

Agenda

www.oxford.gov.uk



City Executive Board

Date: **Thursday 14 April 2016**

Time: **5.00 pm**

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

For any further information please contact:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: executiveboard@oxford.gov.uk

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

City Executive Board

Membership

Chair

Councillor Bob Price	Corporate Strategy and Economic Development
Councillor Ed Turner	Finance, Corporate Asset Management and Public Health
Councillor Susan Brown	Customer Services and Corporate Services
Councillor Alex Hollingsworth	Planning, Transport and Regulatory Service
Councillor Pat Kennedy	Young People, Schools and Skills
Councillor Mark Lygo	Leisure, Sports and Events
Councillor Mike Rowley	Housing
Councillor Christine Simm	Culture and Communities
Councillor Dee Sinclair	Crime, Community Safety and Licensing
Councillor John Tanner	Climate Change and Cleaner, Greener Oxford

The quorum for this meeting is three, substitutes are not allowed.

Future items to be discussed by the City Executive Board can be found on the Forward Plan which is available on the Council's [website](#)

HOW TO OBTAIN A COPY OF THE AGENDA

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum requirements. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's.

A copy of the agenda may be:-

- Viewed on our website – mycouncil.oxford.gov.uk
- Downloaded from our website
- Subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

PART ONE PUBLIC BUSINESS

Pages

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

3 PUBLIC QUESTIONS

When the Chair agrees, the public can ask questions about any item for decision at the meeting for up to 15 minutes. Questions must have been given to the Head of Law and Governance by 9.30am one clear working day before the meeting (email executiveboard@oxford.gov.uk or telephone the person named as staff contact). No supplementary questions or questioning will be permitted. Questions by the public will be taken as read and, when the Chair agrees, be responded to at the meeting.

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

City Councillors may, when the Chair agrees, address the Board on an item for decision on the agenda (other than on the minutes). The member seeking to make an address must notify the Head of Law and Governance by no later than 9.30am at least one clear working day before the meeting. An address may last for no more than three minutes. If an address is made, the Board member who has political responsibility for the item for decision may respond or the Board will have regard to the points raised in reaching its decision.

5 COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

10 minutes of the meeting is available for any Councillor to raise local issues on behalf of communities directly with the Board. Priority will be given to those who have not already attended within the year and in the order received. Issues can only be raised once unless otherwise agreed by the Board. The Board's responsibility will be to hear the issue and respond at the meeting, if possible, or arrange a written response within 10 working days.

6 SCRUTINY COMMITTEE REPORTS

The Scrutiny Committee is considering the following items at its meeting on 5 April 2016 and reports on some or all of these topics may be submitted to this meeting as an agenda supplement:

- Discretionary Housing Payment Policy – 2016 Revision
- Tackling elderly isolation
- Security in tower blocks
- Tenant Involvement
- Council Tax exemptions and discounts
- Oxford Credit Unions
- Low Carbon Hub funding model

7	<p>REVIEW OF THE EXECUTIVE SCHEME OF DELEGATION - FINANCIAL THRESHOLDS FOR CONTRACT AWARD AND TENDERING</p> <p>Lead Member: Councillor Price, Executive Board Member for Corporate Strategy and Economic Development</p> <p>The Head of Law & Governance has submitted a report which considers whether the Executive Scheme of Delegation should be amended to increase the thresholds beyond which City Executive Board approval is needed for contract awards and for tenders to be submitted by the Council.</p> <p>Recommendations: That the City Executive Board resolves to:</p> <ol style="list-style-type: none"> 1. Approve an increase to the threshold at which the decision to accept a tender must be made by the City Executive Board from £500,000 to £1,000,000; 2. Delegate to the relevant Executive Director, in consultation with the statutory officers and the relevant Board member, the decision to accept a tender of a value between £500,000 and up to £1,000,000; 3. Delegate to the relevant Executive Director, in consultation with the statutory officers, the decision to submit a tender with a value of up to £500,000; and 4. Delegate to the relevant Executive Director, on confirmation that a tender submitted by the Council, with a value up to £500,000, is successful, the decision to enter into an agreement to deliver the services. 	9 - 12
8	<p>REVIEW OF DISCRETIONARY HOUSING PAYMENT POLICY</p> <p>Lead Member: Councillor Brown, Executive Board Member for Customer Services and Corporate Services</p> <p>The Executive Director, Organisational Development & Corporate Services has submitted a report which seeks approval of the revised Discretionary Housing Payment policy for 2016.</p> <p>Recommendations: That the City Executive Board resolves to:</p> <ol style="list-style-type: none"> 1. Approve the revised Discretionary Housing Payment policy. 	13 - 36
9	<p>LOCAL LETTINGS PLAN FOR ONE-BEDROOM COUNCIL OWNED FLATS AT SALTER CLOSE AND WHITEHOUSE ROAD</p> <p>Lead Member: Councillor Rowley, Executive Board Member for Housing</p> <p>The Head of Housing & Property has submitted a report which details a proposal to put in place a Local Lettings Plan at Salter Close and Whitehouse Road to reduce the impact of any new lettings on existing residents following the de-designation of these flats for exclusive occupation by elderly persons.</p> <p>Recommendations: That the City Executive Board resolves to:</p> <ol style="list-style-type: none"> 1. Approve the Local Lettings Plan at Salter Close and Whitehouse Road for a period of 12 months following the de-designation of the one-bedroom flats for occupation by elderly persons. 	37 - 44

2. To delegate authority to the Head of Housing and Property to extend the Local Lettings Plan after a period of 12 months if, after a review submitted to the Scrutiny Housing Panel, this is still considered to be required.

10 OXPENS: SALE OF OXPENS LAND AND LOAN TO OXFORD WEST END DEVELOPMENT LTD

45 - 54

Lead Member: Cllr Ed Turner, Board Member for Finance, Asset Management and Public Health; Cllr Bob Price, Board Member for Corporate Strategy and Economic Development.

The Executive Director, Regeneration and Housing has submitted a report which seeks budgetary approval for the sale of Oxpens land and a loan to Oxford West End Development Ltd.

Recommendations: That the City Executive Board resolves to recommend full Council to approve:

1. A loan of £4.16 million to Oxford West End Development Ltd to provide funds to the company to purchase land owned by Oxford City Council on terms set out in this report.
2. A capital budget of £4.16 million in the Council's General Fund Capital Programme in 2017/18 funded from the Capital Receipt received from the sale of the land.

11 NEW LEASE FOR WEST OXFORD COMMUNITY ASSOCIATION

55 - 66

Lead Member: Councillor Simm, Executive Board Member for Culture and Communities

The Head of Community Services has submitted a report which seeks approval of terms for a new lease for West Oxford Community Centre.

Recommendations: That the City Executive Board resolves to:

1. Approve the terms of a new lease for West Oxford Community Association and delegate authority to the Director of Community Services in consultation with the Monitoring Officer to complete a lease.

12 ITEMS RAISED BY BOARD MEMBERS

13 MINUTES

67 - 80

Minutes of the meetings held on 17 March 2016 and 24 March 2016

Recommendation: The City Executive Board NOTES the minutes of the meeting held on 17 March 2016 and 24 March 2016 as a true and accurate record.

14 MATTERS EXEMPT FROM PUBLICATION

If the Board wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Board to pass a resolution in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities

(Executive Arrangements) (Access to Information) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule I2A of the Local Government Act 1972.

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

PART TWO
MATTERS EXEMPT FROM PUBLICATION

**15 NEW LEASE FOR WEST OXFORD COMMUNITY ASSOCIATION -
CONFIDENTIAL APPENDIX**

81 - 82

Lead Member: Councillor Simm, Executive Board Member for Culture and Communities

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.

This page is intentionally left blank

To: City Executive Board
Date: 14 April 2016
Report of: Head of Law & Governance
Title of Report: Review of the Executive Scheme of Delegation – Financial Thresholds for Contract Award and Tendering

Summary and recommendations	
Purpose of report:	To consider whether the Executive Scheme of Delegation should be amended to increase the thresholds beyond which City Executive Board approval is needed for contract awards and for tenders to be submitted by the Council.
Key decision:	No
Executive Board Member:	Councillor Bob Price - Corporate Strategy and Economic Development Councillor Ed Turner - Finance, Public Health and Asset Management
Corporate Priority:	Efficient and effective council
Policy Framework:	None
Recommendation(s): That the City Executive Board resolves to:	
1.	Approve an increase to the threshold at which the decision to accept a tender must be made by the City Executive Board from £500,000 to £1,000,000;
2.	Delegate to the relevant Executive Director, in consultation with the statutory officers and the relevant Board member, the decision to accept a tender of a value between £500,000 and up to £1,000,000;
3.	Delegate to the relevant Executive Director, in consultation with the statutory officers, the decision to submit a tender with a value of up to £500,000; and
4.	Delegate to the relevant Executive Director, on confirmation that a tender submitted by the Council, with a value up to £500,000, is successful, the decision to enter into an agreement to deliver the services.

Introduction and background

1. The Council's Constitution sets out those decisions which must be made by the City Executive Board. The financial limits for the award of contracts and the limits for the submission of tenders by officers have been reviewed in the light of recent activity and found to be too restrictive.

Contract Award Threshold

2. The Constitution currently provides that the City Executive Board must approve the acceptance of tenders with a value of £500,000 or over. It is proposed that it is increased so that the City Executive Board must approve the acceptance of tenders with a value of £1,000,000 or over. The relevant Executive Director will, in consultation with the statutory officers and the relevant Board member, approve the acceptance of a tender with a value greater than £500,000 but less than £1,000,000. This will require a consequential amendment to the Constitution which will be reported to Council in April.

Limits for Submission Tender

3. The Trading Strategy approved by the City Executive Board on 21st September 2011 provides that the limit up to which the relevant Strategic Director may approve the submission of a tender by the Council is up to £100,000. Any tender submitted with a value greater than £100,000 currently has to be approved by the City Executive Board. This has created difficulties when there has been a short timeframe between the submission of a tender and the required commencement of the work. Raising the financial limit would reduce the administrative steps required, aid the speed of response and potentially increase the work available to the Council. The City Executive Board will approve the submission of any tender with a value of £500,000 or over with the relevant Executive Director approving sums below this.

Financial implications

4. There is a balance to be struck between the appropriate level of procedures to be put in place to ensure appropriate internal control within an organisation, compared to the administrative burden that such procedures bring. An emphasis on either can lead to inefficiencies.
5. There is evidence to suggest that the current levels of authorisation for both procurement of supplies and services and the tendering for works by the Council need to be increased, especially with the Council needing to be more "fleet of foot" when bidding for external work to support its Medium Term Financial Strategy.
6. Raising the threshold for the tendering for external works will inevitably bring with it some additional risk since budgeted income and expenditure is likely to increase to accommodate the cost of the works. However the expectation is that income will exceed the cost and the proposed officer delegation in conjunction with statutory officers will ensure that this is adequately monitored.

Legal issues

7. The Constitution will be amended to reflect the delegations made by the City Executive Board. The executive scheme of delegation is the only part of the Constitution which may be amended by the City Executive Board.

Level of risk

8. There are no risks arising directly from this report. There are controls in place to manage the possible risks that may arise as future decisions are made in line with the amended Scheme of Delegation.

Equalities impact

9. There are no equalities impact issues arising from this report.

Report author	Emma Griffiths
Job title	Lawyer
Service area or department	Law & Governance
Telephone	01865 252208
e-mail	egriffiths@oxford.gov.uk

Background Papers: None

This page is intentionally left blank

To: City Executive Board
Date: 14 April 2016
Report of: Executive Director Organisational Development & Corporate Services
Title of Report: Review of Discretionary Housing Payment policy

Summary and recommendations	
Purpose of report:	To seek approval of the revised Discretionary Housing Payment policy for 2016.
Key decision:	Yes
Executive Board Member:	Councillor Susan Brown, Board Member for Customer and Corporate Services
Corporate Priority:	A Vibrant, Sustainable Economy, Strong and Active Communities
Policy Framework:	Corporate Plan; Financial Inclusion Strategy.
Recommendation(s): That the City Executive Board resolves to:	
1. Approve the revised Discretionary Housing Payment policy.	

Appendices	
Appendix 1	Discretionary Housing Payment Policy
Appendix 2	Risk Register
Appendix 3	Equalities Impact Assessment
Appendix 4	Background information

Introduction and background

1. On 12 June 2013 the City Executive Board (CEB) approved a new Discretionary Housing Payment (DHP) Policy. The most significant change to the new policy was that awards would be subject to an agreed action plan to improve the applicant's financial sustainability. Against a backdrop of significant welfare reform and consequent reductions in benefit entitlement, this approach was introduced to ensure that people being supported with DHP's were taking steps to find more sustainable solutions to their situation. Since 2013 the policy has

been reviewed annually to help manage expenditure in line with changes to the DHP grant provided by the Government.

2. Government funding for DHP's has fluctuated in recent years. National funding was increased for 2013/14 and 2014/15 as a result of the introduction of the Benefit Cap and the Social Sector Size Criteria (known as the Bedroom Tax). In 2015/16 funding reduced significantly, which saw Oxford's grant reduce from £514,496 to £288,092. Funding has increased for 2016/17 in response to the further lowering of the Benefit Cap from £26,000 to £20,000, which will be introduced later in 2016. Oxford's grant for next year is £376,792. An Additional £150,000 is available from Homelessness Prevention Funding to top this up if required.
3. The DHP policy is reviewed on an annual basis to ensure it is fit for purpose in light of changes to government funding and customer demand. The main change is outlined in paragraph 12 below. Appendix 1 contains the revised DHP Policy. Appendix 4 provides some information on the background and purpose of DHP's.

Expenditure

4. The table below summarises DHP expenditure since 2013.

Table 1

Year	Expenditure	Percentage of Grant
2013/14	£431,244	82%
2014/15	£476,147	92%
2015/16	£270,000*	94%

*forecasted figure

5. 603 applications for DHP were made up to 1 February 2016 of which 374 were successful. Awards are typically made for three months, and 94 customers have received two or more awards during the year. 108 recipients have been in receipt of DHP for more than a year, and 38 customers for more than two years. These tend to be customers with more complex needs, or those with no practical options to change their circumstances.
6. 229 applications were turned down in the ten months to 31 January 2016. The main reason being that the customer had no realistic plan to reduce their reliance on DHP. In a small number of circumstances applications were turned down because the customer was not willing to undertake activities to help them find a more sustainable solution. However, often in such cases, the customer changes their mind once they start to accrue rent arrears.

Table 2

Reason for refusal	Totals
No long term plan to reduce reliance on DHP	40
Customer determined to be able to afford rent shortfall	29
Not eligible for a DHP	20
DHP would not sustain tenancy	12
Failed to supply requested information	11
Other	10
Means tested shortfall only	8
Didn't meet conditions of previous award	6
Rent determined to be too expensive	6
Doesn't meet DHP policy criteria	3
Unwilling to accept conditions of award	2

NB This data has only been manually recorded since July, as it is unable to be retrieved from the Academy system.

7. The following table compares the details of DHP awards and expenditure by benefit category for the year to date with the previous two years. Please note that the category of "Other" relates to circumstances where an applicant is not entitled to full Housing Benefit. This will usually be as a result of having greater income than the minimum level which attracts full Housing Benefit or, due to deductions made in respect of non-dependant adults living at the property.

Table 3

Reason For Claim	2013/14	2014/15	2015/16 (at 1 February 2016)
Benefit Cap	£213,065	£224,293	£112,992
Bedroom Tax	£124,386	£95,135	£34,276
Local Housing Allowance	£93,005	£121,441	£67,785
Combination of Above	£1,681	£5,410	£1,174
Other	£12,550	£29,870	£13,787

NB: The figures quoted in paragraph 4 above, are taken from the Benefits system, and are different from those in the above table. This is because the benefits system takes account of awards for claims which end prematurely,

or where there are minor adjustments to the amount of benefit claimed, but cannot easily record the reason for the claim. Hence the reason for claims is recorded manually in a spread sheet together with the original award amount (the figure shown in the table).

8. Table 3 shows that the main reason for the reduced expenditure in the current year is the reduced demand from Benefit Cap customers. Since the Benefit Cap was introduced in 2013, it has affected 235 households in Oxford. However, currently there are only 65 households who are still affected. DHP's have been used effectively to help customers who have been capped, with 76 being supported into work. This is forecast to reduce DHP expenditure in this area by £100,000 this year.
9. Demand for DHP's has also reduced in other areas. There are currently 568 customers affected by the Bedroom Tax compared to a peak of 724 in 2014/15. From April 2014 to February 2016, the number of people renting privately and in receipt of Housing Benefit (called Local Housing Allowance) has reduced from 3,106 to 2,548. The Benefit caseload has reduced in Oxford from 12,240 to 11,472 over the same period. This is due mainly to the improved economic situation in Oxford, after benefit claims peaked as a result of the recession of 2008/09 and subsequent slow recovery.
10. DHP awards require action plans to be agreed so that customers are supported to manage their shortfalls themselves. Action plans have been agreed with applicants in 356 awards made this year. The top five actions are shown in the table below. An action plan would not be agreed for awards made for a short fixed period, such as supporting someone as they move into employment. There have been 18 awards made without conditions in the last year.

Table 4

Agreed action	Totals
Look for work	138
Obtain Debt Advice	102
Apply for another benefit	81
Downsize	64
Engage with a specialist support service	61

Policy Changes

11. In 2015/16 the DHP policy was narrowed in scope to take account of reduced government funding. This resulted in priority being given to families with children.

The increase in budget means that this narrowing of priorities can be removed. Although the lowering of the Benefit Cap will impact households with children, the DWP have announced that the measure will not be introduced until the Autumn. When it is introduced, it will be phased in, which means that affected households will require a DHP for less than six months in 2016/17. As such the increased government contribution for DHP's is sufficient to meet this demand. The amended policy also emphasises the intention to support people into work and people who are transitioning from hostel accommodation. This follows work carried out over the last year to provide additional support to people in these situations to help them through the change they are undergoing.

12. Following the rollout of Universal Credit (UC) in Oxford on 20 April 2015, and subsequent receipt of DHP applications from UC customers, the policy has been updated to be clear how their DHP claims will be treated. The Council's available budget will no longer be referred to as a consideration for a DHP application. A number of Upper Tribunal decisions have ruled that this is not a valid reason for declining support. Regulations cap the total amount of DHP that can be spent by Local Authorities to two and a half times the government contribution, so the amended policy references this limit instead.

Monitoring

13. The consistency of decision making will be monitored by continuing to undertake a 10% check of all applications, whether successful or unsuccessful. In recent years regular reports have been made to Scrutiny Committee on DHP expenditure, and it is anticipated this will continue in 2016/17. Such monitoring will include details of the amount of expenditure being made in respect of different Welfare Reform measures, and the number of cases receiving multiple awards throughout the year. Both actual and forecast DHP expenditure will be reported so that pressures can be identified as early as possible.

Financial implications

14. Oxford's DHP grant for 2016/17 is £376,792 which means a maximum of £941,980 can be spent next year. Any expenditure over and above the grant, up to the ceiling, is a direct cost to the Council. Housing Services have made £150,000 available from Preventing Homelessness funding in the event of expenditure exceeding the government contribution.
15. By making effective use of the Discretionary Housing Payment budget, and targeting awards effectively, the Council will save the costs of placing people in temporary accommodation or dealing with people who are homeless. Typically the cost of placing someone in temporary accommodation can be 18 times that of sustaining a tenancy using DHPs.
16. The government has confirmed the national DHP budget for the next four years. However after 2020, with Universal Credit largely rolled out and the ending of

the Revenue Support Grant to local authorities, it is likely that government funding for DHP's will also cease. As such it is important that DHP's continue to be used to help applicants become financially sustainable and reduce the long term reliance on this financial support.

Legal issues

17. The recommendations of this report are within the scope of the Child Support, Pensions and Social Security Act 2000 and The Discretionary Financial Assistance Regulations 2001 (SI2001/1167), and subsequent amendments. Whilst the regulations give a very broad discretion the Council has a duty to act fairly, reasonably and consistently. Each case must be decided on its own merits, and decision making should be consistent throughout the year.

Level of risk

18. An evaluation of the risks associated with the implementation of this policy has been carried out. A detailed Risk Register is attached at Appendix 2.

Equalities impact

19. An initial impact assessment has been carried out and is attached at Appendix 3. No undue, adverse impacts have been identified. However as the DHP budget is finite, and needs to be allocated within set guidelines, monitoring will be carried out to ensure there are no unintended consequences of the policy to any specific group of customers.

Report author	Paul Wilding
Job title	Revenues & Benefits Programme Manager
Service area or department	Welfare Reform Team
Telephone	01865 252461
e-mail	pwilding@oxford.gov.uk

Background Papers: None

Oxford City Council's Discretionary Housing Payment Policy

1. Aims

- 1.1. The overarching objective of this policy is to distribute funding granted under the Discretionary Housing Payment scheme (DHP) in order to prevent homelessness. This will be achieved by providing short term relief to applicants in order to give them time to find more sustainable solutions to their financial arrangements. The policy is also intended to support people who have little scope to change their personal circumstances. Funding provided by this policy is only intended to be used to cover housing costs.
- 1.2. Demand for support through awards of DHP has increased since 2013/14 as a result of the introduction of under occupancy criteria in the social sector, the Benefit Cap, and the reduction and subsequent freezing of Local Housing Allowance rates. In addition to the overarching objective of the policy outlined in 1.1, the policy also aims to:
- alleviate child poverty and keep families together
 - support vulnerable young people in the transition to adult life, including young people leaving care; and
 - support the vulnerable in the local community
 - support the transition into work, particularly for people at risk of homelessness and those moving on from hostel accommodation

2. Determination of Applications

- 2.1. Applications for DHP awards must be made on the form shown at Appendix 1. The Welfare Reform Team will consider all applications for DHP on their individual merit.
- 2.2. DHP's can not be awarded in the following circumstances:
- To top up an award made under the Council Tax Reduction Scheme¹.
 - To contribute to the cost of ineligible service charges
 - To assist in paying for rent increases imposed as a result of incurring rent arrears
 - To assist in paying for rent costs arising from the suspension of a Housing Benefit or Universal Credit claim
 - To assist in paying for rent costs which arise from the imposition of sanctions or reductions in Housing Benefit or the Housing Cost Element of Universal Credit. These include any reduction made as a result of not complying with work related conditionality, or in arranging maintenance as directed by the Child Support Agency, or breaching a community service order.
- 2.3. It is not intended to award DHP in the following circumstances, unless to do so would strongly support the policy objectives outlined above:
- Assistance with moving costs, rent in advance, and deposits (unless moving to more affordable accommodation)
 - Shortfalls caused by a non-dependent deduction
 - Where Capital in excess of £6,000 is held for people of working age, or £10,000 for those of pensionable age
 - Where the tenancy was not affordable when it was taken on.

¹ Section 13A of the Local Government Finance Act 1992 provides for Local Authorities to make reductions in the amount of Council Tax owed by an individual.

- Where an applicant has multiple outstanding debts, and has no plans to seek professional debt advice, or to deal with the debt
- Where there is affordable and suitable available alternative accommodation.
- Where applicants are not prepared to take steps to reduce or remove their need for DHP, and/or state the period of time they require the DHP.
- Where multiple family units or households are living in one property, and another household could be expected to make additional contributions to the rent
- Where fraud has been admitted or proven in relation to claims for Housing Benefit, Universal Credit, Council Tax Benefit, Council Tax Reduction Scheme or Discretionary Housing Payments.

2.4 In deciding whether to award a DHP, consideration will be given to:

- how the award will meet the policy objectives, with priority being given to:
 - applicants who have limited scope to change their circumstances (e.g. a disabled applicant affected by the under-occupancy rules who has had adaptations made to their property)
- the shortfall between Housing Benefit and the rental liability (unless Universal Credit is in payment, in which case the award can be any amount up to the amount of the housing cost component);
- any steps taken by the applicant to reduce their rental liability;
- any steps taken by the applicant to find work, or increase their hours of work
- the financial and medical circumstances (including ill health and disabilities) of the applicant, their partner and any dependants and any other occupants of the applicant's home;
- the income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home. (All applicants will be required to complete an Income & Expenditure Form.) Where it is felt that expenditure is inappropriate or incompatible with award of a DHP, the applicant will be referred for debt advice or financial capability support.
- any savings or capital that might be held by the applicant or their family;
- the level of indebtedness of the applicant and their family;
- the exceptional nature of the applicant and his / her family's circumstances;
- whether total DHP expenditure is within the legally permitted level of two and a half times the government's contribution the possible impact on the Council of not making such an award, e.g. the pressure on priority homeless accommodation;
- any other special circumstances brought to the attention of the Welfare Reform Team.

3 Amount and condition of awards

3.1 The Welfare Reform Team will decide how much to award based on all the circumstances. However, the main determining factor will be a consideration of the applicant's scope for reducing their reliance on DHP's in the future. Where this is possible, awards will usually be made for a maximum of three months. If an applicant has limited options for making changes in their circumstances awards will be made for longer periods, of up to 12 months. An award of a DHP does not guarantee a further award at a later date even if the applicant's circumstances have not changed.

3.2 . The start date of the award will normally be:

- the Monday after the Welfare Reform Team receives the written claim for a DHP; or
- the date on which entitlement to Housing Benefit or Universal Credit starts; or
- another date, where this fulfils the objectives of this policy better than the dates above.

3.3 An award of DHP will have conditionality attached to it in the majority of circumstances. Any conditionality will be linked to increasing the applicant's income, reducing their rental liability or

reducing other outgoings. Conditions will be agreed with the applicant, and support will be available to help them achieve them, either from the Council or from partner organisation(s). Examples of types of conditionality could include:

- Attending work related coaching with one of the Council's partners
- Actively looking for work, with or without the support of the Council, or one of our partners
- Registering for housing and bidding for suitable properties in each cycle
- Seeking assistance to manage debts
- Paying rent arrears
- Engaging with specialist support services

The intention of any conditionality is to assist the customer in improving their circumstances; it is not a punitive measure. However an award of DHP can be cancelled if a customer has not undertaken the agreed activity. Where employment is a reasonable outcome for someone, a condition related to moving into work will always be applied.

3.4 The maximum amount of DHP which can be awarded to Housing Benefit recipients is the difference between the weekly Housing Benefit award and the weekly eligible rent. For Universal Credit recipients the maximum DHP award is the monthly housing cost component of the UC award.

3.5 Where an application for DHP is made by a recipient of Universal Credit, the DHP award will be calculated in one of two ways. If an Alternative Payment Arrangement (APA) is in place to the applicant's landlord, the award will be the shortfall between the payment to the landlord and the applicant's rent. This amount will be converted from a monthly to a weekly amount. Where an APA is not in place, the shortfall will be determined with reference to the applicant's circumstances. In both cases this determination is subject to paragraphs 2.2 and 3.4 above.

3.6 When making a repeat application for an award, the customer must have met the conditions applied to their previous award, be able to set out what actions they have undertaken as a result of that support, and explain their next steps in order to reduce their reliance on DHP awards. Such applications will require an interview with a Council officer before an award can be made.

3.7 When an application for a DHP is declined, the applicant will still be offered support in resolving their situation, either directly from the Welfare Reform Team, from another Council department, or through a referral to one of the Council's partner organisations.

4 Administration of Payments

4.1 Where the applicant appears to be entitled to another state benefit that they are not receiving, they will be advised to make a claim, and provided with details of other agencies in the city who may be able to help with such a claim. Any DHP will be reviewed in light of the result of this claim.

4.2 The Welfare Reform Team may need to revise an award of a DHP where the applicant's circumstances have materially changed. Any revision to the award will take effect from the same day as any change to the Housing Benefit award. If a revision of an award leads to an overpayment then steps will be taken to recover this money if it is reasonable in the circumstances to do so.

4.3 A DHP will normally be made payable to the person receiving the Housing Benefit payment or Housing Cost Element of Universal Credit (HCE). Where Housing Benefit or HCE is paid to the landlord, and a DHP award is made for more than three months, the Welfare Reform team will review the claim to ensure that payment should continue to be made to the landlord.

4.4 DHP will be paid by the most appropriate means available. This will normally be by BACS transfer. The payment frequency will normally be made in line with payments of Housing Benefit.

4.5 Decisions regarding DHPs will be notified to the applicant within 10 working days of receiving the last piece of information required to determine the application, and will include:

- Reasons for the decision

- The start and end date of the award
- The amount of the award
- Conditions attached to the award
- The applicant's right of review
- Advice that future awards may not be made

4.6 A Senior Officer will review any DHP decision that is disputed by the applicant. If the decision is still upheld, any further dispute must be dealt with through the Council's complaints procedures and ultimately by judicial review.

4.7 Where a customer has a complaint in the way we have applied our policy, they may ask the Local Government Ombudsman to look at their case, after exhausting the Council's own complaints procedure.

5 Fraud

5.1 Oxford City Council is committed to the fight against fraud in all its forms. An applicant who tries to fraudulently claim a DHP by falsely declaring their circumstances, or providing a false statement or evidence in support of their application, may have committed an offence under section 2 of the Fraud Act 2006. Where the Welfare Reform Team suspects such a fraud may have occurred, the matter will be investigated and this may lead to the instigation of criminal proceedings.

6 Monitoring

6.1 Reports will be extracted from the DHP software on a monthly basis to ensure that expenditure is within budget and is correctly profiled to ensure no overspend at the end of the financial year. Overpayments will be reconciled on a monthly basis. A 10% check will be made of all DHP applications, whether successful or not, to ensure that decision making is consistent.

6.2 The reasons for making a DHP award will be monitored and reported based on the following list:

- Benefit Cap
- LHA Reductions
- Housing Benefit reductions due to under-occupation
- Combination of reforms
- Other

This will be reported back to DWP in accordance with their requirements.

7 Communication of Policy

7.1 The Welfare Reform Team will publicise the scheme and will work with all interested parties to achieve this. A copy of this policy statement will be made available for inspection and will be posted on Oxford City Council's website.

8 Review

8.1 This policy is effective from 14 April 2016. It will be reviewed no later than 1 April 2018.

Appendix 1:

DHP Application form

Application for Discretionary Housing Payment (DHP)

Section 1: About you

To help us to process your claim quicker, please give us your current contact details.

Full Name:

.....

Address:

.....

.....

.....

.....Post Code:

Claim reference number: 80-

Home number: Mobile:

Email address:

Please note we may contact you regarding your claim and your appointments. We have found that contacting customers by email and text is an efficient way of getting in touch quickly with customers. If you have any preferences about the way you are contacted please let us know.

Section 2: About your circumstances

1. Why are you applying for DHP e.g. bedroom tax, local housing allowance (LHA) shortfall, benefit cap, personal circumstances?

2. Have you applied for DHP before?

Yes- please answer question 2A

No- Please answer question 2B

2A. Please tell us what are you doing to meet the conditions of your last award?

2B. Please tell us what have you tried to do to improve your current situation?

3. Are you getting help from anyone at the moment e.g. Tenancy Sustainment, Connection, Crisis, Aspire, Mind, Advice Centre, Citizens Advice Bureau (CAB), Job Clubs, Social Services, etc.?

4. Is there anything else you would like us to know about when we are considering your claim e.g. risk of eviction, health, pregnancy, addiction issues.

5. When would you like your DHP to start and why? If you want DHP for past period, tell us why did you not apply before?

Section 3: About your new DHP award

6. DHPs provide short term financial help for people who are working towards improving their situation so they can afford to pay their rent without this support in the future. Which of the following options are you taking or are you prepared to take to improve your situation?

Employment/training towards work home)

Downsizing (moving to a smaller home)

Increasing working hours

Debt/money advice

Moving to cheaper accommodation

Lodger

Other (please specify below):

Section 4: About your financial situation

Please give us details of your Income and Expenditure as accurately and completely as you can. This information is needed to make a decision about your Discretionary Housing Payment. You may be asked to provide proof of the amounts declared.

Please state period as Y = yearly or Q = quarterly or M = monthly or W = weekly

Income

Income Type	Period	Amount	Income Type	Period	Amount
Wages			Industrial Injuries Benefit		
Wages (partner)			Pension Credit		
Jobseeker's Allowance			State Retirement Pension		
Income Support			Occupational Pension		
ESA			Sick Pay		
Child Tax Credit			Maternity Pay		
Child Benefit			Carer's Allowance		
Disability Living Allowance			Attendance Allowance		
Personal Independence Payment (PIP)			Student Income/ Loans		
Maintenance			Savings/ Investments		
Working Tax Credit			Armed Forces Independence Payment		
Money from Non-Dependant			Universal Credit		
Rent from lodger			Other (please specify)		

Bills

Expenses	Period	Amount	Expense	Period	Amount
Total Rent*			Pay TV/ Internet/ Phone Package		
Council Tax (after CTRS*)			Maintenance Payments		
Water Rates			Service Charges		
Gas			Private Pension payments		
Electricity			Insurance e.g. contents, life, pets		
Coal/Wood/Other Heating			Other (please specify e.g. repairs)		
TV Licence					
Mobile Phone 1					
Mobile Phone 2					

Housekeeping					
Expenses	Period	Amount	Expense	Period	Amount
Food			Childcare		
Takeaway			Healthcare Prescriptions		
Baby Food/ Milk			Health & Beauty (please specify e.g. haircuts)		
Toiletries					
Nappies			Clothing		
Laundry/ Dry Cleaning			Disability Related Care Expenditure		
Cleaning Materials					
School Uniform			Gym Membership		
School Meals			Other (please specify)		
School Trips					

Travel					
Expenses	Period	Amount	Expense	Period	Amount
Public Transport			Disability Related Mobility Expenditure		
Petrol					
Insurance			Breakdown Cover/ MOT		
Road Tax			Other (please specify)		
Taxi					

*Total Rent- tell us what your actual rent is

*CTRS- Council Tax Reductions Scheme

Please state period as Y = yearly or Q = quarterly or M = monthly or W = weekly

Other costs					
Expenses	Period	Amount	Expense	Period	Amount
Going Out/ Entertainment			Cigarettes		
			Alcohol		
Savings			Gambling		
Pets e.g. food, vets			Holidays		
Pocket money			Meals at work		
Afterschool Clubs			Newspapers/ Magazines		
Birthdays			Subscriptions/ Charities		
Religious Holidays e.g. Christmas, Eid			Other (please specify)		

Debt			
Expenses	Period	Amount	Total amount of debt
Personal Loans e.g. family, friends			
Pay Day Loans			
Credit Cards			
Rent Arrears			
Utility Arrears e.g. gas, water, electrics			
Council Tax Arrears			
HB overpayments/ deductions			
Hire Purchase/ White Goods Loans			
Court Fines/ Bank Costs			
Maintenance Payments			
Catalogue Payments			
Student Loans			
Other (please specify)			

Section 5: Your declaration

I declare that the information I have given on this form is correct and complete.

I understand the following:

26

- If I give incorrect or incomplete information, the council may take action (including court action)

against me;

- Oxford City Council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. You can view the council's data protection policy and privacy notice at www.oxford.gov.uk/privacy
- We may share your information with and obtain information about you from other departments within Oxford City Council, other local authorities, government departments or financial organisations to ensure that the information is accurate; prevent or detect crime and fraud and protect public funds. We will not sell, share, or rent this information to others in ways different from what is disclosed in this statement.
- The council will use the information I have given to assess my claim for Discretionary Housing Payment, and I agree that the council can verify this if needed;
- I will tell the council about any changes in my circumstance that may affect my claim.

Your signature:

Date:

If you had help filling in this form or someone filled it in for you, please ask them to complete the next section.

I can confirm that I have completed this form on behalf of the claimant. The information contained within the form has been given to me by the claimant. The claimant confirms that this information is correct.

Name and relationship to you of the person who filled in the form:

This page is intentionally left blank

Appendix 2 - Risk Register

Nos.	Raised by	Date Raised	Probability	Impact	Gross Risk Score	Proximity	Description	Mitigation	Owner	Target Date	Revised Probability	Revised Impact	Residual Risk Score
DHP001	PW	19/2/16	3	4	12	Short term	Those most in need of support don't receive it due to greater demand for DHP's in the second half of the year, and expenditure being too high in the 1 st half	Monitor expenditure monthly. Consider changing length and amount of awards during year to target those most in need	PW	1/11/16	2	3	6
29 DHP002	PW	22/1/15	4	3	12	Long term	Council challenged on application of policy by unsuccessful applicants.	10% check of applications carried out to ensure decision making is consistent	PW	31/3/17	2	3	6
DHP003	PW	22/1/15	2	4	8	Short term	Unintended negative impact on specific customer groups	Monitor successful and unsuccessful applications against the criteria established in the policy	PW	31/3/16	1	4	4

This page is intentionally left blank

Appendix 3

Initial Equalities Impact Assessment

1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

The changes proposed in the new DHP policy broaden the scope of the policy by removing reference to prioritisation of households with children. This was introduced last year as a result of a 44% reduction in the government contribution for DHPs. There is evidence that there was an undue impact on single adults (predominantly males). A new policy aim has been added which is to support people who are transitioning from hostels into settled accommodation. This group tends to comprise mainly of single males and so goes some way to redressing the negative impact which occurred last year.

The Discretionary Housing Payment policy is intended to support those who are disadvantaged by changes to Housing Benefit rules, specifically the under occupation rules in the social sector, the Benefit Cap and the changes to Local Housing Allowance rates. The under occupation rules disproportionately impact older customers (from 45 to pension age) and people with a disability. The Benefit Cap affects mainly households where there are lots of children (and in most cases a single parent). The Local Housing Allowance changes impact mainly on households with children. As such, if the DHP policy is not applied correctly, these groups could be disadvantaged.

The CAB have expressed concern at the treatment of income related to disability benefits (Disability Living Allowance, Personal Independence Payment and Attendance Allowance). They believe that taking such income into account when determining DHP applications could be discriminatory as such income is intended to meet costs related to the illness or disability concerned. The Council's view is that it is reasonable to take such income into account provided that any expenditure related to such income is also taken into account. The presence of such income prompts officers to ask specific questions related to expenditure on care costs and related items.

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

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

In 2015/16 the DHP policy was narrowed in scope to take account of reduced government funding. This resulted in priority being given to families with children. The increase in budget means that this narrowing of priorities can be removed. The amended policy also emphasises the intention to support

people into work

The Welfare Reform team have developed strong partnerships with a wide range of support organisations. Where financial support cannot be provided, customers will be referred to appropriate organisations for support..

As the policy is discretionary people who are in groups at risk of being disadvantaged can still receive DHP awards if to do so meets the policy's broader objectives.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision. Please note that you are required to involve disabled people in decisions that impact on them

We are not consulting externally on the change to the DHP policy. There is no fundamental change being proposed to the DHP policy. As such the process of consultation may raise unrealistic expectations and would be an unproductive exercise at this point, as it would not generate any information that the Council hasn't already anticipated or did not know.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?
Please set out the basis on which you justify making no adjustments

As this policy is discretionary, all applications will be considered on their merit. Where an application meets the aims of the policy, it is intended to provide support.

The policy is a fairly straightforward one to apply. CEB should note that, as it is a discretionary payment the Council are not intending to set out any circumstances in which we definitely wouldn't support someone. If an application meets various policy aims, it will be successful.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.
Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

A 10% check of applications will be carried out to ensure consistency of decision making. This will be done for both successful and unsuccessful applications. Monitoring will be carried out on a monthly basis, and this will also include the reason for the application being made. Regular reports have also been provided to Scrutiny Committee in the last two years. It is expected that this will continue.

Appendix 4

Discretionary Housing Payment – Background Document

Discretionary Housing Payments (DHP's) are monies allocated by local authorities under legislation set out in the Child Support, Pensions and Social Security Act 2000 and The Discretionary Financial Assistance Regulations 2001 (SI2001/1167). In summary, the funds can be used to meet eligible rent for people already in receipt of housing benefit. The customer must make an application for the payment, and the council must consider the applicants financial need if an award is to be made. In effect, the fund allows some local discretion to meet the needs that are not covered by the national Housing Benefit or Universal Credit schemes.

In the interests of administering the fund fairly and consistently, it is recommended that the Council has a clear policy and criteria on which to base these decisions. This should take into account the local housing situation and other significant factors. The amended policy is set out in Appendix 1 to this document.

Guidance from the Department of Communities & Local Government (DCLG) and the Department for Work and Pensions (DWP) recommends using the DHP fund as one way of preventing and tackling homelessness. On occasions a small increase to Housing Benefit payments via the DHP fund can secure adequate housing at a much lower cost to the Council than dealing with the same customers as homeless. The guidance also advises that support from the DHP fund, should generally be temporary in nature.

Oxford City Council pays out around £70 million per annum in Housing Benefit to around 11,500 households. The majority of this is claimed back in subsidy from central government. Many of these households receive sufficient Housing Benefit to cover their rent in full. Those who do not, fall into the following categories:

1. Those that are working or have other income above the basic minimum levels. Their benefit is reduced in proportion to their income and capital.
2. Private sector tenants in properties considered too large by the national scheme for the household or more expensive than the average for Oxford.
3. Social sector tenants in properties considered too large by the national scheme.
4. People impacted by the Benefit Cap. Families are currently restricted to a total of £500 per week in benefits, and individuals to £350 per week. In autumn 2016 the Cap will be lowered to £385 and £258 respectively. The following benefits are included in the Cap:
 - i. Bereavement Allowance
 - ii. Carer's Allowance
 - iii. Child Benefit
 - iv. Child Tax Credit
 - v. Employment and Support Allowance
 - vi. Guardian's Allowance
 - vii. Housing benefit
 - viii. Incapacity benefit
 - ix. Income Support

- x. Jobseeker's Allowance
- xi. Maternity Allowance
- xii. Severe Disablement Allowance
- xiii. Widowed Parent's Allowance (or Widowed Mother's Allowance or Widows Pension you started getting before 9 April 2001)

Appendix 4

Discretionary Housing Payment – Background Document

Discretionary Housing Payments (DHP's) are monies allocated by local authorities under legislation set out in the Child Support, Pensions and Social Security Act 2000 and The Discretionary Financial Assistance Regulations 2001 (SI2001/1167). In summary, the funds can be used to meet eligible rent for people already in receipt of housing benefit. The customer must make an application for the payment, and the council must consider the applicants financial need if an award is to be made. In effect, the fund allows some local discretion to meet the needs that are not covered by the national Housing Benefit or Universal Credit schemes.

In the interests of administering the fund fairly and consistently, it is recommended that the Council has a clear policy and criteria on which to base these decisions. This should take into account the local housing situation and other significant factors. The amended policy is set out in Appendix 1 to this document.

Guidance from the Department of Communities & Local Government (DCLG) and the Department for Work and Pensions (DWP) recommends using the DHP fund as one way of preventing and tackling homelessness. On occasions a small increase to Housing Benefit payments via the DHP fund can secure adequate housing at a much lower cost to the Council than dealing with the same customers as homeless. The guidance also advises that support from the DHP fund, should generally be temporary in nature.

Oxford City Council pays out around £70 million per annum in Housing Benefit to around 11,500 households. The majority of this is claimed back in subsidy from central government. Many of these households receive sufficient Housing Benefit to cover their rent in full. Those who do not, fall into the following categories:

1. Those that are working or have other income above the basic minimum levels. Their benefit is reduced in proportion to their income and capital.
2. Private sector tenants in properties considered too large by the national scheme for the household or more expensive than the average for Oxford.
3. Social sector tenants in properties considered too large by the national scheme.
4. People impacted by the Benefit Cap. Families are currently restricted to a total of £500 per week in benefits, and individuals to £350 per week. In autumn 2016 the Cap will be lowered to £385 and £258 respectively. The following benefits are included in the Cap:
 - i. Bereavement Allowance
 - ii. Carer's Allowance
 - iii. Child Benefit
 - iv. Child Tax Credit
 - v. Employment and Support Allowance
 - vi. Guardian's Allowance
 - vii. Housing benefit
 - viii. Incapacity benefit
 - ix. Income Support

- x. Jobseeker's Allowance
- xi. Maternity Allowance
- xii. Severe Disablement Allowance
- xiii. Widowed Parent's Allowance (or Widowed Mother's Allowance or Widows Pension you started getting before 9 April 2001)

To: City Executive Board
Date: 14 April 2016
Report of: Head of Housing & Property
Title of Report: A Local Lettings Plan for the one-bedroom Council owned flats at Salter Close and Whitehouse Road

Summary and recommendations	
Purpose of report:	A proposal to put in place a Local Lettings Plan at Salter Close and Whitehouse Road to reduce the impact of any new lettings on existing residents following the de-designation of these flats for exclusive occupation by elderly persons.
Key decision:	No
Executive Board Member:	Councillor Mike Rowley, Portfolio Holder for Housing
Corporate Priority:	Meeting Housing Needs
Policy Framework:	Housing Strategy 2015-18
Recommendation(s): That the City Executive Board resolves to:	
1.	Approve the Local Lettings Plan at Salter Close and Whitehouse Road for a period of 12 months following the de-designation of the one-bedroom flats for occupation by elderly persons.
2.	To delegate authority to the Head of Housing and Property to extend the Local Lettings Plan after a period of 12 months if, after a review submitted to the Scrutiny Housing Panel, this is still considered to be required.

Appendices	
Appendix 1	A Local Lettings Plan for any one-bedroom flats Salter Close and White House Rd becoming available to let
Appendix 2	Risk Register

Introduction and Background

1. The one-bedroom flats at Salter Close and White House Road are currently designated for elderly persons and the lettings to the flats are restricted so that only housing applicants aged 40 years or older can apply for vacant properties. These flats are due to be de-designated this year, in the last phase of the citywide de-designation programme, and the minimum age restriction used to let vacant properties reduced to housing applicants aged 18 years or older.
2. There are on-going and historical issues in and around the vicinity of Salter Close and Whitehouse Road relating to noise nuisance and other anti-social behaviour. The Anti-Social Behaviour Investigation Team has been working with local residents and others agencies including the police to address these issues. In order to help reduce the impact of any new lettings on existing residents and to help address these issues it is proposed that a Local Lettings Plan is put in place, for the 40 one-bedroom flats owned by the Council in Salter Close and Whitehouse Road.

The Allocations Scheme

4. The Allocations Scheme sets out the Council's policy on prioritising households in housing need for offers of housing. This is available on the Council website www.oxford.gov.uk. The current Allocations Scheme was approved by full Council and came into effect on 12/12/13 and Section 2.3.2 states when it may be appropriate for a Local Lettings Plan be put in place.
5. In summary the Allocations Scheme states the following:
 - Evidence will be required of the need to vary the usual approach to allocating properties.
 - From time to time the Council may decide to develop Local Lettings Plans for specific blocks or areas, in order to develop balanced and sustainable communities and this will generally part of a wider action plan to address the issues of a locality.
 - The decision to implement a local lettings plan will be approved by the City Executive Board and be made available for members of the public.
 - Local Lettings Plans are designed to be time limited and will be monitored to ensure they do not discriminate against specific groups and overall give reasonable preference to those assessed as in housing need on the housing register over those with no or low housing need.

Designated Elderly Flats

6. The one-bedroom flats at Salter Close and White House Road are currently designated elderly and lettings are restricted so that only housing applicants aged 40 years or older can be offered properties that become available to let. All the flats were due to be de-designated from 1/4/15 as part of the wider phased de-designation of most designated elderly blocks in the City over the last 5 years. However, due to concerns over neighbourhood issues in around Salter Close and Whitehouse Rd the decision to de-designate the last phase of blocks including Salter Close and Whitehouse Rd was deferred for a year.

7. A separate report reviewing the lettings to de-designated properties over the last year will be submitted to the Housing Panel separately. In summary the report states there were no issues linked to lettings to applicants aged under 40 to other de-designated properties in Oxford over the last year and proposes the Head of Housing continues with the de-designation of the remaining properties.

Financial Implications

8. There are no financial implications.

Legal Issues

9. There are no legal implications.

Level of Risk

10. By putting in place a Local Lettings Plan this will reduce the risks that any new lettings to the flats at Salter Close or Whitehouse Road will impact adversely on the existing residents and area. See Appendix 2.

Equalities Impact

11. The Council already monitors lettings to properties becoming available to let across the City and any properties let at Salter Close and White House Rd will be included in the figures monitored.

Conclusion

12. To continue to help develop a more balanced and sustainable community at Salter Close and White House Road it is proposed that before the de-designation of the flats goes ahead that the Local Lettings Plan in Appendix 1 is put into place.

Report author	Tom Porter
Job title	Allocations Manager
Service area or department	Housing & Property
Telephone	01865 249811
e-mail	tporter@oxford.gov.uk

Background Papers: None

This page is intentionally left blank

Appendix 1:

Local Lettings Plan for any one-bedroom flats at Salter Close and White House Road becoming available to let

Introduction

The one-bedroom flats at Salter Close and White House Road have been designated elderly and the lettings to the flats are restricted so that only housing applicants aged 40 years or older can apply for vacant properties. These flats are due to be de-designated in April 2016, in the last phase of the citywide de-designation programme.

The minimum age restriction used to let vacant properties here will therefore be reduced to housing applicants aged 18 years or older.

There are on-going and historical issues in and around the vicinity of Salter Close and Whitehouse Road relating to noise nuisance and other anti-social behaviour. The Anti-Social Behaviour Investigation Team has been working with local residents and others agencies including the police to address these issues. In order to help reduce the impact of any new lettings on existing residents and to help address these issues it is proposed that a Local Lettings Plan is put in place, for the 40 one-bedroom flats owned by the Council in Salter Close and Whitehouse Road.

The Local Lettings Plan (LLP) would seek to ensure that new lets to vacant flats are sustainable and enhance the community in this area, with no disruption to the lives of existing residents, many of whom are elderly. The LLP is designed to provide an additional safeguard to the Allocations process to re-assure existing tenants that any new lets to applicants under 40 will have rigorous checks made in acknowledgement of the difficulties experienced by current residents in the past.

To assist in the transition, any existing tenants, over 70 years of age, that may wish to move to a sheltered or 55+ designated scheme, will also be assisted in this

It is proposed that the LLP will run for one year from April 2016 to March 2017. A review will be undertaken within this duration, and the plan extended further if this appears warranted, for example, if the incidence of anti-social behaviour in the locality has not substantially reduced.

Local Lettings Plan Approach

- Tenants must be aged 18 years old or older
- Housing applicants with children or who are pregnant will not be allocated a one-bedroom property
- Housing applicants with an identified support need, including those with a mental health issues and ex-offenders, will only be considered for an offer if they are considered ready to sustain a tenancy, have an on-going support package in place and the accommodation is suitable for their housing needs.

- No housing applicants with a current or historic dependency on drugs and/or alcohol will be considered for an offer.
- Careful consideration must be made before offering anyone with a history of being vulnerable to exploitation by others
- Introductory Tenancies will be offered to all new tenants (only as allowed in legislation)
- Tenancy Sustainment Officers will be available to effectively target any lifestyle issues associated with 'younger' tenants moving into previously designated elderly flats
- If they chose, any existing tenants aged 70 years or older requesting a transfer will be given priority through the Allocations Scheme to move to 55+ or sheltered accommodation elsewhere, and eligible residents will be informed of this accordingly

A review of lettings will be carried out after 12 months to assess the effectiveness on the Local lettings Plan and to consider whether it is necessary to consider extending the lifetime of the plan

Appendix 2 – Risk Register

Title	Risk description	Opp/threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls					
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner	
The Local Lettings Plan (LLP) for Salter Close & White House Road	The LLP fails to help reduce the current ASB issues in & around Salter Close & White House Road	Threat	The lettings to properties becoming available to let do not help to reduce the ASB issues in the area	The residents living in the area continue to experience ASB	26/2/16	Tom Porter	1	1	1	1	1	1	Only a very small number of properties become available to let each year in the area.	The Allocations Team will check also potential applicants carefully to ensure they meet the LLP before considering them for an offer of housing.	On-going monitoring for the duration of the LLP				Tom Porter

This page is intentionally left blank

To: City Executive Board and Full Council

Date: 14 April 2016 (CEB)
18 April (Council)

Report of: Executive Director Regeneration and Housing

Title of Report: Sale of Oxpens Land and Loan to Oxford West End Development Ltd

Summary and Recommendations

Purpose of report: To seek budgetary approval.

Key decision Yes

Executive lead members : Cllr Ed Turner, Board Member for Finance, Asset Management and Public Health. Cllr Bob Price, Board Member for Corporate Strategy and Economic Development.

Policy Framework: Corporate Plan - vibrant & sustainable economy; Core Strategy 2010; West End Area Action Plan 2008; Regeneration Framework 2010; Oxpens SPD 2013

Recommendations: That the City Executive Board resolves to recommend full Council to approve:

1. A loan of £4.16 million to Oxford West End Development Ltd to provide funds to the company to purchase land owned by Oxford City Council on terms set out in this report.
2. A capital budget of £4.16 million in the Council's General Fund Capital Programme in 2017/18 funded from the Capital Receipt received from the sale of the land.

Appendices

Appendix 1 Risk Register
Appendix 2 Land Ownership Plan

Background

1. Further to the City Executive Board's (CEB) approval in January 2016, the Council has now entered into a joint venture with Nuffield College and formed a new company, Oxford West End Development Ltd (OXWED). The company has successfully acquired land previously owned by LCR and will now proceed with the procurement of a developer partner, complete land assembly and bring forward a scheme of comprehensive development comprising a new mixed-use neighbourhood with essential business space and homes, both market and affordable. The previous CEB approval agreed the transfer of Council owned land into the joint venture, including the financial principles. However, separate budgetary approval is required to fund the transaction and this is the subject of this report.
2. The Council's own landholding will transfer into the joint venture company for an agreed price, each partner paying its share of the acquisition cost for which a budget facility is required.
3. Additionally, the new company requires sufficient working capital from the partners to cover legal, property and technical fees to undertake a marketing exercise to secure a developer partner and to cover other sundry and one-off expenses. The CEB report of January 2016 made provision for up to £150k to be invested in the company to cover the City Council's share of these fees.

Priority

4. The Oxpens development is a strategic priority in the Oxford City Deal and the Oxfordshire Strategic Economic Plan unlocking major private sector investment and jobs as well as delivering significant wider benefits, including:
 - business space and accommodation for new and growing enterprises and services which require links to the universities and service economy
 - city centre regeneration linked to major investment committed at the railway station and Westgate (£500m redevelopment now under construction)
 - transport improvements and flooding infrastructure which are essential to enable the city's economy to grow
 - providing a platform for wider regeneration including employment areas near the station and Osney Mead, and supporting redevelopment around Frideswide Square
 - providing new market and affordable housing (over 300 homes), and visitor accommodation.

Timing and Sale of Council Land

5. The Council has entered into a conditional contract for the sale of its land to the OXWED investment vehicle for development at an agreed price of

£8million. It will now seek vacant possession of its property in order to meet the contract unconditional date which is the 31st December 2017. At this point the Council will need to lend £4million plus £160k Stamp Duty to the company (which is half the cost to the joint venture) to complete the acquisition. The Council will receive £8million from the JV in payment for its land. The value of the loan may be reduced, depending on the terms agreed with a developer partner who may invest additional funds into the JV thereby reducing the Council's share to be funded.

6. Provision of car parking is maintained for the period of the Westgate construction and a licence will be granted post this period, up to 31st May 2018, to accommodate any risk of construction overruns and enable deconstruction of the temporary car parking structure. Currently, the Westgate development is on programme for opening before Christmas 2017.
7. For the avoidance of doubt, the land to be transferred does not include the Ice-rink or the Oxpens Meadow (see plan attached), and provision has been made to retain 50 parking spaces for the ice rink, in addition to any other public car parking.

Fees and Costs

8. The Company requires working capital to cover costs including the appointment of auditors, accountants and payment of insurances. These are expected to be covered by rental income from occupational leases.
9. In addition; the Company will incur costs associated with legal, property and technical fees to undertake the marketing exercise to secure a developer partner. These activities were originally anticipated as being covered by the Council as a single partner but will now be undertaken jointly with Nuffield College through the OXWED company. The CEB report of January 2016 made provision for up to £150k to be invested in the company to cover these fees and £50k was initially allocated as working capital.
10. The company has since incurred unexpected one off insurance premiums connected to the land sale. Consequently, the OXWED Board has requested that each partner increases its contribution to working capital by a further £50k. Therefore, a total of £100k of the £150k fees provision will now be invested in the Company, as additional loan stock. Nuffield College will also invest £100k.

Legal and Procurement Issues

11. No new legal issues arise out of the matters set out in this report.

Financial Issues & Due Diligence

12. The Council has sufficient financial resources to meet its share of the cost of acquiring the Council land. This will be funded from the Capital Receipt

received from the sale of the land. The investment will count as loan stock and attract interest of 6.5% as per the terms in the shareholders agreement.

13. The Councils £100k investment in the company will count as loan stock and attract interest of 6.5% p.a. as per the terms in the shareholders agreement.

14. **Timeframes for receipts:** The Council will receive its land payment of £8 million at around the same time that it makes its investment of £4.16 million, allowing for normal transactional processing times. The anticipated date for completion of the sale is December 2017. Returns on loan stock will be funded from receipts from sales of land parcels post-planning.

15. Table 1 – Cashflow Scenario

	2017-18	2018-19	2019-20	2020+	£m Total
Loan stock investment to company for share of Council land & working capital	(4.26)				(4.26)
Receipt for Council Land	8				8
Accrued Interest on loan stock				0.885	0.885
Reimbursement of loan stock				4.26	4.26
Net return	3.74			5.145	8.885

16. **It is recommended that:**

- Council establishes a capital budget of £4.16 million in the Council's General Fund Capital Programme in 2017/18 in order that the loan investment can be made, this to be funded from the Capital Receipt received from the sale of the land.

Environmental Impact

17. The land is on the Council's Prioritised list under Part 2A of the Environmental Protection Act 1990 and an intrusive investigation will be required as a condition of planning for any proposed change of use. Remediation will be required to make the land suitable for residential use. The Council has already received desktop assessments on the potential ground conditions and has made allowances for ground works in its financial assessments.

18. The project provides the opportunity to remediate or remove the historic landfill on the site and to improve the flood capacity of the Oxpens area.

Equalities Impact

19. The Initial Assessment is that the contents of this report do not lead to any unjustifiable differential impact on relevant groups. The project will provide an important means to deliver new private and affordable housing and commercial spaces in support of economic development and the creation of new jobs.

Name and contact details of author:-

Name **Fiona Piercy**

Service Area: **Regeneration & Housing**

Tel: **01865 252185** e-mail: fpiercy@oxford.gov.uk

Background Papers: None.

This page is intentionally left blank

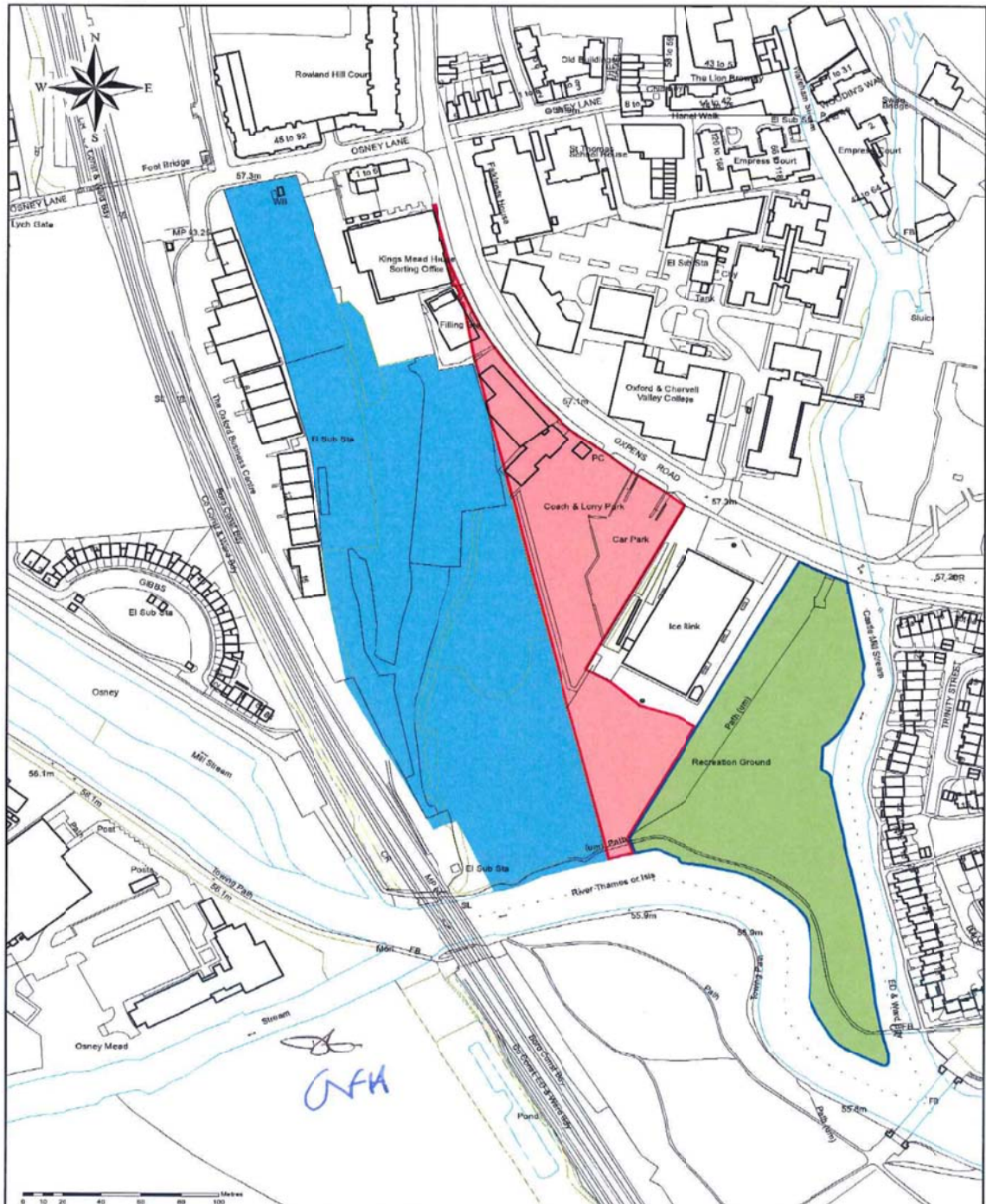
Appendix 1 – Risk Register Oxpens April 2016

Risk ID	Risk						Corporate Objective	Gross Risk		Current Risk		Residual Risk		Owner	Date Risk Reviewed	Proximity of Risk (Projects/ Contracts Only)
Category -000- Service Area Code	Risk Title	Opportunity/ Threat	Risk Description	Risk Cause	Consequence	Date raised	1 to 6	I	P	I	P	I	P			
CEB-001-R&H	Financial	Threat	Return of investment is required early	Competing demands for resources	Reduced returns	Mar 16		3	4	3	3	3	3	R&H (DE)		3 years
CEB-002-R&H	Market Changes	Threat	Downturn impacts on returns	Property Market & economic cycles	Return on investment reduces	Jan 15		3	3	3	3	3	3	R&H (DE)		3-5yrs
CEB-002-R&H	Market Changes	Opportunity	Upturn impacts on returns	Property Market & economic cycles	Return on investment increases	Jan 15		3	3	3	3	3	3	R&H (DE)		3-5yrs

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestone	Milestone Delivery Date	%Action Complete	Date Reviewed
001	Financial	R&H	Accept					
002	Market downturn	R&H (FP)	Accept	Defined level of investment capped relative to baseline land value.	JLL RLV appraisal	Dec 2015	100%	
002	Market downturn	Finance (NK)	Accept	MRP to be made should value of land drop below investment value	Annual Monitoring	Oct 2015	0%	

This page is intentionally left blank

APPENDIX 2 PLAN



OCC Land to be transferred

This page is intentionally left blank

To: City Executive Board
Date: 14 April 2016
Report of: Head of Community Services
Title of Report: New lease for West Oxford Community Association

Summary and recommendations	
Purpose of report:	To approve terms for a new lease for West Oxford Community Centre
Key decision:	No
Executive Board Member:	Councillor Christine Simm, Board Member for Culture & Communities
Corporate Priority:	Strong, Active Communities Effective, Efficient Council
Policy Framework:	Community Centre Strategy 2015-2020
Recommendation(s): That the City Executive Board resolves to:	
1. Approve the terms of a new lease for West Oxford Community Association and delegate authority to the Director of Community Services in consultation with the Monitoring Officer to complete a lease.	
Appendices	
Appendix 1	Risk Register
Appendix 2	Equalities Impact Assessment
Appendix 3	Confidential – not for publication: Nil rent and Council's ability to enforce lease covenants

Introduction and background

1. The Council owns 18 community centres of which it directly manages four. The others are managed by Community Associations, composed of local residents and user groups. These citizens' associations are often of very long standing and reflect the vitality of local organisations in Oxford; their work is greatly valued by the Council, as reflected in the draft Community Centre Strategy.
2. These associations are voluntary groups, and are registered charities, accountable to the Charities Commission for meeting their declared charitable objectives.

3. One of the key objectives identified in the draft Community Centre strategy is to provide support for these Associations through the City Council's administrative structures, to help them to recruit and retain trustees, and to manage their buildings. The City Council also aims to work with the associations to support the provision of programmes of activity which are inclusive, popular and wide ranging, responding to local needs and ideas.
4. On 15 October 2015 the City's Executive Board agreed a framework policy for the future management of the Community Association leases. Five of the Community Associations are currently "holding over" on an expired lease which has protected status within the Landlord and Tenant Act 1954 (see paragraphs 6 and 7 below). Terms for these leases are to be agreed with each Association in consultation with the Council Leader, the Executive Member and the local Ward Councillors.
5. This report proposes terms for the future lease for West Oxford Community Centre, following lengthy discussions with the Association. This new form of lease is significantly different from the standard form of lease used by the Council but reflects the special status and role which Community Associations and their buildings have for the city community. Confirmation is sought from the City Executive Board that the proposed terms are appropriate and acceptable.

The terms of the lease

6. West Oxford Community Association ("WOCA") currently holds a ten year lease for the Centre which was granted in 2001. The lease formally expired in 2011 and WOCA is currently "holding over" under the terms of the lease.
7. WOCA has security of tenure for its building under the Landlord and Tenant Act 1954, and is therefore entitled to be granted a new lease broadly on the terms of its current lease, but that could be subject to a market rent. Under WOCA's current lease, no rent is payable.
8. When granting leases to voluntary organisations, the Council's normal policy is to charge a market rent and, where appropriate, to grant fund the organisation to meet either the full or part cost of that rent. Such arrangements are for a fixed term and are renewable at the Council's discretion; this provides for a level of oversight of the organisation's performance and its delivery of services which are consistent with the Council's policies. This 'market rent and grant' approach provides transparency in the use of public resources.
9. The West Oxford Community Association were not happy to enter into this form of lease as it opens up the possibility that a future Council could decide to withdraw the grant and impose an unaffordable rent on the Association. It is therefore proposed that the new lease for the Community Association should reflect the pre-existing relationship between the City Council and WOCA and should be at a peppercorn rent. The Council will also maintain the current

agreement with the Association to meet the cost of buildings insurance and external and structural repairs.

10. WOCA have sought a longer term lease in order to be better able to secure external funding or make longer term investments. In principle, this is acceptable but as this is a protected tenancy, it is proposed to include a break clause which either party may exercise on the 10th or 20th anniversary of the lease, in order to protect the Council's interest in the property and its use. If the Council were to exercise this provision, WOCA will have a right of renewal at a market rent under the Landlord and Tenant Act 1954.
11. Discussions are continuing with the WOCA Committee on the criteria that the Council would use to assess the performance of the Centre against City Council priorities. These criteria will not be connected to the lease. The lease will, however, require that the Association and the Council should work together to agree these within the timescale of the Council's plans to implement the Community Centre Strategy. The Centre's performance will be reviewed each year, as is the case for all City Council grant funded organisations.
12. The lease will contain detailed forfeiture clauses that the council will be able to invoke if there are serious or prolonged breaches of the key requirements of the lease.

Legal Issues

13. The key terms proposed for the lease are as follows:
 - A protected tenancy under the Landlord and Tenant Act 1954
 - 25 year term
 - Each party has the right to break on the 10th and 20th anniversary (no preconditions attached to the break)
 - Peppercorn rent
 - The Council will continue to meet cost of external and structural repairs and the cost of buildings insurance
 - Standard forfeiture (termination) provisions on a tenant's breach of significant covenants or insolvency. In the event of remediable breaches, the tenant has six months in which to remedy the breach.
 - Subletting of identified parts of the building permitted with the Council's consent which will not be unreasonably withheld. Any subleases will not have security of tenure under the Landlord and Tenant Act 1954.

The confidential appendix sets out the implications of these (Appendix 3).

Financial Issues

14. The Council is providing the lease at a peppercorn rent and in return, the Community Association undertakes to manage and run the Centre and its programme of activities in an inclusive way to deliver a broad social benefit.

Environmental Impact

15. We will continue to explore environmental improvements within the community centre and encourage the Community Association to hold events to promote environmental awareness. The association in collaboration with community groups have already made significant investments in renewable energy.

Conclusion

16. Following extensive negotiations, the Heads of Terms set out above have been agreed in principle. The Council has agreed that the peppercorn rent and the inclusion of the break clauses are an acceptable basis for the future relationship between the Association and the local authority. The lease provides for the longer term sought by the association and sufficient certainty for them to continue to invest in the centre. In the circumstances officers feel that the agreement reached is reasonable and recommend the terms to members.

Report author	Ian Brooke
Job title	Head of Community Services
Service area or department	Community Services
Telephone	01865 25 2705
e-mail	ibrooke@oxford.gov.uk

Background Papers: None

Appendix 1: Risk Register

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Management	The Community Association does not effectively manage the centre	Threat	Ineffective trustees and management	The centre does not deliver the social benefit that it should. Or the centre is not well maintained. The centre is used by inappropriate groups that not concur with the council's values.	9.3.16	Ian Brooke	2	2	2	1	2	1	Low risk	We have the 10 and 20 year beak clauses. We have recruited a Communities Officer to work with the Associations.	June 2016	Open	Consultation will start once CEB report decision	Ian Brooke
Budget	The Community Association cannot afford to run the centre	Threat	Ineffective trustees and management	The centre closes, or is handed back to the Council	9.3.16	Ian Brooke	2	1	2	1	2	1	Low risk	Within the Community Centre Strategy we have committed to working to support and develop trustees.	June 2016	Open	Consultation will start once CEB report decision	Ian Brooke

This page is intentionally left blank

Appendix 2: Initial Equalities Impact Assessment



61

Form to be used for the Full Equalities Impact Assessment

Service Area:	CS	Section:	CS	Date of Initial assessment:		Key Person responsible for assessment:	Ian Brooke	Date assessment commenced:	1 st January 2016
Name of Policy to be assessed:			Lease for West Oxford Community Association						
None									
1. In what area are there concerns			Race		Disability		Age		
			None		None		None		

that the policy could have a differential impact	Gender None	Religion or Belief None	Sexual Orientation None
Other strategic/ equalities considerations	Safeguarding/ Welfare of Children and vulnerable adults None	Mental Wellbeing/ Community Resilience None	Marriage & Civil Partnership None
<p>2. Background:</p> <p>Give the background information to the policy and the perceived problems with the policy which are the reason for the Impact Assessment.</p>	<p>This impact assessment has been undertaken to consider the new lease for West Oxford Community Centre, the assessment follows on from the City Executive Report on leases in October 2015.</p> <p>The report is linked to the Community Centres Strategy which details our approach to community centres.</p> <p>No groups will be disadvantaged by the lease and we will monitor usage to make sure the centre is used in an inclusive way.</p>		
<p>3. Methodology and Sources of Data:</p> <p>The methods used to collect data and what sources of data</p>	<p>The lease is linked to the Community Centres Strategy (2016-2020). The strategy was developed using geographic and demographic analysis of community centres. This applied a 15 minute walk time catchment identified for each. The catchment is based on a judgement of how far Oxford residents can reasonably be expected to travel to access community centre provision. This has been overlain with ward boundaries, and the 2015 Index of Multiple Deprivation (IMD) ratings of each lower super output area (LSOA).</p>		
<p>4. Consultation</p> <p>This section should outline all the consultation that has taken place on the EIA. It should include the</p>	<p>Plan for Public Involvement</p> <p>In-depth negotiations have been undertaken with the Community Association in advance or agreeing this lease. The Association have a strong track record of providing varied and inclusive sessions and</p>		

<p>following.</p> <ul style="list-style-type: none"> • Why you carried out the consultation. • Details about how you went about it. • A summary of the replies you received from people you consulted. • An assessment of your proposed policy (or policy options) in the light of the responses you received. • A statement of what you plan to do next 	<p>activities.</p>
<p>5. Assessment of Impact:</p> <p>Provide details of the assessment of the policy on the six primary equality strands. There may have been other groups or individuals that you considered. Please also consider whether the policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults</p>	<p>While it is not believed there will be any adverse impacts, the Community Centres Strategy details our approach and the measures we will use to mitigate this.</p>

<p>6. Consideration of Measures:</p> <p>This section should explain in detail all the consideration of alternative approaches/mitigation of adverse impact of the policy</p>	<p>As per the answer to question five.</p>
<p>6a. Monitoring Arrangements:</p> <p>Outline systems which will be put in place to monitor for adverse impact in the future and this should include all relevant timetables. In addition it could include a summary and assessment of your monitoring, making clear whether you found any evidence of discrimination.</p>	<p>As per the answer to question five.</p> <p>We will also encourage the Community Association to implement a quality assurance scheme and offer to conduct audits.</p>
<p>7. 12. Date reported and signed off by City Executive Board:</p>	<p>April 2016</p>
<p>8. Conclusions:</p> <p>What are your conclusions drawn from the results in terms of the policy impact</p>	<p>There are unlikely to be any negative impacts from this new lease and proportionate arrangement are being implemented to support the Association to maximise the potential from the centre.</p>

9. Are there implications for the Service Plans?	YES	NO	10. Date the Service Plans will be updated	April 2016	11. Date copy sent to Equalities Officer in HR & Facilities	March 2016
13. Date reported to Scrutiny and Executive Board:	N/A	N/A	14. Date reported to City Executive Board:	April 2016	12. The date the report on EqlA will be published	April 2016

Signed (completing officer) Ian Brooke – Head of Service

Signed (Lead Officer) Ian Brooke – Head of Service

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

Communities and Neighbourhoods Manager, Community Services

This page is intentionally left blank

MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 17 March 2016

www.oxford.gov.uk



COUNCILLORS PRESENT: Councillors Price (Leader), Turner (Deputy Leader), Brown, Hollingsworth, Kennedy, Lygo, Rowley, Simm, Sinclair and Tanner.

OTHER MEMBERS PRESENT: Councillors Fooks and Simmons.

OFFICERS PRESENT: Peter Sloman (Chief Executive), Tim Sadler (Executive Director Community Services), Stephen Clarke (Head of Housing and Property), Nigel Kennedy (Head of Financial Services), Lindsay Cane (Legal Services Manager), Richard J Adams (Community Safety & Resilience Manager), Dave Scholes (Housing Strategy & Needs Manager), Frances Evans (Housing Strategy & Performance Manager), Ossi Mosley (Rough Sleeping & Single Homelessness Officer), Paul Wilding (Programme Manager Revenue & Benefits), Alan Wylde (Housing Development & Enabling Manager) and Catherine Phythian (Committee Services Officer)

187. APOLOGIES FOR ABSENCE

There were no apologies for absence.

188. DECLARATIONS OF INTEREST

There were no declarations of interest.

189. PUBLIC QUESTIONS

The City Executive Board noted the following public questions and the written responses (as published) on:

Agenda item 7: Waterways Public Space Protection Order: pre-consultation

- Cassi Perry
- Jane Charlesworth
- Nick Brown
- Dr. Stephen Preston
- Jon Ody
- Dr. Adrian L. Smith
- Kirstin Bilham
- Holly Morse

- Sam Dent
- Penny Schenk
- Sean O'Reilly
- Joe Jennings
- Max Mason
- Sharyn Hyde
- Fiona Bradshaw

The Chair welcomed members of the public to the meeting and explained that although the Board had issued a general response to the questions on the Waterways PSPO in advance of the meeting, detailed replies to each of the questions would be published on the website by the end of March.

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

Councillor Fooks addressed the Board on agenda items 9 and 15. Her comments are included in the minutes for those items (195 and 201).

191. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

There were no Councillor addresses on neighbourhood issues.

192. SCRUTINY COMMITTEE REPORTS

The following Scrutiny Committee reports and recommendations were considered as part of the substantive discussion of those items:

- Waterways Public Space Protection Order: pre-consultation
- Universal Credit Delivery Partnership Agreement
- Allocation of Homelessness Prevention Funds
- A Housing Company for Oxford

193. WATERWAYS PUBLIC SPACE PROTECTION ORDER: PRE-CONSULTATION

The Executive Director, Community Services submitted a report which detailed proposals for consultation on a Public Spaces Protection Order for the principle waterways of Oxford.

The Executive Board Member, Crime, Community Safety and Licensing presented the report. She stressed that the focus of the draft Public Spaces Protection Order was on public spaces and not private property and that it was about enforcement at the lowest level to tackle unreasonable and anti-social

behaviour. She thanked the public and the Scrutiny Committee for their comments.

The Chair of the Scrutiny Committee presented the scrutiny report and recommendation on this issue. He explained that, following a lengthy debate, the majority of the Scrutiny Committee members had concluded that there was a reputational risk to the Council in proceeding with consultation as there had been insufficient involvement of key organisations at an early stage and the draft PSPO and supporting documentation needed revision.

The Chair of the City Executive Board thanked the Scrutiny Committee for its helpful contribution. He said that in response to the Scrutiny Committee's recommendation it was proposed that the Council's Public Engagement Board should consider all the points raised by Scrutiny and provide professional advice on the details of the proposed consultation process, and specifically, that it will ensure effective engagement with all interested parties, including but not limited to UMBEG (Unlawfully Moored Boat Enforcement Group) and NBTA (National Bargee Travellers Association) prior to commencement of the public consultation process.

- a) the Head of Law and Governance, and other relevant officers, should review the current drafting of the Order before it is published for consultation and agree an amended form with the Executive Board Member, Corporate Strategy and Economic Development before it is used in that process.

The Board noted that the Head of Law and Governance had reviewed the current drafting of the Order and proposed the following amendments to the draft Order:

1. That the draft prohibition at (d) be amended to read 'No person shall create smoke, noise or fumes in such a manner as to give reasonable grounds for annoyance to any person.'
2. That the draft prohibition at (e) be amended to read 'No person shall damage waterways habitats, signage, lifebelts, fencing or other waterways infrastructure.'

The City Executive Board resolved to:

1. **Approve** consultation on the Public Spaces Protection Order for the principle waterways of Oxford, , as amended by the Head of Law and Governance and subject to the following condition:
 - a) that the Council's Public Engagement Board should consider all the points raised by Scrutiny and provide professional advice on the details of the proposed consultation process, and specifically, that it will ensure effective engagement with all interested parties, including but not limited to UMBEG (Unlawfully Moored Boat Enforcement Group) and NBTA (National Bargee Travellers Association) prior to commencement of the public consultation process.

Councillor Brown joined the meeting during the discussion of this item and prior to the recommendation being agreed.

194. ASSET MANAGEMENT PLAN 2016-2020

The Regeneration and Major Projects Service Manager submitted a report detailing the Asset Management Plan 2016-20 which would provide the basis for the management of the Council's property assets going forward.

The Executive Board Member, Finance, Corporate Asset Management and Public Health presented the report and recommended its adoption by Council. The Board noted the growing importance of property assets for long term income generation and agreed that this was an area that should be closely monitored by Scrutiny and the Board.

The City Executive Board resolved to:

1. **Approve** the Asset Management Plan 2016-2020 attached at Appendix 1 for adoption by the Council.

195. INTEGRATED PERFORMANCE REPORT Q3 2015/16

The Head of Financial Services and Head of Business Improvement submitted a report on the status of Finance, Risk and Performance as at the end of Quarter 3, 31 December 2015 and which sought approval for an additional capital budget of £0.150 million for electrical works at Cowley Marsh Depot.

The Executive Board Member, Finance, Corporate Asset Management and Public Health presented the report. He highlighted the favourable variance on car park income and commented on two main areas of concern: the continuing pressures of providing support to the homeless and the shortfall on the number of apprenticeships.

The Board acknowledged that the of the government changes to benefits had significant implications for the General Fund and HRA and that it should be recorded as such in the risk register. The Board also noted with concern the forecast underspend on the Educational Attainment budget, which was exacerbated by the lack of staff resources available at the County Council to work with the City Council to develop expenditure plans.

The City Executive Board resolved to:

1. **Note** the projected outturn position and the performance and associated risk information contained in the report; and
2. **Recommend Council to** approve an additional capital budget of £0.150 million for electrical works at Cowley Marsh Depot to be funded from the service's projected underspend.

Cllr Fooks left the meeting at the end of this item.

196. UNIVERSAL CREDIT DELIVERY PARTNERSHIP AGREEMENT

The Revenues & Benefits Programme Manager presented the report which detailed the proposed Delivery Partnership Agreement with the Department of Work and Pensions for the provision of services required for 2016 and in subsequent years as a consequence of the roll out of Universal Credit.

The Board noted that the main risk to the Council was reputational and linked to the need to adequately resource the support service as demand increased in future years.

The Board Member for Customer and Corporate Services thanked the Scrutiny Committee for its thorough discussion of the report and confirmed that she had accepted the three recommendations. In conclusion she said that this was a good example of how the City and District Councils could work together to provide a co-ordinated support service.

The City Executive Board resolved to:

1. **Authorise** the Executive Director for Organisational Development and Corporate Services to enter into arrangements with the Department of Work and Pensions for the provision of services for the delivery of Universal Credit in 2016 and in subsequent years, provided that (s)he is satisfied that the full terms of the agreement are acceptable and properly reflect the principles set out in the report.

Cllr Simmons left the meeting at the end of this item.

197. WORKING WITH THOSE ALREADY NEET (NOT IN EMPLOYMENT, EDUCATION OR TRAINING) - APPLICATION TO EUROPEAN STRUCTURAL & INVESTMENT FUND

The Revenues & Benefits Programme Manager introduced the report which sought approval to deliver a project supporting young people into employment, education or training subject to securing funding from the European Structural & Investment Fund. He explained that this was a key project as the unemployment level for under 25s in the county remained relatively high at 4% compared to the overall unemployment level of 1%.

The Board Member for Customer and Corporate Services said that this was a good example of how the City was working with the District Councils to deliver a co-ordinated support service.

The City Executive Board resolved to:

1. **Grant project approval** to allow the Oxford City Council to deliver support for young people into employment, education or training, subject to securing the necessary funding from the European Structural and Investment Fund, as outlined in the report.

198. AWARD OF THE LIFT MAINTENANCE AND WATER MONITORING CONTRACTS

The Head of Property & Housing submitted a report which sought delegation to award two contracts to deliver Water Monitoring Services and Lift Service and Maintenance Services to the Council.

The Executive Board Member, Housing presented the report and commended it to the Board.

The City Executive Board resolved to:

1. Delegate authority to the Executive Director Regeneration & Housing, after consultation with the Monitoring Officer and s151 Officer, following completion of the EU-compliant tender process described in this report, to award:
 - a) Water Monitoring Services Contract
 - b) Lift Service and Maintenance Contract

199. ALLOCATION OF HOMELESSNESS PREVENTION FUNDS

The Head of Housing and Property submitted a report which sought approval of the allocation of the homelessness prevention funds, with the purpose of meeting the objectives of the Homelessness Strategy.

The Executive Board Member, Housing presented the report and confirmed the Council's commitment to ending rough sleeping within the City by supporting homeless people and those threatened with homelessness into sustainable accommodation, as evidenced by the £1.2M budget provision.

In discussion the Board considered the following points:

- the particular problems facing people living in a "tent city" and the ways in which the Council could support them, for example, by relocating them to established campsites as an interim measure
- that the Council's rough sleeping team do use existing links to ensure that rough sleepers and people in a "tent city" have access to medical services
- that there was a further group of people who needed support, the "hidden homeless" who although not sleeping on the street were living in vehicles etc

The City Executive Board resolved to:

1. **Approve** the allocation of the Preventing Homelessness funds to commission homelessness services as outlined in paragraph 14 of the report;
2. **Delegate to** the Head of Housing and Property Services, in consultation with the Portfolio Holder for Housing, the discretion to administer any necessary changes to these allocations and allocate the balance of the Preventing Homelessness funds.

200. REVIEW OF OLDER PERSONS ACCOMMODATION /REVIEW OF SHELTERED HOUSING

The Head of Housing and Property submitted a report which presented the Review of Older Persons Accommodation in Oxford.

The Executive Board Member, Housing presented the report and thanked the Strategy and Service Development Manager for her excellent work and contribution to this issue.

The Board noted the following points:

- the need for the City Council to proactively work in partnership with Registered Providers, the County Council and Clinical Commissioning Group to identify the need for extra care, specialist and general needs accommodation that is suitable for older people in the future
- the refocussing of accommodation provision towards older people, 75 years of age and older, or those persons who are younger but with significant health needs
- the importance of learning from the previous de-designation exercises to ensure careful and planned consultation with residents

The City Executive Board resolved to:

1. **Note** the contents of the Review of Older Persons Accommodation in Oxford, attached as Appendix 1 to this report; and
2. **Approve** the recommendations as set out in section 13 of the review document (Appendix 1).

Cllr Price left the meeting during discussion of this item. Cllr Turner took the Chair for the remainder of the meeting.

201. A HOUSING COMPANY FOR OXFORD

The Head of Housing and Property submitted a report which presented the business case for the establishment of a Council owned housing company, and sought approval for the Council to enter into such agreements as are necessary to enable the company to acquire the affordable housing at Barton Park in place of the Council.

The Executive Board Member, Housing presented the report. With regard to the recommendations from the Scrutiny Committee he confirmed that he was happy to accept the first recommendation. He explained that he could not accept the second recommendation as it was necessary to strike a balance between urgency and accountability.

The Board noted that although the tenure options for housing at Barton Park was determined by the existing s106 agreement, there would be considerable scope to include a wide range of tenures in future housing projects undertaken by the housing company.

The Board thanked the Housing Development & Enabling Manager for the report and his hard work in developing the proposals for the establishment of a Council owned housing company.

The City Executive Board resolved to:

1. **Agree** the principle of setting up a Local Authority wholly owned housing company structure ('the company') with the overarching aim of increasing housing supply, noting that there are a range of work-streams which the company structure can pursue, including:-
 - The purchase and management and management of the affordable rented homes at Barton Park;
 - The development of new affordable housing with a range of tenures;
 - The purchase and management and management of high value void properties from the Council to re-provide affordable housing; and
 - The undertaking of Estate regeneration schemes
2. **Delegate authority** to the Executive Director, Housing and Regeneration in consultation with the Council's statutory officers, Deputy Leader and portfolio holder for Housing, to do anything necessary to set up an appropriate company structure, including:
 - a. Selection of the name of the company
 - b. Approval of the type of company, the articles of the company and the size and composition of its board
 - c. Appointment of Directors and Company Secretary of the company
 - d. Approval of a shareholders agreement to be entered into between the company and the Council
 - e. Ensuring that the company will hold appropriate insurances and/or benefit from insurances that the Council holds
3. **Authorise** the entry into discussions with Barton Oxford LLP and Hill Residential Ltd to enable the novation/assignment (and variation to the extent necessary) of the Overarching Agreement and the Conditional Development Agreement and all or any associated agreement warranties etc so that the company may acquire the affordable housing at Barton Park in place of the Council and the delegation to the Executive Director, Housing and Regeneration in consultation with the Council's statutory officers of all necessary steps to achieve this, including:

- a. approval of the final terms of any proposed agreements with Barton Oxford LLP and Hill Residential Ltd to give effect to the above
 - b. the decision whether or not to offer a Council guarantee to Barton Oxford LLP and/or Hill Residential Limited in order to enable the company to acquire the housing at Barton Park and approval of the terms of any such guarantee
 - c. approval of the terms of any contracts to be entered into between the company and the Council in relation to the management and maintenance of the Barton Park affordable homes
 - d. approval of the terms of any nomination/allocation agreement to be entered into between the Council and the company
 - e. approval (in exercise of the housing and regeneration function but not so as to affect the planning function of the Council) of any proposed variation to the Barton Park s.106 agreement.
4. **Recommend Council** to amend the Treasury Management Strategy to enable the making of loans to the wholly owned Housing Company on State Aid compliant terms of up to £12,250,000 to fund its purchase of the Phase 1 affordable housing at Barton Park and to delegate to the Chief Finance Officer approval of the terms of the loan and the terms of the facility agreement(s) and any associated documentation.
 5. **Recommend Council** to agree the inclusion of an amount of £12,250,000 in its General Fund Capital Programme in 2017/18 funded by Prudential Borrowing.
 6. **Recommend Council** to agree the provision of a loan facility to the Company of up to £250,000 to fund the set up costs and provide initial working capital and delegate to the Chief Finance Officer approval of terms of the loan and the terms of the facility agreement.
 7. **Recommend Council** to agree the adoption of the Local Authorities (Indemnities for Members and Officers) Order 2004 in respect of officers of the Council appointed to the Housing Board in accordance with paragraph 40.
 8. **Recommend Council** to agree a General Fund revenue budget of £40,000 in 2016/17 for the setting up of the Company funded from reserves.

202. ITEMS RAISED BY BOARD MEMBERS

No items were raised by Board Members.

203. MINUTES

The Board resolved to APPROVE the minutes of the meeting held on 11 February 2016 as a true and accurate record.

The meeting started at 5.00 pm and ended at 6.30 pm

MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 24 March 2016

www.oxford.gov.uk



COUNCILLORS PRESENT: Councillors Price (Leader), Turner (Deputy Leader), Kennedy, Lygo, Rowley, Sinclair and Tanner.

OTHER MEMBERS PRESENT: Cllr Jean Fooks

OFFICERS PRESENT: Peter Sloman (Chief Executive), Tim Sadler (Executive Director Community Services), Nigel Kennedy (Head of Financial Services), Lindsay Cane (Legal Services Manager), Shaun Hatton (Highways and Engineering Manager) and Catherine Phythian (Committee Services Officer)

204. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Brown, Cllr Hollingsworth and Cllr Simm.

205. DECLARATIONS OF INTEREST

There were no declarations of interest.

206. PUBLIC QUESTIONS

No public questions were received.

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

Councillor Fooks addressed the Board on agenda item 9. Her comments are included in the minutes for those items (212).

208. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

There were no councillor addresses on neighbourhood issues.

209. SCRUTINY COMMITTEE REPORTS

No scrutiny committee reports were submitted to the meeting.

210. OXFORD AND ABINGDON FLOOD ALLEVIATION SCHEME

The Executive Director Community Services submitted a report which sought authority to enter into an agreement with the Environment Agency in regard to funding the Oxford and Abingdon Flood Alleviation Scheme, and to seek project approval for the scheme.

The Executive Board Member, Corporate Strategy and Economic Development presented the report. He confirmed that there was already budget provision; that the scheme was due to start in 2018, subject to further evaluation by the Treasury and DEFRA; and that it was hoped that the preferred route would be identified by June 2016 and that this would then be subject to public consultation.

The City Executive Board resolved to:

1. **Authorise** the Council's entry into the proposed agreement with the Environment Agency, as described in this report, under which the Council would play an active role in the establishment of the business case of the Oxford and Abingdon flood alleviation scheme, and provide funding to a capped sum.
2. **Grant project approval** for the Council's involvement in the Oxford and Abingdon flood alleviation scheme, as described in this report.

211. BID FOR REFURBISHMENT AND EXTENSION OF CAR PARK FOR A PUBLIC SECTOR BODY

The Executive Director Community Services submitted a report which sought approval to enter into a contract for civil engineering works associated with the refurbishment and extension of a car park in Oxford for a public sector body.

The Executive Board Member, Finance, Corporate Asset Management and Public Health presented the report. The Board noted that this was a low risk project which drew on the Council's skills and resources and that there was a market opportunity for the Council to continue to develop its service offering in this area.

The Board congratulated the Highways and Engineering Manager and his team on their success in winning bids and delivering external work to a high standard.

The City Executive Board resolved to:

1. **Authorise** the entering into a contract for civil engineering work referred to in this report.

2. **Note** that the contract will make a satisfactory contribution towards local overheads, as identified in the Not for Publication appendix.

212. DEVOLUTION UPDATE

The Assistant Chief Executive submitted a report which updated the Board on the proposals for devolution and sought authorisation for further joint working in support of those proposals.

The Executive Board Member, Corporate Strategy and Economic Development and the Chief Executive presented the report. The Board acknowledged that the overall objective of devolution was to stimulate the economy, deliver improved services and make savings for the benefit of the residents of Oxfordshire.

The Board noted that:

- there were sufficient resources to meet the additional call on budget
- that the details of the consultation process would be developed as part of the study by the external consultants, and that it would look at best practice models from other local authorities such as Dorset County Council
- that initial feedback from Government indicated that the City and District Council proposals for devolution needed to be more ambitious and innovative in terms of governance (e.g. possible alternatives developed by other local authorities included an elected mayor and/or fewer tiers)
- that the terms of reference for the study by the external consultants included the requirement to look at a range of alternative models and options, including cross-boundary arrangements
- that the proposals would be evaluated on the following criteria:
 - improved and sustainable strong leadership
 - value for money
 - improved service delivery
 - transition costs
 - savings

The City Executive Board resolved to:

1. **Agree** to work with the other District Councils and partners to further develop the initial unitary devolution proposals.
2. **Agree** that independent consultants should be jointly appointed by the Districts to undertake detailed work and a contribution of up to £50k be made to facilitate those studies.
3. **Recommend Council** to allocate the budget of £50k to support the initial study on viability and sustainability and governance; specialist work on collaboration around Children and Adult services; public consultation and involvement; and preparation of a revised Devolution Deal. This will be funded from reserves and balances.

213. ITEMS RAISED BY BOARD MEMBERS

No items were raised by Board Members.

Matters Exempt from Publication

The City Executive Board resolved to exclude the press and public from the meeting during consideration of the item in the exempt from publication part of the agenda in accordance with the provisions in Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972 and that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

214. CONFIDENTIAL APPENDIX: BID FOR REFURBISHMENT AND EXTENSION OF CAR PARK FOR A PUBLIC SECTOR BODY

The Board received and **noted** the contents of the not for publication appendix to the report on the bid for refurbishment and extension of a car park for a public sector body (agenda item 8; minute 211).

The meeting started at 4.00 pm and ended at 4.40 pm

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank