority, Local Transport Board	informal transport input into draft SEP for December 2013 submission	Transport narrative to support draft SEP submission	Scope of narrative developed, Project brief developed, in line with wider LTP programme. Localities developing project list for submission by 31 st March 2014. Project List from LTB and City Deal to provide initial baseline Early draft wording developed for February 2014.	Draft completed and submitted. Will be fine-tuned as SEP is finalised	

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Oxfordshire City Deal Programme Report

Agreed Action	Scheme detail/Milestones	Owner	By when	progress to date	Other Comments	RAG
<u>Innovation Centres and Oxfordshire Innovation Support Programme</u>						
Set up and run the Oxfordshire Innovation Support for Business (ISFB) programme						
Grant drawdown according to delivery plan 37	£1,991,609 by Jun 2015	LEP	Mar-2014	Ongoing	Grant drawdown is currently behind the delivery plan As at the end of Sep 14 defrayed expenditure was £318,683 against a delivery plan of £657,134 This is due to delays in getting Grants SLA's in place and due to the lower take up of Vouchers than expected - see more detail below.	
Private sector match according to delivery plan	£3,319,000 by Mar 2016	LEP	Mar-2016	Ongoing	As at the end of September 14 £1,601.422 private sector cash match against a delivery plan of £730,000	
Jobs created according to delivery plan	207 jobs by Mar 2017	LEP	Mar-2017	Ongoing	As at the end of September 18 jobs created and committed against a delivery plan of 19 jobs	
Engage businesses according to delivery plan	962 by Mar 17	LEP	Mar-2017	Ongoing	As at the end of September 1578 Businesses engaged against a delivery plan of 117	
Assist businesses according to delivery plan	150 by Mar 17	LEP	Mar-2017	Ongoing	As at the end of September 53 businesses assisted against a delivery plan of 19	
Recruit Network Navigators	Recruit Network Navigators by Mar 2014	LEP	Mar-2014	Completed	The Network Navigators are in place working for the programme in their clusters. We are currently undertaking a mid-term review which we will report next time	
Set up web portal	Set up web portal by Feb 2014	LEP	Feb-2014	Completed	Launched May 14	
Set up Bespoke Grants scheme	Set up Bespoke Grants scheme by Feb 2014	LEP	Feb-2014	Completed	OION Grants launched June 14 University of Oxford Grants launched August 14 Oxford Brookes University Grants launch October 14	

Grants delivered to End Beneficiaries according to profile	£937,000 by Jun 2015	LEP	Jun-2015	Ongoing	<p>OION grants scheme is well ahead of original target - as at the end of September £208,333 grants awarded against a target of £250,000 plus they have capacity for an additional £100k we are in the process of allocating this to them from funds available.</p> <p>University of Oxford grants scheme is behind due to delays in getting the SLA signed but there is a strong pipeline in place and a significant number of grants are in progress due to be delivered by Mar 15. Their target is £572,000 plus they have capacity for an additional £100k. This will hopefully be allocated to them from Vouchers</p> <p>Oxford Brookes University grants scheme is launching now, they are on target according to their plan. Their target is £30,000</p>	
Set up Bespoke Innovation Vouchers Scheme	Set up Bespoke Innovation Vouchers Scheme by Feb 2014	LEP	Feb-2014	Completed	Scheme launched June 2014	
Innovation Vouchers delivered to End Beneficiaries according to profile	£522,787 by June 2015	LEP	Jun-2015	Ongoing	Take up of the voucher scheme has been lower than expected. Due to this the steering group have decided to return £100,000 to Lancaster and requested a further £100,000 to be changed to grants. This will be allocated to the University of Oxford if agreed	
Set Up Bespoke Start up Success programme	Set up Bespoke Start up Success programme by Feb 2014	LEP	Feb-2014	Ongoing	<p>The first programme run by Business boffins starts in November 14 is full</p> <p>The second programme run by Founder Centric starts in January 15</p>	
Deliver Start up Success programme	Deliver Start up Success programme by June 2015	LEP	Jun-2015	Ongoing	See above	
Oxfordshire Innovation Support Programme - 'go live'; launch awareness raising activity	Launch ISfB programme by February 2014	LEP	Feb-2014	Completed	Launched at Venturefest July 2014	
Establish three innovation hubs						

Work commences on site at Harwell Open Innovation Hub		STFC	Apr-2014		The City deal required building to commence in aril 2014 and be completed by 20145. However a master planning stage has been undertaken that will create a stronger sense of place. This has delayed commencement of building works. A planning application based on the master plan is now timetabled for December 14	
Work commences on site at Begbroke - August 2015		Oxford University	Aug-2015			
Work commences on site at BioEscalator - Jan 2015		Oxford University	Jun-2016			
Skills						
Agree Apprenticeship Grant for Employers profile from start to December 2014 in line with notational ring-fenced allocation of £450,000 Apprenticeship Grant for Employers		OCC, SFA	Feb-2014	Ringfenced allocation agreed with NAS, as AGE grant now extended seek flexibility to use beyond Dec 14	Eligibility rules for the AGE grants are changing in 2015 and a campaign is planned for then	
Agree baseline indicative profile for 525 additional Apprenticeships over three years with Skills Funding Agency	agree the baseline from which progress against this target will be measured with the SFA	OCC, BIS, SFA	Feb-2014	Funding agreement with SFA signed August 14	The delay in data from the SFA is making reporting against City Deal targets difficult, however Qtr 3 data for the 2013/14 academic year (Feb-Apr 2014) shows an 8.2% increase in apprenticeships compared with the same Qtr in previous year	
Agree expenditure profile for BIS funding to support Oxfordshire Experience for Work		OCC, BIS	Feb-2014	n/a applicable as outside of scope of SFA agreement.	In spite of challenge of desired outcome being out of scope of SFA funding we've develop alternative solution to meet the same outcome – with Opportunities to Inspire (the revised brand of OEFW) being launched in Dec 14 -	
Design Apprenticeships top-up scheme to support update in science, technology, engineering and maths sectors		OCC	Feb-Apr 2014	In progress	Programme being developed with SFA as part of ESIF programme to be rolled out once ESIF is approved nationally.	
Local labour market intelligence service launched	Publish 6 monthly intelligence reports	OCC	Apr-2014	yes	First Labour market intelligence report has been published, second report due Feb 2015	
State of Play' - employer engagement with schools report published		OCC	May-2014	Completed	Launched October 2014	
Launch AGE Grant Scheme/Top-up		OCC (SFA, NAS)	May-2014	ongoing	Requires further discussion with SFA on viability will now be delivered as part of ESIF programme	

Higher level apprenticeship support programme launched (supported by European Structural Investment Funding)		OCC	Sep-2014	ongoing	Programme being developed with SFA as part of ESIF programme to be rolled out once ESIF is approved nationally.	
Launch employer consortia, focusing on sectors with labour shortages or significant growth projects		OCC	Sep-2014	ongoing	Engagement with hospitality, logistics and retail to date but increasingly seeking to utilise existing and emerging networks, including business support organisations and network navigators.	
Oxfordshire conference on information, advice, guidance and work experience	An annual conference arranged successfully	OCC	Oct-2014	Completed	Additional event planned for 2015	
Toolkit of 'career pathways into...' launched and distributed across the network		OCC	Dec-2014	ongoing	Focus on' sector profile being developed as part of LMI	
Planning for Development						
The district authorities will work with the Government Property Unit and list their assets on e-PIMS by spring 2014	The partners have committed to uploading their data on land and property holding to the governments e-pims website to demonstrate what assets they own and top open future discussions about their use	DPA	Apr-2014		see detail in exception report	
Development of virtual team comprised of Oxford and Oxfordshire authorities to share expertise and accumulated experience to support project/programme delivery in a cost-effective and lean way across the County	the city deal includes a commitment to maximise the ability of partners to deliver planning and housing	DPA	Apr-2014		see detail in exception report	
Develop simplified planning package - formalising the early engagement and positive working with the Defra network in strategic planning, considering Local Development Orders (LDOs) in prioritised development areas such as Harwell; and review potential locations for LDOs by December 2014	the city deal includes a commitment to examine ways in which planning process could be simplified to accelerate development	DPA/Defra	Spring - Dec 2014		see detail in exception report	
City Deal partners will commit the necessary sites that will meet the housing needs outlined in the Strategic Housing Market Analysis 40	The SHMA provides a county wide assessment of housing need and a calculation of the unmet need from the City that the DPA will need to accommodate through the Duty to Cooperate. This target is to demonstrate how they will meet this duty and will be the subject of a separate project management process	DPA	Early 2015		see detail in exception report	
Acceleration of housing delivery - 7,500 planned houses will have been completed across Oxfordshire	the DPA agree to accelerate the delivery of allocated sites using powers provided in the City deal	DPA	Dec-2018		existing offer being reviewed in light of completed city deal negotiations -see detail in exception report	
Transport						
Detailed design of Cutteslowe Roundabout		OCC	Apr - Dec 2014			
	Gateway 0 Project Initiation		Mar-2014	Complete		
	Gateway 1 Feasibility		May-2014	Complete		
	Gateway 2 Preliminary Design		Nov-2014	In progress	Prelim designs being received end	
	Gateway 3 Detailed Design		Feb-2015			
Detailed design of Wolvercote Roundabout		OCC	Apr 2014 - Dec 2015			
	Gateway 0 Project Initiation		Mar-2014	Complete		
	Gateway 1 Feasibility		May-2014	Complete		

	Gateway 2 Preliminary Design		Nov-2014	In progress	Prelim designs being received end	
	Gateway 3 Detailed Design		Feb-2015			
Detailed design of A40/A44 Link Road		OCC	Apr 2014 - Oct 2016			
	Gateway 0 Project Initiation		Mar-2014	Complete		
	Gateway 1 Feasibility		Dec-2014	In progress	Awaiting feedback from the landowners on their views of OCCs proposed alignment.	
	Gateway 2 Preliminary Design		TBC			
	Gateway 3 Detailed Design		TBC			
Shceme delivery of Cuttleslowe Roundabout		OCC	Jan 2015 - Jan 2016			
	Gateway 4 Commit to Construct		May-2015			
	Gateway 5 Project Close		Apr-2016			
Scheme delivery of Wolvercote Roundabout		OCC	Jan 2016 - Jan 2017			
	Gateway 4 Commit to Construct		May-2015			
	Gateway 5 Project Close		Apr-2016			
Scheme delivery of A40/44 link road		OCC	Nov 2016 - Jan 2019			
41	Gateway 4 Commit to Construct		TBC			
	Gateway 5 Project Close		TBC			
Access to Enterprise Zone						
Detailed design of Access to Enterprise Zone		OCC	Jan 2014 - Jan 2015			
Harwell Link Road						
	Gateway 0 Project Initiation		Mar-2014	Complete		
	Gateway 1 Feasibility		May-2014	Complete		
	Gateway 2 Preliminary Design		Sep-2014	Complete		
	Gateway 3 Detailed Design		Feb-2015	In progress	Detailed design underway including land acquisition and utility diversions	
Hagbourne Hill		OCC				
	Gateway 0 Project Initiation		Mar-2014	Complete		
	Gateway 1 Feasibility		Jun-2014	Complete		
	Gateway 2 Preliminary Design		Aug-2014	Complete		
	Gateway 3 Detailed Design		Dec-2014	In progress	Detailed design underway including land acquisition and utility diversions	
Harwell Entrance		OCC				
	Gateway 0 Project Initiation		Oct-2014	In progress	Prelim designs being received end Oct, Traffic Regulation Order on schedule for mid Nov - mid Dec.	
	Gateway 1 Feasibility		Jan-2015			
	Gateway 2 Preliminary Design		Feb-2015			
	Gateway 3 Detailed Design		May-2015			
Featherbed Lane and Steventon Lights		OCC				
	Gateway 0 Project Initiation		Mar-2014	Complete		
	Gateway 1 Feasibility		Jun-2014	Complete		
	Gateway 2 Preliminary Design		Sep-2014	Complete		
	Gateway 3 Detailed Design		Dec-2014	In progress	Detailed design underway including land acquisition and utility diversions	
Scheme delivery of Access to EZ			Apr 2014 - Mar 2017			
Harwell Link Road		OCC				
	Gateway 4 Commit to Construct		Jun-2015			
	Gateway 5 Project Close		May-2017			

Hagbourne Hill					
	Gateway 4 Commit to Construct		Jan-2015		Phased delivery to allow earlier start on site
	Gateway 5 Project Close		May-2016		
Harwell Entrance					
		OCC			
	Gateway 4 Commit to Construct		TBC		
	Gateway 5 Project Close		TBC		
Featherbed Lane and Steventon Lights					
		OCC			
	Gateway 4 Commit to Construct		Jan-2015		Phased delivery to allow earlier start on site
	Gateway 5 Project Close		Jun-2016		
Science Transit					
Detailed design of Science Transit phase 1					
		OCC	Oct 2013 - Apr 2014		
Kennington Roundabout					
	Gateway 0 Project Initiation			Complete	
	Gateway 1 Feasibility			Complete	
	Gateway 2 Preliminary Design			Complete	
	Gateway 3 Detailed Design			Complete	
Hinksey Hill					
		OCC			
	Gateway 0 Project Initiation		Aug-2014	Complete	
	Gateway 1 Feasibility		Sep-2014	In progress	Detailed feasibility underway and currently on target to meeting Feb deadline.
	Gateway 2 Preliminary Design		Feb-2015		
	Gateway 3 Detailed Design		Jan-2016		
Governance Structure					
	City Deal Board (Joint Committee) terms of reference agreed	Local Authorities and LEP	Jan-2014	Sep-2014	completed
	Each authority to sign off the proposed joint committee approach at Cabinet/Policy Committee at the next available meeting	Local Authorities	Jan-2014	May-Aug 2014	completed
	Establish an Executive Team (secretariat) under the direction of the LEP Chief Executive supporting the City Deal Board	Local Authorities and LEP	Mar-2014	Aug-2014	an existing officer support structure was already in place for previous partnership arrangements
	This City Deal Board (Joint Committee) will be established under the Local Government Act 1972, and the Local Authorities Regulation 2012	Local Authorities and LEP	Mar-2014	Aug-2014	completed
	Oxfordshire local authorities will work in partnership with the Public Service Transformation Network to spread best practice, learn from other places and to develop a local public service transformation plan	Local authorities, LEP, CO	Dec-2014		

CITY DEAL FINANCE SUMMARY

CITY DEAL	Private sector/ Developers	Universities	Local Authority borrowing	Local Transport Board	Pinchpoint Funding	BIS	DfT Grant	Other Grant	Total
	Private		Borrowing	Grant Funding					
	£m	£m	£m	£m	£m	£m	£m	£m	£m
PROJECTS DELIVERED THROUGH OCC									
CAPITAL PROJECTS									
TRANSPORT									
Northern Gateway/ A40 Link Road (and assoc works)	1.600		5.100	3.800			7.300		17.800
Science Transit system (Hinksey Hill) phase 1				4.317			8.700		13.017
Access to Enterprise Zone phase 1	1.000		21.700				6.100		28.800
A34 IMPROVEMENTS									
Chilton Junction Northern Slip Roads			5.683		5.000			0.200	10.883
Milton Interchange Junction Improvements	2.025		2.000		5.000			1.600	10.625
INNOVATION									
Culham Advanced Manufacturing Hub			2.000						2.000
TOTAL CAPITAL PROJECTS	4.625	0.000	36.483	8.117	10.000	0.000	22.100	1.800	83.125
REVENUE PROJECTS									
SKILLS									
Oxfordshire Experience for Work								1.500	1.500
TRANSPORT									
Science Transit system (Hinksey Hill) phase 1	10.800								10.800
TOTAL REVENUE PROJECTS	10.800	0.000	2.000	0.000	0.000	0.000	0.000	1.500	14.300
TOTAL PROJECTS DELIVERED THROUGH OCC	15.425	0.000	38.483	8.117	10.000	0.000	22.100	3.300	97.425
PROJECTS DELIVERED EXTERNALLY									
INNOVATION									
Harwell Innovation Hub	3.100		4.000			7.000			14.100
Culham Advanced Manufacturing Hub	11.400					7.800			19.200
Oxford Bio Escalator	7.000	3.000				11.000			21.000
Begbroke Innovation Accelerator		7.000				4.200			11.200
Oxford Innovation Support Programme	5.000							2.000	7.000
TOTAL PROJECTS DELIVERED EXTERNALLY	26.500	10.000	4.000	0.000	0.000	30.000	0.000	2.000	72.500
TOTAL CITY DEAL PROJECTS	41.925	10.000	42.483	8.117	10.000	30.000	22.100	5.300	169.925

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[Shadow] Oxfordshire Growth Board

Thursday 20 November 2014, 14:00

Committee Room One, West Oxfordshire District Council Offices

Present:

Councillor Matthew Barber, Leader of Vale of White Horse District Council
Councillor John Cotton, Leader of South Oxfordshire District Council
Councillor Ian Hudspeth, Leader of Oxfordshire County Council
Councillor Bob Price, Leader of Oxford City Council
Councillor Barry Norton - Chairman, and Leader of West Oxfordshire District Council
Councillor Barry Wood, Leader of Cherwell District Council

Non-voting Members:

Adrian Shooter, Chairman Oxfordshire LEP
Alistair Fitt, Universities Representative, Oxford Brookes
Adrian Lockwood, Business Representative, Oxfordshire Skills Board
Lesley Tims for John Mansbridge, Environment Agency
David Warburton, Homes and Communities Agency

In attendance:

David Neudegg, West Oxfordshire District Council (representing Oxfordshire Chief Executives)
Andrew Tucker, West Oxfordshire District Council
Paul Staines, Growth Board Programme Manager
Calvin Bell, Cherwell District Council
Anna Robinson, South Oxfordshire and Vale of White Horse District Councils
David Edwards, Oxford City Council
Nigel Tipple, Local Enterprise Partnership
Val Johnson Oxfordshire Partnership Manager

Apologies:

Andrew Harrison, Business Representative
Phil Shadbolt, Business Representative
Jon Mansbridge, Environment Agency
Sue Scane, Oxfordshire County Council

1. Introductions and Welcome

Barry Norton welcomed Members, Officers and members of the public to the meeting. He explained that the Board continued to meet in shadow form as not all constituent authorities had completed the necessary formalities for it to be constituted as a statutory joint committee. It was expected that it would operate as a full Board from the next meeting. Those present then introduced themselves.

2. Apologies for Absence

Apologies for Absence were received from Andrew Harrison and Phil Shadbolt, Business Representatives, and from Sue Scane of Oxfordshire County Council. Lesley Tims attended in place of John Mansbridge representing the Environment Agency.

3. Declarations of Interest

There were no declarations of interest in matters to be considered at the meeting.

4. Minutes of the Shadow Growth Board held on 12 September 2014

The minutes of the meeting of the Shadow Health Board held on 12 September were received and agreed as a correct record. David Neudegg advised that the actions identified therein had been carried out or were included on the current agenda. It was confirmed that updates on the progress of transport schemes would be submitted to future meetings of the Board.

5. Post SHMA Strategic Work Programme

David Neudegg introduced the report outlining the post SHMA strategic work programme. The report sought endorsement of the key principles that should underpin future post SHMA work together with the scope and timetabling of that work enabling all authorities to work together in a collective and collaborative way. The principles set out at paragraph 7 of the report reflected previous decisions and took account of the feedback received from 'critical friends'. David explained that the Work Programme was not a detailed programme plan. This was to be developed by the Growth Board Executive Officer Group which would also identify the resources necessary to meet the plan, the detailed costs and their allocation across the authorities.

Barry Wood noted that agreement of a timeframe and the allocation of resources between authorities would require good, strong partnership working. Matthew Barber advised that his authority expected to adopt its Local Plan in October 2015 and Ian Hudspeth suggested that in-house expertise should be utilised in preference to the employment of consultants where possible.

The Shadow Board –

RESOLVED:

- (a) That the principles set out in the proposed strategic work programme be endorsed.
- (b) That each member council be requested to identify the necessary resources for this collaborative work.
- (c) That a report from the Growth Board Executive Officer Group be presented to the next Growth Board outlining the project plan and resourcing arrangements for the strategic work programme.

6. Report on Cambridge Visit and Implications for Oxfordshire

Nigel Tipple introduced the report which outlined some of the key lessons learnt from the Cambridge visit. He noted that the Universities were keen to work with local partners to support economic growth and had established a working group to drive progress forward. Nigel also drew attention to the proposed submission of a comprehensive A34 improvement programme to Government.

Whilst expressing support for the improvement of the A34, Matthew Barber suggested that it would be more appropriate for the matter to be considered in greater depth at the next meeting when the Growth Board would be fully constituted rather than operating in shadow form.

Bob Price questioned whether there was any realistic prospect of securing Government funding outside the current LGF round. In response, Nigel indicated that it was thought prudent to take the earliest opportunity to commence a dialogue with Government as to the significance of investment in this project.

Making reference to the initial paragraph at page 14, John Cotton noted that the SHMA represented evidence that informed the Local Plan process; not figures to which authorities had made a commitment. He also referenced the caveat applied by the universities in terms of their own educational and charitable requirements and expressed the hope that they would act in the wider interests of the community. John went on to question whether there had been a shift in priorities with greater emphasis being placed upon the universities. In response, Nigel indicated that this was not the case. The universities were closely involved in the existing sites and the current proposals sought to strengthen their involvement.

Ian Hudspeth indicated that it was important that Oxford did not undersell its own achievements and suggested that transport infrastructure was the most significant issue facing the county. He went on to caution against raising expectations of significant Government funding for such works.

RESOLVED:

(a) That the report and growth implications and the need to support the universities in developing their growth approach be noted.

(b) That a further report on the submission of a comprehensive A34 improvement programme to Government be presented to the next meeting.

7. Growth Board Work Programme

David Neudegg introduced the report which provided the Growth Board with an update on its work programme. In response to a question from John Cotton, Andrew Tucker advised that the reasons for the reduced trajectory of housing delivery varied from district to district but that factors such as the completion of S106 agreements were significant. David Neudegg indicated that some elements of the City Deal had failed to materialise but that the reasons underlying the reductions were complex. The Officer group was to examine the reasons in greater detail. Barry Norton suggested that it would be helpful to agree a protocol for Section 106 Agreements to ensure that delivery of approved schemes was not delayed. Ian Hudspeth emphasised the need to be robust in securing developer contributions for infrastructure improvements and drew attention to the progress of transport schemes. Barry Wood noted that the rate at which developers built out approved schemes was governed by economic factors and suggested that it would be useful for the Board to receive periodic updates on housing delivery. It was agreed that updates would be provided.

In response to a question from Bob Price, Nigel Tipple explained that the commitment towards partnership working with the Public Service Transformation Network had been introduced into all City Deal agreements at a late stage. This sought to specify how partnerships were to provide information to Government but details were unclear and clarification of expectations was being sought.

RESOLVED: That the report and the current position be noted.

8. City Deal Finance Summary

The Shadow Board received a report summarising the financial position of various City Deal Projects. Nigel Tipple advised that efforts were being made to secure approval of a single reporting format for submission to all Government departments.

RESOLVED: That the report and the current position be noted.

9. Local Transport Board Update

Bev Hindle emphasised the importance of the clear prioritisation of schemes. Existing projects were being reviewed and re-prioritised with clear, consistent business cases being developed for these schemes. Regular meetings were being held with the local Growth Fund Team.

RESOLVED: That the report and the current position be noted.

10. LEP Update

Nigel Tipple advised Members that arrangements for the formal signing of the Local Growth Deal Round 1 by the Minister were under discussion. He also advised that discussions with Government regarding Round 2 were on-going and it was expected that the level and scale of funding available would be established within the next week. The robustness of the partnership's approach had been well received by Government and business plans were now being prepared. Fortnightly meetings were being held to review existing business cases and consider new projects were being held to ensure these were ready for consideration following the next general election.

David Neudegg stressed the importance of ensuring that business plans were accessible to Board Members.

11. Date of Next Meeting

It was noted that the next meeting was to be held on 26 February 2015.

12. Any Other Business

No other matters were raised by those present.

The meeting finished at 2:45 pm

SCRUTINY COMMITTEE REPORT

www.oxford.gov.uk



To: Scrutiny Committee

Date: 19 January 2015

Report of: Head of Environmental Development

Title of Report: Anti-Social Behaviour, Crime and Policing Act 2014

Summary

Purpose of report: Describe the new anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014.

Key decision No

Executive lead member: Councillor Dee Sinclair, Board Member for Crime and Community Response

Report author: Richard Adams

Policy Framework: Safer communities

Appendices to report

Home Office Guidance on the ASB, Crime and Policing Act 2014

Background

The Scrutiny Committee requested a report to update them on the new tools and powers made available to the police and local authorities under the Anti-social Behaviour, Crime and Policing Act 2014.

Introduction

1. The ASB, Crime and Policing Act 2014 received Royal Assent in April 2014. It brought together 19 previous powers into six with the intention of making them quicker and easier to obtain. The majority of the anti-social behaviour (ASB) provisions came into effect in October 2014, the most notable exception being the civil injunction.
2. A number of existing pieces of legislation have been, or are to be, repealed including the Anti-Social Behaviour Order (ASBO). Gating Orders, Designated Public Places Orders and Dog Control Orders must be replaced by Public Spaces Protection Orders if still required.

Civil Injunctions

3. Injunctions are court orders that prohibit a person from doing something that adversely affects others and, with the new civil injunctions, include positive requirements the person must undertake.

4. There are two tests for a civil injunction, dependent upon whether the behaviour is housing or non-housing related. The court must decide, on the balance of probabilities if,;
 - where the perpetrator is impacting upon the housing management function of the landlord, the conduct needs to be capable of causing nuisance or annoyance.
 - for non-housing related behaviour, for example in the city centre or a shopping precinct, the behaviour is likely to cause harassment, alarm or distress.
5. If the court grants an injunction, a power of arrest can be attached to one or more prohibitions, but not the positive requirements. The police have responsibility to arrest, process and refer back to the applicant authority.
6. Breaching a civil injunction is not a criminal offence, as it was with ASBOs that it replaces, but breaches still require the criminal “beyond reasonable doubt” burden of proof. The offence is not the behaviour that caused the breach but the offence of contempt of court, carrying an unlimited fine or up to two years in prison.
7. Injunctions will be enacted sometime in early 2015, and can be applied for by the police, local authorities and social landlords. They will be issued by the High Court, County Court, or in the case of under-18s, the Youth Court.

Community Protection Notices

8. Community Protection Notices (CPNs) are designed to stop a person aged 16 or over, business or organisation committing anti-social behaviour that spoils the community’s quality of life, commonly environmental problems.
9. It can be issued by a local authority officer, a police officer, a PCSO, or a delegated social landlord.
10. A Written Warning is issued, advising the perpetrator of the problem behaviour to stop or put things right, and informing them of the consequences of continuing.
11. If the person fails to adhere to the warning, a Community Protection Notice is issued. Breach is a criminal offence where a fixed penalty notice of £100 can be served, or on prosecution, a fine of up to level 4, £2,500, or £20,000 for businesses.
12. A CPN allows the council, or its agent, to carry out works in default on behalf of a perpetrator. A court can order remedial works if the perpetrator is unwilling and issue a seizure order for property used in the anti-social behaviour.
13. The delegation of CPN powers to social landlords is due to be enacted early in 2015.

Public Spaces Protection Orders

14. Public Spaces Protection Orders (PSPOs) are designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or be likely to have, a detrimental effect on

the quality of life of those in the locality; be persistent or continuing nature; and be unreasonable.

15. The maximum length of a PSPO is three years and breaching a PSPO is a criminal offence that can be dealt with through a fixed penalty notice of up to £100 or a level 3 fine, £1000, on prosecution.
16. Dog Control Orders, Gating Orders and alcohol Designated Public Places Orders must be replaced by PSPOs within three years.
17. The City Executive Board agreed a report on the use of PSPOs. The recommendations were that the decision to implement a PSPO within a single Neighbourhood Action Group area or relates to the waterways within Oxford is delegated to the Director of Community Services. All other proposed PSPOs and those that affect the city centre are to be decided upon by the City Executive Board.

Closure Order

18. A premises Closure Notice may be issued and Closure Order sought by either the Police or Local Authority for serious anti-social behaviour associated with a premises, such as:
 - nuisance noise and disturbance
 - violence, disorder and threatening behaviour.
 - the use, production or supply of drugs.
 - sexual exploitation and trafficking.
 - prostitution.
19. A Closure Notice lasts for a maximum of 48 hours but cannot stop the owner or those who habitually live there accessing the premises. If a longer period of time is necessary, the applicant must obtain a Closure Order from the courts which can close premises for up to six months and can restrict all access.
20. Both the notice and the order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.

Criminal Behaviour Order

21. Issued by any criminal court for any criminal offence. The anti-social behaviour does not need to be part of the criminal offence.
22. Order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address the underlying causes of the offender's behaviour.
23. Agencies must find out the view of the youth offending team (YOT) for applications for under-18s.
24. Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt.

Absolute grounds for possession

25. An amendment to the Housing Act 1985 that requires a judge to grant possession of a property to a housing provider if the tenant or a member of their household or visitor has committed one of the following:

- a serious criminal offence (as defined by the Act)
- be found to have breached a civil injunction
- be convicted of a breach of CBO
- be convicted of a breach of noise abatement order

or, only in the case of a tenant, had their property made subject to a closure order.

Next steps

26. The Committee is asked to note the report

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Version number: 1.0



Home Office

Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers Statutory guidance for frontline professionals

July 2014

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Introduction

Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords.

Victims can feel helpless, bounced from one agency to another and then back again. In many cases, the behaviour is targeted against the most vulnerable in our society and even what is perceived as 'low level' anti-social behaviour, when targeted and persistent, can have devastating effects on a victim's life.

Our reforms are designed to put victims at the heart of the response to anti-social behaviour, and give professionals the flexibility they need to deal with any given situation.

This is statutory guidance issued under sections 19, 32, 41, 56, 73 and 91 of the Anti-social Behaviour, Crime and Policing Act 2014 and replaces the draft guidance issued in October 2013.

This guidance is written primarily for the police officers, council staff and social landlords who will use the new powers. Part 1 looks at the new measures being introduced to give victims a greater say in the way their reports of anti-social behaviour are dealt with. Part 2 then outlines the new powers. We have worked closely with frontline professionals, victims and others in the development of the legislation, and we will continue to work to ensure that this guidance helps professionals make best use of the new powers to protect the public.

In addition to this guidance, the Government has produced specific advice on how the new anti-social behaviour powers can be used to deal with irresponsible dog ownership. That document has been produced in conjunction with the Welsh Assembly Government and is available at <https://www.gov.uk/government/publications/tackling-irresponsible-dog-ownership-draft-practitioners-manual>

Part 1: Putting victims first

This Government has set out a new approach to crime, policing and community safety, based on a fundamental shift from bureaucratic to democratic accountability through directly elected Police and Crime Commissioners, increased transparency, and increasing professional discretion. This new approach includes overhauling the whole system of dealing with anti-social behaviour to ensure agencies are putting the needs of victims first.

This marks a decisive shift from the target-driven, top-down, directive approach of the past. It makes no sense for officials in Whitehall to decide local anti-social behaviour priorities, say how agencies should respond to specific issues, or set crude targets that can result in perverse working practices and outcomes.

Over the past few years, the police, councils and others have started to adopt a range of effective mechanisms that improve the response they provide to victims. From Multi-Agency Risk Assessment Conferences to taking on board the lessons identified in the anti-social behaviour call handling trials, victims have now become the focus of the response in many areas. This has resulted in an end-to-end risk assessment process, ensuring that vulnerable victims are better supported in cases of anti-social behaviour.

In terms of the behaviour itself, what is seen as 'anti-social' will vary from victim to victim, and community to community. This is one reason why we changed the way in which incidents of anti-social behaviour are reported, no longer focusing on the behaviour, but on the impact it has on the victim.

The right response will depend on a range of factors, but most importantly, on the needs of the victim and the impact the behaviour is having on their lives. Solutions need to be jointly developed by local agencies, each bringing their own experience and expertise to work together with communities and victims. Frontline professionals must be free to use their judgment rather than following a prescribed 'one size fits all' approach.

Giving victims a say

The Anti-social Behaviour, Crime and Policing Act 2014 includes two new measures which are designed to give victims and communities a say in the way anti-social behaviour is dealt with:

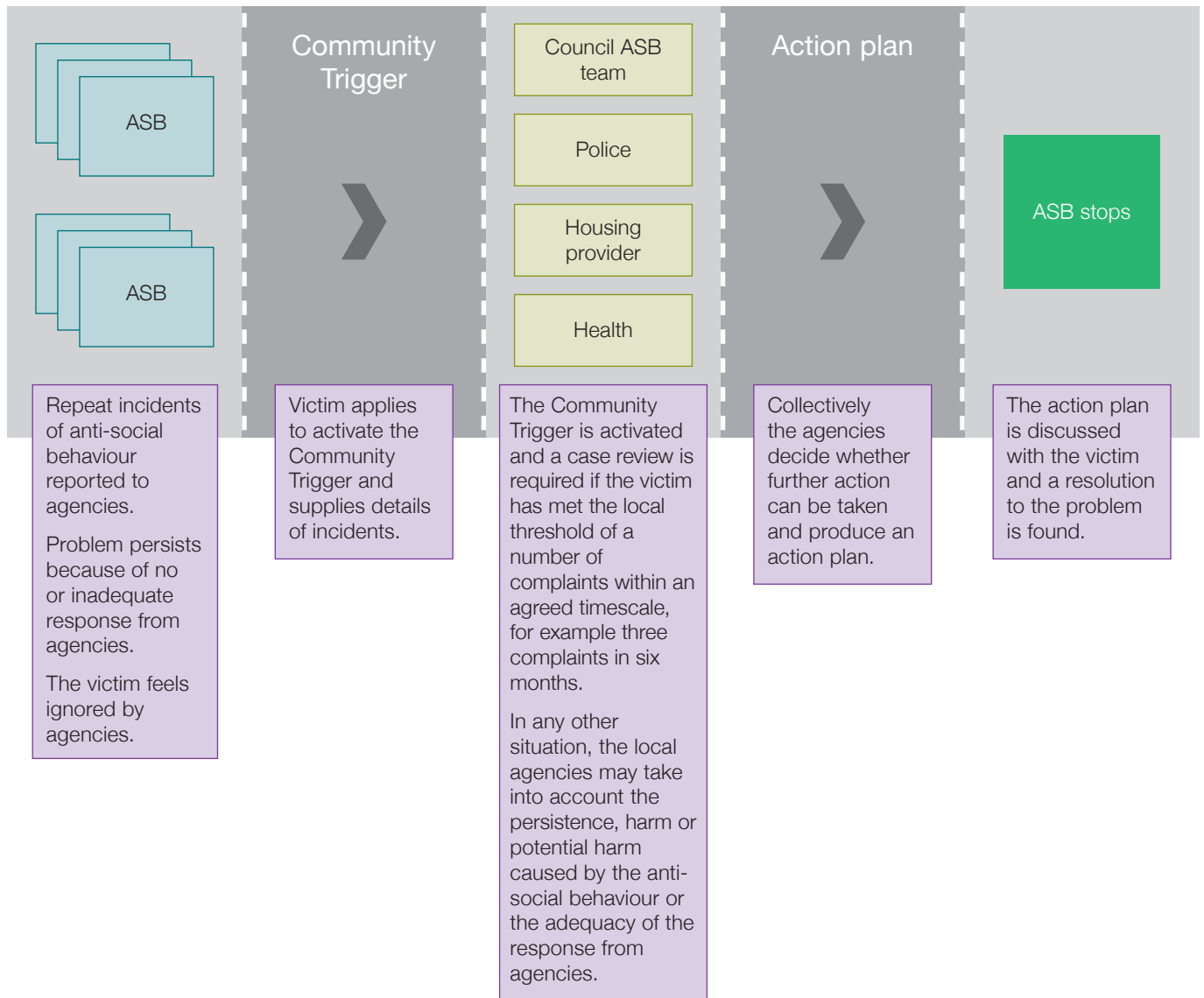
- The **Community Trigger**, gives victims the ability to demand action, starting with a review of their case, where the locally defined threshold is met.
- The **Community Remedy**, gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.

These measures are covered in more detail in this section of the guidance.

1.1 Community Trigger

Purpose	Gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.
Relevant bodies and responsible authorities	<ul style="list-style-type: none"> • Councils; • Police; • Clinical Commissioning Groups in England and Local Health Boards in Wales; • Registered providers of social housing who are co-opted into this group.
Threshold	<p>To be defined by the local agencies but not more than:</p> <ul style="list-style-type: none"> • three complaints in the previous six month period. <p>May also take account of:</p> <ul style="list-style-type: none"> • the persistence of the anti-social behaviour; • the harm or potential harm caused by the anti-social behaviour; • the adequacy of response to the anti-social behaviour.
Details	<ul style="list-style-type: none"> • When a request to use the Community Trigger is received, agencies must decide whether the threshold has been met and communicate this to the victim; • If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local Community Trigger procedure should clearly state the timescales in which the review will be undertaken; • The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour; • The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.
Who can use the Community Trigger?	<ul style="list-style-type: none"> • A victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, Member of Parliament or councillor. • The victim can be an individual, a business or a community group.

Community Trigger



Purpose

Victims will be able to use the Community Trigger to demand action, starting with a review of their case. Agencies including councils, the police, local health teams and registered providers of social housing will have a duty to undertake a case review when someone requests one and the case meets a locally defined threshold.

The Community Trigger can also be used by any person on behalf of a victim, for example a family member, friend, carer, councillor, Member of Parliament or other professional person. This is intended to ensure that all victims are able to use the Community Trigger. However, the victim's consent should be sought by the person using the Community Trigger on their behalf.

The Community Trigger can be used by a person of any age, and agencies should make it as accessible as possible to all victims.

Putting victims first: The Community Trigger will help to reassure victims that agencies take their reports of anti-social behaviour seriously, but it cannot in itself increase reporting from vulnerable victims. Agencies should consider how to maximise awareness of the Community Trigger, in particular among vulnerable people and professionals who work with vulnerable people.

Relevant bodies and responsible authorities

‘Relevant bodies’ are those organisations which have a statutory duty to have a Community Trigger procedure and to undertake case reviews when a person asks for one (and the threshold is met). The relevant bodies are:

- district councils, unitary authorities or London borough councils;
- police forces;
- clinical commissioning groups in England, local health boards in Wales; and
- social housing providers who are co-opted into the group.

There must be arrangements for the inclusion of local providers of social housing among the relevant bodies in an area.

The Act does not determine which housing providers should be co-opted into the procedures. It may be more effective to co-opt the larger housing providers so that they can be involved in developing and reviewing the Community Trigger procedures on behalf of the sector. Smaller housing providers need only be involved in the Community Trigger when a case involves one of their tenants. For the purposes of the Community Trigger, a ‘local provider of social housing’ includes:

In England:

- A private registered provider of social housing that:
 - grants tenancies of dwelling-houses in that area; or
 - manages any house or other property in that area.

In Wales:

- A body registered as a social landlord under section 3 of the Housing Act 1996 that:
 - grants tenancies of dwelling-houses in that area; or
 - manages any house or other property in that area.

Box A: How to co-opt a social landlord

Where there are a number of housing providers in an area, they could be represented by one housing provider on behalf of the sector. There may be an established working group or organisation which can provide this role, for example, in Birmingham there is an established partnership organisation.

Birmingham Social Housing Partnership is the representative organisation for housing providers in Birmingham, representing in excess of 35 housing providers. The purpose of the organisation is to ensure that registered housing providers are engaged in community safety in the city. An important part of the work is to lead the development of an action plan for providers to contribute to reducing crime, disorder and anti-social behaviour. The group supports partner agencies in their operational responses to community safety issues, anti-social behaviour, hate crime, domestic abuse and gang violence.

Role of the Police and Crime Commissioner (PCC): The local PCC must be consulted on the Community Trigger procedure when it is set up, and must also be consulted whenever the procedure is reviewed. Depending on how the local council areas are arranged for the purposes of the Community Trigger, there may be a number of different procedures in one police force area. Arrangements may be made for the PCC to be directly involved in the Community Trigger, for example by:

- auditing case reviews;
- providing a route for victims to query the decision on whether the threshold was met or the way a Community Trigger review was carried out; or
- monitoring use of the Community Trigger to identify any learning and best practice.

Threshold

The relevant bodies should work together to agree an appropriate Community Trigger threshold, taking into consideration the nature of anti-social behaviour experienced by victims in their area and working practices of the agencies involved. **The threshold must be no higher than three complaints of anti-social behaviour in a six months period. Where a person makes an application for a case review and the number of qualifying complaints has been made, the threshold for a review is met.**

In any other situation, in setting the threshold, reference may be had to any of the following matters:

- the persistence of the anti-social behaviour;
- the harm or potential harm caused by the anti-social behaviour;
- the adequacy of the response from agencies.

The relevant bodies may wish to consult the local community about what they would consider to be an appropriate threshold in their area.

The harm, or the potential for harm to be caused to the victim, is an important consideration in determining whether the threshold is met because those who are vulnerable are likely to be less resilient to anti-social behaviour. People can be vulnerable for a number of reasons, and vulnerability or resilience can vary over time depending on personal circumstances and the nature of the anti-social behaviour. The relevant bodies should use their risk assessment procedure as part of the decision on whether the threshold is met. Risk assessment matrices cannot provide a definitive assessment of someone's needs, but will assist agencies in judging an appropriate response. It may be beneficial for the relevant bodies to adopt a common risk assessment matrix, or to have one agreed matrix for the Community Trigger.

Behaviour which falls below the level of harassment, alarm or distress, may not meet the threshold, but when assessed on the grounds of potential harm to the victim, the impact of the behaviour may be such that the threshold will be met.

One of the aims of the Community Trigger is to encourage those who are most vulnerable, or may not otherwise engage with agencies, to report incidents of anti-social behaviour.

When the victim is considered vulnerable, the relevant bodies should consider what additional practical and emotional support is offered to the victim.

Qualifying complaints: The legislation sets out what will be considered a ‘qualifying complaint’ for using the Community Trigger. The purpose of this is to prevent someone reporting historical incidents of anti-social behaviour in order to use the Community Trigger. The legislation sets out the following standards but agencies can set different levels if appropriate for their area as long as it does not lower the standard as set out:

- the anti-social behaviour was reported within one month of the alleged behaviour taking place; and
- the application to use the Community Trigger is made within six months of the report of anti-social behaviour.

For the purpose of the Community Trigger, anti-social behaviour is defined as behaviour causing harassment, alarm or distress to a member, or members, of the public. However, when deciding whether the threshold is met, agencies should consider the cumulative effect of the incidents and consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

Even though housing-related anti-social behaviour has a lower test of nuisance or annoyance for an injunction under Part 1 of the Act, because of the victim’s inability to separate themselves from the anti-social behaviour the harm experienced is highly likely, depending upon the circumstances, to result in harassment, alarm or distress for the purposes of the Community Trigger.

The Community Trigger is specifically designed to deal with anti-social behaviour. However anti-social behaviour can often be motivated by hate and the relevant bodies may wish to include reports of these incidents in their Community Trigger.

Box B: Hate crime

A hate crime is any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic. Incidents can range from harassment, abusive language, criminal damage/damage to property, to threats and physical violence. Incidents of hate crime may manifest themselves in low level forms of anti-social behaviour, which on the surface may appear minor but the impact on the victim and their families may be devastating and life changing. Hate crime can also have a negative impact on cohesion and integration in communities if incidents are not dealt with quickly and effectively.

There are a number of laws in place to deal with those who commit hate crimes, including public order offences and racially and religiously aggravated offences and the courts also have powers to enhance a perpetrator's sentence for any offence that is motivated by hatred or hostility towards the victim.

In March 2012, the Government published ‘Challenge it, Report it, Stop it: The Government's Plan to Tackle Hate Crime’ (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97849/action-plan.pdf). The plan brings together the work of a number of departments and agencies under three important objectives: to prevent hate crime happening in the first place; to increase reporting and access to support, and to improve the operational response to hate crime. Whilst the Government plays a vital role in setting a national direction, the response to hate crime should be led at the local level. An effective multi-agency response to hate crime will involve professionals, the voluntary sector and communities working together to develop effective responses to tackle incidents early before they can escalate.

Details

The Community Trigger was piloted in Manchester, Brighton and Hove, West Lindsey and Boston, and Richmond upon Thames. The Home Office report 'Empowering Communities, Protecting Victims: summary report on the community trigger trials', published in May 2013 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207468/community-trigger-trials-report-v4.pdf), highlights the lessons identified by the pilot areas and will help assist the relevant bodies which are setting up their Community Trigger procedures.

Information sharing: The effective operation of the legislation requires the relevant bodies to share relevant information for the purpose of carrying out the case review. This may include details of previous complaints made by the victim, information about the effect the problem has had on others in the area, and details of what action has previously been taken. Relevant bodies should therefore have agreements in place for information sharing, risk assessments and a common understanding of the aims of the Community Trigger.

The relevant bodies may request any person to disclose information for the purpose of a Community Trigger review. If the request is made to a person who exercises public functions and they possess the information they must disclose it. The only exception to that is where to share the information would be either:

- in contravention of any of the provisions of the Data Protection Act 1998; or
- prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

Other than these two exceptions, disclosing information for the Community Trigger does not breach any obligation of confidence or any other restriction on the disclosure of information.

Housing providers undertake several functions, including some that are public in nature and some that are not. If a request is made in relation to their functions that are considered to be public in nature, the information sharing duty applies. This is the case for housing providers who are co-opted into the group of relevant bodies as well as those who are not.

Box C: Sharing information

The Homes and Communities Agency's Regulatory Framework, Neighbourhood and Community Standard, requires registered housing providers:

- to co-operate with relevant partners to help improve social, environmental and economic wellbeing in areas where they own properties; and
- to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

Publishing the Community Trigger procedure and contact details: The relevant bodies must publish the Community Trigger procedure, including the point of contact for making an application to use the Community Trigger. The relevant bodies can decide an appropriate method and format for publishing this depending on the needs of the community, for example, it may be necessary to translate the information into different languages.

The relevant bodies must publish a 'point of contact' for victims (or anyone acting on their behalf) who have decided to use the Community Trigger. This may include a phone number, email address, postal address, and a form which can be completed online.

Putting victims first: Using the Community Trigger must be straightforward for the victim. It is good practice to have a number of methods to contact an agency, and consideration should be given to the fact that some victims may feel more comfortable contacting one agency than another. The Community Trigger can be used by any person and agencies should consider how to make it as accessible as possible to young people, those who are vulnerable, have learning difficulties or do not speak English.

The Community Trigger procedure: The relevant bodies must work together to devise and agree the procedure for the Community Trigger. The procedure must include provision for a person to request a review of the way an application for a Community Trigger was dealt with, and also the way their Community Trigger review was carried out.

Box D: Basic procedure for a Community Trigger

Each area should agree a procedure that suits the needs of victims and communities locally. However, the basic outline of that procedure is likely to include the following steps:

- A victim of anti-social behaviour (or someone acting on their behalf) makes an application to use the Community Trigger.
- The relevant bodies decide whether the threshold is met.
- If it has been, then the relevant bodies share information about the case, consider whether any new relevant information needs to be obtained, review previous actions taken and propose a response. The victim is informed of the outcome or agencies will work with the victim to devise and implement an action plan.
- If necessary, escalation and review.

The case review: The relevant bodies should have an agreed procedure for carrying out the Community Trigger review. The review will look at what action has previously been taken in response to the victim's reports of anti-social behaviour.

When setting up the procedure the relevant bodies should consider how the Community Trigger can be built into existing processes. Many areas have a regular multi-agency meeting to discuss cases of anti-social behaviour, such as an Anti-social Behaviour Risk Assessment Conference or a Multi-Agency Risk Assessment Conference. These may be the best-placed forums to undertake the case review. Alternatively, the relevant bodies may decide that it is more appropriate to have a separate forum to discuss cases. It will be up to local relevant bodies to decide what works best in their area. If the perpetrator is under the age of 18 the youth offending team should be invited to attend the review.

The Community Trigger will not prompt a review of decisions previously made by the Crown Prosecution Service (CPS). If a victim is not satisfied with a decision made by the CPS they should refer to the CPS complaints process, and the Victims' Right to Review Scheme. The Victims' Right to Review Scheme makes it easier for victims to seek a review of a CPS decision not to bring charges against a suspect or to terminate proceedings, in relation to decisions made after 5 June 2013.

Making recommendations: The relevant bodies who undertake a case review may make recommendations to other agencies. The legislation places a duty on a person who carries out public functions to have regard to those recommendations. This means that they are not obliged to carry out the recommendations, but that they should acknowledge them and may be challenged if they choose not to carry them out without good reason.

The recommendations are likely to take the form of an action plan to resolve the anti-social behaviour. Whenever possible, the relevant bodies should involve the victim in devising the action plan to help ensure it meets the needs of the victim. The relevant bodies will not be able to recommend the CPS to take action. The CPS operates independently under the superintendence of the Attorney General, and must make decisions in accordance with the Code for Crown Prosecutors.

Responding to the victim: The Act places a duty on the relevant bodies to respond to the victim at particular points in the process. These include:

- the decision as to whether or not the threshold is met;
- the outcome of the review; and
- any recommendations made as an outcome of the review.

The relevant bodies should agree as part of the procedure whether one agency will communicate with all victims, or whether an appropriate agency will lead in a specific case. People who use the Community Trigger may feel that they have been let down by agencies in the past so it is important that victims receive timely and consistent communication regarding their case.

Publishing data: The legislation states that relevant bodies must publish information covering:

- the number of applications for Community Triggers received;
- the number of times the threshold for review was not met;
- the number of anti-social behaviour case reviews carried out; and
- the number of anti-social behaviour case reviews that resulted in recommendations being made.

This data can represent the whole area; it does not need to be broken down by relevant body. One relevant body can publish the information on behalf of all the relevant bodies in the area. The data must be published at least annually. The relevant bodies may wish to publish data more frequently, or to publish additional details. For example, the relevant bodies may publish information about which area the triggers came from, or which the relevant bodies they related to, if this information is useful to communities and victims. Published information must not include details which could identify the victim.

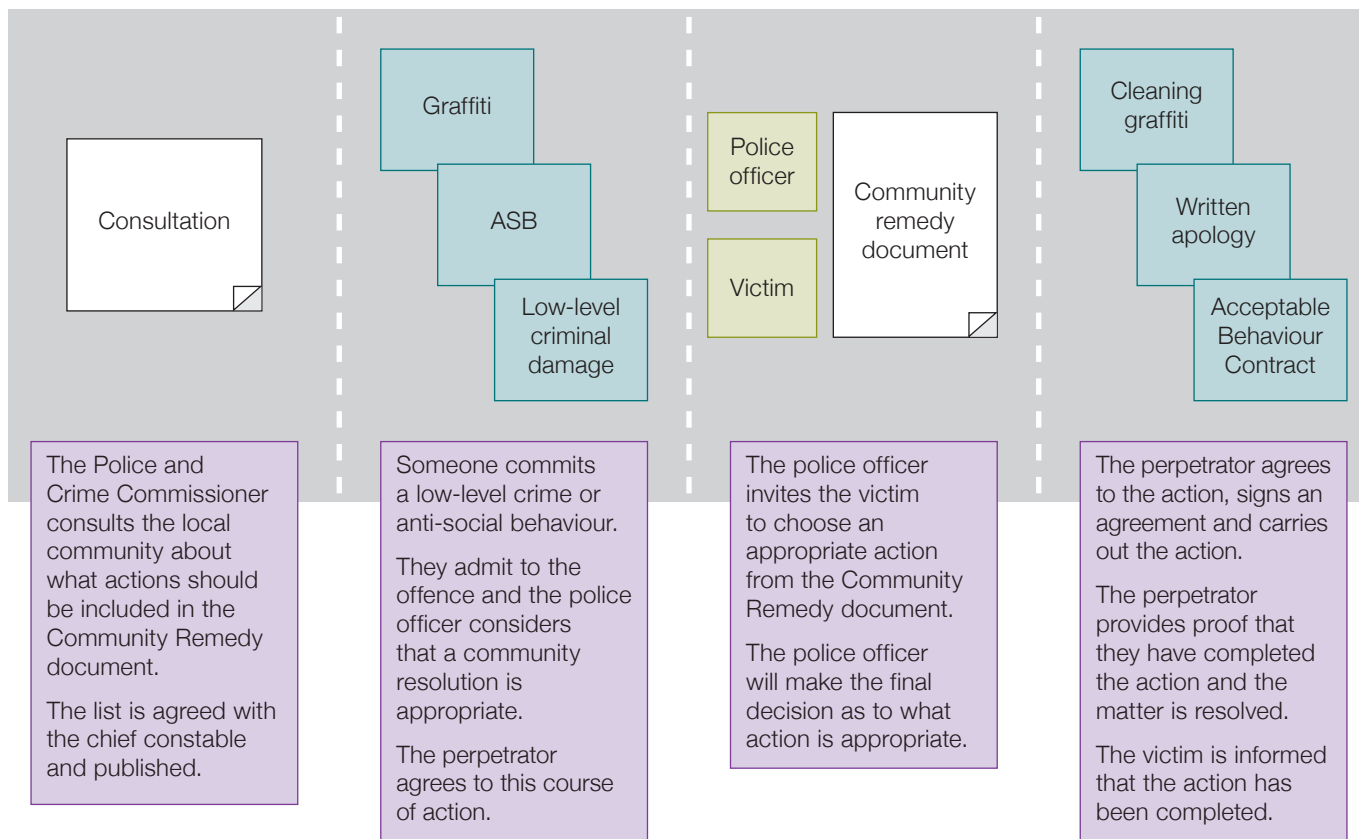
Who can use the Community Trigger?

Individuals, businesses and community groups can all use the Community Trigger. Relevant bodies may decide to have a different threshold for the community to use it collectively to encourage them to work together to share and find solutions to problems. Forums such as Neighbourhood Watch, Home Watch, residents' associations, community groups, Safer Neighbourhood meetings and Neighbourhood Policing community meetings are among the ways in which communities can share experiences and problems.

1.2 Community Remedy

Purpose	The Community Remedy gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.
The Community Remedy document	The Act places a duty on the Police and Crime Commissioner to consult with members of the public and community representatives on what punitive, reparative or rehabilitative actions they would consider appropriate to be on the Community Remedy document.
Applicants / who can use the Community Remedy	<ul style="list-style-type: none"> • Police officer; • An investigating officer (which can include Police Community Support Officers for certain offences, if designated the power by their chief constable); • A person authorised by a relevant prosecutor for conditional cautions or youth conditional cautions.
Community resolutions	When dealing with anti-social behaviour or low-level offences through a community resolution the police officer may use the Community Remedy document as a means to engage the victim in having a say in the punishment of the perpetrator.
Test	<ul style="list-style-type: none"> • The officer must have evidence that the person has engaged in anti-social behaviour or committed an offence; • The person must admit to the behaviour or the offence (and agree to participate); • The officer must think that the evidence is enough for court proceedings including for a civil injunction, or impose a caution, but considers that a community resolution would be more appropriate.
Conditional cautions	The Community Remedy document should be considered when it is proposed that a perpetrator be given a conditional caution or youth conditional caution as a means of consulting the victim about the possible conditions to be attached to the caution.
Failure to comply	If the perpetrator fails to comply with a conditional caution or youth conditional caution they can face court action for the offence.
Important changes/ differences	The Community Remedy document is a list of actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending.

Community Remedy



Purpose

This section explains how the Community Remedy document should be developed and how it should be used when a community resolution, conditional caution or youth conditional caution is the chosen disposal.

The Community Remedy document will be used as part of the existing process for delivering community resolutions. It will give victims of low-level crime and anti-social behaviour a say in the punishment of perpetrators out of court. The Community Remedy may also be used when a conditional caution or youth conditional caution is given, as a means of consulting the victim about the possible conditions to be attached to the caution.

The community remedy is for anti-social behaviour and low-level criminal offences.

The Community Remedy document

The Community Remedy document is a list of actions that the victim will be invited to choose from when a community resolution is to be used. The list of actions may vary from one police force area to another, based on what is available in the area and what the Police and Crime Commissioner (PCC) and chief constable agree are appropriate. The Community Remedy document must be published.

Consultation

There is a duty on the PCC to consult with members of the public and community representatives on what actions they would consider appropriate to be included in the Community Remedy document. The PCC has a statutory duty to consult the local authority and chief officer of police for the area on what actions they consider should be included. The local authority youth offending and community safety teams will know what resources and facilities are available locally.

The public consultation could be undertaken as part of another consultation, for example, when consulting on the Police and Crime Plan. The Community Remedy document may be revised at any time and it may be desirable to do this if new options are to be added. Consultation may be undertaken in whatever format the PCC considers appropriate (for example, online consultation, talking to community groups and local victims groups, via local newspapers or a combination of formats).

Actions in the Community Remedy document

The PCC and the chief constable will agree the actions listed on the Community Remedy document. These actions must be appropriate and proportionate to the types of offences for which community resolutions are used, and seek to have a positive impact on the perpetrator. Each of the actions must have a:

- punitive element: reflecting the effects on the victim and the wider community; or
- reparative element: achieving appropriate restitution/reparation to the victim; or
- rehabilitative element: helping to address the causes of the perpetrator's behaviour; or
- combination of these.

The actions available must help improve public confidence in the use of out-of-court disposals and must be compatible with the perpetrator's human rights.

Box E: What could be included?

The legislation does not specify what actions should be included in the Community Remedy document. This will vary from one police force to another depending on the views of local people and the availability of actions or activities. Actions in the Community Remedy document may include:

- mediation (for example, to resolve a neighbour dispute);
- a written or verbal apology;
- the perpetrator signing an Acceptable Behaviour Contract – where they agree not to behave anti-socially in the future – or face more formal consequences;
- take part in a restorative justice activity such as a neighbourhood justice panel;
- paying an appropriate amount for damage to be repaired or stolen property to be replaced;
- participation in structured activities that are either educational or rehabilitative, funded by the PCC as part of their efforts to reduce crime; or
- reparation to the community (for example, by doing local unpaid work for a short period).

Community Resolutions

Typically, community resolutions are used when dealing with low-level criminal damage, low value theft, minor assaults (without injury) and anti-social behaviour.

Community resolutions can be used by a police officer or an investigating officer. Police community support officers (PCSOs) can carry out community resolutions for offences which their chief constable has designated them powers to deal with. Community resolutions may also be delivered by PCSOs on the authority of a police officer of the appropriate rank.

Section 38 of the Police Reform Act 2002 defines an investigating officer as a person employed by a police force or Office of the Police and Crime Commissioner, or who is under the direction and control of the chief officer, and has been designated as an investigating officer.

Before deciding on a community resolution the police officer must:

- have evidence that the person has engaged in anti-social behaviour;
- have an admission of guilt from the person engaged in the behaviour (and they agree to participate and are capable of understanding the situation and process);
- believe that the evidence is sufficient for taking proceedings for a civil injunction, or other court proceedings, caution, or fixed penalty notice, but considers that a community resolution would be more appropriate.

Further information can be found in the ACPO Guidelines on the use of Community Resolutions (CR) Incorporating Restorative Justice (RJ) 2012 (<http://www.acpo.police.uk/documents/criminaljustice/2012/201208CJBAComResandRJ.pdf>).

Using the community remedy document with community resolutions

When a community resolution is to be used, the officer must make reasonable efforts to obtain the views of the victim as to whether the perpetrator should carry out any of the actions listed in the Community Remedy document. If the officer considers that the action chosen by the victim is appropriate, the perpetrator should be asked to carry out that action. The police officer or investigating officer in question will have ultimate responsibility for ensuring that the action offered to the perpetrator is appropriate and proportionate to the offence.

If there are multiple victims of the offence, the officer must make reasonable efforts to take the views of all the victims into account. If the victims have different views then the officer should consider these but will make the final decision as to which action it is appropriate for the perpetrator to undertake.

Community resolutions are entirely voluntary. The officer should ensure the victim understands the purpose of community resolutions and that the victim knows that they can choose not to be involved. This will help to ensure the victim has realistic expectations of what can be achieved. For example, the resolution may not be legally enforceable if the perpetrator fails to complete the agreed action.

It is not necessary for the victim to meet the perpetrator in order to choose the action in the Community Remedy document. The officer may consider undertaking a risk assessment, particularly if the victim is known to the perpetrator, or if the resolution involves the victim meeting the perpetrator.

Putting victims first: The Community Remedy is intended to give victims more say in the punishment of perpetrators out of court. However, the victim's involvement is voluntary and the victim must not be made to feel they should take part in a process they are not comfortable with, that they think may put them at risk, or that they do not believe will be of benefit to them.

When using the Community Remedy the officer should consider the most appropriate way to involve the victim. If the victim is under 18 or vulnerable, they may require a family member or carer to assist them understand the purpose of community resolutions and choose an action from the Community Remedy document.

If the victim is not contactable, or it cannot be ascertained who the victim is, for example, if the offence is graffiti in a public place, the officer will choose an appropriate action for the perpetrator to undertake.

Conditional caution and youth conditional caution

When a conditional caution or a youth conditional caution is to be used, the officer or authorised person must make reasonable efforts to obtain the views of the victim as to whether the perpetrator should carry out any of the actions listed in the Community Remedy document. If the officer issuing the conditional caution considers that the action chosen by the victim is appropriate, the action can form part of the conditions of the caution. The police officer or investigating officer in question (or prosecutor in some cases) will have ultimate responsibility for ensuring that the sanction offered to the perpetrator is appropriate and proportionate to the offence.

If there are multiple victims of the offence, the officer must make reasonable efforts to take the views of all the victims into account. If the victims have different views then the officer should consider these but will make the final decision as to which action it is appropriate for the perpetrator to undertake.

Conditional cautions are available for all offences except domestic violence and hate crimes, which are excluded from the conditional caution scheme. For full details of the considerations to apply when deciding whether to use a conditional caution, see the Ministry of Justice's Statutory Code of Practice for Adult Conditional Cautions.

<https://www.gov.uk/government/publications/code-of-practice-for-adult-conditional-cautions>

A youth conditional caution is available for any offence, except for domestic violence or hate crime, which scores four on the ACPO Gravity Matrix. Full details can be found in the Ministry of Justice's Statutory Code of Practice for Youth Conditional Cautions.

<https://www.gov.uk/government/publications/code-of-practice-for-youth-conditional-cautions--2>

Part 2: More effective powers

Dealing with anti-social behaviour is rarely simple. The new powers are designed to be flexible, allowing professionals to adapt them to protect victims in a wide range of situations. However, the new powers will work best when complemented by more effective ways of working – in particular, working in partnership, sharing information and using early and informal interventions.

Working together and sharing information

The new powers will allow the police, councils, social landlords and others to deal with problems quickly. However, local agencies should still work together where appropriate to ensure the best results for victims. Each agency brings with it a range of expertise and experience that when brought together can assist in resolving issues more effectively.

As part of this joined-up approach, an effective information-sharing protocol is essential. There is already a duty on some bodies (such as the police and councils) to work together and in areas where this works well, with information flowing between partners quickly, victims can see a real difference in the response to their reports of anti-social behaviour. The Community Trigger outlined in Part 1 of this guidance includes a specific duty on some bodies to share information when the trigger is activated, however, partners should not wait until a victim feels they are being ignored before coming together to prepare a response.

Case management

Effective case management should underpin all activity to deal with anti-social behaviour, starting from when a complaint is received until the matter is resolved. The welfare, safety and well-being of victims whose complaints form the basis of any action must be the main consideration at every stage of the process. This will ensure that agencies provide a fair and consistent service to the public, taking timely appropriate action to tackle anti-social behaviour.

Assessing the risk to victims

It is good practice for agencies to assess the risk of harm to the victim, and their potential vulnerability, when they receive a complaint about anti-social behaviour. This should mark the start of the case-management process. It is important to identify the effect the anti-social behaviour is having on the victim, particularly if repeated incidents of anti-social behaviour are having a cumulative effect on their well-being. A continuous and organised risk assessment will help identify cases that are causing, or could result in serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of anti-social behaviour against the victim.

2.1 Early and informal interventions

Early intervention, especially through informal approaches, can be successful in stopping the anti-social behaviour committed by the majority of perpetrators. For example, a 2013 HouseMark survey showed that over 80% of anti-social behaviour cases dealt with by social landlords were successfully resolved through some form of early or informal intervention.

Early and informal interventions can establish clear standards of behaviour and reinforce the message that anti-social behaviour will not be tolerated. In many cases, awareness of the impact of their behaviour on victims, and the threat of more formal enforcement tools, can be a sufficient incentive for an individual to change their behaviour. It should be for frontline professionals to decide when and how to use these approaches, but the Government encourages use of informal methods where it is deemed to be appropriate.

Informal interventions should be considered first in most cases, particularly when dealing with young people, as they can stop bad behaviour before it escalates. This should be determined by professionals on a case by case basis. However, some of the most common forms of informal intervention are included below for reference. Alternatively, in cases where informal intervention is not the appropriate first step, perhaps because the victim is at risk of harm, professionals should consider progressing directly to formal sanctions.

Warnings

Verbal warnings: In deciding to use a verbal warning, the officer should still consider the evidence. For instance, the officer should have reason to believe that the anti-social behaviour has occurred, or is likely to occur, and that the individual's behaviour could be considered to be unreasonable. In issuing a verbal warning, the police, council or housing officer should make clear to the individual what behaviour is causing the issue and what effect this is having on the victim or community and the consequences of non-compliance are explained clearly.

Written warnings: As with a verbal warning, a written warning should contain specifics about what behaviour has occurred and why this is not acceptable, including the impact on any victims or local community. Local agencies should alert each other that the warning has been given so that it can be effectively monitored.

Each agency needs to ensure that it keeps a record of any verbal or written warning given so that it may be used as evidence in court proceedings if required.

Local agencies may wish to consider what level of detail they go into at this stage regarding the consequences of further anti-social behaviour and more serious sanctions – for instance, an Acceptable Behaviour Contract, court proceedings for a civil injunction or even criminal proceedings if the behaviour escalates.

Community resolution

'Community resolution' is the nationally recognised term for the resolution of a less serious offence or anti-social behaviour, through informal agreement between the parties involved as opposed to progression through the criminal justice process. A community resolution may be used with both youth and adult perpetrators. It enables the police to deal more proportionately with lower level crime and anti-social behaviour in a timely and transparent manner that takes into account the needs of the victim, perpetrator and wider community, outside the formal criminal justice system.

Community resolutions are primarily aimed at first time perpetrators where genuine remorse has been expressed, and where an out-of-court disposal is more appropriate than taking more formal action. Community resolutions can help to reduce reoffending by encouraging perpetrators to face up to the impact of their behaviour and to take responsibility for making good the harm caused.

Further information can be found in the ACPO Guidelines on the use of Community Resolutions (CR) Incorporating Restorative Justice (RJ) 2012.

The new Community Remedy document outlined in Part 1.2 must be used when dealing with anti-social behaviour or lower-level offences out of court through community resolutions.

Mediation

In many cases of anti-social behaviour, mediation can be an effective tool, solving the issue by bringing all parties to the table. This can be very effective in neighbour disputes, family conflicts, lifestyle differences such as noise nuisance complaints and similar situations where it can sometimes be difficult to identify the victim and the perpetrator.

Mediation does not work if it is forced on those involved. All parties must be willing to come to the table and discuss their issues and agencies should consider whether mediation is appropriate, who should attend and set clear ground rules for participation.

It is not for the mediator to establish a solution to the issue as, in most cases, they will have already tried this with each party unsuccessfully. For mediation to deliver long-term solutions, those in dispute should agree a solution. The mediator should facilitate this conversation and ensure all parties adhere to the ground rules. They can also draw up an agreement if required for all parties to sign to formalise what has been agreed.

Acceptable Behaviour Contracts

Acceptable behaviour contracts (ABCs), sometimes called acceptable behaviour agreements, can be an effective way of dealing with anti-social individuals, especially where there are a number of problem behaviours. They can also be very effective at dealing with young people early, to nip problem behaviours in the bud before they escalate.

ABCs are a written agreement between a perpetrator of anti-social behaviour and the agency or agencies acting locally to prevent that behaviour. The terms of an ABC can be discussed with the perpetrator before they are drafted and signed to encourage compliance. However, there is no formal sanction associated with refusing to sign an ABC, so if an individual does not wish to sign, they cannot be forced to do so. However, refusal to sign an ABC may persuade a court that only a civil injunction or a criminal behaviour order will prevent the anti-social behaviour.

While there are no formal sanctions associated with breaching the conditions of an ABC, agencies should consider further steps if the individual does not change their behaviour. Potential further action should be made clear in the ABC so that the perpetrator is aware of the consequences of failing to comply. In the case of graffiti, for example, this could be the issue of a community protection notice or an application for a civil injunction.

In cases where court proceedings are subsequently deemed necessary, the work undertaken as part of drafting an ABC can form part of the evidence pack. For instance, any discussion with victims and communities to assess the impact of the behaviour could form the basis of a community impact statement for the court.

Parenting contracts

Where informal interventions are used against under 18s, the parents or guardians of the young person should be contacted in advance of the decision to take action. In many cases, the parents or guardians can play an important role in ensuring the individual changes their behaviour. While there are formal routes such as parenting orders, at this stage it may be appropriate to include a role for the parent in an ABC. In addition, if the behaviour of the parent is part of the issue (either because they are a bad influence on the child or fail to provide suitable supervision) agencies could consider a parenting contract. These are similar to an ABC but are signed by the parent or guardian. They could also be considered where the child in question is under 10 and so other interventions are not appropriate for the perpetrator themselves.

With a potentially troubled family, agencies should consider discussing the matter with other bodies with an interest – for instance the local youth offending team, social services and school to assess the scale of the problem. Family intervention programmes and the local Troubled Families Unit should also be contacted where appropriate to discuss potential interventions.

Support and counselling

In many cases, there are underlying causes of the anti-social behaviour. The new powers allow professionals to actively deal with these through the use of positive requirements. However, there is no need to wait until formal court action before offering help.

Substance misuse or alcohol dependency can drive anti-social behaviour and low-level crime, and support can have a positive impact. Catching someone before they fall into a criminal way of life by supporting them to escape addiction can save thousands of pounds in enforcement action over a person's lifetime.

The Troubled Families Programme has already identified many of the issues faced by young people (<https://www.gov.uk/government/policies/helping-troubled-families-turn-their-lives-around>). The young person being dealt with may already be known by the Troubled Families Unit, but if not, it may be useful to discuss the issues with local experts to see whether there is a wider support programme that can be put in place.

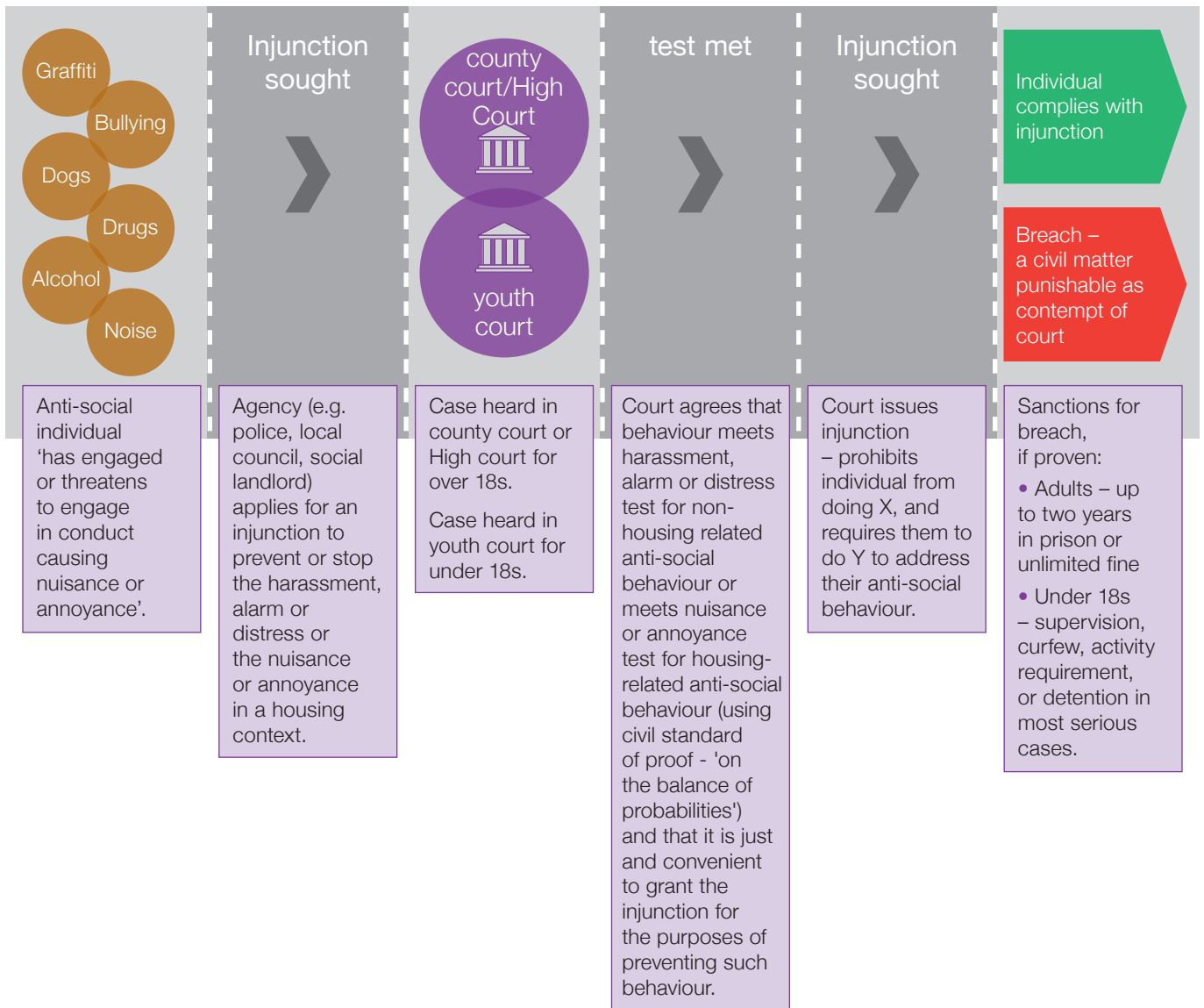
Conclusion

These are only a selection of the informal approaches that have been successful across England and Wales in recent years. In many cases, informal early intervention is successful in changing behaviours and protecting communities. Local enforcement agencies should develop a framework of early and informal interventions that reflects the needs of victims and communities. Early and informal interventions may be included in a plan to deal with anti-social behaviour locally, but should not replace formal interventions where they are the most effective means of dealing with anti-social behaviour.

2.2 Civil injunction

Purpose	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.
Applicants	<ul style="list-style-type: none"> • Local councils; • Social landlords; • Police (including British Transport Police); • Transport for London; • Environment Agency and Natural Resources Wales; and • NHS Protect and NHS Protect (Wales)
Test	<ul style="list-style-type: none"> • On the balance of probabilities; • Behaviour likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or • Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and • Just and convenient to grant the injunction to prevent anti-social behaviour.
Details	<ul style="list-style-type: none"> • Issued by the county court and High Court for over 18s and the youth court for under 18s. • Injunction will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour. • Agencies must consult youth offending teams in applications against under 18s.
Penalty on breach	<ul style="list-style-type: none"> • Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond reasonable doubt. • Over 18s: civil contempt of court with unlimited fine or up to two years in prison. • Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.
Appeals	<ul style="list-style-type: none"> • Over 18s to the High Court; and • Under 18s to the Crown Court.
Important changes/ differences	<ul style="list-style-type: none"> • Available to a wider range of agencies than Anti-Social Behaviour Injunctions. • Obtainable on a civil standard of proof unlike Anti-Social Behaviour Orders (ASBOs). • No need to prove “necessity” unlike ASBOs. • Breach is not a criminal offence. • Scope for positive requirements to focus on long-term solutions.

Civil injunction



Purpose

The injunction under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with anti-social individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person’s behaviour from escalating.

Although the injunction is a civil power, it is still a formal sanction and many professionals will want to consider informal approaches before resorting to court action, especially in the case of under 18s. However, where informal approaches have not worked or professionals decide that a formal response is needed more quickly, they should be free to do so.

Applicants

A number of agencies can apply for the injunction to ensure that the body best placed to lead on a specific case can do so. These are:

- A local council;
- A housing provider;

- The chief officer of police for the local area;
- The chief constable of the British Transport Police;
- Transport for London;
- The Environment Agency and Natural Resources Wales;
- NHS Protect and NHS Protect (Wales).

Putting victims first: Anti-social behaviour should be tackled with agencies working together, rather than in isolation. Agencies may consider establishing local consultation protocols and arrangements for applying for injunctions.

Test

There are two tests for an injunction under Part 1 of the 2014 Act.

Non-housing related

For anti-social behaviour in a non-housing related context the test is conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. This will apply, for example, where the anti-social behaviour has occurred in a public place, such as a town or city centre, shopping mall, or local park, and where the behaviour does not affect the housing management functions of a social landlord or people in their homes.

Housing-related

For anti-social behaviour in a housing context the nuisance or annoyance test will apply, that is, where the conduct is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing-related nuisance or annoyance to any person. Only social landlords, local councils or the police will be able to apply for an injunction under these provisions in the legislation. In the case of social landlords only, "housing-related" means directly or indirectly relating to their housing management function.

The injunction can be applied for by the police, local councils and social landlords against perpetrators in social housing, the private-rented sector and owner-occupiers. This means that it can be used against perpetrators who are not even tenants of the social landlord who is applying for the order.

The injunction can also be used in situations where the perpetrator has allowed another person to engage in anti-social behaviour, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person, such as a visitor or lodger, is or has been behaving anti-socially, the injunction could be used against the problem visitor, lodger or owner if applicable. An agency seeking to apply for the injunction must produce evidence (to the civil standard of proof, that is, 'on the balance of probabilities') and satisfy the court that it is both 'just and convenient' to grant the order.

Putting victims first: In deciding whether the individual's conduct has caused or is likely to cause harassment, alarm or distress or is capable of causing nuisance or annoyance, agencies should communicate with all potential victims and witnesses to understand the wider harm to individuals and the community. Not only will this ensure that victims and communities feel that their problem is being taken seriously, but it will also aid the evidence-gathering process for application to the court.

Details

Who can the injunction be issued against? A court may grant the injunction against anyone who is 10 years of age or over. Applications against individuals who are 18 years of age or over must be made in the county court or High Court, whilst applications against individuals who are under 18 years of age must be made in the youth court.

Intergenerational or ‘mixed aged’ cases: Mostly, hearings for injunction applications will be heard in the youth court for under 18s and the county court for over 18s. However, there are some cases of anti-social behaviour where the individuals involved include both over 18s and under 18s. In such cases, the applicant can apply to the youth court to have such cases heard together as joint hearings. The youth court must find that it is in the interests of justice to hear the ‘mixed aged’ case and, if it does so, the case can only be heard in that court – the joint hearing cannot be heard in the county court. However, subsequent hearings (breach etc.) involving individuals over 18 will take place in the county court.

Dealing with young people: Applicants must consult the local youth offending team (YOT) if the application is against someone under the age of 18 and inform any other body or individual the applicant thinks appropriate, for example, a youth charity that is already working with the young person. Although the consultation requirement does not mean that the YOT can veto the application, it is important that applicants fully consider and take into account representations from the YOT as part of developing good partnership working in cases involving young people. YOTs play a central role in preventing and reducing anti-social behaviour by young people, working with them to try and help them stay away from crime. For more information on YOTs and how to find your local team you should visit <https://www.gov.uk/youth-offending-team>.

YOTs will be important in getting the young person to adhere to the conditions in the injunction and that they are understood. The conditions will be overseen by a responsible officer in the YOT or children’s and family services. YOTs will also work with applicants as part of a multi-agency approach to ensure that positive requirements in the injunction are tailored to the needs of the young person.

When can injunctions be used? The injunction can be used to deal with a wide range of behaviours, many of which can cause serious harm to victims and communities in both housing-related and non-housing related situations. This can include vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours, or bullying. Agencies must make proportionate and reasonable judgements before applying for the injunction. Injunctions should not be used to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause, anti-social behaviour to victims or communities. Failure to make such reasonable and proportionate judgements will increase the likelihood that an application will not be successful.

What to include: The injunction will include relevant prohibitions to get individuals to stop behaving anti-socially. It can also include positive requirements to get the individual to deal with the underlying cause of their behaviour. Agencies will have the discretion to tailor the positive requirements in each case to address the respondent’s individual circumstances, behaviour and needs. Positive requirements could include the following:

- The respondent attending alcohol awareness classes for alcohol-related problems;
- Irresponsible dog owners attending dog training classes provided by animal welfare charities; or
- The respondent attending mediation sessions with neighbours or victims.

The prohibitions or requirements in the injunction must be reasonable and must not, so far as practicable:

- interfere with the times, if any, at which the respondent normally works or attends school or any other educational establishment; or
- conflict with the requirements of any other court order or injunction to which the respondent may be subject.

In addition to these factors, applicants should consider the impact on any caring responsibilities the perpetrator may have and, in the event that they have a disability, whether he or she is capable of complying with the proposed prohibitions or requirements.

A draft of the proposed terms of the injunction should include all proposed prohibitions and requirements, their duration and any powers of arrest attached. Applicants will need to be prepared for the court to examine each prohibition and requirement, and will need to be able to prove how each will help stop or prevent the respondent from engaging in or threatening to engage in anti-social behaviour in the future.

Putting victims first: Keeping victims and communities updated on enforcement action at key points can help them deal with the impact the behaviour is having. Victims may feel that their complaint has been ignored if they don't see immediate changes to the behaviour. However, simply informing them of what is happening can make a huge difference.

Duration of injunctions: Prohibitions or requirements in the injunction can be for a fixed or indefinite period for adult perpetrators. In the case of under 18s the prohibitions or requirements must have a specified time limit, and the maximum term is 12 months.

Exclusion from the home: The court may exclude a perpetrator over the age of 18 from any premises or an area specified within the terms of the injunction. This can include their home, where the court thinks that the anti-social behaviour includes the use, or threatened use, of violence against other persons, or there is a significant risk of harm. The word harm is defined in section 20 of the legislation as including "serious ill-treatment or abuse, whether physical or not" – which means that it could include emotional or psychological harm, such as harassment or racial abuse.

Social landlords will only be able to apply to the court to exclude their own tenants and visitors to properties managed by them, whilst councils and the police will be the lead agencies in applying to exclude private tenants or owner-occupiers from their homes. In cases where the police or the local council is the lead agency in an application to exclude a social tenant, they should consult the landlord. If the exclusion is applied against someone in privately rented accommodation or in residential leasehold housing, the police force or council should, where circumstances permit, inform and consult the landlord (generally referred to in the leasehold as the freeholder) beforehand.

We do not expect the power of exclusion to be used often and the court will pay special attention to proportionality in light of the Article 8 (Right to respect for private and family life, European Convention on Human Rights) implications. As such, applications should only be made for exclusion in extreme cases that meet the higher threshold set out above.

Publicising the injunction issued to a young person: Making the public aware of the perpetrator and the terms of the order can be an important part of the process in dealing with anti-social behaviour. It can provide reassurance to communities that action is being taken when they report anti-social behaviour. It will also provide the information local people need to identify and report breaches. The decision to publicise the injunction will be taken by the police or council unless the court has made a section 39 order (Children and Young Persons Act 1933) prohibiting

publication. When deciding whether to publicise the injunction, public authorities (including the courts) must consider that it is necessary and proportionate to interfere with the young person's right to privacy, and the likely impact on a young person's behaviour. This will need to be balanced against the need to provide re-assurance to the victims and the wider community as well as providing them with information so that they can report any breaches. Each case should be decided carefully on its own facts.

'Without notice' applications: Injunctions can be applied for 'without notice' being given to the perpetrator in exceptional cases to stop serious harm to victims. They should not be made routinely or in place of inadequate preparation for normal 'with notice' applications. The notification and consultation requirements that apply to 'with notice' applications do not apply to 'without notice' applications.

Interim injunctions: The court will grant an interim injunction if a 'without notice' application is successful. The court may also grant an interim injunction where a standard application is adjourned. The interim injunction can only include prohibitions, not positive requirements. When applying for an interim injunction, the applicant should ensure that the application presents the victim's case and also why the interim injunction is necessary.

Variation and discharge of injunctions: The court has the power to vary or discharge the injunction upon application by either the perpetrator or the applicant. If the applicant wishes to discharge or vary the injunction, they should notify the people and organisations they consulted as part of the initial application process. Applicants may consider applying to vary the injunction in response to changes in the respondent's behaviour. The powers of the court to vary the injunction include:

- to remove a prohibition or requirement in the injunction;
- to include a prohibition or requirement in the injunction;
- to reduce the period for which a prohibition or requirement has effect;
- to extend the period for which a prohibition or requirement has effect; or
- to attach a power of arrest, or extend the period for which a power of arrest has effect.

If the court dismisses an application to vary the injunction, the relevant party is not allowed to make a further application without the consent of the court or the agreement of the other party.

Power of arrest: The court can attach a power of arrest to any prohibition or requirement in the injunction, except a positive requirement, that is, a requirement that the respondent participates in a particular activity. The court can only attach a power of arrest if:

- the anti-social behaviour in which the respondent has engaged, or threatens to engage, consists of or includes the use, or threatened use, of violence against other persons; or
- there is a significant risk of harm to other persons from the respondent.

If the applicant believes a power of arrest is appropriate, they should present this by way of written evidence. Such evidence may indicate that the respondent poses a high level of risk to the victim or the community should any of the conditions in the injunction be breached, for example, a history of violent behaviour. Where a power of arrest is attached to a condition of the injunction, a police officer can arrest the respondent without warrant if he or she has reasonable cause to believe that a breach has occurred. The police must present the respondent to court within 24 hours of their arrest (except on Sunday, Christmas Day and Good Friday).

If the applicant thinks that the respondent has breached a term of the injunction to which a power of arrest has not been attached, they may apply to the court for an arrest warrant. The application must be made to a judge in the county court in the case of an adult and a justice of the peace in

the case of respondents who are below the age of 18. The court may then issue a warrant for the respondent's arrest and to be brought before the court but only if it has reasonable grounds for believing the respondent has breached a provision in the injunction. The police must inform the applicant when the respondent is arrested.

Hearsay evidence: Hearsay and professional witness evidence allow for the identities of those who are unable to give evidence due to fear or intimidation, to be protected. This is especially important as cases can involve anti-social behaviour in residential areas where local people and those targeted by the behaviour may feel unable to come forward for fear of reprisals. Hearsay evidence could be provided by a police officer, healthcare official, or any other professional who has interviewed the witness directly.

Penalty on breach

The breach of the injunction is not a criminal offence. However, due to the potential severity of the penalties which the court can impose on respondents, the criminal standard of proof – 'beyond reasonable doubt' – is applied in breach proceedings.

For adults, breach is dealt with by a civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine. The imprisonment is for contempt of court, not for the conduct. For under 18s, breach proceedings are dealt with in the youth court and could result in a supervision order with a supervision, curfew or activity requirement. In the most serious cases, (that is, 'where the court determines that because of the severity or extent of the breach no other power available to it is appropriate') the court may impose a detention order on a young person for breaching the terms of the injunction – including breach of a positive requirement. For under 18s, only those between 14 and 17 years of age can be detained for breaching the injunction and they cannot be detained for longer than three months.

Remands: The court has the power to remand a perpetrator in custody or on bail after they have been arrested for suspected breach of the injunction (with or without warrant). An under 18 can only be remanded in custody on medical grounds, that is, after obtaining evidence from a registered medical practitioner the court is satisfied that the young person is suffering from a mental disorder and it would be impracticable to get a medical report for the young person if they were granted bail. The court has discretion as to whether to remand a person on bail or in custody.

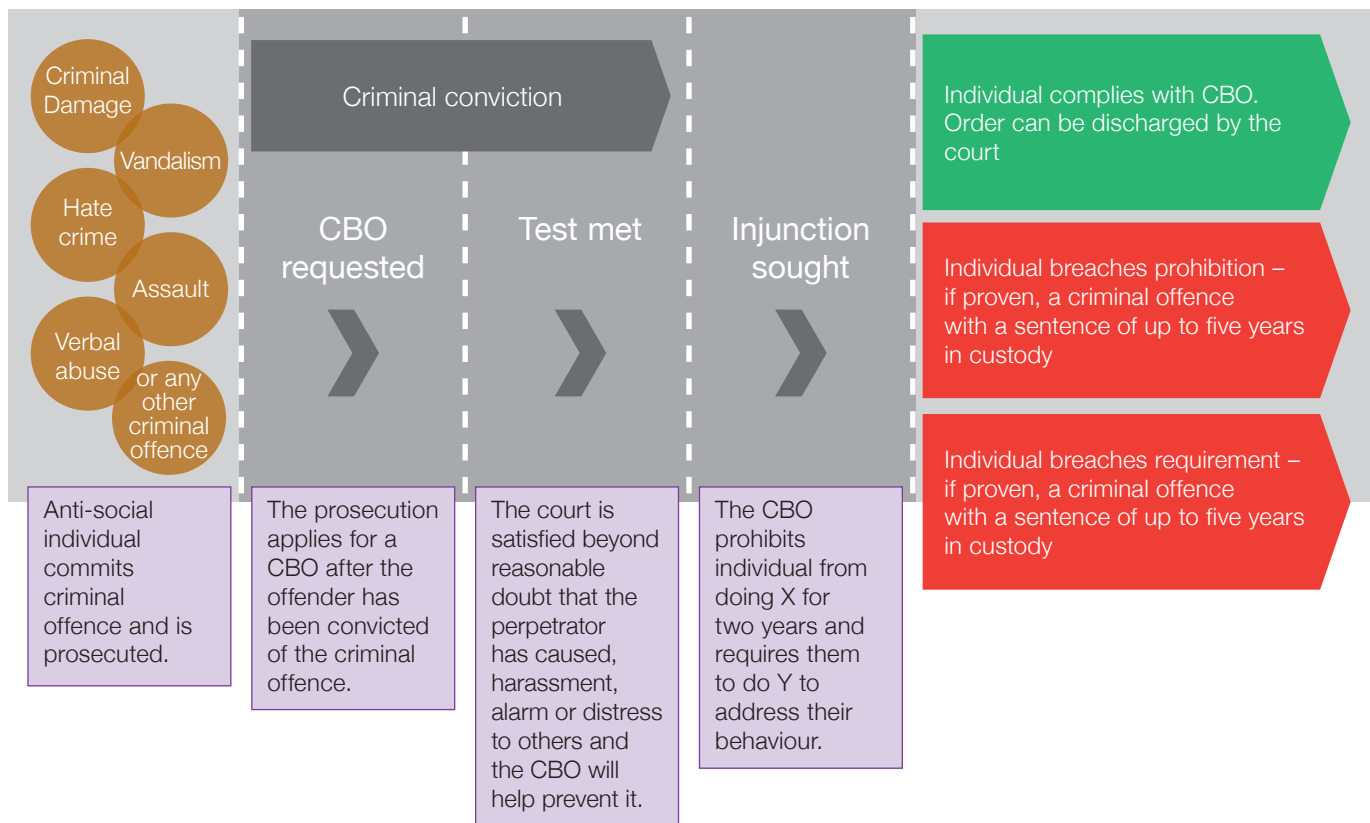
Appeals

Appeals may be lodged by both the applicant and perpetrator following the grant, refusal, variation or discharge of the injunction. A decision by the county court (in the case of proceedings in respect of an adult) may be appealed to the High Court. Appeals against decisions of the youth court in under 18 cases are heard in the Crown Court.

2.3 Criminal behaviour order

Purpose	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.
Applicants	The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.
Test	<ul style="list-style-type: none"> • If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and • The court considers that making the order will help prevent the offender from engaging in such behaviour.
Details	<ul style="list-style-type: none"> • Issued by any criminal court for any criminal offence. • The anti-social behaviour does not need to be part of the criminal offence. • Order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address the underlying causes of the offender's behaviour. • Agencies must find out the view of the youth offending team (YOT) for applications for under 18s.
Penalty on breach	<ul style="list-style-type: none"> • Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt. • For over 18s on summary conviction: up to six months imprisonment or a fine or both. • For over 18s on conviction on indictment: up to five years imprisonment or a fine or both. • For under 18s: the sentencing powers in the youth court apply.
Appeals	<ul style="list-style-type: none"> • Appeals against orders made in the magistrates' court (which includes the youth court) lie to the Crown Court. • Appeals against orders made in the Crown Court lie to the Court of Appeal.
Important changes/ differences	<ul style="list-style-type: none"> • Consultation requirement with YOTs for under 18s. • No need to prove "necessity" unlike Anti-Social Behaviour Orders. • Scope for positive requirements to focus on long-term solutions.

Criminal behaviour order



Purpose

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

Applicants

The prosecution, usually the Crown Prosecution Service (CPS), but in some cases it could be a local council, may apply for the CBO after the offender has been convicted of a criminal offence. The prosecution can apply for a CBO at its own initiative or following a request from a council or the police. The CBO hearing will occur after, or at the same time as, the sentencing for the criminal conviction.

Good relationships will be important between local agencies and the CPS to ensure the CBO application can be properly reviewed and notice of it served as soon as practicable, without waiting for the verdict in the criminal case. The court cannot consider an application for a CBO at a hearing after the offender has been sentenced, unless the court has adjourned proceedings from the sentence date for the application to be considered. Agencies should consider setting up local information exchanges to make sure that the CBO is considered every time an anti-social behaviour offender is brought to a criminal court.

The test

For a CBO to be made:

- the court must be satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person; and
- that the court considers making the order will help in preventing the offender from engaging in such behaviour.

Details

When can a CBO be used? The CBO can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community, persistently being drunk and aggressive in public or criminal damage. Agencies must make proportionate and reasonable judgements before applying for a CBO and conditions of an order **should not** be designed to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause, anti-social behaviour to victims or communities. An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the anti-social behaviour for it to be issued by the court.

Consultation: The only formal consultation requirement applies where an offender is under 18 years of age. In those cases, the prosecution must find out the views of the local youth offending team (YOT) before applying for the CBO. The views of the YOT must be included in the file of evidence forwarded to the prosecution. In practice, the consultation with the YOT must be carried out by the organisation preparing the application for the CBO, namely the council or police force.

The legislation has deliberately kept formal consultation requirements to a minimum, to enable agencies to act quickly where needed to protect victims and communities. However, in most cases it is likely there would be a number of agencies the police or local council would wish to consult with. This could include local organisations that have come into contact with the individual, such as schools and colleges of further education, providers of probation services, social services, mental health services, housing providers or others.

These views should be considered before the decision is made to ask the CPS to consider applying for a CBO. This will ensure that an order is the proper course of action in each case and that the terms of the order are appropriate.

Evidence not heard in the criminal case can still be admissible at the CBO hearing, for example, evidence of other anti-social behaviour by the offender and information about why an order is appropriate in the terms asked for. Witnesses who might be reluctant to give evidence in person may have their evidence accepted as a written statement, or given by someone such as a police officer as hearsay evidence, but this will depend on the circumstances of the individual case.

Special measures are available in proceedings for CBOs in the case of witnesses who are under 18 and vulnerable and intimidated adult witnesses (sections 16 and 17, Youth Justice and Criminal Evidence Act 1999). The court has to satisfy itself that the special measure, or combination of special measures, is likely to maximise the quality of the witness's evidence before granting an application for special measures.

Interim orders: In cases where an offender is convicted of an offence but the court is adjourned for sentencing, or the CBO hearing is adjourned after sentence, an interim order can be granted, if the court thinks that it is just to do so. The prosecution can apply for the interim order.

Duration of a CBO: The terms of the CBO must include the duration of the order. For adults this is a minimum of two years up to an indefinite period. For under 18s the order must be between one and three years.

Prohibitions and requirements: The CBO must clearly describe the details of what the offender is not allowed to do (prohibitions) as well as what they must do (requirements). Orders can include prohibitions or requirements or both. It is up to the court to decide which are needed to help prevent further anti-social behaviour and which measures are most appropriate and available, to tackle the underlying cause of the behaviour. So far as practicable, these must not interfere with an offender's education or work commitments or conflict with any other court order or

injunction the offender is subject to. In addition to these factors, practitioners should, in proposing prohibitions or requirements to the court, also consider the impact on any caring responsibilities the respondent may have and, in the event that the respondent has any disability, whether he or she is capable of complying with the proposed prohibitions or requirements.

Local agencies will be familiar with the prohibitions element of the order. However, as with the civil injunction, requirements could also be included if the court believes that it will help stop further anti-social behaviour by the offender. Requirements should aim to tackle the underlying cause of the anti-social behaviour and be tailored to the specific needs of each offender. They could include:

- attendance at an anger management course where an offender finds it difficult to respond without violence;
- youth mentoring;
- a substance misuse awareness session where an offender's anti-social behaviour occurs when they have been drinking or using drugs; or
- a job readiness course to help an offender get employment and move them away from the circumstances that cause them to commit anti-social behaviour.

The court must receive evidence about the suitability and enforceability of any requirement from the person or organisation who will be responsible for supervising compliance with the requirement.

Putting victims first: The potential impact on the victim(s) will be at the heart of the considerations of the terms of the order. Stopping the anti-social behaviour is for the benefit of the victim and the CBO is not a punitive measure. Always stop to think how the terms of the order will impact on the victim(s): What would they think? Would they be satisfied? It is also good practice to take the time to explain the terms of the order to the victim(s) so that they are aware of the outcome of the court case.

Publicising a CBO issued to a young person: Making the public aware of the offender and the terms of the order can be an important part of the process in dealing with anti-social behaviour. It can provide reassurance to communities that action is being taken when they report anti-social behaviour. It will also provide the information local people need to identify and report breaches. The decision to publicise a CBO will be taken by the police or council unless the court has made a section 39 order (Children and Young Persons Act 1933) prohibiting publication. When deciding whether to publicise a CBO, public authorities (including the courts) must consider that it is necessary and proportionate to interfere with the young person's right to privacy, and the likely impact on a young person's behaviour. This will need to be balanced against the need to provide re-assurance to the victims and the wider community as well as providing them with information so that they can report any breaches. Each case should be decided carefully on its own facts.

Applications to vary or discharge the order: A CBO may be varied or discharged by the court which made the original order. Either the offender or the prosecution can make an application but if this is dismissed by the court neither party can make a subsequent application without the consent of either the court or the other party.

The power to vary the order includes extending the term of the order or including additional prohibitions or requirements in the order. This flexibility allows for those monitoring the progress of offenders to alter the conditions of the order to suit any developing new circumstances.

Annual reviews for under 18s: Where the order is made against someone under 18 years of age, there is a requirement to conduct annual reviews. The review must include consideration of:

- the extent to which the offender has complied with their order;
- the adequacy of any support available to help them to comply with the order; and
- anything else relevant to the question of whether an application should be made to vary or discharge the order.

Under the legislation, the police have overall responsibility for carrying out such a review, with a requirement to act in co-operation with the council. The police may invite any other person or body to participate in the review. This could include youth offending teams, educational establishments or other organisations who have been working with the young person. As a result of the review an application to vary or discharge the CBO may be made to the court.

Penalty on breach

It is a criminal offence if an offender fails to comply, without reasonable excuse, with either the requirements or prohibitions in the CBO. Failure to comply with a prohibition or requirement should be notified to the police. The court has the power to impose serious penalties on conviction, including:

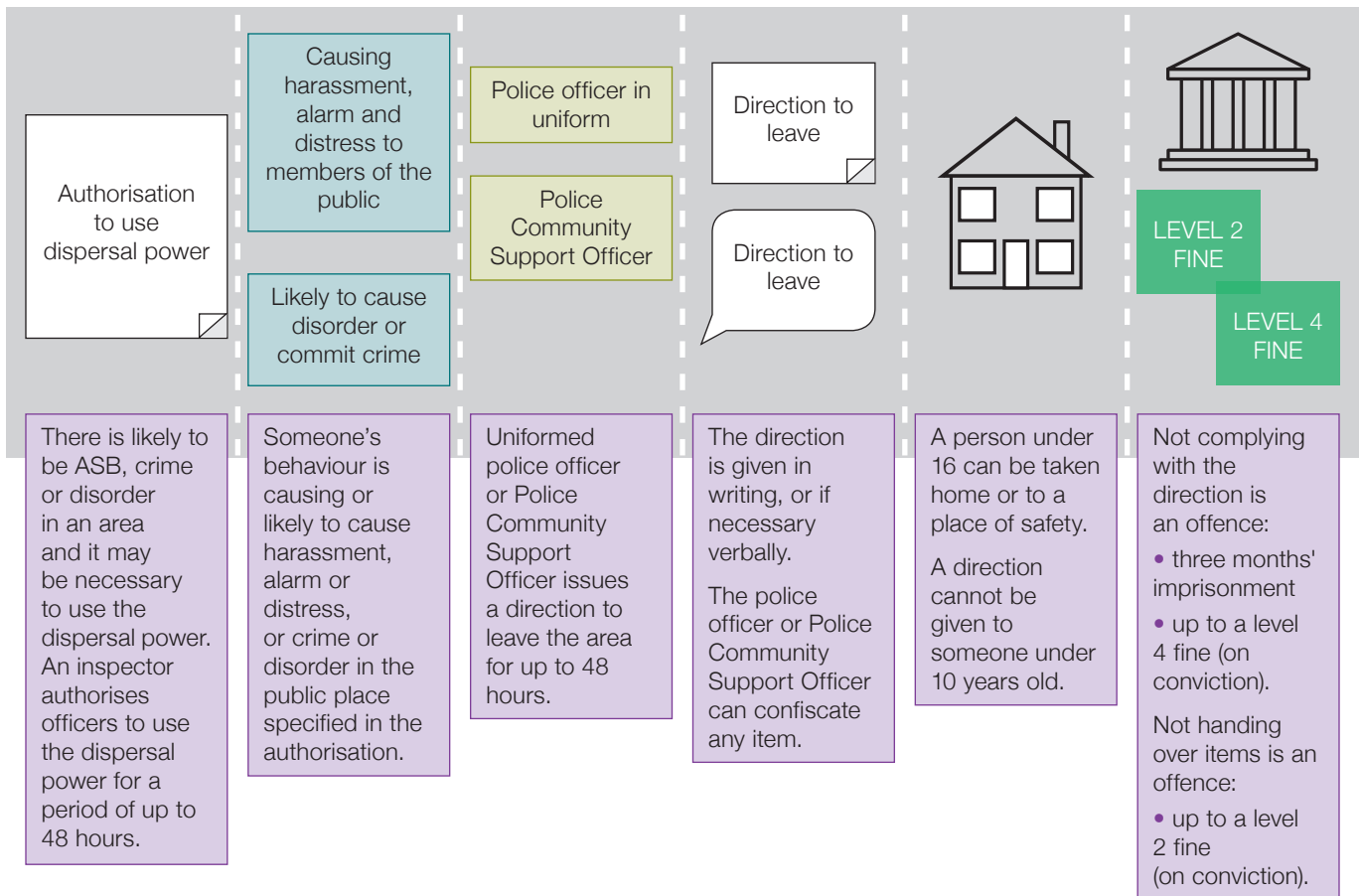
- on summary conviction in the magistrates' court: a maximum of six months in prison or a fine or both.
- on conviction on indictment in the Crown Court: a maximum of five years in prison or a fine or both.

Hearings for those under 18 will take place in the youth court where the maximum sentence is a two year detention and training order.

2.4 Dispersal power

Purpose	Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours.
Used by	<ul style="list-style-type: none"> • Police officers in uniform; and • Police Community Support Officers (if designated the power by their chief constable).
Test	<ul style="list-style-type: none"> • Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and • Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder.
Details	<ul style="list-style-type: none"> • Must specify the area to which it relates and can determine the time and the route to leave by. • Can confiscate any item that could be used to commit anti-social behaviour, crime or disorder. • Use in a specified locality must be authorised by a police inspector and can last for up to 48 hours. • A direction can be given to anyone who is, or appears to be, over the age of 10. • A person who is under 16 and given a direction can be taken home or to a place of safety.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • Failure to comply with a direction to leave: up to a level 4 fine and/or up to three months in prison although under 18s cannot be imprisoned. • Failure to hand over items: up to a level 2 fine.
Appeals	A person who is given a direction and feels they have been incorrectly dealt with should speak to the duty inspector at the local police station. Details should be given to the person on the written notice.
Important changes/ differences	<ul style="list-style-type: none"> • It is a more flexible power; it can be used to provide immediate respite to a community from anti-social behaviour, crime or disorder. • An area does not need to be designated as a dispersal zone in advance. • Although there is no requirement to consult the local council, the authorising officer may consider doing so in some circumstances before authorising use of the dispersal. • Police Community Support Officers may use all elements of the dispersal power (if designated the power by their chief constable).

Dispersal power



Purpose

The dispersal power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. The power is preventative as it allows an officer to deal instantly with someone's behaviour and nip the problem in the bud before it escalates. In areas where there are regular problems, the police force should work with the local council to find sustainable long-term solutions. In all instances, the impact on the local community should be considered before using the dispersal power.

Who can use it?

The dispersal power can be used by police officers in uniform. Police Community Support Officers (PCSOs) can also use this power if designated by their chief constable. Use of the dispersal power must be authorised by an officer of at least the rank of inspector before use. This will ensure that the dispersal power is not used to stop reasonable activities such as busking or other types of street entertainment which are not causing anti-social behaviour. It may be appropriate for an officer of a more senior rank than inspector to authorise the use of the dispersal power where, for example, there is not an inspector on duty who knows the specific circumstances of the area. The authorising officer can sanction use of the power in a specified locality for a period of up to 48 hours or make a decision on a case by case basis.

The inspector (or above) must record the authorisation in writing, specifying the grounds on which it is given and sign the authorisation. The decision should be based on objective grounds; this may include local knowledge of the area and intelligence that there are likely to be problems at a specific time. The authorising police officer should ensure that the wider impacts on, for example, community relations, are considered properly before use. The written authorisation may be admitted in evidence if the making of the authorisation is in dispute.

It is important that this power is used proportionately and reasonably in a manner compatible with the Human Rights Act 1998. As such, when pre-authorising or authorising an area, the locality should be defined as a specific geographic location, for example by listing the streets to which it applies or the streets which form the boundary of the area rather than stating 'in and around the area of'. The authorisation should not cover an area larger than necessary.

The dispersal power can only be used in the specific location authorised by the inspector. If the anti-social behaviour is occurring outside the authorised area, the inspector (or above) will have to increase the area or the officer cannot issue the dispersal.

The authorising police officer may wish, where practical, to consult with the local council or community representatives before making the authorisation. This may help to understand the implications of using the power within a particular community or whether the community will benefit from the authorisation or use of the dispersal power. Working with the local authority can also assist the police in gaining community consensus and support when it is necessary to use the dispersal power or assist community relations where there are concerns about the use of the dispersal power in a particular area. When it has not been practical to consult the local authority, the authorising officer may wish to notify the local authority if authorisation of the dispersal power has been given or the dispersal power has been used.

In authorising the dispersal power the inspector (or above) must have regard to Articles 10 and 11 of the European Convention on Human Rights that provide for the right for lawful freedom of expression and freedom of assembly.

The test

Two conditions need to be met for a direction to be given:

- The officer must have reasonable grounds to suspect that the behaviour of the person has contributed, or is likely to contribute, to:
 - members of the public in the locality being harassed, alarmed or distressed; or
 - crime and disorder occurring in the locality.
- The officer considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of anti-social behaviour, crime or disorder.

The test includes behaviour that is **likely** to cause harassment, alarm or distress, allowing the dispersal to be used as a preventative measure. The dispersal power is for use in public places; this includes places to which the public has access by virtue of express or implied permission, for example a shopping centre.

Details

Written notice: The direction must be given in writing, unless that is not reasonably practicable. The written notice will specify the locality to which the direction relates and for how long the person must leave the area. The officer can also impose requirements as to the time by which the person must leave the locality and the route they must take. The officer must also tell the person that failure to comply, without reasonable excuse, is an offence unless it is not reasonably practicable to do so.

The information should be provided as clearly as possible and the officer should ensure the person has understood it. If the direction is given verbally a written record of it must also be kept in order to enforce it in the event that it is breached, and for the police force to be able to monitor use of the power. The written notice may also be admitted in evidence in breach proceedings.

Many forces have already established good practice in relation to the use of dispersal powers. For instance, in some forces, officers carry a pre-printed notepad to provide details of the direction, the consequences of a failure to comply, where to collect any confiscated items, and a map to clarify the area a person is excluded from.

Dispersing young people: A police officer (or PCSO where designated) can give a direction to anyone who is, or appears to be, over the age of 10. If the officer reasonably believes the person given the direction to be under the age of 16, the officer can take them home or to another place of safety. Under the provisions of the Children Act 2004 the police have a duty to 'safeguard and promote the welfare of children'. Police forces have safeguarding arrangements in place to ensure that children are not returned to unsafe homes or placed in potentially harmful situations.

Case law in relation to Part 4 of the Anti-social Behaviour Act 2003 states that to 'remove' a person under 16 to their place of residence carries with it a power to use reasonable force if necessary to do so. See *R (on the application of W by his parent and litigation friend PW) (Claimant) v (1) Commissioner of Police for the Metropolis, (2) Richmond-upon-Thames London Borough Council (Defendants) and the Secretary of State for the Home Department (Interested Party)* [2006].

Putting victims first: If the dispersal power is used in response to a complaint from a member of the public, the officer should update them about what has been done in response to their complaint. Keeping victims updated on enforcement action can provide reassurance to the community and result in fewer follow up calls on the issue.

Restrictions: A direction cannot be given to someone engaged in peaceful picketing that is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 or if they are taking part in a public procession as defined in section 11 of the Public Order Act 1986. In addition, the direction cannot restrict someone from having access to the place where they live or from attending a place where they:

- work, or are contracted to work for that period of time;
- are required to attend by a court or tribunal;
- are expected for education or training, or to receive medical treatment during the period of time that the direction applies.

Providing information to the public: Where use of the dispersal power has been authorised in advance, the police force may wish to consider providing information to those who may be affected.

Surrender of property: The police officer or PCSO can require the person given the direction to hand over items causing or likely to cause anti-social behaviour. This could be any item but typical examples are alcohol, fireworks or spray paint.

The officer does not have the power to seize the item; therefore the person's consent is required to take the item. However, it is an offence for the person not to hand over the item if asked to do so.

Surrendered items will be held at the police station and can be collected after the period of the direction has expired. If the item is not collected within 28 days it can be destroyed or disposed of. If the individual is under the age of 16 they can be required to be accompanied by a parent or other responsible adult to collect the item; this will mean that the adult can be made aware of the young person's behaviour and will help encourage parental responsibility.

Recording information and publishing data: The officer giving the direction must record:

- the individual to whom the direction is given;
- the time at which the direction is given; and
- the terms of the direction (including the area to which it relates and the exclusion period).

If a direction is varied or withdrawn the officer must record the time this was done and the terms of the variation.

Police forces may wish to publish data on the use of the dispersal power to be transparent about their use of it. Police and Crime Commissioners will have an important role in holding forces to account to ensure that officers are using the power proportionately. Publication of data locally will help highlight any 'hotspot' areas that may need a longer-term solution, such as diversionary activities for young people or security measures in pubs and clubs to prevent alcohol-related anti-social behaviour in town centres.

Penalty on breach

Failure to comply with the direction is a summary only criminal offence which will be dealt with in the magistrates' court or youth court for people under the age of 18. On conviction it carries a maximum penalty of a level 4 fine and/or three months imprisonment, although those people under the age of 18 cannot be imprisoned. Failure to surrender items is also a criminal offence with a maximum penalty of a level 2 fine.

Appeals

A person who is given a direction and feels they have been incorrectly dealt with should speak to the duty inspector at the local police station. Details should be given to the person on the written notice.

A more effective power

The new dispersal power is a more flexible tool available to uniformed police officers and designated PCSOs to deal with individuals engaging in anti-social behaviour, crime and disorder not only when they have occurred or are occurring, but when they are likely to occur and in any locality. This extends the capability of the police to prevent incidents of anti-social behaviour, crime and disorder before they take place. The new dispersal power replaces those available under section 27 of the Violent Crime Reduction Act 2006 and section 30 of the Anti-social Behaviour Act 2003.

Important features of the new power are that:

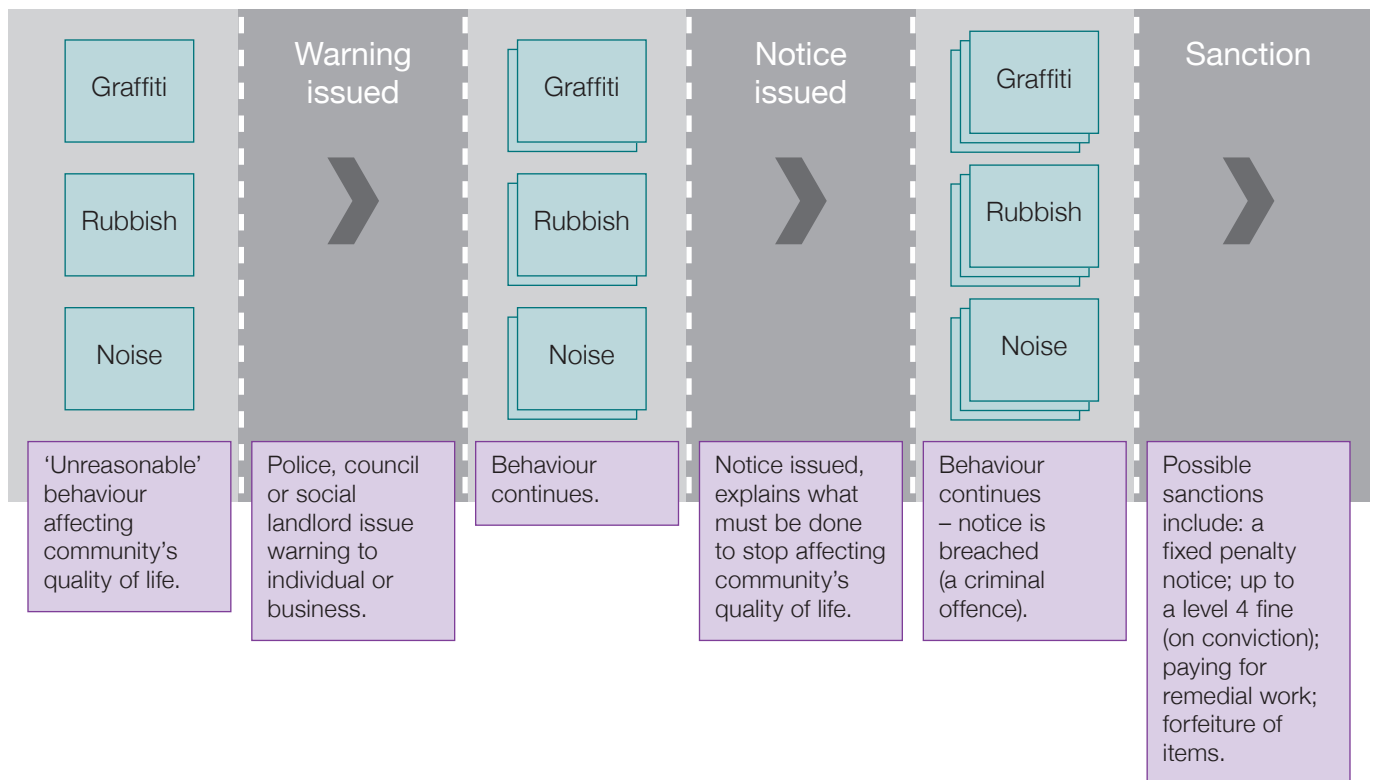
- PCSOs will be able to use the power to enable them to take swift action to prevent anti-social behaviour or to stop its escalation;
- There is no longer a requirement for the pre-designation of a "dispersal zone" in which the power can be used therefore it can be used in any locality immediately;
- The power is also available to disperse individuals without a requirement that two or more people be engaged in the offending behaviour;
- The new power can be used across the spectrum of anti-social behaviour, crime and disorder; not just in dealing with anti-social behaviour and disorder associated with the night-time economy and problem licensed premises;

- There is an additional power to confiscate items associated with the behaviour of the person being directed to disperse, for example alcohol, offensive material, noisy equipment or eggs and other missiles used for Halloween “tricks”;
- The period of a person’s exclusion from a specified area has been extended to a maximum of 48 hours;
- There is no longer a requirement for the police officer or PCSO to definitively establish the person’s age as the new power is available if the person appears to be aged 10 or over;
- Authorisation from a senior officer is a safeguard to ensure that the power is used fairly and proportionately and only in circumstances in which it is necessary. In many cases, the pre-authorisation will fit into current operational processes. For example, many current section 27 directions are given during Friday and Saturday nights while policing the night time economy. In this situation, pre-authorisation could be given during the pre-brief before officers begin;
- The requirement to keep a written record of when the power is used enables effective enforcement of any breach and will be evidentially important for prosecution of breaches.

2.5 Community protection notice

Purpose	To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
Who can issue a CPN	<ul style="list-style-type: none"> • Council officers; • Police officers; • Police community support officers (PCSOs) if designated; and • Social landlords (if designated by the council).
Test	Behaviour has to: <ul style="list-style-type: none"> • have a detrimental effect on the quality of life of those in the locality; • be of a persistent or continuing nature; and • be unreasonable.
Details	<ul style="list-style-type: none"> • Written warning issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing. • Community protection notice (CPN) issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour. • Can allow council to carry out works in default on behalf of a perpetrator.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • A fixed penalty notice can be issued of up to £100 if appropriate. • A fine of up to level 4 (for individuals), or £20,000 for businesses.
Appeals	<ul style="list-style-type: none"> • Terms of a CPN can be appealed by the perpetrator within 21 days of issue. • The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are disproportionate.
Important changes/ differences	<ul style="list-style-type: none"> • The CPN can deal with a wider range of behaviours for instance, it can deal with noise nuisance and litter on private land not open to the air. • The CPN can be used against a wider range of perpetrators. • The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.

Community protection notice



Purpose

The community protection notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible.

Who can issue a CPN

In many areas, councils already take the lead in dealing with these kinds of issues and they will continue to be able to issue the new notice. However, the move towards neighbourhood policing and community safety teams in recent years has seen the police take a more active role in dealing with these issues, working with councils, and so police officers and police community support officers will also be able to issue CPNs.

In addition, there is a formal role for social landlords. Social landlords in England and Wales manage over four million dwellings and deal with hundreds of thousands of complaints of anti-social behaviour every year. Where it is appropriate, local councils can designate social landlords in their area to issue CPNs.

Test

The test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A CPN can be issued by one of the bodies above if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

Putting victims first: In deciding whether the behaviour is having a detrimental effect on the quality of life of those in the locality, issuing officers should consider speaking to potential victims to understand the wider harm to individuals and the community. Not only will this ensure that victims feel that their problem is being taken seriously, but also add to the case against the alleged perpetrator. It will also ensure that officers do not use the notice to stop reasonable activities such as busking or other types of street entertainment which are not causing anti-social behaviour.

Decisions on whether behaviour is persistent should be taken on a case by case basis by issuing officers. Where an individual is storing rubbish in their garden for many months, proving persistence may be simple, but there may be cases where behaviour is continuing over a very short time period. An example could be where an individual is playing loud music in a park. If the officer had asked the individual to stop the music and they had refused, this could be considered continuing in nature and a CPN could be used.

The issuing officer must also make a judgement on whether the behaviour is unreasonable. For instance, a baby crying in the middle of the night may well be having a detrimental effect on those living next door and is likely to be persistent in nature. However, it would not be reasonable to issue the parents with a CPN as there is not a great deal they can do to control or affect the behaviour.

There is significant merit in involving the local council, which will have many years of experience in tackling environmental issues, when deciding whether or not to serve a CPN.

Details

Who can a CPN be issued to? A CPN can be issued against any person aged 16 or over or a body, including a business. Where a body is issued with a CPN, it should be issued to the most appropriate person. In the case of a small business, it could be the shop owner whereas in the case of a major supermarket it could be the store manager. The issuing officer will have to be able to prove that the person issued with the CPN can be reasonably expected to control or affect the behaviour. The CPN can be handed directly to the person in question or it could be posted to them. In circumstances where the owner or occupier cannot be determined, the issuing officer can post the CPN on the premises and it is considered as having been served at that point. In that scenario, the issuing officer would need to demonstrate that reasonable enquiries had been undertaken to ascertain the identity of the owner or occupier, for instance, checking with the Land Registry.

Box F: Considering statutory nuisance

Issuing a community protection notice (CPN) does not discharge the council from its duty to issue an Abatement Notice where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990. A statutory nuisance is one of the matters listed in section 79(1) of that Act that, given all the surrounding circumstances, is judged to be 'prejudicial to health or a nuisance'. For England and Wales, statutory nuisances are listed as:

- the state of the premises;
- smoke emitted from premises;
- fumes or gases emitted from (domestic) premises;
- any dust, steam, smell or other effluvia arising on industrial, trade or business premises;
- any accumulation or deposit;
- any animal kept in such a place or manner;
- any insects emanating from relevant industrial, trade or business premises;
- artificial light emitted from premises;
- noise emitted from premises;
- noise emitted from or caused by a vehicle, machinery or equipment in a street;
- any other matter declared by any enactment to be a statutory nuisance.

Many of these terms have special meanings, either under the 1990 Act or following decisions of the courts. In particular, 'nuisance' means something different to 'bothersome' or an 'annoyance'. The assessment of nuisance is an objective test, taking into account a range of factors and is based on what is reasonable for the 'average' person. 'Prejudicial to health' means 'injurious or likely to cause injury to health' under section 79(7) of the 1990 Act. While a CPN can be issued for behaviour that may constitute a statutory nuisance, the interaction between the two powers should be considered. It remains a principle of law that a specific power should be used in preference to a general one.

As CPNs can only be issued for behaviours that are persistent or continuing and unreasonable, in most cases, social landlords or the police will have sufficient time to contact the relevant council team in advance of issuing a CPN if they believe the behaviour could be a statutory nuisance. If it could be a statutory nuisance, the issuing authority may wish to consider whether issuing a CPN is necessary given the powers afforded to council under the 1990 Act. If they do decide to issue a CPN in parallel, they should work with the relevant council team to ensure any restrictions or requirements complement those that may be included in any future Abatement Notice.

The written warning: In many cases, the behaviour in question will have been ongoing for some time. Informal interventions may well have been exhausted by the time the applicant decides to go down the formal route of issuing a CPN. However, before a CPN can be issued, a written warning must be issued to the person committing anti-social behaviour.

The written warning must make clear to the individual that if they do not stop the anti-social behaviour, they could be issued with a CPN. However, local agencies may wish to include other information in the written warning, for instance:

- outlining the behaviour that is considered anti-social as this will ensure there is little doubt over what needs to be done to avoid the CPN being issued;

- outlining the time by which the behaviour is expected to have changed in order to give the alleged perpetrator a clear understanding of when the CPN might be served;
- setting out the potential consequences of being issued with a CPN – namely the potential sanctions on breach which could act as an incentive for the individual to change their behaviour before a formal CPN is issued.

How this written warning is discharged is up to each agency. In cases where a problem has been continuing for a period of time, the written warning may be included in other correspondence. However, in cases where issue of a written warning is required more quickly, it could be a standard form of words, adaptable to any situation – for instance, a pre-agreed form of words that can be used by the officer on the spot.

Enough time should be left between the issue of a written warning and the issue of a CPN to allow the individual or body to deal with the matter. It will be for the issuing officer to decide how long is allowed on a case by case basis. For instance, in an example where a garden is to be cleared of waste, several days or weeks may be required to enable the individual to make arrangements. However, where an individual is playing loud music in a park, as outlined above, the officer could require the behaviour to stop immediately.

Putting victims first: Keeping victims and communities updated on enforcement action at important points can help them to deal with the impact of the behaviour. Victims may feel that their complaint has been ignored if they don't see immediate changes to the behaviour. However, simply informing them of what is happening can make a huge difference and result in fewer follow up calls on the issue. If a CPN has been issued, the officer may wish to speak to those affected by the anti-social behaviour again to inform them of what steps have been taken, potential timescales and possible implications for the perpetrator.

Partnership working: In many cases, the issuing agency will have already had contact with other partners in dealing with a persistent issue. For instance, in a case dealing with a build-up of litter, the council may have spoken to the local neighbourhood policing team or social landlord. However, in situations that develop more quickly, the relevant officer will have to decide whether there are other individuals or bodies that should be informed. In particular, for matters that could amount to a statutory nuisance (see Box F) it will often be advisable to seek the expert view of council environmental health officers before issuing a CPN.

What to include in a CPN? A CPN can be drafted from scratch if necessary so that it is appropriate to the situation and can include any or all of the following:

- A requirement to stop doing specified things;
- A requirement to do specified things;
- A requirement to take reasonable steps to achieve specified results.

This means that not only can the relevant officer stop someone being anti-social, but they can also put steps in place to ensure the behaviour does not recur.

In deciding what should be included as a requirement in a CPN, issuing officers should consider what is reasonable to include in a notice of this type and any timescales they wish to add. CPNs are designed to deal with short or medium-term issues. While restrictions and requirements may be similar to those in a civil injunction (see part 2.2), more serious conditions, such as attendance at a drug rehabilitation course, would clearly be more appropriate to a court issued order.

Putting victims first: When the issuing officer has decided what to include as a requirement in the community protection notice they should consider the desired outcome for the community. Victims don't just want the behaviour to stop; they also want it not to occur again. Consideration should be given to whether there are requirements that could ensure the anti-social behaviour does not recur.

Penalty on breach

Failure to comply with a CPN is an offence. Where an individual, business or organisation fails to comply with the terms of a CPN, a number of options are available for the issuing authority and these are outlined in more detail below.

Putting victims first: When deciding which sanction to choose on non-compliance with a CPN, the issuing authority should consider the potential wishes of the victim. While issuing a fixed penalty notice may be considered appropriate, if it does nothing to alleviate the impact on the community or leaves victims feeling ignored, this may not be the best course of action and may lead to further complaints and the requirement for more action.

Fixed penalty notices: Depending on the behaviour in question, the issuing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, PCSO, council officer or, if designated, a social landlord. In making the decision to issue a FPN, the officer should be mindful that if issued, payment of the FPN would discharge any liability to conviction for the offence.

A FPN should not be more than £100 and can specify two amounts, for instance, a lower payment if settled early, say within 14 days. In order to allow the individual time to pay the FPN, no other associated proceedings can be taken until at least 14 days after the issue. The exact wording or design of a FPN can be determined locally to fit with local standards and protocols but must:

- give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- state the period during which proceedings will not be taken for the offence;
- specify the amount or amounts payable;
- state the name and address of the person to whom the FPN should be paid; and
- specify permissible methods of payment (for example, cash, cheque, bank transfer).

Remedial action: If an individual or body fails to comply with a CPN issued by the council, the council may decide to take remedial action to address the issue. Where the CPN has been issued by the police or a social landlord, but they believe remedial action is an appropriate sanction, they should approach the council to discuss the best way to move forward. For instance, the social landlord could undertake the work on behalf of the council.

If it is decided that remedial action is the best way forward, the council (or the other agency in discussion with the council) should establish what works are required to put the situation right. For instance, in a situation where the complaint relates to a significant build up of rubbish in someone's front garden, remedial action could take the form of clearing the garden on the perpetrator's behalf.

Putting victims first: Punishment of the perpetrator may not be top of the victim's priority list; they may just want to see the situation fixed. If remedial action is chosen as the most appropriate action, it may help those affected by the behaviour to know when they can expect remedial works to be undertaken.

Where this work is to be undertaken on land 'open to the air', the council or their agent (for instance, a rubbish disposal contractor) can undertake these works without the consent of the owner or occupier. Where works are required indoors the permission of the owner or occupier is required. When it has been decided what works are required, the council has to specify to the perpetrator what work it intends to carry out and the estimated cost. Once the work has been completed, the council should give the perpetrator details of the work completed and the final amount payable. In determining a 'reasonable' charge, local authorities should ensure the costs are no more than is necessary to restore the land to the standard specified in the notice. Such costs may include officer time, use of cleaning equipment (unless of a specialised nature), and administration costs relating to the clearance itself.

Remedial orders: On conviction for an offence of failing to comply with a CPN, the prosecuting authority may ask the court to impose a remedial order and/or a forfeiture order. This could be for a number of reasons, for instance:

- The matter may be deemed so serious that a court order is warranted;
- Works may be required to an area that requires the owner's or occupier's consent and this is not forthcoming; or
- The issuing authority may believe that forfeiture or seizure of one or more items is required as a result of the behaviour (for instance, sound making equipment).

A remedial order may require the defendant:

- to carry out specified work (this could set out the original CPN requirements); or
- to allow work to be carried out by, or on behalf of, a specified local authority.

Where works are required indoors, the defendant's permission is still required. But this does not prevent a defendant who fails to give that consent from being in breach of the court's order.

Forfeiture orders: Following conviction for an offence under section 45, the court may also order the forfeiture of any item that was used in the commission of the offence. This could be spray paints, sound making equipment or a poorly socialised dog where the court feels the individual is not able to manage the animal appropriately (re-homed in the case of a dog). Where items are forfeited, they can be destroyed or disposed of appropriately.

Seizure: In some circumstances, the court may issue a warrant authorising the seizure of items that have been used in the commission of the offence of failing to comply with a CPN. In these circumstances, an enforcement officer may use reasonable force, if necessary, to seize the item or items.

Failure to comply with any of the requirements in the court order constitutes contempt of court and could lead to a custodial sentence. If an individual is convicted of an offence under section 48, they may receive up to a level 4 fine (up to £20,000 in the case of a business or organisation).

Appeals

Anyone issued with a CPN has the opportunity to appeal it. Appeals are heard in a magistrates' court and the CPN should provide details of the process and how an individual can appeal. As the legislation makes clear, an appeal can be made on the following grounds:

The test was not met if:

- **the behaviour did not take place.** In most cases, officers will have collected evidence to place beyond any reasonable doubt that the behaviour occurred. However, in cases where the officer has relied on witness statements alone, they should consider the potential for this appeal route and build their case accordingly.
- **the behaviour has not had a detrimental effect on the quality of life of those in the locality.** Again, the importance of witness statements and any other evidence that the behaviour in question is having a negative impact on those nearby should be collected to ensure this defence is covered.
- **the behaviour was not persistent or continuing.** In some cases, judging persistence will be straightforward. However, in cases where a decision to issue a CPN is taken more quickly, officers should use their professional judgement to decide whether this test is met and may need to justify this on appeal.
- **the behaviour is not unreasonable.** In many cases, individuals, businesses or organisations that are presented with evidence of the detrimental impact of their behaviour will take steps to address it. Where they do not, they may argue that what they are doing is reasonable. In deciding whether behaviour is unreasonable, officers should consider the impact the behaviour is having on the victim, whether steps could be taken to alleviate this impact and whether the behaviour is necessary at all.
- **the individual cannot reasonably be expected to control or affect the behaviour.** In issuing the CPN, the officer must make a judgement as to whether the individual or business or organisation can reasonably be expected to do something to change the behaviour. The officer should be prepared to justify this decision in court if required.

Other reasons:

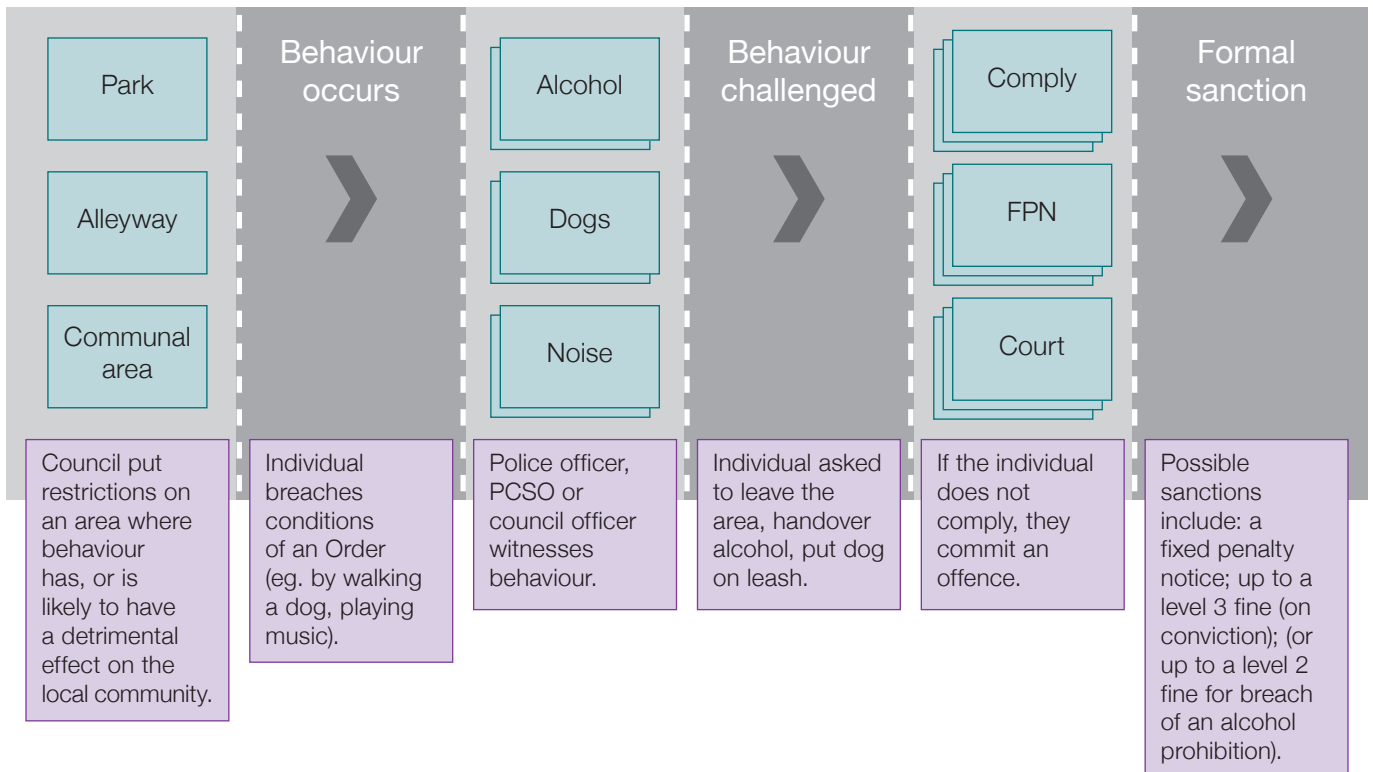
- **Any of the requirements are unreasonable.** Requirements in a CPN should either prevent the anti-social behaviour from continuing or recurring, or reduce the detrimental effect or reduce the risk of its continuance or recurrence. As such, it should be related to the behaviour in question.
- **There is a material defect or error with the CPN.** This ground for appeal could be used if there was a failure to comply with a requirement in the Act, such as a failure to provide a written warning before issuing a CPN.
- **The CPN was issued to the wrong person.** This could be grounds for appeal if the CPN was posted to the wrong address or the wrong person was identified in a business or organisation.

The person issued with the CPN must appeal within 21 days of issue. Where an appeal is made, any requirement included under section 43(3)(b) or (c), namely a requirement to do specified things or take reasonable steps to achieve specified results, is suspended until the outcome of the appeal. However, requirements stopping the individual or body from doing specified things under section 43(3)(a) continue to have effect. In addition, where remedial action is taken by a council under section 47 or 49 the individual has the opportunity to appeal on the grounds that the cost of the work being undertaken on their behalf is disproportionate.

2.6 Public spaces protection order

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space
Who can make a PSPO	<ul style="list-style-type: none"> • Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.
Test	<p>Behaviour being restricted has to:</p> <ul style="list-style-type: none"> • be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; • be persistent or continuing nature; and • be unreasonable.
Details	<ul style="list-style-type: none"> • Restrictions and requirements set by the council. • These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. • Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour. • Can be enforced by a police officer, police community support officers and council officers.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. • A fine of up to level 3 on prosecution.
Appeals	<ul style="list-style-type: none"> • Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. • Further appeal is available each time the PSPO is varied by the council.
Important changes/ differences	<ul style="list-style-type: none"> • More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours than the orders it replaces.

Public spaces protection order



Purpose

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Who can make a PSPO?

Councils will be responsible for making the new PSPO although enforcement powers will be much broader. District councils will take the lead in England with county councils undertaking the role only where there is no district council. In London, borough councils will be able to make PSPOs, as will the Common Council of the City of London and the Council of the Isles of Scilly. In Wales, responsibility will fall to county councils or county borough councils. The new power is not available to parish councils and town councils in England, or community councils in Wales. Section 71 ensures that bodies other than local authorities can make PSPOs in certain circumstances by order of the Secretary of State. This will allow the City of London Corporation to continue managing a number of public spaces with the permission of, and on behalf of, local authorities.

Test

The test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Putting victims first: In deciding to place restrictions on a particular public space, councils should consider the knock on effects of that decision. Introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere.

Details

Where can it apply? The council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

Working with partners: Before making a PSPO, the council must consult with the local police. This should be done formally through the chief officer of police and the Police and Crime Commissioner, but details could be agreed by working level leads. This is an opportunity for the police and council to share information about the area and the problems being caused as well as discuss the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted. This should include the County Council (if the PSPO application is not being led by them) where they are the Highway Authority.

The council must also consult whatever community representatives they think appropriate. This could relate to a specific group, for instance the residents association, or an individual or group of individuals, for instance, regular users of a park or specific activities such as busking or other types of street entertainment. Before the PSPO is made, the council also has to publish the draft order in accordance with regulations published by the Secretary of State.

Box G: Land requiring special consideration

Before a council makes a PSPO, it should consider whether the land falls into any of the following categories:

- **Registered common land:** There are around 550,000 hectares of registered common land in England and Wales. Common land is mapped as open access land under the Countryside and Rights of Way (CROW) Act 2000 with a right of public access on foot. Some commons, particularly those in urban districts, also have additional access rights and these may include rights for equestrian use.
- **Registered town or village green:** Town and village greens developed under customary law as areas of land where local people indulged in lawful sports and pastimes. These might include organised or ad-hoc games, picnics, fetes and similar activities, such as dog walking.
- **Open access land:** Open access land covers mountain, moor, heath and down and registered common land, and also some voluntarily dedicated land, for example the Forestry Commission's or Natural Resources Wales' freehold estate. Open access land provides a right of open-air recreation on foot although the landowner can voluntarily extend the right to other forms of access, such as for cycling or horse-riding.

This can be done by contacting the Commons registration authority (county council in two-tier areas; unitary authority elsewhere). If the land in question is a registered common, the council will be able to find out what common land rights exist and the access rights of any users. Defra considers the model set out in 'A Common Purpose' to be good practice in consulting directly affected persons (including commoners) and the public about any type of potential change in the management of a common.

If land is a registered green, it receives considerable statutory protection under the 'Victorian Statutes'. In terms of open access land, there are various national limitations on what activities are included within the access rights. It is possible for local restrictions on CROW rights to be put in place to meet wider land use needs, and this system is normally administered by Natural England.

Where an authority is considering an order on one of these types of land, the council should consider discussing this with relevant forums and user groups (e.g. Local Access Forums, Ramblers or the British Horse Society) depending on the type of provision that is contemplated in the order. It could also be appropriate to hold a local public meeting when considering whether to make an order for an area of such land to ensure all affected persons are given the opportunity to raise concerns.

What to include in a PSPO? The PSPO can be drafted from scratch based on the individual issues being faced in a particular public space. A single PSPO can also include multiple restrictions and requirements in one order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead. However, activities are not limited to those covered by the orders being replaced and so the new PSPO can be used more flexibly to deal with local issues.

When deciding what to include, the council should consider scope. The PSPO is designed to make public spaces more welcoming to the majority of law abiding people and communities and not simply restrict access. Restrictions or requirements can be targeted at specific people, designed to apply only at certain times or apply only in certain circumstances.

Putting victims first: Although it may not be viable in each case, discussing potential restrictions and requirements prior to issuing an order with those living or working nearby may help to ensure that the final PSPO better meets the needs of the local community and is less likely to be challenged.

In establishing which restrictions or requirements should be included, the council should ensure that the measures are necessary to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring.

When the final set of measures is agreed on, the PSPO should be published in accordance with regulations made by the Secretary of State and must:

- identify the activities having the detrimental effect;
- explain the potential sanctions available on breach; and
- specify the period for which the PSPO has effect.

Box H: Controlling the presence of dogs

When deciding whether to make requirements or restrictions on dogs and their owners, local councils will need to consider whether there are suitable alternatives for dogs to be exercised without restrictions.

Under the Animal Welfare Act 2006, owners of dogs are required to provide for the welfare needs of their animals and this includes providing the necessary amount of exercise each day. Councils should be aware of the publicly accessible parks and other public places in their area which dog walkers can use to exercise their dogs without restrictions. Consideration should also be made on how any restrictions affect those who rely on assistance dogs.

In relation to dogs and their owners, a PSPO could, for example:

- exclude dogs from designated areas (e.g. a children's play area in a park);
- require dog faeces to be picked up by owners;
- require dogs to be kept on leads;
- restrict the number of dogs that can be walked by one person at any one time; and
- put in place other restrictions or requirements to tackle or prevent any other activity that is considered to have a detrimental effect on the quality of life of those in the locality, or is likely to have such an effect.

Restricting alcohol: A PSPO can be used to restrict the consumption of alcohol in a public space where the test has been met. However, as with the Designated Public Place Order which it replaces, there are a number of limitations on using the power for this end.

A PSPO cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003 or section 115E of the Highways Act 1980 applies. This is because the licensing system already includes safeguards against premises becoming centres for anti-social behaviour. It would create confusion and duplication if PSPOs were introduced here.

Restricting access: In the past, Gating Orders have been used to close access to certain public rights of way where the behaviour of some has been anti-social. The PSPO can also be used to restrict access to a public right of way. However, when deciding on this approach, the council must consider a number of things.

- **Can they restrict access?** A number of rights of way may not be restricted due to their strategic value.
- **What impact will the restriction have?** For instance, is it a primary means of access between two places and is there a reasonably convenient alternative route?
- **Are there any alternatives?** Previously gating was the only option, but it may be possible under a PSPO to restrict the activities causing the anti-social behaviour rather than access in its totality.

There are also further consultation requirements where access is to be restricted to a public right of way. This includes notifying potentially affected persons of the possible restrictions. This could include people who regularly use the right of way in their day to day travel as well as those who live nearby. Interested persons should be informed about how they can view a copy of the proposed order, and be given details of how they can make representations and by when. The council should then consider these representations.

It will be up to the council to decide how best to identify and consult with interested persons. In the past newspapers have been used. However in the digital age, other channels such as websites and social media may be more effective. Where issues are more localised, councils may prefer to deal with individual households. Alternatively, where appropriate, councils may decide to hold public meetings and discuss issues with regional or national bodies (such as the Local Access Forum) to gather views.

Duration of a PSPO: The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point.

At any point before expiry, the council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate.

Changing the terms: The new PSPO can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a particular public space. However, if a new issue arises in an area where a PSPO is in force, the council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions. For instance, a PSPO may exist to ensure dogs are kept on their leads in a park but, after 12 months, groups start to congregate in the park drinking alcohol which is having a detrimental effect on those living nearby. As a result, the council could vary the PSPO to deal with both issues.

As well as varying the PSPO, a council can also seek to discharge it at any time. For instance when the problem has ceased to exist or the land ceases to be classified as a public space.

Penalty on breach

It is an offence for a person, without reasonable excuse, to:

- do anything that the person is prohibited from doing by a PSPO (other than consume alcohol – see below); or
- fail to comply with a requirement to which the person is subject under a PSPO.

A person does not commit an offence by failing to comply with a prohibition or requirement that the council did not have power to include in the PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

It is not an offence to drink alcohol in a controlled drinking zone. However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking zone. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, PCSO, council officer or other person designated by the council. In making the decision to issue a FPN, the officer should consider that if issued, payment of the FPN would discharge any liability to conviction for the offence. However, where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the PSPO).

Appeals

Any challenge to the PSPO must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. This right to challenge also exists where an order is varied by a council.

Interested persons can challenge the validity of a PSPO on two grounds. They could argue that the council did not have power to make the order, or to include particular prohibitions or requirements. In addition, the interested person could argue that one of the requirements (for instance, consultation) had not been complied with.

When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.

Enforcement

Although PSPOs are made by the council in an area, enforcement should be the responsibility of a wider group. Council officers will be able to enforce the restrictions and requirements, as will other groups that they designate, including officers accredited under the community safety accreditation scheme. In addition, police officers and PCSOs will have the ability to enforce the order.

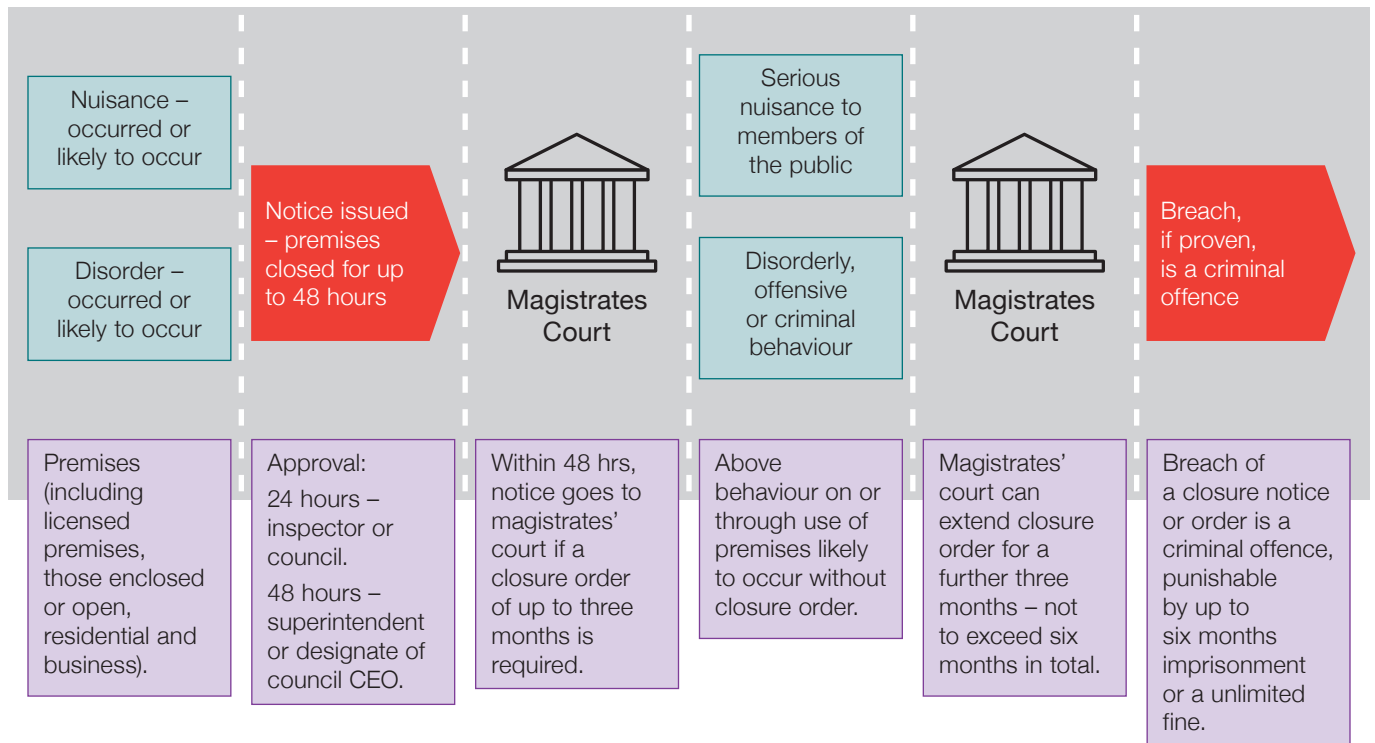
Transition

Where a designated public place order, gating order or dog control order is currently in force, this will continue to be valid for a period of three years following commencement of the new power. At this point it will be treated as a PSPO. However, councils need not wait for this to happen and could decide to review the need for their current orders ahead of that transition to simplify the enforcement landscape.

2.7 Closure power

Purpose	To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.
Applicants	<ul style="list-style-type: none"> Local council. Police.
Test	<p>The following has occurred, or will occur, if the closure power is not used:</p> <p>Closure notice (up to 48 hours):</p> <ul style="list-style-type: none"> Nuisance to the public; or Disorder near those premises. <p>Closure order (up to six months):</p> <ul style="list-style-type: none"> Disorderly, offensive or criminal behaviour; Serious nuisance to the public; or Disorder near the premises.
Details	<ul style="list-style-type: none"> A closure notice is issued out of court in the first instance. Flowing from this the closure order can be applied for through the courts. Notice: can close a premises for up to 48 hrs out of court but cannot stop owner or those who habitually live there accessing the premises. Order: can close premises for up to six months and can restrict all access. Both the notice and the order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.
Penalty on breach	<p>Breach is a criminal offence.</p> <ul style="list-style-type: none"> Notice: Up to three months in prison; Order: Up to six months in prison; Both: Up to an unlimited fine for residential and non-residential premises.
Who can appeal	<ul style="list-style-type: none"> Any person who the closure notice was served on; Any person who had not been served the closure notice but has an interest in the premises; The council (where closure order was not made and they issued the notice); The police (where closure order was not made and they issued the notice).
Important changes/differences	<ul style="list-style-type: none"> A single closure power covering a wider range of behaviour. Quick, flexible and can be used for up to 48 hours out of court.

Closure powers



Purpose

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

Applicants

The power comes in two stages: the closure notice and the closure order which are intrinsically linked. The closure notice can be used by the council or the police out of court. Following the issuing of a closure notice, an application must be made to the magistrates' court for a closure order, unless the closure notice has been cancelled.

The test

A closure notice can be issued for 24 hours if the council or police officer (of at least the rank of inspector) is satisfied on reasonable grounds:

- that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The closure notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the council's chief executive officer (head of paid service) or designate thereof, or by a police superintendent.

A closure order can subsequently be issued if the court is satisfied:

- that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
- that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public; or
- that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

A closure notice cannot prohibit access in respect of anyone who habitually lives on a premises. This means that the notice cannot prohibit those who routinely or regularly live at those premises. It is therefore unlikely to disallow access to, for example, students who live away from the family home for part of the year but routinely return to the family home or those who spend the majority of the week living at the pub in which they work. However, a closure order, granted by the court, can prohibit access to those who routinely live at a premises.

In prohibiting access through a closure notice it will be important to consider who is responsible for the premises and who may need access to secure a premises. This might not always be the owner, for example an individual managing a premises on behalf of an owner who lives abroad may need to secure the premises on their behalf.

Putting victims first: In deciding the effect of the behaviour and courses of action the police and local council should speak to the victim to obtain their view on how the behaviour is affecting them and what outcome they would like to see.

Details

Approvals: The level or role of employee within the council who can issue a notice for up to 24 hours has not been specified due to the different structures locally. In considering who should be authorised as designates of the chief executive officer for the issuing of the 48 hour notice, councils will also want to consider who is delegated to issue the closure notice for 24 hours and consider whether the extension to 48 hours should be authorised by an officer of greater seniority, as is the case for the police. This may take into consideration the need for the power to be used quickly, its flexible nature, and equivalent requirement for a police inspector to issue a closure notice for 24 hours.

Notifications: With every issue of a closure notice, an application must be made to the magistrates' court for a closure order. Where the intention is to cancel the notice prior to the end of the 48 hour period because a closure order or a temporary order is not deemed necessary, this should be communicated to the court on application for a hearing for the closure order.

The police and council will want to consider when the courts will be able to hear the application for the closure order. The courts are required to hear the application within 48 hours of the service of the closure notice. This 48 hour period for the courts excludes Christmas day. To avoid undue pressure on the courts to hear applications for closure orders within 48 hours of serving the closure notice, careful thought should be given as to exactly when to serve the closure notice. Where possible, it is advisable to liaise with the court's listing office before serving the closure notice so that victims can be effectively protected at the earliest opportunity.

Putting victims first: The issuing body should undertake to inform the victim of the anti-social behaviour of the closure notice and to inform them of the details of the closure order hearing where possible and appropriate.

Temporary orders: Courts can consider giving an extension of the closure notice if required. This can be considered as an option by the magistrates' court at the hearing for the closure order. The court can order a closure notice to stay in force for a further 48 hours if satisfied this meets the test required for a closure notice.

A court may also order that a closure notice continue in force for a period of not more than 14 days in circumstances where the hearing is adjourned. A hearing can be adjourned for no more than 14 days to enable the occupier or anyone with an interest in the premises to show why a closure order should not be made.

Partnership working: Consultation is required as part of the closure notice. Before issuing a notice the police or council must ensure that they consult with anyone they think appropriate. This should include the victim, but could also include other members of the public that may be affected positively or negatively by the closure, community representatives, other organisations and bodies, the police or local council (where not the issuing organisation) or others that regularly use the premises. There may also be people who use the premises as access to another premises that is not subject to the closure notice but may be impacted on by the closure.

The method of consultation will depend on the situation and urgency. The police or council will want to consider how to keep a record of those consulted in case challenged at a later date (for instance, as part of a court case).

What to include in a closure notice? The closure notice should:

- identify the premises;
- explain the effect of the notice;
- state that failure to comply with the notice is an offence;
- state that an application will be made for a closure order;
- specify when and where the application will be heard;
- explain the effect of the closure order; and
- give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

Information should be displayed clearly in simple language, avoiding the use of jargon.

Putting victims first: It is not necessary to include information about those consulted within an order so as to protect those who may have made a complaint from any retribution. However, the officer issuing the closure notice should keep a record of those consulted.

Access: There may be times where the closure of premises through a closure order has a wider impact. An item may have been left in the premises or access has become restricted to another premises. Where an item has been left on premises it is expected that the police and local council will use their discretion in either allowing access temporarily to enable the individual to retrieve their item or retrieving the item on their behalf. Where an individual accesses the premises themselves without communication to the police or council they commit an offence unless they have a

reasonable excuse. Therefore it is sensible for the police and council to have clear communication with individuals affected.

Where a closure order restricts access to another premises or part of a premises that is not subject to a closure order the individuals affected will be able to apply to the appropriate court to have the order considered. The court may make any order it thinks appropriate. This may be a variation order to vary the terms of the order or it could cancel the order if considered inappropriate for it to remain in place.

Penalty on breach

An offence is committed when a person, without reasonable excuse, remains on or enters a premises in contravention of a closure notice or a closure order.

Closure notice and temporary order: Breaching a closure notice or temporary order is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.

Closure order: Breaching a closure order is a criminal offence carrying a penalty of either imprisonment for a period of up to six months or an unlimited fine, or both.

Obstruction: It is a criminal offence to obstruct a police officer or local council employee who is:

- serving a closure notice, cancellation notice or variation notice;
- entering the premises; or
- securing the premises.

This offence carries a penalty of either imprisonment for a period of up to three months or an unlimited fine, or both.

Who can appeal?

A closure notice cannot be appealed. A closure order can be appealed. Appeals are to the Crown Court and must be made within 21 days beginning with the date of the decision to which the appeal relates.

An appeal against the decision to issue the order may be made by:

- a person who was served the closure notice; or
- anyone who has an interest in the premises upon whom the notice was not served.

Where the court decides not to issue a closure order the following may appeal:

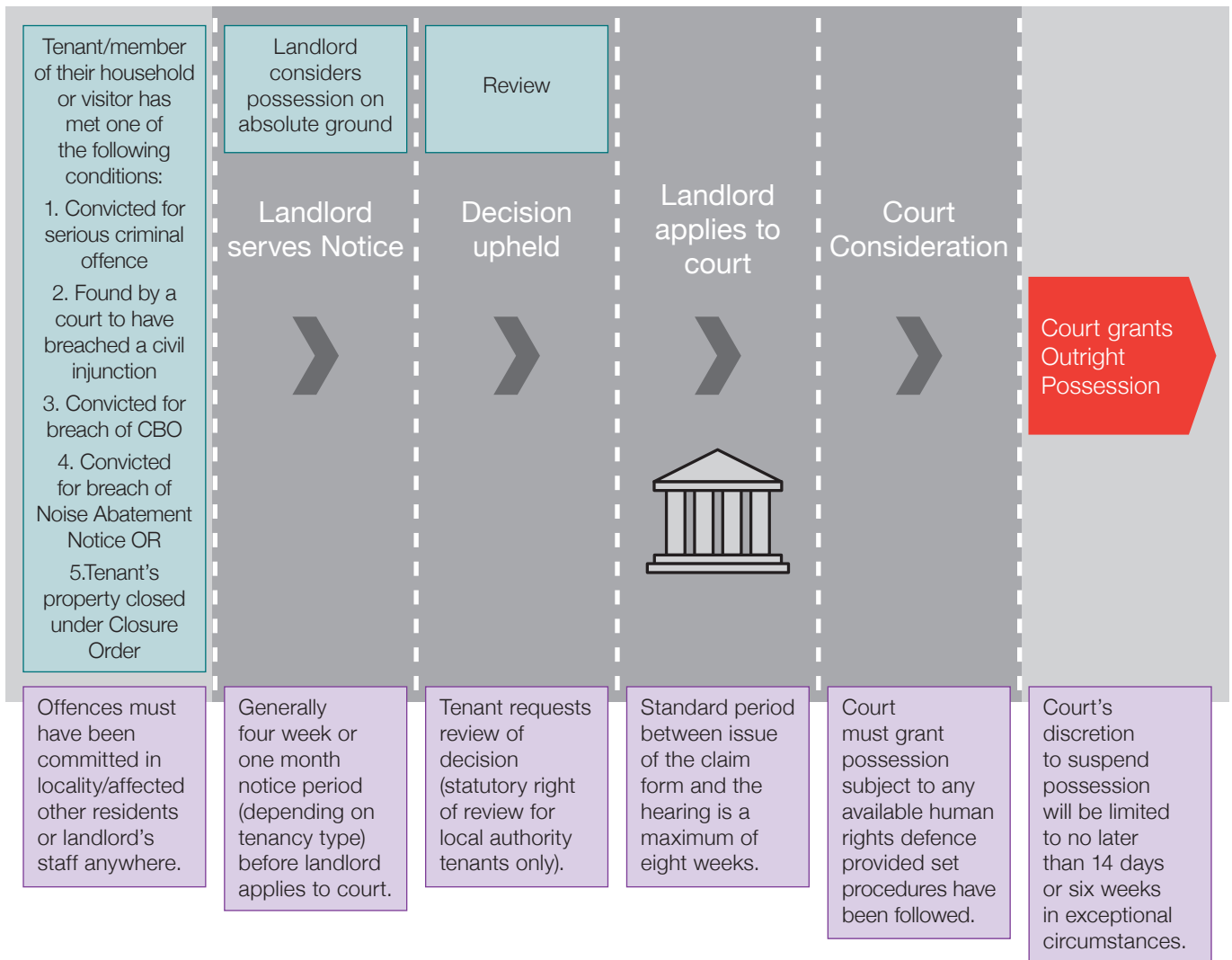
- the police may only appeal where they issued the closure notice;
- the local council may only appeal where they issued the closure notice.

On appeal, the Crown Court may make whatever order it thinks appropriate. If the premises is licensed the court must inform the licensing authority. It should also be considered whether it is appropriate and possible to update the victim on the progress of the case.

2.8 New absolute ground for possession

Overview	The Act introduces a new absolute ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court.
Purpose	To expedite the eviction of landlords' most anti-social tenants to bring faster relief to victims.
Applicants / Who can use the new ground	<ul style="list-style-type: none"> • Social landlords (local authorities and housing associations). • Private rented sector landlords.
Test	<p>The tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions:</p> <ul style="list-style-type: none"> • convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985); • found by a court to have breached a civil injunction; • convicted for breaching a criminal behaviour order (CBO); • convicted for breaching a noise abatement notice; or • the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.
Details	<ul style="list-style-type: none"> • Offence/breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality or affected the landlord or his or her staff/ contractors; • Secure tenants of local housing authorities will have a statutory right to request a review of the landlord's decision to seek possession. Private registered providers are encouraged to adopt a similar practice.
Result of action	<ul style="list-style-type: none"> • If the above test is met, the court must grant a possession order (subject to any available human rights defence raised by the tenant, including proportionality) where the correct procedure has been followed.
Important changes/ differences	<ul style="list-style-type: none"> • Unlike the existing discretionary grounds for possession, the landlord will not be required to prove to the court that it is reasonable to grant possession. This means the court will be more likely to determine cases in a single, short hearing; • This will offer better protection and faster relief for victims and witnesses of anti-social behaviour, save landlords costs, and free up court resources and time; • It will provide new flexibility for landlords to obtain possession through this faster route for persistently anti-social tenants; • The court will not be able to postpone possession to a date later than 14 days after the making of the order except in exceptional circumstances, and will not be able to postpone for later than six weeks in any event.

New absolute ground for possession



Overview

Prevention and early intervention should be at the heart of all landlords' approaches to dealing with anti-social behaviour. The evidence shows this is the case with over 80% of anti-social behaviour complaints resolved by social landlords through early intervention and informal routes without resorting to formal tools.

It is, however, a source of frustration for landlords and victims that in exceptional cases where anti-social behaviour (or criminality) persists and it becomes necessary to seek possession, the existing process for evicting anti-social tenants is often very lengthy and expensive for landlords and the courts and, most importantly, prolongs the suffering of victims, witnesses and the community.

Purpose

The purpose of the new absolute ground for possession is to speed up the possession process in cases where anti-social behaviour or criminality has been already been proven by another court.

As the landlord will no longer need to prove that it is reasonable to grant possession, the court will be more likely to determine cases in a single, short hearing. This will strike a better balance between the rights of victims and perpetrators, and provide swifter relief for victims, witnesses and the community. **The new absolute ground is intended for the most serious cases of anti-social behaviour and landlords should ensure that the ground is used selectively.**

Informing the tenant: Landlords should ensure that tenants are aware from the commencement of their tenancy that anti-social behaviour or criminality either by the tenant, people living with them, or their visitors could lead to a loss of their home under the new absolute ground.

Applicants

The new absolute ground will be available for secure and assured tenancies, and, therefore, will be able to be used by both social landlords and private rented sector landlords.

In practice, it is likely that private rented sector landlords will generally use the 'no fault' ground for possession, in section 21 of the Housing Act 1988, where this is available. This does not require the tenant to be in breach of any of the terms of their tenancy and, therefore, does not require the landlord to show that it is reasonable to grant possession as long as the relevant notice has been served. However, the 'no fault' ground can only be used at the end of the fixed term of the tenancy, which must be at least six months from the initial inception of the tenancy. This often limits private landlords' ability to seek possession where a tenant commits serious anti-social behaviour or criminality in the early stages of the tenancy. The new absolute ground should assist private rented sector landlords to end tenancies quickly in cases of serious anti-social behaviour or criminality that occur during the fixed term of an assured short-hold tenancy.

Test

The court must grant possession (subject to any available human rights defence raised by the tenant, including proportionality) provided the landlord has followed the correct procedure and at least one of the following five conditions is met:

- the tenant, a member of the tenant's household, or a person visiting the property has been convicted of a serious offence;
- the tenant, a member of the tenant's household, or a person visiting the property has been found by a court to have breached a civil injunction;
- the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a criminal behaviour order (CBO);
- the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour; or
- the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a noise abatement notice or order.

The offence or anti-social conduct must have been committed in, or in the locality of, the property, affected a person with a right to live in the locality of the property or affected the landlord or the landlord's staff or contractors.

Serious offences for this purpose include, for example: violent and sexual offences and those relating to offensive weapons, drugs and damage to property. A list of the relevant offences is found in Schedule 2A to the Housing Act 1985.

Details

The new absolute ground is based on the existing process for ending introductory tenancies for local authority tenants set out in sections 127 to 129 of the Housing Act 1996, and existing mandatory grounds for possession for rent arrears for housing association tenants, which generally work well for landlords.

The new ground will be available to landlords in addition to the existing discretionary grounds for possession set out in Schedule 2 to the Housing Act 1985 for secure tenants and Schedule 2 to the Housing Act 1988 for assured tenants. Landlords will be able to choose to use the new ground, in addition to, or instead of the existing discretionary grounds for anti-social behaviour where one or more of the five conditions are met.

Partnership working: Close working relationships with the police, local councils and other local agencies will be important to ensure that the landlord is always aware when one or more of the triggers for the new absolute ground has occurred.

Box I: Secured and Assured Tenancies

Secure tenants are generally tenants of local councils with a very high level of security of tenure. Apart from the new absolute ground, secure tenants can only be evicted from their property on the discretionary grounds for possession in Schedule 2 to the Housing Act 1985.

Tenants of housing associations generally have **non-shorthold assured tenancies** giving them a high level of security of tenure (although not fully equivalent to that of secure tenants). They can already be evicted under mandatory grounds for possession provided for in Schedule 2 to the Housing Act 1988 (for example, for rent arrears) as well as discretionary grounds for possession.

Private rented sector tenants generally have **assured shorthold tenancies** giving them limited security of tenure. They can be evicted under existing grounds for possession in Schedule 2 to the Housing Act 1988 as well as the 'no fault' ground in section 21 of the Housing Act 1988. This simply requires the landlord to give the tenant the proper notice before seeking a court order (usually without a hearing).

Notice requirements: In order to seek possession under the new absolute ground, landlords will need to serve a notice of the proceedings on the tenant, either:

- within 12 months of the relevant conviction or finding of the court being relied on (or if there is an appeal against the finding or conviction within 12 months of the appeal being finally determined, abandoned or withdrawn); or
- within three months where the tenant's property has been closed under a closure order (or if there is an appeal against the making of the closure order, within three months of the appeal being finally determined, abandoned or withdrawn).

The minimum notice period for periodic tenancies is four weeks, or the tenancy period (i.e. the rent period) if longer. In the case of a fixed term tenancy the minimum notice period is one month. The notice is valid for 12 months.

The notice must include the following information:

- the landlord's intention to seek possession under the new absolute ground;
- the reasons why they are seeking possession;
- which of the five conditions for the absolute ground the landlord proposes to rely on;
- the relevant conviction, finding of the court, or closure order the landlord proposes to rely on;
- details of any right that the tenant may have to request a review of the landlord's decision to seek possession, and the time within which the request must be made;
- where and how a tenant may seek advice on the notice; and
- the date after which possession proceedings may be begun.

If the landlord wishes to seek possession on one or more of the existing discretionary grounds as well, he or she must also specify and give details of the relevant discretionary ground/s in the notice.

The court has no power to dispense with service of a notice for possession under the new absolute ground. Therefore where a landlord decides to seek possession for anti-social behaviour on the new absolute ground alongside one or more of the discretionary grounds, the court will not be able to dispense of the notice as they would have been able to if the possession was sought solely on the discretionary ground.

Review procedure:

- Local council tenants will have a statutory right to request a review of the landlord's decision to seek possession under the new absolute ground.
- The request for a review must be made in writing within seven days of the notice to seek possession being served on the tenant.
- The review must be carried out before the end of the notice.
- The landlord must communicate the outcome of the review to the tenant in writing.
- If the decision is to confirm the original decision to seek possession, the landlord must also notify the tenant of the reasons for the decision.
- If the review upholds the original decision, the landlord will proceed by applying to the court for the possession order.
- The statutory review procedure will not apply to housing associations tenants. However, we would expect housing associations to offer a similar non-statutory review procedure (in the same way that they have done so for starter tenancies for example).

Putting victims first: In preparation for the court process, landlords should consider:

- reassuring victims and witnesses by letting them know what they can expect to happen in court;
- using professional witnesses where possible; and
- taking necessary practical steps with court staff to reassure and protect vulnerable victims and witnesses in court (e.g. the provision of separate waiting areas and accompanying them to and from court).

Landlords should also consider providing support/protection for victims and witnesses out of court, at home, and beyond the end of the possession proceedings when necessary.

Court hearing and defences:

- Tenants will be entitled to a court hearing.
- As with other grounds of possession, tenants of public authorities or landlords carrying out a public function will be able to raise any available human rights defence, including proportionality, against the possession proceedings.
- The court will consider whether such a defence meets the high threshold of being 'seriously arguable' established by the Supreme Court.
- Subject to any available human rights defence raised by the tenant, the court must grant an order for possession where the landlord has followed the correct procedure.

Suspension of possession order: The court may not postpone the giving up of possession to a date later than 14 days after the making of the order; unless exceptional hardship would result in which case it may be postponed for up to six weeks.

Important changes/differences

- Unlike with the existing discretionary grounds for possession, landlords will not need to prove to the court that it is reasonable to grant possession. This means that the court will be more likely to determine cases in a single hearing, thereby expediting the process.
- The new ground is an additional tool which will provide more flexibility for landlords but will be applicable only in limited circumstances – where a court has already found a tenant or member of their household guilty of anti-social behaviour or criminality in the locality of the property.
- The court has no power to dispense with service of a notice for possession under the new absolute ground as they can do under the discretionary ground for anti-social behaviour.
- Local council tenants will have a statutory right to request a review of the landlord's decision to seek possession under the absolute ground. We would expect housing associations to make a similar non-statutory review procedure available to their tenants.
- The court will only have the discretion to suspend a possession order made under the new ground to a date no later than 14 days after the making of the order (unless it appears to the court that exceptional hardship would be caused, in which case it may be postponed to a date no later than six weeks after the making of the order.)

Scrutiny Work Programme 2014 - 2015

This programme represents the work of Scrutiny, including panel work and Committee items. The work programme is divided under the following headings:

1. Standing Panels
2. Review Panels and Ad hoc Panels in progress
3. Potential Review Panels (to be established if and when resources allow)
4. Items for Scrutiny Committee meetings
5. Draft Scrutiny Committee agenda schedule
6. Items called in and Councillor calls for action
7. Items referred to Scrutiny by Council

1. Standing Panels

12

Topic	Area(s) for focus	Nominated councillors (no substitutions allowed)
Finance Panel – All finance issues considered within the Scrutiny Function.	See appendix 1	Councillors Simmons (Chair), Darke, Fooks and Fry
Housing – All strategic and landlord issues considered within the Scrutiny Function.	See appendix 2	Councillors Hollick (Chair), Sanders, Smith and Wade Co-opted Member – Linda Hill

2. Review panels and ad hoc panels in progress


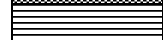

Topic	Scope	Progress	Next steps	Nominated councillors
Thames Water investment to improve flooding	To continue engagement with Thames Water Utilities (TWU) at a senior level to ensure delivery of the agreements reached.	Catchment study publically launched and a press statement issued in advance. Contact made with TWU to establish governance structure.	Panel briefing on study to be arranged. Governance structure meeting dates to be set.	Councillors Darke (Chair) Pressel, Thomas and Goddard
Tacking Inequality	To review how the City Council contributes to combatting harmful inequality in Oxford, and whether there is more that could reasonably be done.	A call for evidence has been issued. A document has been developed detailing the ways in which the City Council combats inequality and opportunities and gaps identified.	Further evidence gathering meetings scheduled for 9 & 26 February.	Councillor Coulter (Chair), Gant, Lloyd-Shogbesan and Thomas
Budget Review	Annual review of draft budget and medium term financial plan	Three Budget Review meetings in w/c 12 January.	Recommendations to be agreed on 21 Jan.	Finance Panel Members
Recycling rates	To review of recycling and waste data rates, and consider community incentives and other recycling initiatives.	Continuation of previous panel which reported in July 2014. Meeting held on 8 October to consider bid for incentive funding.	Panel to visit depot and consider waste and recycling on 16 February 2015	Councillor Fry (Chair), Simmons and Hayes
Supporting businesses in the city centre	1. What can the City Council can do to mitigate disruption to the city centre economy while major developments are taking place? How can communication be improved for lasting benefit to residents and visitors? 2. What scope does the City Council have to minimise the time shop units are left empty, and to improve the appearance of empty units?	The panel metwith the Town Centre manager todiscuss possible areas of focus on 7 January 2015.	Scope to be considered by Scrutiny Committee on 19 January.	Councillor Fry (Chair), Darke, Benjamin and Gotch

3. Potential Review Panels – to be established when resources allow

Topic	Area(s) for focus	Nominated councillors
Cycling	Scope to be determined. Panel to consider area(s) of focus which could include: <ul style="list-style-type: none"> Review cycling funding including City and County Council contributions. Explore progress against sought outcomes and value for money achieved. 	Councillors Wolff, Upton, Pressel and Hayes
Neighbourhood working	Scope to be determined. Could to consider how to address feedback provided to the City Council by the peer review group.	TBC

Indicative scrutiny review timeline 2014-2015 (does not include ad hoc review panels)

Review	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July
Budget Scrutiny	Scoping	Scoping	Scoping	Evidence gathering and review	Evidence gathering and review	Evidence gathering and review	Reporting				
Inequalities		Scoping	Evidence gathering and review	Evidence gathering and review	Evidence gathering and review	Evidence gathering and review	Evidence gathering and review	Reporting	Reporting		
Supporting businesses					Scoping	Evidence gathering and review	Evidence gathering and review	Evidence gathering and review	Evidence gathering and review	Reporting	
Cycling							Scoping	Evidence gathering and review	Evidence gathering and review	Evidence gathering and review	Reporting

	Scoping
	Evidence gathering and review
	Reporting

4. Items for Committee meetings (in no particular order)

Topic	Area(s) for focus	Lead and other Councillors
Discretionary Housing Payments	Quarterly updates on spending profiles within a framework agreed by the Committee.	Councillor Coulter
Performance monitoring	Quarterly report on a set of Corporate and service measures chosen by the Committee.	Councillors Altaf-Khan, Coulter, Darke & Simmons
Educational attainment investment	To consider the academic progress and key stage results at schools operating the KRM model compared to those not.	Councillors Altaf-Khan, & Hayes & Thomas
Fusion Lifestyle contract performance	Regular yearly item agreed again by the Committee to consider performance against contract conditions.	Councillor Simmons
Research on the effects of welfare reform	To consider research into the impact of welfare reforms in the City.	Councillor Coulter
Clean streets	To receive an update on the City Council's approach to keeping Oxford streets clean from graffiti, detritus, littering and waste.	
Living Wage	To review how the living wage is enforced through procurement contracts	
New controls over anti-social behaviour	To receive an update on the City Council's changing approach to anti-social behaviour.	
Low Carbon Oxford	To receive an update on the progress of this scheme and plans to progress the low carbon agenda in Oxford.	
Community and Neighbourhood services	To review aims, activities and outcomes; grant distribution; community centres and associations; volunteering; Neighbourhood plans; how better on-going engagement can be established with different communities.	
Activities for older residents and preventing isolation	To receive an update on services and activities for over 50s, with a focus on preventing isolation.	
Individual voter registration	To receive an update on changes to electoral registration and to monitor how the City Council is maximising registration.	
Taxi Licencing	To review rules and processes; to understand driver issues.	
Forward Plan items	To consider issues to be decided by the City Executive Board.	

5. Draft Scrutiny Committee Agenda Schedule

Date (all 6pm, St. Aldate's Room unless stated)	Agenda Item	Lead Member; Officer(s)
19 January 2015	<ol style="list-style-type: none"> 1. Growth Board Work Programme 2. Educational Attainment 3. New Council controls over anti-social behaviour 4. Review Panel scope: Supporting businesses in the city centre 	<p>Cllr Price; Paul Staines</p> <p>Jonathon Solity & Helen Wall (KRM), Cllr Pat Kennedy; Tim Sadler</p> <p>Richard Adams</p> <p>Cllr James Fry</p>
3 February 2015	<ol style="list-style-type: none"> 1. Community and Neighbourhood services 2. Activities for older residents and preventing isolation 3. Cycle City 4. Grant Allocations to Community and Voluntary Organisations 2015/2016 (pre-scrutiny) 5. The Culture Strategy 2015-18 (pre-scrutiny) 6. Purchase of St. Aldate's Chambers (pre-scrutiny) 7. Performance monitoring – quarter 3 	<p>Ian Brooke</p> <p>Luke Nipen, Vicki Galvin</p> <p>Jo Colwell</p> <p>Julia Tomkins</p> <p>Ceri Gordon</p> <p>Nick Twigg</p>
2 March 2015	<ol style="list-style-type: none"> 1. Living Wage 2. Consultation and Engagement 	<p>Simon Howick</p> <p>Sadie Paige</p>

	<ul style="list-style-type: none"> 3. Research into the local impact of Welfare Reform 4. Discretionary Housing Payments (pre-scrutiny) 5. Oxfutures programme (pre-scrutiny) 	<p>Paul Wilding</p> <p>Paul Wilding</p> <p>Jo Colwell</p>
23 March 2015	<ul style="list-style-type: none"> 1. Low Carbon Oxford 2. Inequalities Panel report (TBC) 	<p>John Copley</p> <p>Cllr Coulter</p>
5 May 2015	<ul style="list-style-type: none"> 1. Recycling rates 	<p>Geoff Corps</p>

6. Items called in and Councillor calls for action

None

7. Items referred to Scrutiny by Council

None

Appendix 1 - Finance Panel work programme 2014-15

Items for Finance Panel meetings

Suggested Topic	Suggested approach / area(s) for focus
Budget Scrutiny	Review of the Council's medium term financial strategy.
Budget monitoring	Regular monitoring of projected budget outturns through the year.
Treasury Management	Scrutiny of the Treasury Management Strategy and regular monitoring of Treasury performance.
Capital process	To receive an update on the implementation of the Capital Gateway process.
Maximising European funding	To consider how the City Council can maximise funding opportunities; invite local MEPs to contribute to the discussion.
Municipal bonds	To receive an update on the establishment of a municipal bonds agency.
Local financing	To consider whether there is a case for the City Council to generating capital financing locally through bonds or crowd-funding.
Ethical investment	To monitor the City Council's approach to implementing an ethical investment policy.
Council tax exemptions	To receive an update on the financial implications of different types of exemptions.

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Draft Finance Panel agenda schedule

Date and room (all 5.30pm, St. Aldate's Room)	Agenda Item	Lead Member; Officer(s)
21 January 2015	<ol style="list-style-type: none"> 1. Capital programme process review update 2. Banking Services Provider (confidential) 3. Budget Scrutiny – recommendation areas agreed 	David Edwards, Stephen Clarke, Nigel Kennedy Nigel Kennedy Cllr Simmons

5 February 2015	<ol style="list-style-type: none"> 1. European funding 2. Treasury Management Strategy 15/16 (pre-scrutiny) 3. Creation of a Panel to Manage the Council's Investment Portfolio (pre-scrutiny) 4. Budget Review Report 	<p>Anneliese Dodds MEP</p> <p>Anna Winship</p> <p>Jane Winfield</p> <p>Cllr Simmons</p>
25 March 2015	<ol style="list-style-type: none"> 1. Local Financing 2. Budget monitoring – quarter 3 3. Capital Strategy (pre-scrutiny) 	<p>TBC</p> <p>Nigel Kennedy</p> <p>Nigel Kennedy</p>

Meetings closed to the public:

Date and room (all 5.30pm)	Agenda Item	Lead Member; Officer(s)
12 January 2015, Plowman Room	1. Budget Scrutiny – Community Services	Cllr Turner; Tim Sadler
13 January 2015, Plowman Room	1. Budget Scrutiny – Organisational Development and Corporate Services	Cllr Turner; Peter Sloman, Jackie Yates
14 January 2015, Plowman Room	1. Budget Scrutiny – City Regeneration and Housing	Cllrs Turner & Seamons; David Edwards, Stephen Clarke
3 February 2015, St. Aldate's Room	1. Review of published budget report	Nigel Kennedy

Appendix 2 - Housing Panel work programme 2014-15

Items for Housing Panel meetings

Suggested Topic	Suggested approach / area(s) for focus
Performance monitoring	Regular monitoring of performance measures for Estates Regeneration, Housing Supply and Welfare Reform and Housing Crisis.
Housing Strategy	Review headline priorities and sought outcomes in Housing Strategy at draft stage, and the action plan post-consultation.
Increasing the provision of affordable housing	Monitoring of performance measures; scrutiny of the Housing Business Plan and the Housing Strategy; consider alternative options e.g. pre-fabs and 'pods'; possible review topic.
Homelessness	Monitoring of performance measures; scrutiny of the Housing Business Plan and Housing Strategy; pre-scrutiny of homelessness grant allocations; possible review topics.
Rent arrears	Monitoring of performance measures; bi-annual update reports.
STAR survey results	Monitoring of results.
Tackling under-occupancy	Report on efforts to tackle under-occupancy; consider in rent arrears reports.
Oxford Standard	To receive a progress update on the delivery of the Oxford Standard through the Asset Management Strategy and Action Plan, including an update on work to improve thermal efficiency in the Council's housing stock.
Private sector licencing	Update report on the scheme; consider views of landlords and PRS tenants.
Unlawful dwellings	A report on the City Council's approach to tackling illegal dwellings e.g. beds in sheds, given that funding ends in April 2015.
Repairs exemptions policy	To scrutinise proposed changes to the current policy.
De-designation of 40+ accommodation	Update report on the final phase of de-designating 40+ accommodation (expected in April 15).
Sheltered Housing	To contribute to and monitor the customer profiling survey of residents in sheltered accommodation and how this data should inform future provision.
Fuel Poverty	To receive an update on the City Council's approach to the issue of Fuel Poverty. Commission/review research; consider during other items; possible review topic.
Supporting people	Verbal updates on the joint commissioning of housing support services.

Draft Housing Panel Agenda Schedules

Date, room and time	Agenda Item	Lead Officer(s)
22 January 2015, Plowman Room, 5pm	<ol style="list-style-type: none"> 1. Star Survey Results 2. Fuel Poverty 3. Aids and Adaptions Policy (pre-scrutiny) 	Gary Parsons Deborah Haynes& Paul Wilding Bill Graves
4 February 2015, St Aldate's Room, 5.30pm	<ol style="list-style-type: none"> 1. Unlawful dwellings 2. Tackling under-occupancy 3. Housing Strategy 2015-2018 (pre-scrutiny) 	Ian Wright Bill Graves Gary Parsons
24 March 2015, Judges Room, 5pm	<ol style="list-style-type: none"> 1. Non-statutory homelessness services 2. De-designation review year 4 	ShaiburRahman Tom Porter

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Meetings closed to the public:

Date, room and time	Agenda Item	Lead Member; Officer(s)
15 January 2015, Plowman Room, 5.30pm	<ol style="list-style-type: none"> 1. Budget Scrutiny - Housing 	Cllrs Turner &Seamons; Stephen Clarke

FORWARD PLAN FOR THE PERIOD JANUARY - DECEMBER 2015

The Forward Plan gives information about all decisions the City Executive Board (CEB) is expected to take and significant decisions to be made by Council or other Council committees over the forthcoming four-month period. It also contains information beyond this in draft form about decisions of significance to be taken in the forthcoming year.

What is a Key decision?

A key decision is an executive decision which is likely:-

- To result in the council incurring expenditure of more than £500,000 or
- To be significant in terms of its effects on communities living or working in an area comprising of two or more wards.

A key decision, except in special or urgent circumstances, cannot be taken unless it has appeared in the Forward Plan for 28 days before the decision is made.

Private meetings

Some or all, of the information supporting decisions in the Forward Plan may be taken at a meeting not open in part, or in whole to the press or public. Items that contain confidential information that will be excluded from the public are marked in this plan and the reason for doing so given.

If you object to an item being taken in private, or if you wish to make representations about any matter listed in the Forward Plan, then please contact Committee & Member Services at least 7 working days before the decision is due to be made. This can be done by contacting:

Pat Jones, Committee Services Manager

Committee & Member Services
St Aldate's Chambers
St Aldate's Street
Oxford OX1 1DS

01865 252191

cityexecutiveboard@oxford.gov.uk

Inspection of documents

Reports to be submitted to the decision-maker and background papers to those reports are available for inspection at the Council offices and will appear on our website

<http://www.oxford.gov.uk> 5 working days prior to the date on which the decision is due to be made.

The Council's decision-making process

The agenda papers for CEB meetings are available five working days before the meeting on the council website.

Further information about the Council's decision making process can be found in the Council's Constitution, which can be inspected at the Council's offices or online at

<http://www.oxford.gov.uk>

City Executive Board Members and Senior Officers

City Executive Board Member	Portfolio
Bob Price, Council Leader	Corporate Strategy, Economic Development and Planning
Ed Turner, Deputy Leader	Finance, Asset Management and Public Health
Susan Brown	Customer Services and Social Inclusion
Mark Lygo	Sports, Events and Parks
Pat Kennedy	Educational Attainment and Youth Ambition
Mike Rowley	Leisure Contract and Community Partnership Grants
Dee Sinclair	Crime and Community Response
Scott Seamons	Housing and Estate Regeneration
Christine Simm	Culture and Communities
John Tanner	Cleaner, Greener Oxford, Climate Change and Transport

Senior Officers	Job Title
Peter Sloman	Chief Executive
David Edwards	Executive Director of City Regeneration and Housing
Tim Sadler	Executive Director of Community Services
Jackie Yates	Executive Director of Organisational Development and Corporate Services
Jane Lubbock	Head of Business Improvement and Technology
Michael Crofton-Briggs	Head of City Development
Helen Bishop	Head of Customer Services
Graham Bourton	Head of Direct Services
John Copley	Head of Environmental Development
Nigel Kennedy	Head of Finance/ Section 106 Officer
Stephen Clarke	Head of Housing and Property
Simon Howick	Head of Human Resources and Facilities
Jeremy Thomas	Head of Law and Governance / Monitoring Officer
Ian Brooke	Head of Leisure and Communities
Peter McQuitty	Head of Policy Culture and Communications

DELEGATED OFFICER EXECUTIVE KEY DECISIONS

ITEM 1:	AWARD OF CONTRACT FOR A NEW TELEPHONY SOLUTION. ID: I009808
<p>The Council currently has</p> <ul style="list-style-type: none"> • Numerous contracts with BT for line rental and call costs • A contract with Vodafone for mobiles. This contract ends later this month and can be extended on a monthly basis. • Various line contracts with Virgin • A Mitel for our switchboard system which has a two year remaining life span <p>The Council's annual telephony spend is approx. is £270k a year and many staff have access to more than one voice device solution.</p> <p>Organisations are moving to providing staff with a single voice device solution depending on their role and work requirement. This supply market is now fairly mature and a number of Councils are already implementing this solution and achieving financial savings.</p> <p>The likely new contract value over 5 years will exceed the £500k threshold so I will require CEB approval to award this contract.</p> <p>The City Executive Board resolved on 10 September 2014 to give project approval and delegated authority to the Director of Organisational Development and Corporate Services to award a new telephony contract.</p>	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Part exempt Commercially Sensitive Information
Will this decision be preceded by any form of consultation?	None
Decision Taker	Executive Director of Organisational Development and Corporate Services
Executive Lead Member:	Finance, Asset Management and Public Health
Report Owner:	Executive Director of Organisational Development and Corporate Services
Report Contact:	Jane Lubbock Tel: 01865 252708 jlubbock@oxford.gov.uk

ITEM 2:	DEVELOPMENT OF THE NEW ROSE HILL COMMUNITY CENTRE ID: I010054
<p>The proposed development of the new Rose Hill Community Centre will commence upon the appointment of a building contractor. Tenders were submitted on the 8th September with a view to awarding the contact week commencing 22nd September 2012. The value of this contract will be in excess of £500,000.</p> <p>The Executive Director of Community Services will award a contract to develop the new Rose Hill Community Centre.</p>	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the	Part exempt Commercially Sensitive information

public?	
Will this decision be preceded by any form of consultation?	None
Decision Taker	Executive Director of Community Services
Executive Lead Member:	Culture and Communities
Report Owner:	Executive Director of Community Services
Report Contact:	Jane Winfield Tel: 01865 252551 jwinfield@oxford.gov.uk

ITEM 3:	REDEVELOPMENT OF FRIDESWIDE SQUARE PROJECT ID: I008876
Redevelopment of Frideswide Square in partnership with Oxfordshire County Council.	
On 3 July CEB agreed to Delegate to the Executive Director of Regeneration and Housing responsibility to complete the legal agreement requested by the County Council	
On 15 October CEB agreed - To include within the Legal Agreement with the County Council the arrangements for the maintenance and management of Frideswide Square and to delegate to the Executive Director Community Services the responsibility for agreeing such maintenance and management arrangements.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	
Decision Taker	Executive Director of City Regeneration and Housing <input type="checkbox"/> Executive Director of Community Services
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	
Report Contact:	David Edwards Tel: 01865 252394 dedwards@oxford.gov.uk <input type="checkbox"/> Tim Sadler Tel: 01865 252101 tsadler@oxford.gov.uk

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ITEM 4:	COMPULSORY PURCHASE ORDER - COWLEY ROAD, OXFORD. ID: I010477
Approval to initiation of CPO proceedings under the approved Empty Homes Strategy and subsequent disposal options in order to bring property into use.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Part exempt Commercial affairs of the Council
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Housing and Estate Regeneration
Report Owner:	Head of Housing and Property
Report Contact:	Melanie Mutch mmutch@oxford.gov.uk, Mike Scott Tel: 01865 252138 mwscott@oxford.gov.uk

ITEM 5:	MEMORANDUM OF UNDERSTANDING – OXFORD AND ABINGDON FLOOD ALLEVIATION SCHEMES ID: I010927
To complete a memorandum of understanding to steer the work of the future Oxford and Abingdon Flood Alleviation Scheme.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Executive Director of Community Services
Report Contact:	Tim Sadler Tel: 01865 252101 tsadler@oxford.gov.uk

ITEM 6:	ORGANISATIONAL DEVELOPMENT STRATEGY ID: I010160
A refresh of the strategy	
Is this a Key Decision?	Not Key
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Head of Human Resources and Facilities
Report Contact:	Simon Howick Tel: 01865 252547 showick@oxford.gov.uk

CEB 12 FEBRUARY 2015

ITEM 7:	ASSET MANAGEMENT STRATEGY- COUNCIL HOUSING STOCK ID: I010484
To propose the adoption of a strategy that will determine decisions for the Council's housing stock	
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	Yes. Consultation has already happened to produce this draft which in turn will be subject to a further 28 day consultation before final consideration by CEB and Council
Decision Taker	City Executive Board <input type="checkbox"/> Council
Executive Lead Member:	Housing and Estate Regeneration <input type="checkbox"/>
Report Owner:	Head of Housing and Property
Report Contact:	Martin Shaw mshaw2@oxford.gov.uk

ITEM 8:	BARTON - ACQUISITION OF AFFORDABLE PROPERTY ID: I006432
The report will update Members on the Council's purchase of the affordable housing at Barton	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Part exempt Information relating to the business affairs of the Council
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Finance, Asset Management and Public Health, Housing and Estate Regeneration
Report Owner:	Head of Housing and Property
Report Contact:	Alan Wylde Tel: 01865 252319 awylde@oxford.gov.uk

ITEM 9:	BUDGET 2015/16 ID: I010205
To recommend to Council the adoption of the Budget and medium term Financial Plan for 2015/16 following public consultation.	
On 17 December CEB delegated to the Section 151 Officer in consultation with the Board Member for Finance and Assets to determine whether it is financially advantageous for the Council to enter into a Business Rates Pool.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	Public Consultation Dec- Jan 2015
Decision Taker	City Executive Board <input type="checkbox"/> Council <input type="checkbox"/> Section 151 Officer
Executive Lead Member:	Finance, Asset Management and Public Health <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Report Owner:	Head of Finance
Report Contact:	Nigel Kennedy Tel: 01865 252708 nkennedy@oxford.gov.uk

ITEM 10:	COMPULSORY PURCHASE ORDER - FIDDLER'S ISLAND ID: I010479
Acquisition of land to facilitate the construction of a bridge to Fidders Island from Roger Dudman Way to supplement and improve access and provision of cycle and walking routes in the City.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Cleaner, Greener Oxford, Climate Change and Transport, Finance, Asset Management and Public Health
Report Owner:	Regeneration and Major Projects Service Manager

Report Contact:	Mike Scott Tel: 01865 252138 mwscott@oxford.gov.uk
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ITEM 11:	CORPORATE PLAN 2015-19 ID: I010162
To recommend that Council adopts the Corporate Plan 2015-19 following the public consultation from December 2014-January 2015	
Approval by Full Council in February 2015.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	Yes public consultation in December 2014
Decision Taker	City Executive Board <input type="checkbox"/> <input type="checkbox"/> Council
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Head of Policy Culture and Communications
Report Contact:	Peter McQuitty Tel: 01865 252780 pmcquitty@oxford.gov.uk

ITEM 12:	DRAFT DIAMOND PLACE SUPPLEMENTARY PLANNING DOCUMENT (SPD) ID: I009631
The draft Diamond Place SPD will be in the form of a development brief intended to guide future development of the Diamond Place/Ewert House site in Summertown. The SPD expands on Policy SP14 in the Sites and Housing Plan 2011-2026, which sets out the uses permitted on the site.	
The draft Diamond Place SPD will be consulted on and then will return to the City Executive Board for adoption.	
Is this a Key Decision?	Not Key
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	Two stages of consultation have taken place already. A workshop to discuss issues and options took place in September 2013. A consultation on options for the SPD took place during April and May, including a workshop at a meeting of the Summertown St Margaret's Neighbourhood Forum on 2nd April. Paper comment forms were left in libraries, a GP surgery, the Ferry centre and the NOA Community Centre, which also housed an exhibition. A range of organisations in and adjoining the affected area, as well as city wide stakeholders, were informed directly of the consultation by letter and email. These consultations inform the draft SPD, which itself is intended for further consultation during October and November 2014.
Decision Taker	City Executive Board <input type="checkbox"/> <input type="checkbox"/> City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning <input type="checkbox"/> <input type="checkbox"/>
Report Owner:	Head of City Development

Report Contact:	Sarah Harrison Tel: 01865 252015 sbharrison@oxford.gov.uk
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ITEM 13:	GRANT ALLOCATIONS TO COMMUNITY AND VOLUNTARY ORGANISATIONS 2015/2016 ID: I009804
This report will set out the recommendations for the allocation of grant funding to the community and voluntary sector from 01.04.15.	
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	Leisure Contract and Community Partnership Grants
Report Owner:	Head of Leisure, Parks and Communities
Report Contact:	Julia Tomkins Tel: 01865252685 jtomkins@oxford.gov.uk

ITEM 14:	EXPENS DELIVERY STRATEGY ID: I009224
To update CEB on the delivery of the strategy for the Oxpens site and seek approval for stages 2 and 3.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Part exempt Commercial Sensitive
Will this decision be preceded by any form of consultation?	Formal consultation is underway regarding budgetary provision- to be heard at full council February. Previous statutory consultation has taken place regarding regeneration of Oxpens through the West End AAP and the Oxpens masterplan SPD.
Decision Taker	City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Executive Director of City Regeneration and Housing
Report Contact:	Fiona Piercy Tel: 01865 252185 fpiercy@oxford.gov.uk

ITEM 15:	PURCHASE OF ST ALDATE'S CHAMBERS ID: I010346
To make an offer for the purchase of the Council offices at 13 St Aldates.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Part exempt Commercial affairs of the Council.
Will this decision be preceded by any form of consultation?	

Decision Taker	City Executive Board
Executive Lead Member:	Finance, Asset Management and Public Health
Report Owner:	Regeneration and Major Projects Service Manager
Report Contact:	Nick Twigg ntwigg@oxford.gov.uk

ITEM 16:	TREASURY MANAGEMENT STRATEGY 15/16 ID: I010203
To recommend the Council adopts the Treasury Management Strategy 15/16.	
Council to adopt the Treasury Management Strategy 15/16 on 18 February 2015.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board <input type="checkbox"/> Council <input type="checkbox"/> City Executive Board
Executive Lead Member:	Finance, Asset Management and Public Health <input type="checkbox"/> Finance, Asset Management and Public Health <input type="checkbox"/>
Report Owner:	Head of Finance
Report Contact:	Nigel Kennedy Tel: 01865 252708 nkennedy@oxford.gov.uk

COUNCIL: BUDGET 18 FEBRUARY 2015

ITEM 17:	RESERVES AND BALANCES REPORT ID: I010209
To adopt the Reserves and Balances Report alongside the Budget.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	Council
Executive Lead Member:	Finance, Asset Management and Public Health
Report Owner:	Section 151 Officer
Report Contact:	Nigel Kennedy Tel: 01865 252708 nkennedy@oxford.gov.uk

ITEM 18:	COUNCIL TAX SETTING ID: I010211
To set the Council tax for the financial year 2015/16.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	Council
Executive Lead Member:	Finance, Asset Management and Public Health
Report Owner:	Head of Finance

Report Contact:	Nigel Kennedy Tel: 01865 252708 nkennedy@oxford.gov.uk
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CEB 12 MARCH 2015

ITEM 19:	AIDS AND ADAPTATIONS POLICY ID: I010042
<p>The document defines who is eligible for support under the aids and adaptations policy, and any limitations. The aim of this policy is to provide a cost effective service taking into account the health and well-being of the tenant and the household.</p> <p>The policy takes into account the following corporate and service priorities:</p> <p>Corporate Priorities Meeting Housing Needs Housing Strategy Objectives Meet the Housing Needs of Vulnerable Groups Support Sustainable Communities</p>	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	No
Decision Taker	City Executive Board
Executive Lead Member:	Housing and Estate Regeneration
Report Owner:	Head of Housing and Property
Report Contact:	Stephen Clarke Tel: 01865 252447 sclarke@oxford.gov.uk

ITEM 20:	AWARD OF A SINGLE HOMELESSNESS AND OUTREACH SERVICE ID: I010937
<p>To provide an assertive outreach service to all rough sleepers in Oxford City; advice and guidance to those who fall into the single homeless category; and for the management of the Assessment Service.</p>	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Housing and Estate Regeneration
Report Owner:	Head of Housing and Property
Report Contact:	Nicky Atkin Tel: 01865 252778 natkin@oxford.gov.uk

ITEM 21:	BLACKBIRD LEYS DISTRICT CENTRE REGENERATION ID: I011042
<p>To update CEB on feasibilities for regeneration of the district centre and to seek approval to secure a development partner.</p>	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Part exempt Commercially Sensitive

Will this decision be preceded by any form of consultation?	Formal consultation is underway regarding budgetary provision for this project - to be heard at full council February. Previous community consultation has taken place on regeneration proposals for the area. Meetings with portfolio holders and key stakeholders have taken place. Further informal consultation is planned following receipt partner bids. Information sharing and marketing planned. Formal consultation will take place as part of town planning processes.
Decision Taker	City Executive Board
Executive Lead Member:	Housing and Estate Regeneration
Report Owner:	Executive Director of City Regeneration and Housing
Report Contact:	Fiona Piercy Tel: 01865 252185 fpiercy@oxford.gov.uk

ITEM 22:	THE CULTURE STRATEGY 2015-18	
	ID: I009798	
The 2015-2018 Culture Strategy includes the vision and priorities for the Culture team's delivery and investment. It plays an important role in developing partnerships, enhancing cultural provision for Oxford's communities, and highlighting the Council's commitment to cultural regeneration and economic development. CEB will be asked to approve the Draft Culture Strategy so it can go out for public consultation. The Strategy will be revised following this consultation, at which point CEB will be asked to approve and adopt the revised Culture Strategy 2015-18.		
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards	
Is this item open or exempt to the public?	Open	
Will this decision be preceded by any form of consultation?	Yes – proposed Oct- Dec 2014	
Decision Taker	City Executive Board	
Executive Lead Member:	Culture and Communities	
Report Owner:	Head of Policy Culture and Communications	
Report Contact:	Ceri Gorton Tel: 01856 252829 cgorton@oxford.gov.uk	

ITEM 23:	CAPITAL STRATEGY	
	ID: I010207	
To adopt the Council's capital strategy		
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards	
Is this item open or exempt to the public?	Open	
Will this decision be preceded by any form of consultation?	None	
Decision Taker	City Executive Board <input type="checkbox"/> Council	
Executive Lead Member:	Finance, Asset Management and Public Health <input type="checkbox"/> Finance, Asset Management and Public Health	

Report Owner:	Head of Finance
Report Contact:	Nigel Kennedy Tel: 01865 252708 nkennedy@oxford.gov.uk

ITEM 24:	CORPORATE DEBT POLICY ID: I006675
Annual update of policy in relation to the collection of income	
Is this a Key Decision?	Not Key It is significant in terms of its effect on communities living or working in an area comprising two or more wards
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Finance, Asset Management and Public Health
Report Owner:	Head of Finance
Report Contact:	Nigel Kennedy Tel: 01865 252708 nkennedy@oxford.gov.uk

ITEM 25:	DISCRETIONARY HOUSING PAYMENT POLICY ID: I009095
Review of the City Council's current policy in light of reduced funding	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	Customer Services and Social Inclusion
Report Owner:	Head of Customer Services
Report Contact:	Paul Wilding Tel: 01865 252461 pwilding@oxford.gov.uk

ITEM 26:	EXEMPTION POLICY FOR REPAIRS ID: I010046
The Exemption Policy for Repairs is being updated to better reflect the needs of tenants through more comprehensive targeting support.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Housing and Estate Regeneration
Report Owner:	Head of Housing and Property
Report Contact:	Nichola Griffiths Tel: 01865 252 336 ngriffiths@oxford.gov.uk

ITEM 27:	HOMELESSNESS GRANTS ALLOCATION ID: I008005
This report will recommend the allocation of the Preventing Homelessness Grant and the Council's monies relating to homelessness services.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring

	expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	Housing and Estate Regeneration
Report Owner:	Head of Housing and Property
Report Contact:	Nerys Parry nparry@oxford.gov.uk

ITEM 28:	OXFUTURES PROGRAMME ID: I008833
Update on progress and risk regarding the EU funded OxFutures programme <ul style="list-style-type: none"> • update on delivery progress • description of delivery pipeline to Nov 2015 • discussion of financial risks 	
Is this a Key Decision?	Not Key
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Councillor John Tanner
Report Owner:	Executive Director of Community Services
Report Contact:	Mairi Brookes Tel: 01865 252212 mbrookes@oxford.gov.uk

ITEM 29:	HOUSING STRATEGY 2015-2018 ID: I009802
The Housing Strategy 2015-16 sets out the priorities for the next three years, with a new action plan to help deliver these priorities. Approval of the strategy is being requested following consultation.	
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	Yes
Decision Taker	City Executive Board <input type="checkbox"/> Council
Executive Lead Member:	Housing and Estate Regeneration <input type="checkbox"/>
Report Owner:	Head of Housing and Property
Report Contact:	Stephen Clarke Tel: 01865 252447 sclarke@oxford.gov.uk

ITEM 30:	INTEGRATED PERFORMANCE REPORT 2014/15_ QUARTER 3 ID: I009810
To provide a quarterly update of the Council's finances, the performance of services and the risks faced by the authority.	
Quarter 1- based on information as at 30 June 2014 Quarter 2- based on information as at 31 October 2014 Quarter 3- based on information as at 31 December 2014 Quarter 4 – based on information as at 31 March 2015	
Is this a Key Decision?	Not Key
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board <input type="checkbox"/> <input type="checkbox"/> City Executive Board
Executive Lead Member:	Finance, Asset Management and Public Health <input type="checkbox"/> <input type="checkbox"/>
Report Owner:	Head of Finance
Report Contact:	Nigel Kennedy Tel: 01865 252708 nkennedy@oxford.gov.uk

CEB 2 APRIL 2015

ITEM 31:	AGENCY STAFF CONTRACT AWARD ID: I010929
To award the Agency Staff Contract.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Part exempt
Will this decision be preceded by any form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	
Report Owner:	Head of Business Improvement and Technology
Report Contact:	Jane Lubbock Tel: 01865 252708 jlubbock@oxford.gov.uk

ITEM 32:	APPOINTMENT OF OUTSIDE BODIES 2015/16 ID: I010171
To appoint Council representatives to outside bodies and charities.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	Consult with outside bodies and seek feedback from Councillors
Decision Taker	City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Head of Law and Governance
Report Contact:	Sarah Claridge Tel: 01865 252402 sclaridge@oxford.gov.uk

ITEM 33:	AWARD OF A FRAMEWORK AGREEMENT FOR SUB-CONTRACTED RESPONSIVE & PLANNED MAINTENANCE ID: I010935
The report will recommend a series of contractors to carry out specialist works on behalf of the Council ranging from general construction services to the maintenance of solar PV.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Housing and Estate Regeneration
Report Owner:	Head of Direct Services
Report Contact:	Nicky Atkin Tel: 01865 252778 natkin@oxford.gov.uk

ITEM 34:	CONTRACT AWARD ICT NEW PARTNER ID: I010931
To award a contract to provide Council's ICT services and support.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Part exempt
Will this decision be preceded by any form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	
Report Owner:	Head of Business Improvement and Technology
Report Contact:	Jane Lubbock Tel: 01865 252708 jlubbock@oxford.gov.uk

ITEM 35:	CREATION OF A PANEL TO MANAGE THE COUNCIL'S INVESTMENT PORTFOLIO ID: I010348
To create a City Council Property Investment Panel capable of sanctioning (i) the acquisition of residential property for the Homelessness Accommodation Search and (ii) the acquisition of commercial investment property.	
The panel will consist of officers, the Leader and the Board Member for Finance, Asset Management and Public Health.	
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Executive Director of City Regeneration and Housing
Report Contact:	Jane Winfield Tel: 01865 252551 jwinfield@oxford.gov.uk

ITEM 36:	ENERGY AND WATER MANAGEMENT PLAN ID: I010350
To ensure clear roles, responsibilities and controls in place to reduce energy and water consumption and costs in Council buildings and operations; to embed the use of whole life costing approach to decisions making	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Cleaner, Greener Oxford, Climate Change and Transport
Report Owner:	Head of Environmental Development
Report Contact:	John Copley Tel: 01865 252386 jcopley@oxford.gov.uk

ITEM 37:	ENVIRONMENTAL DEVELOPMENT ENFORCEMENT POLICY ID: I003111
Refresh the current enforcement policy to take account of government guidance and corporate priorities.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	To be advised.
Decision Taker	City Executive Board
Executive Lead Member:	Cleaner, Greener Oxford, Climate Change and Transport
Report Owner:	Head of Environmental Development
Report Contact:	John Copley Tel: 01865 252386 jcopley@oxford.gov.uk

ITEM 38:	FUSION LIFESTYLE - ANNUAL SERVICE PLAN 2015/16 ID: I010167
To endorse Fusion Lifestyle's Annual Service Plan for the management of the Council's leisure facilities for 2015-16.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Leisure Contract and Community Partnership Grants
Report Owner:	Head of Leisure, Parks and Communities
Report Contact:	Lucy Cherry Tel: 01865 252707 lcherry@oxford.gov.uk

ITEM 39:	HORSPATH ROAD SPORTS PAVILION - REMODELLING OPTIONS ID: I008107
This report will review the options for remodelling the Horspath Road sports pavilion and for improving sports provision at Horspath Road.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	Sports, Events and Parks
Report Owner:	Head of Leisure, Parks and Communities
Report Contact:	Ian Brooke Tel: 01865 252705 ibrooke@oxford.gov.uk

ITEM 40:	LOCAL DEVELOPMENT SCHEME ID: I010035
To adopt the Local Development Scheme	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Head of City Development
Report Contact:	Rona Knott Tel: 01865 252157 rknott@oxford.gov.uk

ITEM 41:	OXFORD HERITAGE ASSETS REGISTER ID: I005935
The report seeks endorsement of a list of assets to be included on the Oxford Heritage Assets Register from nominations from the East and West Oxford pilot areas. These are assets assessed against the criteria for inclusion on the register.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	Consultation is being undertaken currently with a range of organisations in and adjoining the affected area, as well as with city wide stakeholders. The consultation is open to all. The results of the consultation exercise will be reported to a panel (the relevant ward members) and their recommendations, as well as a summary of the consultation exercise, will be reported to Board.
Decision Taker	City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Head of City Development
Report Contact:	Sarah Harrison Tel: 01865 252015 sbharrison@oxford.gov.uk

ITEM 42:	SAFEGUARDING CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULT POLICY ID: I008658
To review and refresh the Council's Safeguarding Children, Young People and Vulnerable Adult policy and procedures.	
Is this a Key Decision?	Not Key
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	Finance, Asset Management and Public Health
Report Owner:	Head of Policy Culture and Communications
Report Contact:	Val Johnson Tel: 01865 252209 vjohnson@oxford.gov.uk

COUNCIL 13 APRIL 2015 PROVISIONAL REPORTS

ITEM 43:	CONSTITUTION REVIEW 2015/16 ID: I010173
An annual report to propose any required changes to the constitution.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	
Will this decision be preceded by any form of consultation?	None
Decision Taker	Council
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Head of Law and Governance
Report Contact:	Jeremy Thomas Tel: 01865 252224 jjthomas@oxford.gov.uk, Emma Griffiths Tel: 01865 252208 egriffiths@oxford.gov.uk

ITEM 44:	EMPLOYMENT POLICIES ID: I003437
To seek approval for three employment policies and procedures which are Family Leave incorporating Shared Parental Leave legislation, Allegations Policy and Employee Data Monitoring Policy.	
Is this a Key Decision?	Not Key
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	Trade Unions
Decision Taker	Council
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Head of Human Resources and Facilities
Report Contact:	Simon Howick Tel: 01865 252547 showick@oxford.gov.uk

CEB 14 MAY 2015 PROVISIONAL REPORTS

ITEM 45:	AWARD OF INTERNAL AUDIT CONTRACT ID: I011047
To award the contract for Council's Internal Auditors	
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards
Is this item open or exempt to the public?	Part exempt Commercially sensitive to the business affairs of the Council
Will this decision be preceded by any form of consultation?	N/A
Decision Taker	City Executive Board
Executive Lead Member:	Finance, Asset Management and Public Health
Report Owner:	Executive Director of Organisational Development and Corporate Services
Report Contact:	Nigel Kennedy Tel: 01865 252708 nkennedy@oxford.gov.uk

ITEM 46:	CITY CENTRE PUBLIC SPACES PROTECTION ORDER (PSPO) ID: I010939
The implementation of a Public Space Protection Order to effectively deal with a number of City Centre related activities of a few people that affects the general public's freedom to use the City centre freely and safely.	
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards
Is this item open or exempt to the public?	
Will this decision be preceded by any form of consultation?	Yes
Decision Taker	City Executive Board
Executive Lead Member:	Crime and Community Response
Report Owner:	Executive Director of Community Services
Report Contact:	Richard J Adams Tel: 01865 252283 rjadams@oxford.gov.uk

ITEM 47:	OXFORD TRAIN STATION REDEVELOPMENT ID: I010169
To update CEB on the Oxford Station Redevelopment Proposals and seek approval for next stages.	
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	Formal consultation on this site was undertaken as part of the West End AAP. Significant informal consultation and information gathering has taken place and continues to take place. Formal statutory consultation will be undertaken as part of the town planning processes going

	forward.
Decision Taker	City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Head of City Development
Report Contact:	Fiona Piercy Tel: 01865 252185 fpiercy@oxford.gov.uk

ITEM 48:	PRIVATE SECTOR HOUSING POLICY	
	ID: I010352	
To set out the future priorities and areas of intervention in the private rented and owner-occupied residential sectors in Oxford.		
Is this a Key Decision?	Yes It is likely to result in the Council incurring expenditure which is greater than £500,000	
Is this item open or exempt to the public?	Open	
Will this decision be preceded by any form of consultation?	None	
Decision Taker	City Executive Board	
Executive Lead Member:	Finance, Asset Management and Public Health	
Report Owner:	Head of Environmental Development	
Report Contact:	John Copley Tel: 01865 252386 jcopley@oxford.gov.uk	

ITEM 49:	SHELTERED HOUSING REVIEW	
	ID: I010356	
Approve outcomes of review, including future of some of the stock		
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards	
Is this item open or exempt to the public?	Open	
Will this decision be preceded by any form of consultation?	None	
Decision Taker	City Executive Board	
Executive Lead Member:	Housing and Estate Regeneration	
Report Owner:	Head of Housing and Property	
Report Contact:	Gary Parsons Tel: 01865 252711 gparsons@oxford.gov.uk	

ITEM 50:	STATEMENT OF COMMUNITY INVOLVEMENT 2014	
	ID: I010033	
The Statement of Community Involvement (SCI) is a statutory document that sets out how the Council will involve the community and others in planning decisions. It covers development control, policy, and design/conservation decisions. The current SCI was adopted in 2006 (reviewed in 2009) so it is now due to be reviewed to ensure it remains up to date.		
To approve the Statement of Community Involvement 2014 following public consultation.		
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards	
Is this item open or exempt to the public?	Open	
Will this decision be preceded by any	Yes	

form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	Corporate Strategy, Economic Development and Planning
Report Owner:	Head of City Development
Report Contact:	Lyndsey Beveridge Tel: 01865 25 2482 lbeveridge@oxford.gov.uk

ANNUAL COUNCIL 18 MAY 2015

ITEM 51:	APPOINTMENT OF COMMITTEES FOR THE YEAR 2015/16 ID: I010361
To appoint Councillors to Council Committees for 2015/16	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	
Decision Taker	Council
Executive Lead Member:	
Report Owner:	Head of Law and Governance
Report Contact:	Pat Jones phjones@oxford.gov.uk

CEB 11 JUNE 2015 PROVISIONAL REPORTS

ITEM 52:	CORPORATE BIODIVERSITY STRATEGY ID: I010031
This Strategy sets out how the Council aims to fulfil its duties under the Natural Environment and Rural Communities Act 2006.	
To adopt the Corporate Biodiversity Strategy following public consultation	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Cleaner, Greener Oxford, Climate Change and Transport
Report Owner:	Head of Environmental Development
Report Contact:	Mai Jarvis Tel: 01865 252403 mjarvis@oxford.gov.uk

ITEM 53:	ICT STRATEGY ID: I002559
This report will propose an ICT Strategy for the Council.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	
Will this decision be preceded by any form of consultation?	Internal only.
Decision Taker	City Executive Board
Executive Lead Member:	Cleaner, Greener Oxford, Climate Change and

	Transport
Report Owner:	Head of Environmental Development
Report Contact:	Mairi Brookes Tel: 01865 252212 mbrookes@oxford.gov.uk

CEB 9 JULY 2015 PROVISIONAL REPORTS

ITEM 54:	LEISURE & WELLBEING STRATEGY ID: I009355
To adopt the Leisure & Wellbeing Strategy following public consultation	
Is this a Key Decision?	Yes It is significant in terms of its effect on communities living or working in an area comprising two or more wards
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	Leisure Contract and Community Partnership Grants
Report Owner:	Head of Leisure, Parks and Communities
Report Contact:	Ian Brooke Tel: 01865 252705 ibrooke@oxford.gov.uk

COUNCIL 20 JULY 2015 PROVISIONAL REPORTS

CEB 10 SEPTEMBER 2015 PROVISIONAL REPORTS

ITEM 55:	REPLACEMENT OF HOUSING COMPUTER SYSTEMS ID: I010933
The Council currently has two housing computer systems, this report details the procurement of one housing computer system to replace the current computer applications.	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Part exempt commercially sensitive to the business affairs of the council
Will this decision be preceded by any form of consultation?	
Decision Taker	City Executive Board
Executive Lead Member:	
Report Owner:	Head of Business Improvement and Technology
Report Contact:	Jane Lubbock Tel: 01865 252708 jlubbock@oxford.gov.uk

ITEM 56:	INTEGRATED PERFORMANCE REPORT QUARTER 1 2015/16 ID: I011045
Report details the Council's finances, risk and performance as at the end of Quarter 1, 30 June 2015	
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any	N/A

form of consultation?	
Decision Taker	City Executive Board <input type="checkbox"/> <input type="checkbox"/> City Executive Board <input type="checkbox"/> <input type="checkbox"/> City Executive Board <input type="checkbox"/> <input type="checkbox"/> City Executive Board
Executive Lead Member:	Finance, Asset Management and Public Health, Head of Business Improvement and Technology <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Report Owner:	Head of Finance
Report Contact:	Nigel Kennedy Tel: 01865 252708 nkennedy@oxford.gov.uk, Jane Lubbock Tel: 01865 252708 jlubbock@oxford.gov.uk

COUNCIL 21 SEPTEMBER 2014 PROVISIONAL REPORTS

CEB 15 OCTOBER 2015 PROVISIONAL REPORTS

CEB 12 NOVEMBER 2015 PROVISIONAL REPORTS

COUNCIL 7 DECEMBER 2015 PROVISIONAL REPORTS

CEB 17 DECEMBER 2015 PROVISIONAL REPORTS

ITEM 1:	DATA PROTECTION POLICY REFRESH ID: I006767
Is this a Key Decision?	Yes
Is this item open or exempt to the public?	Open
Will this decision be preceded by any form of consultation?	None
Decision Taker	City Executive Board
Executive Lead Member:	Finance, Asset Management and Public Health
Report Owner:	Executive Director of Organisational Development and Corporate Services
Report Contact	Lucy Neville Tel: 01864 2086 lneville@oxford.gov.uk

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Scrutiny Recommendation Tracker 2014-15

Older Persons Housing Review – Housing Panel 10 December				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
1. That residents are surveyed face to face and that the City Council seeks to involve Oxford Brookes University in conducting these surveys. Tenant volunteers should also be closely consulted throughout the review.		<i>To follow</i>	Cllr Seamons / Allison Dalton	
2. That the scope of this review is expanded to include older persons living in their own homes and to those in privately rented housing. Consideration should be given to how best to do this, perhaps using sample surveys.		<i>To follow</i>	Cllr Seamons / Allison Dalton	
3. That the timescale of the review is extended by 6 months (to September 2015). If required, additional resources should be allocated in the current budget round to enable this.		<i>To follow</i>	Cllr Seamons / Allison Dalton	
4. That the review is focused on understanding the future requirements of people at the younger end of the 'Older Persons' category, so that the City Council can plan to best meet their future needs.		<i>To follow</i>	Cllr Seamons / Allison Dalton	
5. That the Board Member prioritises the creation of new social housing for single older people if the review provides evidence that this could reduce under-occupancy or meet the current or future requirements of older tenants.		<i>To follow</i>	Cllr Seamons / Allison Dalton	
6. That a Steering Group is established to oversee the review, and that this group includes at least two elected members.		<i>To follow</i>	Cllr Seamons / Allison Dalton	
Asset Management Strategy – Housing Panel 10 December				
Recommendation	Agreed	Executive response	Lead Member	Implemented

	Y/N		& Officer	Y/N / due date
1. That the City Council reviews whether it is doing all it reasonably can to ensure that tenants leave their homes in good condition before vacating them.	Y	I can agree to all the recommendations for the AMS.	Cllr Seamons / Martin Shaw	2 Feb 15
2. That the City Council strengthens partnership working to ensure that the advice and materials provided to tenants by the City Council and other agencies is joined up and consistent.	Y	Mould would not be covered in detail in a Strategy document but it is important.	Cllr Seamons / Martin Shaw	2 Feb 15
3. That the City Council reviews whether mould is a recurring issue in the stock condition survey, and ensures that where mould occurs, it is treated effectively.	Y	Information about the National Home Swap Scheme is made available but we can tighten this up.	Cllr Seamons / Martin Shaw	2 Feb 15
4. That the City Council ensures that information about the National Home Swap scheme is made available to tenants who are under-occupying, in addition to other options.	Y		Cllr Seamons / Martin Shaw	2 Feb 15
Oxford Standard – Scrutiny Committee 8 December				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
1. To include the Oxford Standard in the developing Asset Management Plan and provide a clear and “action planned” commitment to delivery.	Y	All recommendations are accepted with the exception of some details in recommendation 3. Budgetary constraints ultimately mean the council cannot deliver on all tenant aspirations with regards to bathroom and kitchen specifications, having instead prioritised improvements in energy efficiency.	Cllr Seamons / Stephen Clarke	2 Feb 15
2. To include the following categories of work within the Oxford Standard: • Bathrooms • Kitchens • Security • Efficiency and Heating • Environment All these categories of works should include some degree of choice for tenants where this is possible.	Y	The extensive summer consultation made clear that tenants see delivering energy efficiency measures as a top priority. The kitchen and bathroom specifications will however be upgraded,	Cllr Seamons / Stephen Clarke	2 Feb 15
3. That the following works are included in the Oxford Standard across the categories	In part		Cllr Seamons / Stephen	2 Feb 15

recommended. The Panel recognise that the view they have taken of best practice, within social housing providers, has been limited by time and therefore wish to propose this Standard as a minimum. This work should be carried out to programme regardless of condition... <i>(detailed proposals)</i>		including with respect to the following points: - Renewal cycle for bathrooms to be reduced from 30 to 25 years. The renewal cycle for kitchens will remain at 20 years in accordance with best practice.	Clarke	
4. The priority for delivering the Oxford Standard should be decided by a combination of significant pockets of disrepair (identified with the stock condition survey) and the views of residents. The Panel was conscious that respondents to the surveys were not necessarily representative geographically so would recommend that more work is done on an area by area basis to determine local priorities.	Y	- The Council will now provide a shower over bath as standard and only provide a shower instead of a bath where this is required to meet the needs of someone with a disability.	Cllr Seamons / Stephen Clarke	2 Feb 15
5. Works should be packaged together so that more efficient outcomes for residents and the Council can be achieved. For example: • If we replace windows then doors should be done at the same time (if needed) to give optimum benefits. • If the heating is to be replaced or upgraded we should consider insulation and other connected repairs at the same time. This should be a fundamental part of the planning process	Y		Cllr Seamons / Stephen Clarke	2 Feb 15
6. Delivery of the Oxford Standard should be on an area by area basis with good communication both within and outside of the area so that all tenants can easily access information on when, where, how and why. The Panel would like to review the proposals for this communication.	Y		Cllr Seamons / Stephen Clarke	2 Feb 15
7. Individual tenants should not be able to “opt out” except in very exceptional circumstances. If there	Y		Cllr Seamons / Stephen	2 Feb 15

are difficulties these should be recognised and support offered so that the work can take place. Properties should be maintained for both the present and the future.			Clarke	
8. As the Panel considered their recommendations a number of principles were voiced that can be found in the recommendations but the Panel wanted to put these in one place for clarity. <ul style="list-style-type: none"> • Homes should be maintained for the present and the future so opt-outs from repairs should not be allowed except in very exceptional circumstances. • Difficulties of individual tenants should be recognised and support offered. • Optimum result for residents for the work commissioned • The “like for like principle” should be removed • Allow “choice” for tenants wherever possible • A joined up approach to delivery • Improved communication plans for tenants on what, where, when and why. Timescale for delivery of the Oxford Standard is available for each area. • The quality of work should be of a high standard judged both by the Council and tenants. 	Y		Cllr Seamons / Stephen Clarke	2 Feb 15
Discretionary Rate Relief Policy – Scrutiny Committee 8 December				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
1. That non-profit making organisations are clearly encouraged to contact the City Council for an early assessment of whether they may be entitled to discretionary reliefs.	Y	All rate payers receive an annual bill which contains information about reliefs. Smaller start-ups are more difficult to identify but perhaps Scrutiny could help with this.	Cllr Brown / Tanya Bandekar	TBC
Clean Streets – Scrutiny Committee 8 December				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date

1. That consideration is given to how street cleaning can be sufficiently resourced whilst the Streetscene Service responds appropriately to future flooding events.	N	As the public understands, at times of emergency such as flooding, it is vital that City Council staff are deployed to safeguard life and property. Sometimes this will mean some street cleaning being postponed until after the emergency is over.	Cllr Tanner / Doug Loveridge	NA
2. That the street cleaning service standards are circulated to elected members, so that any Member requests for additional work can be costed and considered within the current budget round.	Y	I am very happy to ask officers to circulate streets cleaning standards to be circulated to all councillors.	Cllr Tanner / Doug Loveridge	Y
3. That clarification is provided as to what legal powers the City Council has to ensure the removal of graffiti from privately owned properties. Any guidance provide (e.g. online, written correspondence) should be reviewed and updated accordingly.	Y	This seems timely and Legal colleagues will review what powers (if any) are available. The Council is also planning to invest in a new officer post to encourage graffiti removal from private properties.	Cllr Tanner / Doug Loveridge	Y
Statement of Community Involvement 2014 Review – Scrutiny Committee 10 November				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
1. That the Statement of Community engagement clearly sets out how members of the public can access paper versions of planning documents	Y	Very happy to accept that change to the report	Cllr Price / Lyndsey Beveridge	Y
Towards Mental Health and Wellbeing – Scrutiny Committee 6 October				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
2. That the establishment of the Member Challenge Panel for Mental Health and Wellbeing does not divert officer resources away from other Member Services such as Scrutiny. Consideration should be given to whether a budget bid is required to support this	Y	I would anticipate this challenge panel being member led, and operating for the most part informally, rather than drawing upon extensive officer support.	Cllr Turner / Val Johnson	March 2015

new Member Panel.				
3. That the Action Plan is updated and elaborated upon to include progress made against actions that are due.	Y	These are sensible comments on how to develop the action plan, and we had certainly hoped to update and monitor it.	Cllr Turner / Val Johnson	March 2015
4. That resources required to deliver the Action Plan are fully identified and costed, so that any bids for additional resources can be made as part of the current budget setting process.	Y		Cllr Turner / Val Johnson	March 2015
5. That consideration is given to the role of ethnic minority groups and faith leaders in supporting mental health and wellbeing in Oxford, and to how these can be included in the action plan.	Y		Cllr Turner / Val Johnson	March 2015
6. That consideration is given to how the action plan supports the mental health and wellbeing of service personnel and veterans, and to whether more focus on these specific groups is required.	Y		Cllr Turner / Val Johnson	March 2015
Draft Culture Strategy 2015-18 – Scrutiny Committee 6 October				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
1. That the Culture Strategy presents the fullest picture of Oxford's cultural offering, including cultural experiences that the City Council is not directly involved in.	Y	The Strategy is focused on cultural offerings and experiences that the Council supports (by funding or partnership working) or delivers. There's no reason why we can't explore these links.	Cllr Simm / Peter McQuitty	Feb 2015
2. That the Culture Strategy sets out how City Council functions such as licencing and planning can play an important role in supporting culture.	Y	Yes	Cllr Simm / Peter McQuitty	Feb 2015
3. That the list of organisations invited to contribute to the Culture Strategy is shared with elected members, so that they can make any further suggestions.	Y	Yes. Happy for this to be shared with anyone else members think would be helpful.	Cllr Simm / Peter McQuitty	Feb 2015
4. That consideration is given to how the City Council can encourage visitors to spend more time	Y	This will be considered by Experience Oxfordshire, who are funded by the City	Cllr Simm / Peter McQuitty	Feb 2015

in Oxford, and to whether increasing visitor length of stay should be made a priority in the Culture Strategy.		Council, and included in their Service Level Agreement. It will also be considered in the action plan under priority one; Support the sustainability of Oxford's cultural sector and improve the skills and diversity of the city's current and future creative workforce.		
Budget Monitoring 2014/15 – Quarter 1 – Finance Panel 4 September				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
7. That urgent action is taken to avoid a loss of subsidy relating to the overpayment of benefits.	Y	Extra action is already being taken, looking at training and processes. The threshold is more stringent this year due to the removal of Council Tax benefit from this calculation.	Cllr Turner / Helen Bishop	Y
8. If necessary to avoid slippage, a flexible approach should be taken to spending the £2m investment in Homelessness Property Acquisitions in 2014/2015. This could include investing in social housing instead.	In part	Note sentiment but other uses are likely to take longer.	Cllr Turner	N/A
9. The premises for the heavy vehicle testing facility should be flexible enough that it can be used for other purposes in the event that the testing facility is not successful.	Y	The facility is expected to be successful.	Cllr Turner	March 2015
10. The capital programme should be a red risk in performance reports until the new capital gateway process proven to be effective.	N	Risks are measured using the Risk Management Framework agreed by Council.	Cllr Turner	N/A
Treasury Management – Finance Panel 4 September				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
1. That consideration is given to how the capital process can be made more flexible so that approved projects can be brought forward to mitigate slippage elsewhere in the programme.	In part	Noted. Where possible a flexible approach will be taken. Changes to the capital programme have to be agreed by Council.	Cllr Turner	N/A

Oxfordshire Growth Board - Scrutiny Committee 23 June				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
1. For the Terms of Reference to explicitly set out that meeting agendas and minutes will be publicly available and that access to meetings will be possible for Councillors and members of the public.	Y	This suggestion will be referred to the Board	Cllr Price	Dec 2014
Community Engagement Policy Statement - Scrutiny Committee 23 June				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
11. To provide a clear statement in the principles on the ambition for engagement focusing on depth as well as breadth.	Y	Merged with recommendation 3.	Cllrs Price & Simm; Sadie Paige	N/A
12. To provide information on the engagement ambitions set for all consultations during the last year, what was achieved and how this fits with the principles set within the Policy Statement.	Y	To provide this information for all consultations would be a huge piece of work so a sample will be used instead, together with a forward-looking approach.	Cllrs Price & Simm; Sadie Paige	Verbal update on progress expected on 10 Nov 14. Full response to follow.
13. To suggest to the Scrutiny Committee an up and coming engagement/empowerment exercise that can act as a pilot study to demonstrate the effectiveness of the principles within this report.	Y	Two consultations identified as candidates for the pilot as per CEB suggestion. Project brief created for the pilot, which includes the objectives, and a reporting template.	Cllrs Price & Simm; Sadie Paige	2 March 15
14. To provide a table that shows how all comments received during the consultation on this Policy Statement have been handled.	Y	Expected at 10 November Scrutiny Committee meeting.	Cllrs Price & Simm; Sadie Paige	10 Nov 14
End of Year Integrated Report – 2013-2014 - Scrutiny Committee 23 June				
Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N
2. The Committee supports the purchase of the Iffley Road building as an asset of value to the	Y	Noted (£250k has been earmarked for acquisition of property).	Cllr Turner; Nigel	N

community and recognises that negotiations are on-going. There is a gap between the asking price and the money available and the City Executive Board is asked to do what it can within reasonable value for money criteria to secure the purchase of this property.			Kennedy; Jane Lubbock	
3. To consider the contingency available to support homelessness in light of county proposals for implementing cuts in the Supporting People and if underspends from 13/14 should be maintained within this budget.	N	Current level of contingency considered to be sufficient.	Cllr Turner; Nigel Kennedy; Jane Lubbock	N/A
Fusion Lifestyle Performance 2013-2014 - Scrutiny Committee 23 June				
Additional information requested	Agreed Y/N	Outcome	Lead Member & Officer	Implemented Y/N
<p>Facility running costs It was agreed at the June meeting in 2013 that the running costs of the facilities would be shown including all capital investment and loan cost in the next report. This hadn't been done.</p> <p>Performance outside of expectations Members asked how poor performance was addressed and asked to see the issues raised and the actions/penalties taken over the last year.</p> <p>Publicity Campaign An issue was raised concerning literature used to highlight the Active Women Campaign. The images used were considered to be too stereotypical and gendered. The Committee asked that this issue be taken up with Sports England who run this national campaign.</p> <p>Views of non-card users at facilities</p>	N/A	<p>Information papers considered by Scrutiny Committee on 2 September.</p> <p>Meeting offered to Chair to discuss finance investment financing.</p>	Cllr Rowley; Lucy Cherry	Y

<p>The Committee asked to see any information on the views and experiences of non-card users.</p> <p>Falling attendance amongst young people The Committee were concerned to see this and wanted some more detailed data and information to understand more fully the reasons behind it and whether it was a particular set of circumstances or a trend.</p> <p>Information excluded from the public The Committee heard a complaint from a member of the public that the information provided outlining the running costs to the Council of each Leisure Facility should be made public because if the Council was still running these centres then the information would be available publically. The Committee heard that this was commercial information but asked that this exclusion is reconsidered by Fusion.</p> <p>Investment financing Members were interested in why the City Council financed investment spending that Fusion Lifestyle was originally required to finance, and in how much this saved the partnership.</p>				
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Draft Scope: 'Supporting businesses in the City Centre' Scrutiny Panel

Review Topic	Supporting businesses in the City Centre
Lead Member Review Group	Councillor James Fry
Other Panel Members	Councillors Elise Benjamin, Roy Darke and Mike Gotch
Officer Support and allocate hours	Scrutiny Officer approx. 2-4 days per month. Additional support from the Town Centre Manager.
Rationale (key issues and/ or reason for doing the Review)	Scrutiny Members are keen to understand what the City Council already does to support the local economy, particularly small businesses, and what more could be done. The Scrutiny Committee prioritised this review when agreeing its work programme for 2014-15
Purpose of Review/Objective (specify exactly what the Review should achieve)	To identify how the City Council currently supports small and medium sized businesses in the city centre and what further support is possible. Key lines of inquiry are: 1. What can the City Council do to mitigate disruption to the city centre economy while major developments are taking place? How can communications be improved for lasting benefit to residents and visitors? 2. What scope does the City Council have to minimise the time shop units are left empty, and to improve the appearance of empty units? A third line of inquiry was identified by the panel but this will only be considered in so far as it relates to 1 because it is likely to require a separate scrutiny review: 3. What could feasibly be done to improve transport in and around the City Centre? To engage with officers and stakeholders and produce evidence based recommendations to the City Executive Board.
Indicators of Success (what factors would tell you what a good Review should look like)	Good Quality engagement with stakeholders that delivers a range of opinion. Broad agreement on recommendations amongst Panel Members, Officers and stakeholders. The majority of recommendations are agreed by the City Executive Board and implemented.
Out of scope	The Covered Market

Methodology/ Approach (what types of enquiry will be used to gather evidence and why)	Evidence gathering to include: <ul style="list-style-type: none"> - Evidence sessions with officers and witnesses - Document and Policy review - Considering what could be learnt from other Local Authorities 		
Specify Witnesses/ Experts (who to see and when)	Evidence sessions to be held with: <ul style="list-style-type: none"> - Laurie-Jane Taylor, City Centre Manager - Michael Crofton-Briggs, Head of City Development - Members of the Town Team, including those representing SMEs - Two city centre landlords <i>Other witnesses and experts to be identified</i>		
Specify Evidence Sources for Documents (which to look at)	The following documents may be used as evidence: <ul style="list-style-type: none"> - Town Centre Manager report - Oxford City Council's Corporate Plan - Discretionary Rate Relief Policy - Other City Council policies 		
Specify Site Visits (where and when)	A visit to meet the Town Team TBA		
Projected start date	January 2015	Draft Report Deadline	April-May 2015
Meeting Frequency	TBA	Projected completion date	May-June 2015

Draft outline of meetings (Not in necessarily in chronological order and some meetings may be combined)

Meeting one
7 January 2015 – Meeting held with Michael Crofton-Briggs and Laurie-Jane Taylor to consider the Town Centre Manager Report and identify how the City Council currently supports small and medium sized businesses in the city centre. Lines of inquiry identified.
Meeting two
TBA – Meeting with two city centre landlords to discuss issues around empty properties.
Meeting three
TBA – Meeting with members of the Town Team to understand their views relating to both lines of inquiry.
Meeting four
TBA – Meeting with the Town Centre Manager to discuss how other local authorities have handled major development projects and about their policies on other topics covered by the Town Team.
Meeting five
TBA – Meeting to consider evidence gathered and agree recommendation areas.

SCRUTINY COMMITTEE

Monday 8 December 2014

COUNCILLORS PRESENT: Councillors Simmons (Chair), Hayes (Vice-Chair), Altaf-Khan, Anwar, Coulter, Darke, Fry, Hollick, Henwood and Upton.

BOARD MEMBERS PRESENT: Councillor Bob Price, Leader of the Council

INVITEES AND OTHER MEMBERS PRESENT:

OFFICERS PRESENT: Tanya Bandekar (Revenues and Benefits), Andrew Brown (Scrutiny Officer), Geoff Corps (Cleaner Greener Services Manager), Douglas Loveridge (Direct Services), Stephen North (Revenues and Benefits), Peter Sloman (Chief Executive) and Jennifer Thompson (Law and Governance)

53. APOLOGIES FOR ABSENCE

There were no apologies for absence.

54. DECLARATIONS OF INTEREST

There were no declarations of interest made.

55. UPDATES SINCE THE LAST MEETING

Councillor Coulter reported that the inequalities panel was focussing on areas where the council could make a difference, was gathering data, and had arranged for speakers to give evidence. He thanked officers for their initial responses.

Councillor Fry reported the finance panel would be scrutinising the budget.

Councillor Darke reported that while the flooding group last met in May, work on flood prevention was ongoing and Thames Water were being encouraged to complete their work on schedule.

56. CORPORATE PEER CHALLENGE ACTION PLAN

The Committee considered the report of the Chief Executive. Councillor Price, Leader of the Council, and Peter Sloman, Chief Executive, introduced the report and answered questions.

The peer review process picked up many positive points.

Key areas to develop included:

- Local agendas through neighbourhoods working with themes tailored to each area.
- The concept of 'leadership of place' – to improve relationships with key groups in the city such as universities, health service and business and develop with them clear strategies to align with the Council's corporate

strategy, City Deal and economic growth strategy and their own plans. This relied heavily on the work done by elected members to provide the continuity and links to county wide structures.

- Improving management capacity and achieving efficiencies as a result of this.
- Creating a balanced budget and achieving a large savings target in the medium-term financial strategy was challenging and a key area for discussion. Capital programme slippage had slowed partly due to reduced funding reducing the pressure of multiple projects.
- It should be possible to maintain ongoing discretionary spending without imparting on statutory services, although the effectiveness of both parts of the council's spending should be kept under review.
- Engaging with the community required working with residents and continuing to improve external and internal co-ordination and capacity. Meetings were not the best way; better use of social media encouraged people to take part and helped reach active community groups.
- A group of councillors was working with the committee and members services manager to develop the member guarantee including community and case work. Member champions made a useful contribution but should be restricted to key areas to maintain focus.

The Committee noted that it could contribute by considering the integrated and thematic issues and taking a strategic approach. Members suggested that a record of actions taken as a consequence of the review and the outcomes would be useful.

The Committee noted the report and **agreed** to add updates on actions to address the key points raised in the report and above to the work programme.

The Chair thanked the Chief Executive and Leader for attending, and thanked those involved in the review and the peer review group for their work.

57. CLEAN STREETS

The Committee considered the report from Streetscene Direct Services. Douglas Loveridge, Streetscene Services Manager, and Geoff Corps, Cleaner Greener Services Manager, introduced the report and answered questions.

They explained the remit of the Streetscene team. During the floods at the start of the year, operatives were heavily involved in clearing up and preventative work. As a result while work in the city centre was unaffected other work was not carried out. This had an effect on the cumulative statistics.

The city centre manager and Environmental Health team were working with businesses and waste collectors to reduce the problem of trade waste on streets in the city centre. Proposals for alterations to the council's trade waste collections to reduce the time trade waste was on the street would be presented to the City Executive Board for decision.

They explained the policy for cleaning graffiti from private property including street furniture.

They explained the schedule for daily, weekly and deep cleaning city streets, that there was a schedule for sweeping leaves, and that if necessary particular problem areas could be dealt with outside the schedules.

The Streetscene team were happy to walk round wards with councillors and discuss solutions for problem areas.

The Committee made the following points

- councillors thanked the team for their prompt responses to their queries;
- it supported the review of the city centre bins and changes to the trade waste and general waste removal in the city centre to improve the street scene;
- adequate resourcing of normal street cleaning as well as prioritising flood clearance work should be considered as flooding occurred annually.

and asked for:

- details of the cleaning schedules to be circulated to all councillors so that any additions could be suggested before the budget was agreed by Council;
- clarification of the legal powers around graffiti removal;
- that the website give a consistent message on the council's policy and processes on graffiti removal.

58. DISCRETIONARY RATES RELIEF FOR BUSINESSES POLICY

The Committee considered the report from the Head of Customer Services. Tanya Bandekar, Revenues and Benefits Service Manager, and Stephen North, Senior Revenues Officer, introduced the report and answered questions.

She reported that:

- The policy had been updated to include recent changes and new reliefs. Since its drafting, further changes had been announced in the autumn statement.
- National guidance required that local policies were not applied indiscriminately but on a case-by-case basis. Reliefs covered a broad spectrum of cases, taking the interests of the applicant and local residents and council taxpayers into account.
- Reliefs and reductions in valuation reduced the tax income from business rates, and the shortfall had to be made up by other taxpayers.
- Businesses affected by roadworks or major works were not eligible for relief but could appeal to the Valuation Office for a temporary reduction in valuation. The Council had made a block application for temporary reductions for those affected by the St Clements work and notified the Valuation Office of issues which might trigger reductions. However they recommended businesses and organisations make their own applications as the Council could not guarantee to include all those affected.
- There were other reliefs and reductions available to businesses and organisations from central government in addition to the council's discretionary reliefs. The Covered Market businesses did not ordinarily attract discretionary reliefs but some were eligible for these other reliefs.
- Business rate liability for empty premises was set centrally: empty shops attracted full business rates; newly tenanted shops attracted a 50% relief for 18 months. This did not encourage owners to leave shops empty.
- Those liable for business rates should talk to the Revenues and Benefits team for advice as there were a range of possible reliefs and reductions available, and the council's policy and the requirement to consider each case on its merits allowed for more discretion on some aspects than was immediately apparent.

The Committee recommended that:

- The Local Economy Scrutiny Panel consider this policy and its effects.
- It was difficult for businesses, and in particular not for profit organisations, to decide if they met the criteria for relief. Non-profit making organisations should be clearly encouraged to contact the City Council for an early assessment of their entitlement to discretionary reliefs. There should be clear guidance and information available for all those who might be eligible.

59. WORK PROGRAMME AND FORWARD PLAN

The Committee agreed that in addition to the items on the work programme

1. it would consider:

- grant allocations to community and voluntary organisations 2015/2016 (item 33)
 - the culture strategy 2015-18 (31)
 - Oxfutures programme (26)
2. the Housing Panel would consider the aids and adaptations policy (20) and the exemption policy for repairs (25)
3. and the Finance Panel would consider the capital strategy (28), the treasury management strategy 15/16 (33) and the creation of a panel to manage the council's investment portfolio (29).

60. REPORT BACK ON RECOMMENDATIONS

The Committee noted the report and progress.

61. MINUTES

The Committee approved the minutes of the meeting held on 10 November 2014 as a true and accurate record subject to correcting the figure in Minute 41, paragraph 3 from £200,000 to £515,000.

62. DATES OF FUTURE MEETINGS

The Committee noted these.

The meeting started at 6.00 pm and ended at 8.00 pm

SCRUTINY COMMITTEE

Tuesday 23 December 2014

COUNCILLORS PRESENT: Councillors Simmons (Chair), Hayes (Vice-Chair), Altaf-Khan, Anwar, Coulter, Darke, Fry, Hollick, Lloyd-Shogbesan, Smith and Upton.

BOARD MEMBERS PRESENT: Councillor Bob Price, Leader of the Council

INVITEES AND OTHER MEMBERS PRESENT:

Nigel Gibson, Director of the Save Temple Cowley Pool (STCP) Community Interest Group
Councillors Fooks, Lygo, and Sinclair (in the public gallery).

OFFICERS PRESENT: David Ashworth (Regeneration and Major Projects), Ian Brooke (Head of Leisure, Parks and Communities), Andrew Brown (Scrutiny Officer), Lindsay Cane (Law and Governance), Nigel Kennedy (Head of Finance), Tim Sadler (Executive Director Community Services), Jennifer Thompson (Law and Governance) and Jane Winfield (Regeneration and Major Projects - Team Manager)

63. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Henwood.

64. DECLARATIONS OF INTEREST

There were no declarations of interest made.

65. SALE OF TEMPLE COWLEY SWIMMING POOL

The Committee considered the report of the Executive Director of City Regeneration and Housing submitted to the Executive Board on 10 December 2014 (previously circulated, now appended) which detailed the commercial bids received to purchase the Temple Cowley Pools site.

The report identified the commercial bid which best met the Council's policy objectives and offered the best value for money; and reported on the proposal received from the Save Temple Cowley Pool Community Interest Group (CIC). It compared the key aspects of that proposal with the best commercial bid so that members could make an informed decision on whether to dispose of the site or work with the CIC to develop their proposal.

The Chair explained his reasons for calling in the application for further consideration by the Scrutiny Committee, and the process. He explained that notwithstanding the views he had previously expressed he had not prejudged the matter before the committee and was able to chair the meeting.

The Regeneration and Major Projects Manager presented the report and summarised the key aspects of the commercial bid.

The council's lawyer advised that in law Council must obtain best consideration on disposal of their assets, and although there were circumstances where the

council could dispose of assets at less than market value, a disposal at a reduction of more than £2million required the Secretary of State's permission.

Nigel Gibson, Director of the STCP Community Interest Group, presented the CIC proposal and outlined the social value to the community, the benefits of this social enterprise, and the risks of the commercial bid.

Judith Harley spoke in support of the CIC bid.

Mark Mann spoke in support of the CIC bid.

Members of the committee asked questions about the commercial bid; the CIC bid; the risks and merits of both; and the provision of accessible leisure and swimming facilities for the residents of Cowley. Officers, the Leader of the Council, and Nigel Gibson provided answers and additional details. Mr Gibson reiterated the benefits of the CIC bid for the users of Temple Cowley Pools, the residents of the local area, and if the enterprise was successful for the council. The Leader of the Council explained the Executive Board's reasoning including their view that the commercial bid was best for the city as a whole while recognising the strength of local feeling.

After debate, the Chair proposed a vote on 'the Committee wishes to refer the decision back to the City Executive Board to reconsider'.

The Chair reiterated the decision of the City Executive Board on 10 December for the committee:

'The City Executive Board resolved:

1. To note and accept the recommendation of the Regeneration and Major Projects Service Manager that in regard to the "commercial" bids received for the Temple Cowley pool site ("the Site") for use of the site for housing purposes, the preferred bidder would be Catalyst Housing.
2. To note the terms of the "community" proposal received from the Save the Temple Cowley Pools CIC ("the CIC"), taking full note of its proposed retention of a pool/leisure facility at the Site.
3. To accept the "commercial" bid from Catalyst Housing set out in Recommendation 1.
4. To delegate authority to the Executive Director of City Regeneration and Housing to enter into an appropriate contract with Catalyst Housing for the disposal of the Site in accordance with the terms of its bid, or any reasonable variation thereof approved by the Executive Director of City Regeneration and Housing.'

On being put to the vote, the Chair's proposal that the matter be referred back was not carried.

Accordingly the decision was not referred back and the original decision of the City Executive Board on 10 December 2014 took effect immediately.

66. DATES OF FUTURE MEETINGS

Noted.

The meeting started at 10.00 am and ended at 12.00 pm