

MINUTES OF THE SCRUTINY COMMITTEE

Tuesday 6 October 2015

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COUNCILLORS PRESENT: Councillors Simmons (Chair), Hayes (Vice-Chair), Coulter, Darke, Gant, Hollick, Henwood, Lloyd-Shogbesan, Smith, Taylor, Upton and Pressel.

BOARD MEMBERS PRESENT: Councillor Christine Simm and Councillor Dee Sinclair

INVITEES AND OTHER MEMBERS PRESENT: Councillor Jean Fooks and Councillor David Thomas

OFFICERS PRESENT: Andrew Brown (Scrutiny Officer), Catherine Phythian (Committee Services Officer), Richard J Adams (Community Services), Paul Wilding (Benefit Operations Manager), Val Johnson (Policy Team Leader), Ian Brooke (Head of Community Services) and Jeremy Thomas (Head of Law and Governance)

40. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fry (substitute Councillor Pressel).

41. DECLARATIONS OF INTEREST

There were no declarations of interest.

42. FINANCIAL INCLUSION STRATEGY ACTION PLAN UPDATE

The Revenues & Benefits Programme Manager presented the report explaining that the nature of financial inclusion work and the specifics of the action plan were on-going and long term. The FIS action plan was regularly updated to reflect progress and to incorporate new issues such as those resulting from the welfare reform measures and the potential cuts to Children's Centres had been factored in. The Committee requested that the directory of affordable childcare is shared with Councillors.

The Committee questioned whether the action plan should include a stronger emphasis on more joined up partnership working, for example around social prescribing. The Committee heard that this was an area that the City Council was very keen to be more involved in and that Council activities such as supporting people into work had already been delivering savings for the NHS.

The Committee questioned why Contact Centre staff would no longer be receiving training to identify key risk factors and noted with concern that this was due to resourcing constraints. The Committee heard that frontline staff from other service areas and who were more likely to be in contact with people at risk of financial exclusion would receive training instead. This was seen as being a more practical approach.

The Committee noted that some landlords were evicting tenants who had lost their jobs as they did not want to accept claimants of Housing Benefit. The Committee heard that unaffordability was a huge issue in Oxford and that some private sector landlords were charging 3 month's rent as a deposit. The Lord Mayor's deposit scheme was still in place and was being used.

The Committee questioned whether the targeting of people in the private rented sector at risk of fuel poverty was capturing all those at risk, and what enforcement action was being taken against landlords of rented properties with Energy Performance Certificate ratings of F & G (action 20). The Panel heard that this was a new activity for the City Council, which had previously focused on educating landlords supported this new approach. The Committee suggested that any plans to help households find the best energy tariffs (action 14) should be brought forward to enable them to take advantage of higher rates for feed in tariffs where possible.

The Scrutiny Committee RESOLVED that the following recommendations be put to the City Executive Board:

1. That the FIS Action Plan is kept under review so that the Council can be responsive to significant changes in circumstances (e.g. further welfare reforms, reduced children's centre provision);
2. That the directory of affordable childcare is shared with Councillors;
3. That the FIS Action Plan contains a stronger emphasis on more joined up partnership working, for example with the health sector to support social prescribing;
4. That all frontline staff receive training on recognising the indicators of financial exclusion;
5. That the City Council monitors both the accessibility of the private rented sector to people who are out of work and the use of the Lord Mayor's Deposit Scheme; and

6. That the City Council brings forward any plans that would assist households in taking advantage of higher feed in tariff rates.

43. CITY CENTRE PUBLIC SPACES PROTECTION ORDER (PSPO)

The Board Member for Crime, Community Safety and Licensing and the Environmental Protection Manager presented the report on the City Centre Public Spaces Protection Order (PSPO), explaining that the revised order had a stronger focus on specific behavioural issues. They explained that a separate code of conduct for busking was being developed and that the focus of the PSPO was on street entertainment that caused a nuisance or obstruction.

The Chair of the Scrutiny Committee asked that the Committee limit their discussion to the remaining areas of concern, begging and busking, and not re-open the wider debate that had taken place at the City Centre PSPO Panel meeting and previous committee meetings and the Panel's suggested recommendations.

Cllr Gant, Chair of the City Centre PSPO Panel referred the Committee to the notes of the Panel meeting held on 5 October 2015 (previously circulated, now appended) and summarised the main points of the discussion.

The Head of Law and Governance briefed the Committee on the substantive points of his teleconference with Liberty on 6 October 2015. He said that Liberty had welcomed the Council's reconsideration of the PSPO but had specific and overarching residual concerns which they were likely to set out in a letter. If received, this letter would be put before CEB for consideration. In response to comments raised in discussion the Head of Law and Governance assured the Committee that the current draft PSPO was a permissible exercise of discretion and that the CEB report did address the issue of the application of the European Convention on Human Rights. The remaining contentious issues reflected different philosophical approaches to enforcement.

The Committee heard arguments in favour of using Community Protection Notices rather than a PSPO or referring the nuisance behaviour to the police for resolution.

The Committee asked a number of questions, including why the boundaries of the PSPO included university-owned land such as the University Parks and Christchurch Meadow and why Council resources would be used to enforce in these areas. The Environmental Protection Manager was asked to check the content of the Equality Impact Assessment with regard to sexual activity in public toilets.

The Committee noted the following suggestions:

- that Thames Valley Police could be asked to contribute to the training of OCC enforcement officers
- that officers should monitor the situation in another local authority which had included within its PSPO the requirement for dog walkers to carry "poo bags"

The Committee voted on a proposal to exclude section 1a, dealing with the behaviour of aggressive begging, from the PSPO. This proposal was not agreed by a majority of the Committee. The minority who opposed the inclusion of aggressive begging in the PSPO felt that criminalisation of the activity (with the threat of fines that this included) was not the best, or a proportionate, means of tackling the problem.

The Committee voted on a proposal to exclude section 1e from the PSPO for one year pending implementation of the code of conduct for busking and a review of noise nuisance complaints. This proposal was not agreed by a majority of the Committee.

The Scrutiny Committee AGREED that the following comments should be referred to the City Executive Board:

1. That the Scrutiny Committee and PSPO Panel welcomes the changes to the current City Centre PSPO documentation compared to that of June 2015 as being a considerable improvement and notes that groups such as Crisis have welcomed these changes;
2. That the Scrutiny Committee and PSPO Panel supports the inclusion of the behaviours set out in sections 1 b, c, d, f, g and h, in the City Centre PSPO.

The Scrutiny Committee RESOLVED that the following recommendations be put to the City Executive Board:

1. That the design and placing of signage is considered by a cross-party group of members and that every effort is made to remove obsolete signage across the city;
2. That full consideration is given to any further views expressed by Liberty in relation to the revised City Centre PSPO;
3. That the City Executive Board notes that there was no consensus in the Scrutiny Committee or PSPO Scrutiny Panel for the inclusion at this stage of the behaviours set out in sections 1a and 1e of the draft PSPO;
4. That the City Executive Board inserts the word “reasonably” before the word “perceived” in section 1a of the draft PSPO; and
5. That the City Executive Board should clarify and define the meaning of the word “near” in section 1a of the draft PSPO as this would protect and assist officers enforcing the order.

44. PROPOSED LEASE AND MONITORING ARRANGEMENTS FOR COMMUNITY CENTRES

The Board Member for Culture and Communities presented an updated report (previously circulated, now appended). She explained that the revised version of the report would be submitted to CEB on 15 October 2015. She outlined the main changes in the report and said that the revisions reflected recognition by the Board of the significance of the concerns raised by Community Centre Associations regarding the lease proposals.

The Committee questioned the wisdom of presenting the proposals for lease renewal and monitoring arrangements independently of the Community Centre Strategy. The Head of Community Services explained that it had been the original intention to present the two reports in parallel but that in view of the concerns expressed by the Community Centre Associations it was felt that delaying the lease proposal report would be unreasonable. He assured the Committee that, subject to the consultation results, there was nothing in the draft Community Centre Strategy that conflicted with the lease proposals.

The Scrutiny Committee discussion focused on the importance of recognising the work of the volunteer staff in the Community Centre Associations and ensuring that these valuable assets were used for the benefit of all groups in the community.

The Committee requested more clarity about what expectations would be placed on Community Centres, for example the need for centres to be open and accessible to the whole community, and what mechanisms would be in place to ensure that such expectations would be met. The Committee suggested that guidance should be developed in the form of a code of conduct that sets out the expectations on Community Centre Associations and the types of support that Associations can expect from the City Council. This should form part of the lease and monitoring arrangements. The Committee noted that the guidance should not be too prescriptive because the individual organisations were very different.

The Committee considered the conditions around the termination of leases if a Community Centre Association defaulted or wanted to end their lease. The Committee questioned whether independent advice would be made available to Community Centre Associations signing new lease arrangements.

The Scrutiny Committee AGREED that the following comments should be referred to the City Executive Board:

1. That the Scrutiny Committee regretted the late publication of the report but welcomed the revisions presented;
2. That the Scrutiny Committee regretted the tone and language of the report and its reliance on legal arguments which gave no recognition to the important work of the Community Centre Associations and their volunteers. The Scrutiny Committee hoped that CEB would take the opportunity

presented by this report to minute their thanks to volunteers who put time and effort into managing our community centres.

The Scrutiny Committee RESOLVED that the following recommendations be put to the City Executive Board:

1. That the City Executive Board considers deferring the decision on this report and taking it alongside the Community Centre Strategy decision, which is expected in November;
2. That the City Council should develop a “code of conduct” that sets out the expectations on Community Centre Associations and the types of support Associations can expect from the City Council. This code of conduct should be linked to the lease and monitoring arrangements for community centres;
3. That the report should provide more detail on the standard forfeiture (termination) provisions on tenant default or insolvency;
4. That City Executive Board should make arrangements for independent legal advice to be available to Community Centre Associations

45. DRAFT CEB RESPONSE TO THE RECOMMENDATIONS OF THE INEQUALITY PANEL

The Chair of the Inequality Panel welcomed the positive response to the majority of the Panel’s recommendations, noting that of the 29 draft responses to recommendations or sub-recommendations, 17 were agreed, 3 were agreed in part and 6 were not agreed. Comments had been received for the remaining 3 recommendations (14a, 18a and 18b) but it had not been clearly stated whether these were agreed or not agreed by CEB.

The Committee noted that the Cross Party Working Group had reviewed the draft responses. The Committee restated their support for all the recommendations and made the following comments on the draft CEB responses to specific recommendations:

- **Rec 3** – A robust metric or series of objective measurements was necessary to ensure that proactive policies could be developed, better focused and more effectively scrutinised;
- **Rec 10d** – Working with OCCG to simplify access to services would be mutually beneficial. In testing social prescribing, GPs were utilising an on-line tool to identify agencies to which patients could be referred to resolve the need, pressure and worry that caused illness; aspects of which include health, physical activity, housing and social care. Scrutiny would prefer that residents could access such a tool before becoming ill and requiring medical intervention;
- **Rec 13** – Approval had recently been given for a £10m bid to government to reduce food waste. If successful, this recommendation for greater collaboration and strategic leadership to address food poverty could

potentially be achieved. There was a need for food poverty initiatives to be effective in all parts of the city with pressing need.

- **Rec 14a** – Asylum Welcome had precarious funding. Without committing to increase the value of the support given, a commitment to provide support for three, rather than one year, would provide reassurance to this charity at a time when the need for the charity's services was clearly increasing;
- **Rec 16a** – Although OCVA was charged with providing a directory, current practice illustrated that charities were unable to work with efficiency. For example, inappropriate applications were received by some charities that could have succeeded if made to the appropriate charity. A simple task of highlighting the aims, objectives and qualifying criteria for each charitable fund would save time and effort for the applicant, charity and sector advice agencies, with the outcome that appropriate aid would be provided timeously for those in need;
- **Rec 17a** – The County Council grants were focused quite differently to the recommendation made by Scrutiny;
- **Rec 17b** – This suggestion had no additional cost. Measures were required to identify families with children with underlying qualification for the pupil premium (a measure currently practiced by other district authorities);
- **Rec 19** – Poor and bad employment practices did exist in Oxford and could be illustrated by those establishments that assumed tips and reduced the wages of staff solely based on the assumption that tips were received. Such malpractices needed to be addressed and the City Council had a role in upholding and promoting best practice;
- **Rec 20** – When providing his evidence, Professor Dorling underlined that the most effective way to address current levels of inequality in Oxford was to actively promote a proper Living Wage appropriate to Oxford's very high living costs.

46. BRIEFING PAPER ON THE PERFORMANCE SUMMARY - JUNE 2015

The Scrutiny Committee NOTED the supplementary information relating to the 2015/16 Q1 performance data.

47. WORK PROGRAMME AND FORWARD PLAN

The Scrutiny Officer presented the work programme report and asked the Committee to consider the following matters:

- to determine the scope of the taxi licensing report scheduled for the November meeting
- to confirm the membership of the Diversity Review Panel
- to identify any additional items from the Forward Plan for pre-decision scrutiny at the November meeting

The Committee noted that officers had been asked to include the following matters in the taxi licensing report:

- background information on the types and number of licenses issued

- to what extent can the Council set its own policies for taxi licensing
- the main issues and challenges that the licensing team and taxi drivers encounter.

The Committee reviewed the Forward Plan and concluded that there were no additional items to add to the agenda for the November meeting.

The Committee resolved to AGREE:

1. That the taxi licensing report should cover the following matters in addition to those already agreed: safeguarding and unlicensed taxi activity in the city.
2. That the membership of the “Diversity” Review Group would be: Cllr Hayes (Chair), Cllr Altaf-Khan, Cllr Taylor, Cllr Thomas.

48. REPORT BACK ON RECOMMENDATIONS

The Committee NOTED the report.

49. UPDATES SINCE THE LAST MEETING

The Committee NOTED the dates of the October Standing Panel meetings.

50. MINUTES

The Committee resolved to APPROVE the minutes of the meeting held on 7 September 2015 as a true and accurate record but noted the following amendment:

Minute item 27: Leisure & Wellbeing Strategy 2015 – 20

At the end of the sixth paragraph beginning “The Head of Community Services said that one consistent...” insert the following sentence:

“It was suggested that Fusion Lifestyle should be encouraged to develop its own app to enable leisure bookings”.

51. DATES OF FUTURE MEETINGS

The Committee NOTED that further meetings were scheduled on the following dates:

- 2 November 2015
- 9 December 2015
- 12 January 2016
- 2 February 2016

7 March 2016

5 April 2016

All meetings being at 6.15 pm.

**52. CONFIDENTIAL APPENDIX - PROPOSED LEASE AND MONITORING
ARRANGEMENTS FOR COMMUNITY CENTRES**

The Committee NOTED the contents of the confidential appendix.

The meeting started at 6.15 pm and ended at 8.30 pm

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Notes of PSPO Panel on 5 October 2015

The Service Manager for Environmental Protection updated the Panel on changes to the proposed city centre PSPO and said that it now had a stronger focus on specific behavioural issues. The PSPO now covered aggressive begging rather than persistent begging. It also made no mention of codes of conduct for busking and street entertaining or peddling.

The Head of Law and Governance advised that the previous PSPO decision had been delayed due to the fact that detailed legal opinion had been received from Liberty which warranted consideration, rather than due to the content of that opinion. Liberty had been made aware that a new proposal was coming forward and officers would be holding a teleconference with Liberty the following day.

The Panel noted that the City Council should listen to respectable organisations such as Liberty and heard that there would be time for the Board to consider any further opinion from them, before any decision was taken.

In response to a question about the PSPO covering a large area and numerous behaviours, the Panel heard that it would be one of the larger PSPOs in the country and that most PSPOs cover a single issue. The evidence test was whether a PSPO would tackle existing or likely issues. The Panel heard that it was intended to be a preventative tool that set a standard of behaviour in the city centre.

The Panel noted that signage would be important and that some signs that were still in place in the city had been made obsolete by legislative changes. The Panel also noted that signage should be sensitive to its surroundings, particularly in conservation areas. The Panel heard that signage needed to be proportionate and would be placed on the boundaries of the area covered by the PSPO, and at specific sites within this area. Existing signage that would be superseded by the PSPO would be taken down.

The Panel discussed the measures relating to aggressive begging, including; the rationale and evidence base for a PSPO, the use and effectiveness of existing powers, whether a PSPO would make a positive contribution to helping people who were begging, whether begging near a cash machine was always aggressive, the perceptions of vulnerable people and those with English as a second language, and how a PSPO would work in practice.

The Panel heard that begging was strongly connected to substance abuse and that a carrot and stick approach could help officers to challenge behaviours such as aggressive begging and nudge people into support services. The Panel questioned whether this was clear in the report.

The Panel discussed a proposal to remove the behaviour of aggressive begging from the PSPO. This proposal was not agreed by the full Panel or by a majority – 1 in favour / 3 not in favour.

The Panel then considered whether the wording of section 1a of the Order should be amended. A number of alternatives were considered and voted on but none were agreed by the full Panel or by a majority of the Panel:

- Removing the reference to begging near a cash machine – 1 in favour / 3 not in favour
- Adding the word ‘reasonably’ before the word ‘perceived’ – 2 in favour / 2 not in favour
- Replacing the existing wording with ‘No person shall beg in a manner reasonably perceived to be aggressive. For example, begging near a cash machine’ – 1 in favour / 3 not in favour.

The Panel considered the measures relating to street entertainment that causes a nuisance and questioned whether busking should be considered an anti-social behaviour, noting that groups such as the Equity trade union were opposed to this. The Panel heard that a code of conduct for busking was being developed and would be consulted on. This code of conduct would be legally disassociated from the PSPO. The focus of the PSPO was on behaviours that cause a nuisance or obstruction, not busking or street entertainment.

The Panel questioned whether the use and effectiveness of existing powers. The Panel heard that the City Council did not use Community Protection Notices for street entertainment complaints, which required a body of evidence that the conduct in question was of a persistent and continuing nature. There had been one 28 day seizure of property under the Environmental Protection Act.

The Panel questioned whether the evidence justified the need for additional powers and heard that 501 noise complaints had been received and investigated over the last 10 years. The Service Manager for Environmental Protection advised that the PSPO would provide a useful sanction and that he would be satisfied if officers did not need to use it to fine people who, without reasonable excuse, failed to comply with the requirements of this order. It was felt advice and guidance would deal with all but the most problematic of nuisance complaints. Officers would be speaking with people in the city centre to raise awareness of the PSPO and were also developing a daily assessment that would provide a ‘health-check’ of the city centre.

The Panel considered and voted on a proposal that noise nuisance complaints should be closely monitored for one year before a decision is taken on whether to include this behaviour in the PSPO. This was not agreed by the full Panel but was agreed by a majority of members present – 2 in favour / 1 not in favour.

The Panel noted that the Scrutiny Committee had agreed to monitor the impact of the PSPO, including early intervention and enforcement actions.

The Panel considered the four recommendations agreed by the Scrutiny Committee on the previous PSPO report on 2 June 2015. The Panel noted that these recommendations had either been taken forward or were no longer relevant. A policy and procedure for officers dealing with anti-social behaviour was already in place.

The Panel agreed the following:

- To warmly welcome the changes to the PSPO documentation compared to June 2015 as being a considerable improvement and note that groups such as Crisis had welcomed these changes.
- To support the inclusion of behaviours set out in sections 1 b, c, d, f, g and h, in the City Centre Public Spaces Protection Order.

- To propose that the following recommendations be put to the City Executive Board:
 1. That the design and placing of signage is considered by a cross-party group of members and that every effort is made to remove obsolete signage across the city;
 2. That full consideration is given to any further views expressed by Liberty in relation to the revised PSPO;
 3. That the City Executive Board notes that there was no consensus in the scrutiny panel for the inclusion at this stage of the behaviours set out in sections 1a and 1e of the PSPO.

Councillor Clarkson left the meeting shortly before 5pm to attend a licensing sub-committee meeting.

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