

Agenda

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Council

Date: **Thursday 29 September 2016**

Time: **5.00 pm**

Place: **Council Chamber, Town Hall**

For any further information please contact:

**Jennifer Thompson, Committee and Members Services
Officer**

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Council

Membership

Lord Mayor	Councillor Mohammed Altaf-Khan	
Deputy Lord Mayor	Councillor Rae Humberstone	
Sheriff	Councillor Susan Brown	
Members	Councillor Colin Cook	Councillor Sajjad Malik
	Councillor Mohammed Abbasi	Councillor Chewe Munkonge
	Councillor Farida Anwar	Councillor Michele Paule
	Councillor Jamila Begum Azad	Councillor Jennifer Pegg
	Councillor Ruthi Brandt	Councillor Susanna Pressel
	Councillor Nigel Chapman	Councillor Bob Price
	Councillor Mary Clarkson	Councillor Mike Rowley
	Councillor Van Coulter	Councillor Gill Sanders
	Councillor Steven Curran	Councillor Christine Simm
	Councillor Jean Fooks	Councillor Craig Simmons
	Councillor James Fry	Councillor Dee Sinclair
	Councillor Andrew Gant	Councillor Linda Smith
	Councillor Stephen Goddard	Councillor John Tanner
	Councillor Angie Goff	Councillor Richard Tarver
	Councillor Mick Haines	Councillor Sian Taylor
	Councillor Tom Hayes	Councillor David Thomas
	Councillor David Henwood	Councillor Marie Tidball
	Councillor Alex Hollingsworth	Councillor Ed Turner
	Councillor Dan Iley-Williamson	Councillor Louise Upton
	Councillor Pat Kennedy	Councillor Elizabeth Wade
	Councillor Tom Landell Mills	Councillor Ruth Wilkinson
	Councillor Ben Lloyd-Shogbesan	Councillor Dick Wolff
	Councillor Mark Lygo	

The quorum for this meeting is 12 members.

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SUMMONS

A meeting of the City Council will be held in the Council Chamber, Town Hall, on Thursday 29 September 2016 at 5.00 pm to transact the business set out below.

Peter Sloman

Proper Officer

AGENDA

	Pages
PART 1 - PUBLIC BUSINESS	
1 APOLOGIES FOR ABSENCE	
2 DECLARATIONS OF INTEREST	
3 MINUTES	17 - 26
Minutes of the ordinary meeting of Council held on 25 July 2016.	
Council is asked to approve the minutes as a correct record.	
4 APPOINTMENT TO COMMITTEES	
There are no proposed changes to committee membership. Any notification after publication of the agenda will be circulated with the briefing note.	
5 ANNOUNCEMENTS	
Announcements by:	
(1) The Lord Mayor	
(2) The Sheriff	
(3) The Leader of the Council	
The Leader of the Council will also call on Councillor Rowley to make a statement to Council.	
(4) The Chief Executive, Chief Finance Officer, Monitoring Officer	

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

Public addresses and questions to the Leader or other Board member received in accordance with Council Procedure Rule 11.11 and 11.12 relating to matters for decision on this agenda.

The request to speak accompanied by the full text of the address or question must be received by the Head of Law and Governance by 5.00 pm on Friday 23 September.

The briefing note will contain the text of addresses and questions submitted by the deadline, and written responses where available.

A total of 45 minutes is available for both public speaking items. Responses are included in this time. Up to five minutes is available for each public address and three minutes for each question.

CITY EXECUTIVE BOARD RECOMMENDATIONS

7 SUBMISSION TO ERDF INNOVATION CALL FOR OXFORDSHIRE

27 - 40

The Executive Director, Regeneration and Housing submitted a report to the City Executive Board on 15 September 2016 which requested approval to commit match funding towards the Oxford City Council led element of the ERDF Innovation allocation for Oxfordshire if funds are successfully awarded.

The report and appendices are attached. The relevant Executive Board minute is attached later in the agenda.

The Board member will move the recommendation.

Recommendation:

The City Executive Board recommends Council to approve the required match funding to deliver the capital (£33,939) and revenue (£45,000) elements of the projects detailed in this report.

8 QUARTERLY INTEGRATED PERFORMANCE 2016/17 - Q1

41 - 46

The Head of Financial Services submitted a report to the City Executive Board on 15 September to update Members on the Council's Financial Risk and Performance as at 30 June 2016.

The report is attached and the Council decision is referenced in paragraph 12. Appendices are available as part of the Executive Board agenda and are not directly relevant to this decision. The relevant Executive Board minute is attached later in the agenda.

The Board member will move the recommendation.

Recommendation:

The City Executive Board recommends that Council approve the additional budget of £0.118 million and £0.399 million for Super Connected Cities and Disabled Facilities Grant expenditure (*respectively*) to be financed from external grant funding in accordance with paragraph 12 of the report.

9 REVIEW OF BUILDING CONTROL FEES AND CHARGES 2016

47 - 58

The Head of Planning and Regulatory Service submitted a report to the City Executive Board on 15 September setting out revised Building Control application fees and introducing one new charge.

The Council's Constitution provides that the Executive Board can set fees and charges (to the extent that the budget has not set fees and charges) for executive functions. In-year changes to fees and charges have to be referred to Council for decision.

The report is attached. The relevant Executive Board minute is attached later in the agenda.

The Board member will move the recommendation.

Recommendation:

The City Executive Board recommends Council to approve the proposed Building Control application fees and charges to take effect from 30 September 2016.

10 TREASURY MANAGEMENT ANNUAL REPORT 2015/2016

59 - 70

The Head of Financial Services submitted a report to the City Executive Board on 15 September 2016 which sets out the Council's treasury management activity and performance for the financial year 2015/2016.

The report also identifies some reductions in interest rates in 2016/17 and recommends a change to the Treasury Strategy for 2016/17 which is a matter for Council.

The report and appendices are attached. The relevant Executive Board minute is attached later in the agenda.

The Board member will move the recommendation.

Recommendation:

The City Executive Board recommends that Council approve the amendment to the Specified Investments list attached at Appendix 1 and paragraphs 35 – 37 of the report.

COMMITTEE RECOMMENDATIONS

11 HACKNEY CARRIAGE & PRIVATE HIRE: PROPOSALS TO AMEND THE CRITERIA AND CONDITIONS APPLICABLE - SAFEGUARDING 71 - 118

The Head of Community Services submitted a report to the General Purposes Licensing Committee on 20 September to seek the approval of amendments to the criteria applicable to the Hackney Carriage and Private Hire trades in order to promote safeguarding and awareness of safeguarding.

The proposals that require the approval of this Committee and Council are:

- The introduction of Mandatory Safeguarding Awareness Training to be attended by all licensed drivers.
- Requiring all drivers to sign up to the Enhanced Disclosure and Barring Services (DBS) Update Service.

The report and the relevant minute of the committee are attached.

The Chair of the General Purposes Licensing Committee will move the recommendation.

Recommendation:

The General Purposes Licensing Committee recommends that Council adopt the amendments to the criteria applicable to the Hackney Carriage and Private Hire trades as set out in the report and appendix.

OFFICER REPORTS

12 APPOINTMENT OF MONITORING OFFICER AND RETURNING OFFICER 119 - 120

The Chief Executive has submitted a report recommending changes to the appointments of statutory officers.

The Leader of the Council will move the recommendations.

Council is recommended to

1. Approve the appointment of Peter Sloman, Chief Executive as the Council's Returning Officer and Electoral Registration Officer
- 1.
2. Approve the designation of the Lindsay Cane, Acting Head of Law & Governance as the Council's Monitoring Officer.

13 ATTENDANCE MANAGEMENT POLICY AND PROCEDURE

121 - 154

The Head of Business Improvement has submitted a report to approve the implementation of a revised Attendance Management Policy and Procedure.

The Board member for Customer and Corporate Services will move the recommendations and the Chief Executive will answer any questions.

Recommendations: That Council resolves to:

1. **Approve** the Attendance Management Policy and Procedure attached at Appendix 1 with immediate effect.
- 2.
2. **Delegate authority** to the Head of Business Improvement to amend the policies to reflect administrative changes and to correct any factual or legal errors.

QUESTIONS

14 CITY EXECUTIVE BOARD MINUTES

This item has a time limit of 15 minutes.

Councillors may ask the Board Members questions about matters in these minutes.

- | | | |
|----------|--|-----------|
| a | Minutes of meeting Thursday 14 July 2016 of City Executive Board | 155 - 162 |
| b | Minutes of meeting Monday 8 August 2016 of City Executive Board | 163 - 166 |
| c | Minutes of meeting Thursday 15 September 2016 of City Executive Board | 167 - 178 |

15 QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL

Questions on notice from councillors received in accordance with Council Procedure Rule 11.10(b).

Questions on notice may be asked of the Lord Mayor, a Member of the City Executive Board or a Chair of a Committee. One supplementary question may be asked at the meeting.

The full text of questions must be received by the Head of Law and Governance by no later than 1.00pm on Thursday 22 September.

The briefing note will contain all questions submitted by the deadline, and written responses where available.

PART 2 - PUBLIC INVOLVEMENT AND SCRUTINY

16 PUBLIC ADDRESSES AND QUESTIONS THAT DO NOT RELATE TO MATTERS FOR DECISION AT THIS COUNCIL MEETING

Public addresses and questions to the Leader or other Board member received in accordance with Council Procedure Rule 11.11 and 11.12 and not related to matters for decision on this agenda.

The request to speak accompanied by the full text of the address or question must be received by the Head of Law and Governance by 5.00 pm on Friday 23 September.

The briefing note will contain the text of addresses and questions submitted by the deadline, and written responses where available.

A total of 45 minutes is available for both public speaking items. Responses are included in this time. Up to five minutes is available for each public address and three minutes for each question.

17 OUTSIDE ORGANISATION/COMMITTEE CHAIR REPORTS AND QUESTIONS

179 - 182

On behalf of Councillor Tanner, Board member for Clean and Green Oxford, the Environmental Sustainability Manager has submitted a report on the work of the Oxford Environment Partnership.

Recommendation

Council to note the content of the report

Each ordinary meeting of Council shall normally receive a written report concerning the work of one of the partnerships on which the Council is represented.

The programme of reporting at future meetings will be:

- December 2016: Oxfordshire Local Enterprise Partnership
- February 2017: Oxfordshire Partnerships report (covering all partnerships)

- April 2017: Oxfordshire Strategic Partnership

Members who are Council representatives on external bodies or Chairs of Council Committees who consider that a significant decision or event has taken place, will give notice to the Acting Head of Law and Governance by 1.00 pm on Monday 26 September that they wish present a written or oral report on the event or the significant decision and how it may influence future events.

18 SCRUTINY COMMITTEE ANNUAL REPORT

183 - 198

On behalf of the Scrutiny Committee the Scrutiny Officer has submitted the Committee's annual report for 2015/16.

The current Chair of the Committee, Councillor Gant, and the Chair of the Committee for 2015/16, Councillor Simmons, will introduce this report and answer questions.

Council is invited to comment on and note the report.

PART 3 - MOTIONS REPRESENTING THE CITY

19 MOTIONS ON NOTICE

This item has a time limit of 60 minutes.

The full text of motions received by the Acting Head of Law and Governance in accordance with Council Procedure Rule 11.17 by the deadline of 1.00pm on Monday 19 September is below. Motions will be taken in turn from the Liberal Democrat, Green, and Labour groups in that order.

Substantive amendments to these motions must be sent by councillors to the Acting Head of Law and Governance by no later than 10.00am on Wednesday 28 September so that they may be circulated with the briefing note.

Minor technical or limited wording amendments may be submitted during the meeting but must be written down and circulated.

Council is asked to consider the following motions:

1. Local Government reorganisation (proposed by Councillor Gant, seconded by Councillor Fooks)

Liberal Democrat member motion

Council notes that government is still open to practical suggestions for local government reorganisation. Council notes that the benefits are far more likely to be achieved if council leaders in Oxfordshire

are serious about reaching a consensus.

Council also notes that both of the recently-commissioned reports identified strengths and weaknesses in each proposal, and made recommendations for addressing them.

Council believes these recommendations are capable of forming the basis for further discussion.

Council therefore:

Calls on all council leaders in the county to resume talks about a workable model of local government reorganisation, with the express intention of reaching a workable consensus, and with the primary objective of achieving the best outcomes for the people of Oxford in terms of service delivery and efficiencies, while ensuring local accountability is retained or enhanced.

Calls on the leader of Oxford City Council to play a full and constructive part in such talks.

2. Banning Glyphosate (proposed by Councillor Brandt, seconded by Councillor Thomas)

Green member motion

This Council notes that there is growing evidence that glyphosate is a higher health risk than previously assumed, and that the World Health Organisation has recently upgraded glyphosate to 'probably carcinogenic to humans'*.

It further notes that other local councils in Britain - Hammersmith & Fulham being the most recent - have already decided to ban the use of glyphosate and other chemicals from all their own operations. This is in the wake of large cities all over the world - such as Barcelona, Hamburg and Paris - who have already decided on a ban, and the Netherlands and Denmark, which have banned the use of glyphosate in urban areas.

In light of the known risk to human health, this Council resolves to ask the City Executive Board to follow the precautionary principle and:

1. Pledge to cut out the use of glyphosate completely from all its in-house operations (including in Parks, and Streetscene) within one year.
2. Consider the one year period until the ban takes effect as a testing period, during which the council will test non-chemical and mechanical alternatives to glyphosate. Banning glyphosate will not result in increased use of other chemical weed-killers.

3. Use the opportunity of the end of the current weed spraying contract in April 2017 to request the contractor ceases to use glyphosate, or find another local contractor who will abide by a glyphosate ban.
4. Grant an exception to the above ban regarding the control of Japanese knotweed, or other invasive species, where there are currently no effective mechanical techniques available. However, in this case glyphosate will only be stem-injected, rather than sprayed, to reduce its spread in the environment.

** “The IARC Working Group that conducted the evaluation considered the significant findings from the US EPA report and several more recent positive results in concluding that there is sufficient evidence of carcinogenicity in experimental animals. Glyphosate also caused DNA and chromosomal damage in human cells, although it gave negative results in tests using bacteria.”(International Agency for Cancer Research (IACR), WHO, Monograph Volume 112: evaluation of five organophosphate insecticides and herbicides, 20th May 2015.
<http://www.iarc.fr/en/media-centre/iarcnews/pdf/MonographVolume112.pdf>)*

3. Housing Benefit (proposed by Councillor Hollingsworth, seconder: to be notified in the briefing note.)

Labour member motion

Council notes that the government has made a statement about the future of housing benefit in supported accommodation. Council believes that while the government’s proposed delay in the restriction of housing benefit to the level of the Local Housing Allowance until 2019/20 is welcome, this change still runs the risk of jeopardising the future of hostels and other services such as refuges. Council believes that the proposed restriction of rents to the LHA level, with the remainder funded by a “top up” of funds locally, relies upon making an adequate level of funding available locally, and also giving certainty to supported accommodation providers to allow them to plan and invest. Council regrets the decision to insist upon a 1% rent reduction in supported housing for each of the next three years, and believes that, at a time of cuts to other public funding, this will impose unacceptable pressure upon hostel providers in Oxford and elsewhere. Council resolves to ask the Leader and Chief Executive to make appropriate representations to our local MPs, and also respond robustly to the forthcoming government consultation on this issue.

4. Refugees and Immigration (proposed by Councillor Landell Mills, seconded by Councillor Goddard)

Liberal Democrat member motion

Council notes:

1. The refugee crisis over the summer including refugees from Syria but also from other countries; the publication of a House of Lords report on unaccompanied migrant children in July 2016 and the visit by a delegation of senior local government figures to the Calais 'jungle' migrant camp in August 2016.
2. That an estimated 88,000 unaccompanied children are believed to be travelling through continental Europe, falling prey to exploitation and abuse.
3. and celebrates the generous response of Oxford residents at the 'Refugees Welcome' event last September and the excellent ongoing work of Asylum Welcome and other refugee organisations, and confirms its commitment to build on that spirit of welcome.
4. that Coventry City Council initially undertook to accommodate 50 of the most vulnerable Syrian refugees, and now houses around 250 refugees.

Council believes and agrees:

1. That the UK must welcome its fair share of refugees to ease this crisis including unaccompanied refugee children.
2. That Oxford, as a city of sanctuary, should be at the forefront of the effort to promote safety and inclusion to people seeking refuge and sanctuary.
3. That refugees contribute a huge amount to local communities throughout the UK.
4. That, the whole process of resettlement - from assessment overseas, through placement with individual councils, to accessing essential services – must be rooted in the best interests of the child and adequately resourced.
5. That central Government should make additional funding available to local authorities to help with this and to build capacity, recognising pressures on housing and schools.
6. That, working together, local and central government can provide safety, stability and support to children in desperate need.
7. With the comments of David Simmons, Chair of the Local Government Association's Asylum, Refugee and Migration task group, that councils require more funding to cope with the resettlement challenges.

Council therefore:

1. Welcomes the central Government's commitment in the Immigration Act 2016 to create a resettlement scheme to bring

unaccompanied refugee children from continental Europe to safety in the UK, and calls council members to sign Liberty's statement of support, pressuring central government to honour its commitment without delay (<https://www.liberty-human-rights.org.uk/campaigning/protect-refugee-children>).

2. Recognises and supports the vital role that the city of Oxford can and should play in caring for children seeking sanctuary and commits to work with the County Council to offer resettlement places to unaccompanied refugee children as part of the implementation of the central Government scheme
3. Urges central Government, by writing to appropriate Ministers, to work closely with local government to ensure that councils have the funding and support to build the essential regional infrastructure necessary to secure the placement and support of children across the country, especially in relation to housing provision, educational needs, and English language provision, and help us build them a brighter, safer future.
4. Pledges its continued support for the Syrian Vulnerable Persons Relocation Scheme (SVPRS).

5. EUchoose: Oxford's future within the EU (proposed by Councillor Simmons, seconded by Councillor Wolff)

Green member motion

On 23rd June the people of Oxford expressed a strong preference for remaining within the EU. As a City Council, we believe it is right and proper that we do our utmost to represent the views of our electors to those ministers negotiating the UK's exit.

On the assumption that the UK Government are intending to push ahead with Brexit, we ask the Leader to write on behalf of the Council to the relevant ministers reminding them of the city's strong views on EU membership and asking them to consider whether a negotiated settlement can be reached which enables pro-EU regions, cities, companies, and individuals to 'opt in' to the EU - or aspects of it - should they choose to do so post-Brexit.

For example, a negotiated settlement could offer UK residents e-citizenship of the EU (similar to the service Estonia is already offering). It could allow certain companies who agreed to be bound by EU legislation preferential access to the single market and it could permit cities, such as Oxford, who wish to offer their citizens a higher level of social and environmental protection, to follow EU legislation where this exceeds those standards set out in UK law. For example, Oxford City Council could chose to stick with EU air quality standards were the UK to decide, as seems likely, to relax UK legislation post-Brexit.

6. Re-introduction of Grammar Schools (proposed by Councillor Sanders, seconded by Councillor Kennedy)

Labour member motion

This Council deplores the proposal put forward by Oxfordshire County Council's Cabinet Member for Children, Education and Families to put Oxfordshire forward to be one of the first counties in the country to re-introduce Grammar Schools.

This council declares its wholehearted opposition to this proposal and particularly before consultation with schools, teaching unions and other interested parties takes place.

20 MATTERS EXEMPT FROM PUBLICATION AND EXCLUSION OF THE PUBLIC

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

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

UPDATES AND ADDITIONAL INFORMATION TO SUPPLEMENT THIS AGENDA ARE PUBLISHED IN THE COUNCIL BRIEFING NOTE.

Additional information, councillors' questions, public addresses and amendments to motions are published in a supplementary briefing note. The agenda and briefing note should be read together.

The Briefing Note is published as a supplement to the agenda. It is available on the Friday before the meeting and can be accessed along with the agenda on the council's website.

DECLARING INTERESTS

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

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

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

Members’ Code of Conduct and public perception

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

¹Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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MINUTES OF THE COUNCIL

Monday 25 July 2016



COUNCILLORS PRESENT: Councillors Altaf-Khan (Lord Mayor), Humberstone (Deputy Lord Mayor), Brown (Sheriff), Cook, Abbasi, Anwar, Azad, Brandt, Chapman, Clarkson, Coulter, Curran, Fooks, Fry, Gant, Goff, Haines, Hayes, Henwood, Hollingsworth, Kennedy, Landell Mills, Lloyd-Shogbesan, Lygo, Malik, Munkonge, Pegg, Pressel, Rowley, Sanders, Simm, Simmons, Sinclair, Tanner, Tarver, Taylor, Thomas, Tidball, Wade, Wilkinson and Wolff.

12. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Goddard, Iley-Williamson, Price, Turner, Paule, Smith and Upton.

13. DECLARATIONS OF INTEREST

Minute number 20

Councillors Abbasi, Altaf-Khan and Malik declared that this item affected one of their disclosable pecuniary interests and left the chamber for the duration of this item.

14. MINUTES

Council approved the minutes of the meetings held on 18 April 2016 and 16 May 2016 as correct records.

15. APPOINTMENT TO COMMITTEES

There were no appointments.

16. ANNOUNCEMENTS

The Lord Mayor announced:

- the Abingdon vs Oxford Bowls match would take place on 7 August and volunteers were needed of the team;
- the Queen's 90th birthday celebrations in June had been very successful and he had received a letter of thanks for the Council's work from the Deputy Lord Lieutenant
- the Cowley Road Carnival was very successful and he congratulated the Cowley Works volunteers and the council's events team for their work.

The Sheriff announced a successful inspection of Port Meadow and a less successful Aunt Sally match afterwards.

Councillor Tanner, on behalf of the Leader, announced:

- the percentage of waste recycled had increased on the previous year and the total amount of waste had reduced;
- six parks now had Green Flag awards;
- discussions on devolution were ongoing;
- his thanks to the bus company for an improved bus service to Rose Hill and Littlemore from 25 July.

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

A member of the public, Judith Harley, asked a question in relation to Minute 18 submitted in accordance with the Council's procedure rules.

The text of her question and the written response are in the supplement to the minutes.

18. INTEGRATED PERFORMANCE REPORT Q4 2015/16

Council considered a report to the City Executive Board on 16 June 2016 which provided an update on Finance, Risk and Performance as at the end of the financial year and included recommendations on budgetary provision

Council resolved to establish budgetary provision in respect of the new bids show in paragraphs 7 and Appendix 4 of the officers' report.

19. OXFORD CITY COUNCIL SAFEGUARDING REPORT 2015-2016

Council considered a report to the City Executive Board on 16 June 2016 which detailed the progress made on the Council's Safeguarding Action Plan and recommended the Action Plan for approval for 2016-2017.

This was before Council for information only in accordance with the action in the Oxford City Council Section 11 Self- Assessment Action Plan 2015-16 Learning Point 1 (contained in the report to Council on 20 July 2015).

After members listened to and asked questions of the Board Member, **Council noted** the report and the accompanying documents.

20. POLICY ON HACKNEY CARRIAGE QUANTITY CONTROL – UNMET DEMAND SURVEY

Councillors Abbassi, Altaf-Khan and Malik declared that this item affected one of their disclosable pecuniary interests and left the chamber for the duration of this item.

Council considered a report to the General Purposes Licensing Committee on 18 May 2016 which details the findings of the “Unmet Demand” survey that was carried out between 7 September 2015 and 20 December 2015.

Council noted comments from members:

- the unmet need survey could be brought forward if required
- feedback from the hospitals and observations from outlying areas such as Headington should be included in this.

Council resolved:

1. To note that there is currently no unmet demand for the services of Hackney Carriage Vehicles and
2. **therefore** to maintain the Council’s Policy of Hackney Carriage Quantity Control and the current quota of 107 Hackney Carriage Vehicle licences; and
3. **that** a further “Unmet Demand” survey be commissioned in 2018, subject to any future changes to relevant legislation.

21. CONSTITUTION REVIEW 2016

Council considered a report and appendices recommending changes to the Council’s constitution. Members suggested a review of the reduction in allowances for non-attendance at training.

The Head of Law and Governance proposed an amendment as set out in the resolution.

A further amendment as set out in the resolution was proposed, seconded, and agreed on being put to the vote.

Council resolved to approve, with immediate effect:

1. the amendments to the Constitution outlined in the report
2. and the amendments in:
 - Appendix 1 – Full Council Procedures;
 - Appendix 2 – Board Procedures; with amendments:
 - a) correcting the order of **12.7 Order of business** to show reports from scrutiny committees to be taken **before** items for decision

b) addresses and questions by members of the public, **15 minutes in total**.

- Appendix 3 - Code of Practice for dealing with planning applications at Area Committees and Planning Review Committees;
- Appendix 4 – Code on Councillor-Officer Relations;
- Appendix 5 - Miscellaneous proposed changes.

22. AFFORDABLE HOUSING CONTRIBUTIONS IN THE LIGHT OF THE SUCCESSFUL LEGAL CHALLENGE TO THE PLANNING PRACTICE GUIDANCE

Council considered a report to explain the impact of the Secretary of State for Communities and Local Government's successful appeal concerning his national affordable housing policy.

Council **noted** the consequences of the decision of the Court of Appeal and national planning policy applicable to affordable housing contributions.

23. CITY EXECUTIVE BOARD MINUTES

Council had before it the minutes of the City Executive Board meeting of 14 April, 19 May, and 16 June 2016

On Minute 18 – disabled transport contingency fund, the Board Member noted Councillor Fook's question as to whether some of this could be used to fund an enhanced bus service in Cutteslowe/ north Oxford to mitigate the effects of Oxfordshire County Council's cuts to subsidies for bus services.

24. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL

Members of Council submitted 27 written questions to members of the City Executive Board. The questions, written answers, and summaries of supplementary questions and answers are in the supplement to the minutes.

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

Council heard addresses and questions to Executive Board Members from members of the public submitted in accordance with the Council's procedure rules.

Council resolved to suspend the relevant standing orders to hear an address from Mr Ramzy, a representative of the local Muslim community, on the first

motion. He spoke about the increase in hate crime since the EU referendum result, gave examples of the damaging effect physical and verbal abuse had on its victims. Muslims were well integrated and peaceful. It was important to help the police and reduce this frightening crime.

Addresses were heard from:

1. Chaka Artwell - summer activities for young people.
2. Chaka Artwell - Barton community facilities.
3. Sharyn Hyde, PSPnO campaign group.
4. Nigel Gibson - Save Temple Cowley Pools Campaign.
5. Chaka Artwell - city centre PSPO.

Board members responded to these as summarised in the supplement.

Questions were heard from:

1. Cressida Jervis Read – public events.
2. Hazel Dawe – air quality
3. Steve Dawe – private landlords.
4. Mr Chaka Artwell – letters to the Council.
5. Judith Harley – FOI 5462 – Request For Catalyst Temple Cowley.

Four questions were submitted in writing but the questioner did not attend to speak:

1. Ann Duncan– parishing the city.
2. Elise Benjamin– Carnival.
3. Matthew Ledbury – local government funding.
4. Sietske Boeles, CPRE Oxfordshire – Green Belt development.

Board members responded to these as summarised in the supplement.

Questions were submitted from but the speakers did not attend. The written question and responses are included in the supplement.

The supplement to these minutes contains the full text of addresses and questions where these were delivered as submitted and summaries of speeches which were significantly different. Written responses and summaries of verbal responses from the Board Members are included.

26. OUTSIDE ORGANISATION/COMMITTEE CHAIR REPORTS AND QUESTIONS - COMMUNITY SAFETY PARTNERSHIP REPORT

Council had before it a report of the Board Member for Community Safety.

Council noted the report without comment.

27. SCRUTINY COMMITTEE UPDATE REPORT JULY 2016

Council had before it the report of the Scrutiny Committee Chair.

The Chair outlined the proposed review topics for 2016/17 of devolution and safeguarding in language schools.

He thanked Councillor Simmons for his time as Chair and thanked Board members for the time they give to scrutiny and their response to the report of the equality and diversity review group.

He thanked Geno Humphrey for his work on the Housing Panel and the scrutiny officer, Andrew Brown, for his work for the committee.

28. MOTIONS ON NOTICE

Council had before it seven motions on notice submitted in accordance with the Council procedure rules and reached decisions on three motions as set out below.

Motions not taken

Four motions were not taken because the time allowed in the Council's procedure rules had elapsed:

1. Banning Glyphosate in Oxford
2. Scrapping of student grants and curbing of access to higher education for disadvantaged young people
3. Democratic mandate for national leader
4. The future electoral system in Oxfordshire.

(a) Following the referendum this Council condemns the rise in hate crimes

Councillor Tanner, seconded by Councillor Gant and supported by Councillor Simmons, proposed the submitted cross-party motion (Following the Referendum this Council condemns the rise in hate crimes).

After debate and on being put to the vote, the motion was declared carried.

Council resolved to adopt the motion as set out below:

Oxford City Council profoundly regrets the outcome of the referendum on the UK's membership of the European Union, and the way in which the tenor of the Leave campaign has stimulated a wave of hostility towards migrants and ethnic minorities. We are proud that Oxford voted overwhelmingly to remain in the EU, reflecting the open, diverse and tolerant character of our city, and we are committed to retaining our strong international links and to work with our city and county partners to reduce the negative economic and social consequences of leaving the EU.

We are particularly concerned by the reported rise in racism, xenophobia and hate crimes since the referendum, and wish to place on record our condemnation of such crimes.

The Council will work with local partners to fight and prevent racism and xenophobia and wish to reassure everyone living in our city that they are valued members of our community.

As part of the renegotiation process with the EU, the Council will make the strongest representations to protect the existing status and rights of EU citizens currently living or working in the city and the county.

(b) Local Transport Plan 4 (LTP4)

Councillor Tanner, seconded by Councillor Curran, proposed his submitted motion (Local Transport Plan 4)

After debate and on being put to the vote, the motion was declared carried.

Council resolved to adopt the motion as set out below:

Oxford City Council welcomes the improvements made by Oxfordshire County Council to Local Transport Plan 4 (LTP4), including the greater emphasis on walking and cycling, clean air, support for a workplace parking levy in Oxford and the option of more residents' parking schemes across the city.

However LTP4 is still not ambitious enough and offers too little too late. We consider that a unitary Oxford would be able to make the improvements needed more quickly and effectively. We also consider that the standard of road and pavement maintenance in Oxford is unacceptably poor.

The City Council calls on the County Council as highway authority, to improve cycling and pedestrian facilities, introduce a zero emission zone and to consult on a workplace parking levy for Oxford without delay.

The City Council also asks the County to review its spending priorities, and the areas of Oxfordshire where transport funding is spent, so that more money is available for road repairs and maintenance in the city.

(c) Planning sustainability and the Green Belt

Councillor Goff, seconded by Councillor Fooks, proposed her submitted motion (Planning sustainability and the Green Belt)

Councillor Brandt proposed and Councillor Simmons seconded an amendment:

Add to the beginning of the motion:

Recognising that, with the exception of land to the west of the City, most Green Belt falls within the boundaries of our neighbouring authorities so Oxford City Council currently has very limited influence on how the land is developed.

Add the following bullet point:

- Council will only support developments which align with the Council's social housing policies*

On being put to the vote, the amendment was declared carried.

Councillor Hollingsworth proposed and Councillor Pegg seconded an amendment:

Redraft text of the submitted motion as follows:

Council notes that while the Oxford Green Belt was instituted in the late 1950s it remained interim for several decades, and its boundaries have been adjusted continually throughout its existence. The Council further notes that the NPPF (National Planning Policy Framework, paragraph 84) specifically allows for the review and alteration of green belt boundaries. The Council further notes that neighbouring local authorities Cherwell, Vale of White of Horse and South Oxfordshire have all proposed or agreed modifications to the boundaries of the Oxford Green Belt as part of their most recent Local Plans. Council recognises the current crisis in availability of housing, but also recognises that the purposes for which the Green Belt was invented have not gone away. Council accepts that people living near areas of Green Belt have legitimate concerns at any suggestion of part of it being lost, and that these concerns need to be carefully balanced against the duty of the City Council to plan for a successful city with sufficient homes, employment, facilities and recreation space for current and future residents of Oxford.

Council will in the development of the Local Plan and other planning policy give due consideration to the following:

-Oxford's Green Belt remains protected by existing local and national policies that prevent inappropriate development in all but exceptional circumstances

-proper weight will be given to the agreed methodology and framework for reviewing Green Belt boundaries that form part of the comprehensive review of the Oxford Green Belt already carried out by LUC on behalf of all the relevant Local Planning Authorities, and used by neighbouring District Council's in their recent Local Plan reviews and updates

-studies will be commissioned to properly assess the full value of the biodiversity and the ecosystem of open spaces both within and outside the Green Belt as part of the analysis of the overall value of the Green Belt and specific sites within it-any building within the Green Belt will not only replace but actively enhance the biodiversity and natural capital provided by the area lost, by use of scientific techniques such as ecological risk assessment and biodiversity management plans working closely with relevant environmental NGOs, or as

otherwise set out in existing NPPF or local policies governing development in the Green Belt.

-as applicant Council will support buildings which meet the eco-village and low-carbon approach supported by Council at its meeting of 18 April 2016 as an "...example [to] persuade / push / cajole private developers in Oxford to make their contribution to saving planet earth"

-Council will support projects which guarantee sustainable infrastructure such as bike lanes to and from the development as well as on it, will encourage scientifically-based and forward-looking approaches to sustainable transport such as smart traffic lights

On being put to the vote, the amendment was declared carried.

After debate and on being put to the vote, the amended motion was declared carried.

Council resolved to adopt the motion as set out below:

Recognising that, with the exception of land to the west of the City, most Green Belt falls within the boundaries of our neighbouring authorities so Oxford City Council currently has very limited influence on how the land is developed,

Council notes that while the Oxford Green Belt was instituted in the late 1950s it remained interim for several decades, and its boundaries have been adjusted continually throughout its existence. The Council further notes that the NPPF (National Planning Policy Framework, paragraph 84) specifically allows for the review and alteration of green belt boundaries. The Council further notes that neighbouring local authorities Cherwell, Vale of White of Horse and South Oxfordshire have all proposed or agreed modifications to the boundaries of the Oxford Green Belt as part of their most recent Local Plans. Council recognises the current crisis in availability of housing, but also recognises that the purposes for which the Green Belt was invented have not gone away. Council accepts that people living near areas of Green Belt have legitimate concerns at any suggestion of part of it being lost, and that these concerns need to be carefully balanced against the duty of the City Council to plan for a successful city with sufficient homes, employment, facilities and recreation space for current and future residents of Oxford.

Council will in the development of the Local Plan and other planning policy give due consideration to the following:

-Oxford's Green Belt remains protected by existing local and national policies that prevent inappropriate development in all but exceptional circumstances

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-studies will be commissioned to properly assess the full value of the biodiversity and the ecosystem of open spaces both within and outside the Green Belt as part of the analysis of the overall value of the Green Belt and specific sites within it-any building within the Green Belt will not only replace but actively enhance the biodiversity and natural capital provided by the area lost, by use of scientific techniques such as ecological risk assessment and biodiversity management plans working closely with relevant environmental NGOs, or as otherwise set out in existing NPPF or local policies governing development in the Green Belt.

-as applicant Council will support buildings which meet the eco-village and low-carbon approach supported by Council at its meeting of 18 April 2016 as an "...example [to] persuade / push / cajole private developers in Oxford to make their contribution to saving planet earth"

-Council will support projects which guarantee sustainable infrastructure such as bike lanes to and from the development as well as on it, will encourage scientifically-based and forward-looking approaches to sustainable transport such as smart traffic lights

-Council will only support developments which align with the Council's social housing policies

The meeting started at 5.00 pm and ended at 9.10 pm

To: City Executive Board
Date: 15 September 2016
Report of: Executive Director, Regeneration and Housing
Title of Report: European Regional Development Fund (ERDF) Innovation Projects – match funding

Summary and recommendations	
Purpose of report:	Request approval to commit match funding towards the Oxford City Council led element of the ERDF Innovation allocation for Oxfordshire, if successfully awarded funds.
Key decision:	Yes
Executive Board Member:	Cllr Bob Price, Corporate Strategy and Economic Development
Corporate Priority:	Vibrant, Sustainable Economy
Policy Framework:	Oxford Economic Growth Strategy
Recommendation(s): That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Recommend Council to approve the required match funding to deliver the capital (£33,939) and revenue (£45,000) elements of the projects detailed in this report. 2. Delegate authority to the Executive Director, Regeneration and Housing to enter into any necessary agreements to secure European Regional Development Fund funding 	
Appendices	
Appendix 1: Risk Assessment	
Appendix 2: Equality Impact Assessment	

Introduction and background

1. Officers have been working with local partners to deliver elements of the county-wide European Regional Development Fund (ERDF) allocation for Innovation. This includes the provision of a new co-working space for business start-ups linked to the Smart Oxford initiative initiated by OSP, of which the council is a leading partner. It also includes Programme Management resource to play a leading role in the delivery of the wider Smart Oxford strategic programme.

2. The 'Smart Oxford Incubator' is a collaborative co-working space, proposed within vacant accommodation in Oxford Town Hall. It will nurture and accelerate new and growing businesses in digital, technology and social enterprise sectors. This will enhance the pipeline of new growing businesses in these sectors, and promote public sector innovation and commercialisation.
3. A business case has been prepared by the Oxfordshire ERDF Innovation consortium and is with DCLG (Department for Communities and Local Government) for agreement. Members are asked to approve the authority for officers to accept the grant (if successful and subject to contract), and commit the required match funding to deliver the project.

Smart Oxford Incubator

4. There is a shortage of small business accommodation in Oxford. In line with the Economic Growth Strategy and the emerging OxLEP Innovation Strategy, officers are pursuing an aim to increase supply, and support a stronger network of enterprise centres and innovative spaces to support local business creation and accelerated growth. With the recent closure of 'the Hatch' in Little Clarendon Street, owned by Barclays and managed by 3Space (based on wider asset based considerations), the supply shortage for start-ups has been exacerbated.
5. To help address this issue, a group of partners has been brought together by officers, targeting specific business sectors with unmet and latent demand for workspace, whilst generating income through identification and use of under-utilised property assets. One such broad market segment is co-working provision - flexible workspaces that support collaborative communities of new entrepreneurs seeking a lean business model, and a workspace solution to enable a focus on accelerating innovative business ideas by working closely with their peers.
6. There is the availability of approximately 2800 sq. ft. (261 sq. m.) within the Town Hall that could be refurbished to support businesses attracted to co-working, whilst generating a modest return for the Council. A dedicated, standalone space accessed from Blue Boar Street of 1800 sq. ft. is immediately available as an initial phase.
7. Officers have received a proposal (agreed in principle, subject to contract) from Oxford Trust and Oxford Innovation, to lease and run the space as a not for profit operation. The space will be run in conjunction with a newly proposed 'Pod' co-working space in the Oxford Centre for Innovation (OCFI) and the space for more established businesses at One St Aldate's.
8. A core element of this proposal is that link between the Town Hall space and 'The Pod' at OCFI (plus the related Oxford Hackspace). It is intended that these co-working spaces are jointly managed and operated to maximise the benefits and ensure synergy across spaces for start-ups across the City, providing an affordable and supportive environment accommodating new business start-ups in a shared workspace.

9. The specific aims of this proposal include:

- a. Enhancing the supply and range of workspace available – up to 260m2 (starting with a self-contained 170 m2 space)
- b. Support the creation enterprises with growth potential – circa 40 enterprises over 3 years
- c. To remove barriers to enterprise for more local residents, reducing inequality
- d. Build on Oxford's reputation for innovation excellence and 'Smart City' ambitions
- e. To enhance the innovation ecosystem infrastructure within the city and link effectively with the wider enterprise/innovation space offering (e.g. the Oxford Centre for Innovation)
- f. To create a modest income for Oxford City Council to reinvest in services
- g. To remove match funding requirement for Smart Oxford by end of year 3
- h. To pilot an innovative concept that, if successful, might be scaled up within the city's wider regeneration programme (e.g. West End)
- i. To ensure a coordinated approach to meeting the support needs of business in-line with the Oxfordshire Business Support programme.
- j. Ensure the opportunity for local authority staff and academics to share knowledge, open challenges and ideas with members of the centre, to translate ideas to commercial enterprises more quickly.

Smart Oxford Programme Management (Fixed Term)

10. The ERDF funds provide opportunity to employ a dedicated, fixed-term (3 years), Programme Manager for Smart Oxford to ensure closer collaboration with business, boost sector development, and deliver products and services.

11. The Smart Oxford Programme Manager will be

- a. Engaging with businesses and organisations to support Smart Oxford and digital enterprises across the county
- b. Supporting the Smart Oxford Project Board
- c. Supporting community events and initiatives in the co-working space
- d. Co-ordinating support services to innovators and enterprises helping to develop and deliver projects and products that support Smart Oxford and wider smart city ambitions and aspirations across the county
- e. Help ensure Smart Oxford becomes a sustainable entity with an appropriate legal structure
- f. Lead and support fundraising initiatives including funding bids, investment and sponsorships
- g. Manage and co-ordinate up to 10 Smart Oxford workshops over three years
- h. Coordinate with colleagues on communications and marketing
- i. Provide leadership on Digital and Smart Oxford initiatives across the county
- j. Support open data platforms and linked initiatives that support business and product formation
- k. Build partnerships/collaborations to achieve aims
- l. Provide expert advice and support to innovators.

12. ERDF and City Council match funding will also ensure the commitment of additional resource from Oxfordshire County Council and the University of Oxford. The County Council, through the Transport Innovation Team, will commit resource of up to 1.5

FTE to work specifically on Smart Oxford projects and support. The University of Oxford will commit a post within the Knowledge Exchange and Impacts Team to work specifically on Smart Oxford projects and support. Taken together, this will ensure adequate resource of Smart Oxford to deliver against the vision and strategy that has been developed.

Financial implications

13. The costs and funding contributions are found in the table below:

ERDF Funded Innovation Projects						
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
	£	£	£	£	£	£
Item						
Capital Expenditure	67,878	0	0	0	0	67,878
Revenue Expenditure (incl in kind)	45,547	45,547	45,547	0	0	136,641
Revenue Income	(16,200)	(16,200)	(16,200)	(16,200)	(16,200)	(81,000)
Sub-Total	97,225	29,347	29,347	(16,200)	(16,200)	123,519
Funded by:						
Oxford City Council (additional funding)	(48,939)	(15,000)	(15,000)	0	0	(78,939)
ERDF	(49,486)	(15,547)	(15,547)	0	0	(80,580)
Sub-Total	(98,425)	(30,547)	(30,547)	0	0	(159,519)
Net Impact for Project	(1,200)	(1,200)	(1,200)	(16,200)	(16,200)	(36,000)
Net Impact for City Council						(2,061)

14. The City Council's capital contribution would be £33,939, which would be matched by an ERDF grant and fund the works required to bring the accommodation into a usable condition. The Council funding would be taken from potential slippage in the capital programme, but repaid as a rental from the Incubator.
15. The City Council's revenue contribution would be £45,000 (£15,000 per year), which would be matched by an ERDF grant and fund the Incubator Manager for three years. There would also be a contribution in kind of £45,000 that would be staff time from the Economic Development team.
16. The City Council would receive a rental of £10 per sq. ft. per year for a lease of 5 years with an initial six months' rent free period. Based on the initial phase alone this would yield £81,000 over the five years, and repay the Council's revenue and capital contributions.
17. A decision from DCLG on the award of the ERDF funding is not known at this time and there may be uncertainties post-BREXIT. If the ERDF support is not forthcoming it is proposed to proceed with the capital works on the basis of a five year lease to the Incubator under normal Assets officer delegation provided the rental covered the capital outlay by the Council. However, we would not fund the Manager post to provide business support.

Legal issues

18. The lease of Council assets will have legal and contractual implications as will recruitment of a programme management resource over a fixed term. The acceptance of EU funds will also result in a 3-year contractual obligation.

Level of risk

19. The Risk Register is attached at Appendix 1

Equalities impact

20. Equalities Impact Assessment is attached at Appendix 2

Report author	Matt Peachey
Job title	Economic Development Officer
Service area or department	Regeneration and Partnerships
Telephone	01865 252021
e-mail	mpeachey@oxford.gov.uk

Background Papers: None

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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	
Funding not awarded (Smart Oxford Programme Manager element)	There is uncertainty about whether all non-committed funding contracts would be honoured, post EU referendum	Threat	Government approach to negotiations post referendum	No funding awarded, project unlikely to go ahead.	29-07-16	Matt Peachey	4	2						The Oxon ESIF Committee, advised through DCLG (Managing Authority) has recommended a business as usual approach for local funds. Officers work	December 2016				Matt Peachey
Funding not awarded (Smart Oxford Programme Manager element)	There is uncertainty about whether all non-committed funding contracts would be honoured, post EU referendum	Threat	Government approach to negotiations post referendum	No funding awarded. Project may still go ahead, but will need to be appraised further and considered as a commercial	29-07-16	Matt Peachey	3	2						The Oxon ESIF Committee, advised through DCLG (Managing Authority) has recommended a business as usual approach for local	December 2016				Matt Peachey
Recruitment of Programme Manager	A suitably qualified candidate is not identified for recruitment.	Threat	Lack of available expertise in the labour market, salary levels not sufficient. Perceived issues	Smart Oxford objectives not delivered as effectively	29-07-17	Matt Peachey	4	2						A well planned job specification and recruitment process utilising specialist advice on the	January 2017				Matt Peachey
Smart Oxford partners do not commit associated staff resource	lack of expertise to deliver Smart Oxford's objectives	Threat	Issues with funding or support of senior management	less ambitious delivery of Smart Oxford objectives	29-07-17	Matt Peachey	4	1						Partners (OxON CC and University of Oxford) have written to confirm staff resource to be committed to Smart Oxford	August 2016				Matt Peachey
Co-working costs over-run	Cost increases or unforeseen costs increase the overall budget beyond what is acceptable	Threat	External prices change or lack of awareness of all required inputs.	Investment case would need to be re-considered	29-07-16	Matt Peachey	4	2						An independently verified set of costings and layout for the co-working space has been produced. In any contracting, the budget will need to be made clear and adhered to	January 2017				Matt Peachey
Co-working operator proposal is not contracted	the proposed centre operator cannot manage the centre	Threat	Contractual agreement, funds, change in business conditions, change of personnel	New operator would need to be sought	29-07-17	Matt Peachey	4	2						Board approval has been given by both partner organisations (Oxford Trust and Oxford Innovation)	October 2016				Matt Peachey

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35

Form to be used for the Full Equalities Impact Assessment

Service Area: Regeneration & Partnerships	Section: Economic Development	Date of Initial assessment: 29-07-16	Key Person responsible for assessment: Matt Peachey	Date assessment commenced:
Name of Policy to be assessed:		ERDF Innovation projects Approval – CEB Report, September 2016		
1. In what area are there concerns that the policy could have a differential impact		Disability	Age	
Other strategic/ equalities considerations				

<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>	<ol style="list-style-type: none"> 1. The 'Smart Oxford Incubator' is a collaborative co-working space, proposed within Oxford Town Hall. It will nurture and accelerate new and growing businesses in digital, technology and social enterprise sectors. This will enhance the pipeline of new growing businesses in these sectors, and promote public sector innovation and commercialisation. 2. Dedicated, fixed-term (3 years), programme resourcing for Smart Oxford to ensure closer collaboration with business in order to boost the growth of related sectors, and deliver projects, products and services that will benefit the public sector and city residents.
<p>3. Methodology and Sources of Data:</p> <p>The methods used to collect data and what sources of data</p>	<p>A range of business and economic data has been obtained and sought in producing the business case for the project including:</p> <ul style="list-style-type: none"> • Property prices • Property availability and reports on local supply, pipeline and demand • Awareness of ward and neighbourhood based inequalities • A rang of socio-economic and demographic information that highlights a need for a 'smarter' approach to city development (led by the OSP Smart Oxford Steering Group).
<p>4. Consultation</p> <p>This section should outline all the consultation that has taken place on the EIA. It should include the 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. 	<p>Consultation has taken place with a range of business stakeholders from the digital, social enterprise and property sectors to ascertain the level of need for new work-space solutions that meet community needs. Conversations with groups of small business owners has supported the conclusion that a more accessible offering is required for early stage start-ups, such as that previously provided by the 'Hatch' co-working centre on Little Clarendon Street.</p> <p>Smart Oxford has consulted with a wide range of organisations and stakeholders on the approach to creating a 'Smart Oxford' project plan that genuinely meets resident's needs, and is citizen focussed, rather than technology focussed. The approach is to use social, environmental and economic needs, and information on the experience of a range of local services, to identify solutions, which may include technology.</p>

<ul style="list-style-type: none"> • 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>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>Disability – The co-working proposal has been designed to ensure a satisfactory level of disabled access to the dual site co-working offer. The OCFI element, as well as certain parts of the Town Hall, will have adequate disabled access.</p> <p>Age – where younger people may have less access to available funds to start a business, and experience this as a barrier to entry, this proposal will provide a range of flexible low-cost membership options.</p> <p>Other factors – for the remaining primary equality strands, partner organisations that Oxford City Council intend to work with, will be required to provide evidence their own equality policies, and also evidence how their client application and marketing processes are inclusive.</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>It is felt the above factors will make this a positive project from an equalities perspective, both in terms of developing more inclusive services, and reducing barriers to starting a business for more people.</p>
<p>6a. Monitoring Arrangements:</p> <p>Outline systems which will be put in</p>	<p>Quarterly against a range of economic and social indicators in line with ERDF funding guidelines.</p> <p>Quarterly monitoring reports and funding claims compiled by officers managing both linked projects</p>

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.		will take place and be report to the ESIF committee and managing authority (DCLG).				
7. 12. Date reported and signed off by City Executive Board:						
8. Conclusions: What are your conclusions drawn from the results in terms of the policy impact		Policy impact positive particularly in respect of improving city services for a range of residents and lowering barriers to starting a business.				
9. Are there implications for the Service Plans?	YES	NO	10. Date the Service Plans will be updated	Annually -	11. Date copy sent to Equalities Officer in HR & Facilities	N/A
.13. Date reported to Scrutiny and Executive Board:			14. Date reported to City Executive Board:	Sept 2016	12. The date the report on EqlA will be published	

Signed (completing officer)

Signed (Lead Officer)

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

Organisational Development & Learning Advisor/ Equalities
Matt Peachey – Regeneration and Partnerships.

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I need

To: City Executive Board
Date: 15 September 2016
Report of: Head of Financial Services
 Head of Business Improvement
Title of Report: Integrated Performance Report for Quarter 1 2016/17

Summary and recommendations	
Purpose of report:	To update Members on Finance, Risk and Performance as at 30 June 2016.
Key decision:	No
Executive Board Member:	Cllr Ed Turner, Finance, Asset Management and Public Health
Corporate Priority:	Efficient and Effective Council.
Policy Framework:	Corporate Plan
Recommendations: That the City Executive Board resolves to:	
1.	Note the projected financial outturn, the current position on risk and performance as at the 30 June 2016;
2.	Recommend to Council that additional budget of £0.118 million and £0.399 million is approved for Super Connected Cities and Disabled Facilities Grant expenditure to be financed from external grant funding in accordance with paragraph 12.
Appendices	
Appendix A	Corporate Integrated Dials
Appendix B	General Fund - June 2016 Forecast Outturn
Appendix C	Capital Programme - June 2016 Forecast Outturn
Appendix D	HRA - June 2016 Forecast Outturn

Introduction and background

1. This report updates the Board on the financial, corporate performance and corporate risk positions of the Council as at 30 June 2016. A brief summary is as follows:

2. Financial Position

- a. **General Fund** – the outturn position is forecast to be an adverse variance of £0.389 million against the budget of £22.918 million;
 - b. **Housing Revenue Account** – the outturn position is forecasting a favourable variance of £0.144 million;
 - c. **Capital Programme** – the outturn forecast is forecasting a £0.359 million adverse variance (0.81% of budget);
3. **Performance** – 80% (12) of the Council's corporate performance targets are being delivered as planned, 13% (2) are below target but within acceptable tolerance limits and 7% (1) is currently at risk.
 4. **Corporate Risk Management** – There are no red corporate risks, but four amber risks at the end of Quarter one. These are detailed below.

Financial Position

General Fund Revenue

5. The overall Net Expenditure Budget agreed at Council in February 2016 was £19.853 million. Since setting of the budget this has been increased by £1.312 million to £21.165 million funded by transfers from earmarked reserves. This transfer largely represents unspent budgets in 2015/16 agreed to be carried forward into 2016-17. The Net Budget Requirement of £19.853 million remains unchanged.
6. In addition to transfers from reserves there have been virements, authorised under delegated powers by the Council's Head of Financial Services totalling £0.411 million. The most notable of which totalling £0.327 million relates to the realignment of the training budgets across the services. There is no change to the Council's Net Budget Requirement.
7. At 30 June 2016 the General Fund is projecting an adverse variance of £0.389 million against the latest net budget of £22.918 million. The details of these variances are explained below.
8. In **Planning and Regulatory** there is a projected adverse year end variance of (£0.281) million, this is due to the recent restructure creating a pressure in the current year of (£0.126) million in part due to additional staffing costs to support a significant improvement in the quality of service. The ongoing pressure of the restructure is approx. £0.070 million and will be proposed for incorporation into the Medium Term Financial Plan as part of the annual refresh. Income targets across the service also show some shortfalls, in the areas of: housing enforcement (£0.020 million); Building control fees (£0.070 million); Street Trading licences (£0.025 million) and Food Hygiene Courses (£0.040 million).
9. **Housing and Property** there is a budget pressure of (£0.100) million which is for the cost of external advice required for the review of the Covered Market leases.

Housing Revenue Account

10. The Housing Revenue Account is currently forecasting a favourable outturn of £0.144 million. It is anticipated that this surplus will be transferred to reserves for future expenditure. The key variations are as follows:
- **Dwelling Rent** has a year to date favourable variance of £0.382 million, this is due to fewer Right To Buy sales in the first quarter of the year than originally projected. Additional rental income is also being received from the 75 units that are being used as Temporary Accommodation properties and 36 void properties being moved to higher formulae rent during the first two months of the year.
 - **Management and Services (Stock Related)** has a projected adverse variance of £0.113 million which is due to additional expenditure associated with the tribunal case on the Tower Blocks project.
 - **Misc Expenditure (Non Stock Related)** has a projected adverse outturn of £0.116 million, this is associated with the properties that are being used as Temporary Accommodation and the utilities running costs for these properties.

Capital

11. The projected outturn on the Capital Programme is currently a total of £44.033 million a favourable variance of £0.359 million from the latest budget. This variance is made up of :
- Slippage of £0.388 million the most notable of which (£0.328 million) relates to Research and Development Feasibility Fund slipped into future years as no further funds are expected to be used this year;
 - Overspend of £0.029 million on the Competition Swimming Pool due to retention fees being higher than expected;
12. In addition following the receipt of additional grant income approval is required from Council for additional budget of £0.517 million for the following items:
- Super Connected Cities (£118k) – Additional monies have been received from the Local Enterprise Partnership (OxLEP) for Oxfordshire County Council's Better Broadband Programme for enabling Superfast Broadband in Oxford City cabinets.
 - b Disabled Facilities Grants capital schemes (£399k) – For 2016/17 the Council have been notified of an increase in grant funding from Government of £399k in respect of grants given by the Council to fund disabled facilities. This takes the total amount of grant to £999k.

Performance Management

- 13 There are fifteen corporate performance measures that are monitored during the year. Twelve (80%) are being delivered as planned, two (13%) are below target but within acceptable tolerance limits, and one (7%) is at risk of not meeting its target.
- 14 Of the twelve that are being delivered as planned, three relate to Vibrant and Sustainable Economy, two relate to Meeting Housing Need, three to Cleaner

Greener Oxford, three to an Efficient and Effective Council and one to Strong and Active Communities

15 The one measure that is not meeting its target is as follows:

- **Number of people using leisure centres** – Target of 362,000 and an actual of 333,282 for the first quarter. . There has been a downward trend in the number of visits year on year and this is reflective of the temporary facility closure for planned maintenance and investment work at the Ice Rink and Ferry Leisure Centre. Hinksey Outdoor Pool visits were also lower year on year due the inclement weather conditions during June.

Corporate Risk

16 There are no Red risks being reported in the first quarter of 2016/17 and there are four amber Risks as listed below:

- a. **Resilience of the ICT function** – managing ICT Work Plan as agreed and overseen by service heads alongside business as usual. Mitigations to manage this risk have included additional temporary staffing to address initial migration issues post April; training all staff on ITIL and starting to embed ITIL processes; migration to ICT strategic partner and embedding ongoing relationship; working towards PSN accreditation; and implementation of ICT helpdesk.
- b. **Partnership Risk** - Potential reduction in funding to our partners – The Council has worked with partners to mitigate where it can the impacts that this may have.
- c. **Recruitment and Retention** – the risk of losing and not being able to recruit key staff across the organisation – mitigations to manage this risk have included agreeing retention measures, identifying key posts and agreeing action to recruit/retain these posts and review of the recruitment process, which has included several recruitment open evenings at Direct Service depots and our community centres.
- d. **HRA Business Plan Delivery Failure** due to changes in Government legislation and the impact this will have on the Council's finances – This risk was introduced in Q2 following the summer budget and was reported as a red risk in both Q2 and Q3 but the Council has been in discussion with DCLG to help shape the proposals and implementation of these changes to assist in mitigating this risk down to an Amber.

Financial implications

16 All financial implications are covered in the body of this report and the Appendices.

Legal issues

17 There are no legal implications directly relevant to this report.

Level of risk

18 All risk implications are covered in the body of this report and the Appendices.

Equalities impact

19 There are no equalities impacts arising directly from this report.

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Background Papers: None

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To: City Executive Board
Date: 15 September 2016
Report of: Head of Planning and Regulatory Service
Title of Report: Changes to charging for Building Control application fees

Summary and recommendations	
Purpose of report:	To set new Building Control application fees and to introduce one new charge.
Key decision:	Yes
Executive Board Member:	Cllr Alex Hollingsworth, Planning and Regulatory Services
Corporate Priority:	Vibrant and sustainable economy, efficient and effective council, strong and active communities
Policy Framework:	None
Recommendation: That the City Executive Board resolves to:	
1. Approve the proposed Building Control application fees and charges to take effect from 30 September 2016 and that a strategic review of the service will be undertaken by December 2016.	

Appendices	
Appendix 1	Building Control - Existing and proposed fees
Appendix 2	Risk register.
Appendix 3	Equalities Impact Assessment.

Introduction and background

1. Building Control application fees were last amended by Oxford City Council in 2010/11 as a result of a change in legislation and the fees have remained the same since January 2011. The Local Authority (LA) Building Control function has been under scrutiny for several years and it is proposed to undertake a strategic review of the service by December 2016. As part of the review it is now considered appropriate to increase fees and charges to continue to ensure full cost recovery. The Council has a statutory responsibility to administer the Building Regulations but operates the service in a competitive environment where fee income is ring-fenced outside of the general fund and operates on a cost recovery basis.

Alterations to existing fees

2. There are two types of Building Regulation applications submitted to LA Building Control relating to new building work. These are Full Plans and Building Notice applications, both attract the same fee level under the existing 2011 fee tables published by Oxford City Council. With regard to retrospective and unauthorised building work a Regularisation application can be submitted to the LA Building Control.
3. The proposal is to apply a 10% increase to the majority of the application fees as shown in the existing and proposed tables in Appendix 1. This reflects the increase in costs in providing these services and ensures that the Council recovers its costs. There is a proposal for Oxford City Council Building Control to provide bespoke, application fee quotations for building work such as the construction of 3 dwellings or more, large extensions and underpinning works in future. This will ensure cost recovery is achieved.
4. There is a proposal for a significant fee increase for the conversion of garages into habitable rooms. The existing fee is £250.00 including VAT. However, this building work and Building Control activity is more in line with the service delivered for residential extensions and as a result, this particular application requires the same inspections to be carried out by Building Control. Therefore, the proposal is to increase the existing fee in line with the building Control work carried out for a domestic extension, being a minimum of £500.00 including VAT, subject to total floor area.
5. Where building work is delayed or halted several months or years after the Building Regulations application has been submitted to the Council this may result in Building Control work that often exceeds the application fee charged. In these circumstances the Council is allowed to charge a supplementary fee to recover these additional costs and from now on will do so.

Legal Issues

6. The proposed fee increases by Oxford City Council, Building Control are in accordance with The Building (Local Authority Charges) Regulations 2010 (SI 2010/404). These Regulations authorise LAs in England and Wales to fix their own charges in a scheme, based on the full recovery of their costs, for carrying out their main building control functions relating to Building Regulations.
7. The regulations require the charging scheme to set out the hourly rate used to calculate the charges and the factors taken into account in estimating how much time the charged for services will require. These are set out in Schedule 4 of the recommended charging schedule.
8. Where the LA determines a charge other than a standard charge the LA shall give the relevant person notice in writing specifying the charge and the factors taken into account in determining the charge.
9. In accordance with Regulation 10, Oxford City Council, Building Control has provision within the charging scheme for the handling and consideration of complaints relating to the determination of any charge. Complaints and considerations can be submitted using the Council's 3C's webform.
10. Regulation 12 requires a LA to publicise amendments to their charging schemes for at least 7 days before the date on which the changes come into effect. It is

recommended that the proposed increases to existing fees and charges take effect from 30 September 2016.

Financial implications

11. The Building Control income targets are set on a cost recovery basis. Administrative procedures are already in place with regard to obtaining fees arising from charging an increased fee for all Building Control applications and supplementary charges.
12. The fee increase proposals will deliver cost recovery where the Building Control service is exposed to risk as a result of insufficient information being submitted and poor quality builders providing sub-standard workmanship and materials. The proposed fee increase and supplementary charges will address existing financial risks to the Building Control service and reflect the increased costs in the five years since the fees were amended. Currently the costs to the Council of providing the service are higher than the fee income and in 2015/16 there was a charging account deficit of £38,700. The additional Building Control income estimated for 2016/17 is £19,000, rising to £38,000 in 2017/18 and each full financial year thereafter. The strategic review of the service will take into account remaining financial pressures and seek to provide a solution to develop a sustainable Building Control Service.

Level of risk

13. A risk register is included in Appendix 2. The risks are considered manageable, and to be outweighed by the benefits of the proposals offered.
14. To summarise, it is important Building Control application fees ensure full cost recovery, while at the same time remaining competitive in view of the increasing challenge from Approved Inspectors. The proposed application fee increases and supplementary charges will provide an improved Building Control service, allowing the team to further increase their focus on customer service delivery, improved reputation and securing more projects.

Equalities impact

15. No adverse impacts were identified and there is no potential for discrimination from the proposed fees and charges. In addition, Regulation 4 of the Building (Local Authority Charges) Regulations 2010, states that Building Control fees cannot be charged for certified, disabled adaptation applications.

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Background Papers: None

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Appendix 1: Existing and proposed fee tables for Building Control

Schedule 1

Existing and Proposed charges for the creation of or conversion to new dwellings

Number of Dwellings	Existing Building Control Fee inc VAT	Proposed Building Control Fee inc VAT
1	£766	£842.60
2	£1,021	£1,123.10
3	£1,277	Please contact for a quotation
4	£1,481	
5	£1,685	
6	£1,889	
7	£2,094	
8	£2,298	
9	£2,502	
10	£2,706	
>10	Please contact for a quotation	

Regularisation - Regularisation applications made in respect of unauthorised work (i.e. where an application was not made at the time that the work was done) that has been undertaken since 1985, will be charged at an additional 50% of the standard fee, excluding VAT.

Schedule 2

Existing charges for extensions, conversions and other alterations

Type of Work		Existing Building Control Fee inc VAT
1	Erection/extension of a detached or attached garage with a floor area not exceeding 60m ²	£250.00
2	Extension with a floor area not exceeding 10m ²	£455.00
3	Extension with a floor area between 10m ² – 40m ²	£583.00
4	Extension with a floor area between 40m ² – 60m ²	£705.00
5	Extension with a floor area between 60m ² – 100m ²	£766.00
6	Loft conversion	£531.00
7	Basement conversion/works	£531.00
8	Multiple work (e.g. extension & basement/loft conversion/works) up to £100,000	£930.00
9	Conversion of garage to habitable space	£250.00
10	Re-covering of roof / upgrade of thermal elements	£154.00
11	Replacement windows/doors	£123.00

For detached buildings ancillary to the dwelling, refer to the same size extension. <i>Please note some detached, non-habitable buildings less than 30m² in floor area may be exempt from control under the Building Regulations.</i>		
1 2	Conversion of previously exempt buildings to habitable accommodation	£250.00
1 3	Installation of solar panels or PV arrays on the roof	£123.00
1 4	DIY Electrical Installations*	£600.00
Regularisation - Regularisation applications made in respect of unauthorised work (i.e. where an application was not made at the time that the work was done) that has been undertaken since 1985, will be charged at an additional 50% of the standard fee, excluding VAT.		

Proposed charges for extensions, conversions and other alterations

Type of Work		Full Plans and Building Notice Fees Inc VAT
1	Extension including controllable conservatories, not including basements (for more than one extension, use the total sum of internal floor area)	
	Extension up to 10m ²	£500.00
	10m ² – 40m ²	£641.30
	40m ² – 60m ²	£775.50
	60m ² – 100m ²	£842.60
	Over 100m ²	Please contact for quotation
	Basement or part basement	Please contact for quotation
2	Small domestic garages and carports and stores (Detached garages less than 30m² may be exempt)	
	Up to 40m ²	£300.00
	40m ² – 60m ²	£400.00
	Over 100m ²	Please contact for quotation
3	Erection or non-habitable extension of detached building not used solely as a garage/carport/store	
	30m ² – 60m ²	£775.00
	60m ² – 100m ²	£842.60
	Over 100m ²	Please contact for quotation
4	Loft conversion	
	Up to 100m ²	£584.10
	Over 100m ²	Please contact for quotation
5	Conversion of garage to habitable space	
	Up to 10m ²	£500.00
	Up to 40m ²	£641.30
	40m ² – 60m ²	£775.50
	Over 60m ²	Please contact for quotation
6	Controllable work (Not Competent Person Schemes)	
	Rewire/partial rewire of a single dwelling	Please contact for quotation
	Any other controllable electrical work	Please contact for quotation
7	Multiple work (eg extension & basement/loft conversion/works)	

	up to £100,000	£1023.00
	Underpinning	Please contact for quotation
8	Energy efficiency improvements (Not Competent Person Scheme)	
	New and replacement windows and doors (Up to 7 windows and 2 doors to be installed at the same time).	£135.30
	Removal/renovation of a thermal element	£169.40
	Installation of solar panel/s	£250.00
Regularisation - Regularisation applications made in respect of unauthorised work (i.e. where an application was not made at the time that the work was done) that has been undertaken since 1985, will be charged at an additional 50% of the standard fee, excluding VAT.		

Schedule 3

Existing and Proposed charges for works not listed in schedules 1 or 2 i.e. structural alterations, refurbishments, internal alterations.

Estimated cost of works	Building Control Fee inc VAT	
	Existing	Proposed
£0 - £5000	£270.00	£297.00
£5001 - £10,000	£337.00	£371.00
£10,001 - £20,000	£490.00	£539.00
£20,001 - £50,000	£644.00	£709.00
£50,001 - £75,000	£920.00	£1,012.00
£75,001 - £100,000	£1,225.00	£1,348.00
For works costing more than £100,000 please contact the office for a fee quotation - 01865 252807 or buildingcontrol@oxford.gov.uk .		
Regularisation - Regularisation applications made in respect of unauthorised work (i.e. where an application was not made at the time that the work was done) that has been undertaken since 1985, will be charged at an additional 50% of the standard fee, excluding VAT.		

Schedule 4 General

Complaints relating to the determination of any charge can be submitted to:
https://www.oxford.gov.uk/info/20097/report_it_online/512/make_a_comment_compliment_or_complaint

The hourly rate which has been used for the calculation of the charges is £59. In determining the charges the Council has taken account of:

- the existing use of a building, or the proposed use of the building after completion of the building work;
- the different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations;
- the floor area of the building or extension;
- the nature of the design of the building work and whether innovative or high risk construction techniques are to be used;

- (e) the estimated duration of the building work and the anticipated number of inspections to be carried out;
- (f) the estimated cost of the building work;
- (g) whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(6) or 43(4) of the Building Regulations in respect of that part of the work;
- (h) whether in respect of the building work a notification will be made in accordance with regulation 41(4) of the Building Regulations;
- (i) whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;
- (j) whether an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority;
- (k) whether chargeable advice has been given which is likely to result in less time being taken by the local authority to perform the chargeable function;
- (l) whether it is necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of the building work, so far as relevant to each charge.

Appendix 2: Risk register.

					Date Raised	Owner	Gross		Current		Residual		Comments	Controls					
Title	Risk description	Opp/ threat	Cause	Consequence			I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner	
55	Building Control - Increase & Introduce Additional Application Fees	Threat	Increase in application fees	Possible short term reduction in the number of Building Control applications. Possible customer dissatisfaction and the potential for customers to use Approved Inspectors (Private Building Control).	27/07/16	Building Control Team Leader	3	3	N/A	N/A	3	2	Level of charges remains competitive. Benchmarking exercise undertaken with other LAs	Building Control to measure and review application numbers and fee income.	31/03/2017				Building Control Team Leader
	Building Control - Increase & Introduce Application Fees	Opportunity	Review of the Building Control application fees in accordance with the current BPI process. The fees have not been reviewed since 2011 and certain fees are not viable in the current market.	The opportunity to align the fees in relation to the neighbouring LAs. This will ensure cost recovery of officer time spent on applications. Furthermore, the potential to increase the current income for Oxford City Council Building Control.	27/07/16	Building Control Team Leader	2	2	N/A	N/A	3	3	The proposed fee increases have been set in accordance with neighbouring Local Authorities and market tested on historic and current applications.	Record and review the number of applications received. In addition, monitor and review customer feedback via customer feedback and LAGAN.	31/03/2017				Building Control Team Leader

Appendix 3 - Equalities Impact Assessment

Initial Equalities Impact Assessment screening form

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?

None of the groups will be disadvantaged.

Regulation 4 of the Building (Local Authority Charges) Regulations 2010 specifically exempts charges for works related to disabled facilities.

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

No adverse impacts were identified.

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

There is no need to consult on the introduction of new Building Control fees because there are no adverse impacts that have been identified. In addition the regulations specifically exempt charges for works related to disabled facilities.

The Council is required by regulation 12 of the Building (Local Authority Charges) Regulations 2010 to publicise a change in fees and this will be carried out via the website.

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

No adverse impacts were identified.

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

Fees are reviewed on an annual basis. If an unintended consequence has come to light there will be an opportunity to remedy any negative impacts.

Lead officer responsible for signing off the EqIA: Ian Wright

Role: Service Manager

Date: 29 July 2016.

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To: City Executive Board
Date: 15 September 2016
Report of: Head of Financial Services
Title of Report: Treasury Management Annual Report 2015/2016

Summary and recommendations	
Purpose of report:	The report sets out the Council's treasury management activity and performance for the financial year 2015/2016. The report also identifies some reductions in interest rates in 2016/17 and recommends a change to the Treasury Strategy for 2016/17.
Key decision:	No
Executive Board Member:	Cllr Ed Turner, Finance, Asset Management and Public Health
Corporate Priority:	An Efficient and Effective Council.
Policy Framework:	Treasury Management Strategy.
Recommendations: That the City Executive Board resolves to:	
1. Note the report	
2. Recommend that Council approve the amendment to the Specified Investments list attached at Appendix 1 (paragraphs 35 – 37 below)	

Appendices	
Appendix 1	Amended Specified Investments List

Executive Summary

1. The Council held investments of £64.26 million as at 31 March 2016. Interest earned during the year was £0.86 million against an income target of £0.94 million.
2. The average rate of return on the Council's investments in 2015/2016 was 1.17% compared to 1.18% in 2014/15. This was above the Council's performance target of 1.0% (i.e. 0.5% above base rate) and is primarily due to investments in property funds off-setting market investment rates which have fallen to very low levels.
3. The Council has £0.166 million outstanding with the failed Icelandic Banks. £0.217 million was received in year, and it is expected that the majority of the remaining funds will be received in due course. Further information can be found in paragraphs 25-27.

4. The Council held £198.5 million of fixed rate Public Works Loan Board (PWLB) debt as at 31 March 2016. The debt was borrowed in March 2012 to fund the buy-out of the Housing Revenue Account (HRA). All of the debt relates to Housing and the maturity profile ranges from 5 to 41 years. Interest paid on the debt in 2015/2016 was £6.47 million.

Background

5. The primary principle governing the Council's investment decisions is the Security of the investment, with Liquidity and Yield being secondary considerations.
6. The Council has a statutory duty to set, monitor and report on its prudential indicators in accordance with the Prudential Code, which aims to ensure that the capital investment plans of authorities are affordable, prudent and sustainable.
7. When considering whether to borrow, the Council's Debt Strategy requires a number of factors to be considered. These include:
 - prevailing interest rates
 - the profile of the Council's debt portfolio
 - the type of asset being financed
 - the availability of cash balances to finance capital expenditure.
8. The Council fully complied with its Treasury Management Strategy in relation to both debt and investment management in 2015/2016.
9. The prudential indicators detailed in the body of this report compare the Council's outturn position against the target set for 2015/16.

Financing the Capital Programme 2015/16

10. Table 1 below shows actual capital expenditure and financing compared to the original budget.

Table 1

Capital Expenditure	2015/16 Original Budget £'000	2015/16 Actual £'000	Variation £'000
Non-HRA Capital Expenditure	17,858	17,129	(729)
HRA Capital Expenditure	21,047	15,579	(5,468)
Total Capital Expenditure	38,905	32,708	(6,197)
Resourced by:			
Developer Contributions	2,754	706	(2,048)
Capital Receipts	7,288	9,765	2,477
Capital Grants and contributions	947	6,336	5,389
Major Repairs Reserve	6,858	8,177	1,319
Prudential Borrowing	3,268		(3,268)
Revenue	17,790	7,724	(10,066)
Total Capital Resources	38,905	32,708	(6,197)

11. There was also £8.674 million carried forward into 2015/16 from 2014/15 giving a revised budget of £47.579 million. The outturn position shows that £14.87 million less than the budget has been spent. The temporary moratorium imposed on both General Fund and HRA Capital schemes agreed by members at CEB on the 10th September (lifted in December) due to uncertainties around Government funding especially in the HRA was the main cause of the underspend. Overall spend was 69% of the budget compared to 76% (£48.7million spent) in 2014/15. Major variations to the Capital Programme were reported in detail to the June 2016 meeting of this Board.
12. It was originally planned to take out prudential borrowing to finance HRA expenditure, however the HRA new build investment plans had to be scaled back due to Government legislative proposals which led to a revision of the Programme and its financing. The use of capital grants and contributions were higher than budgeted; the main reason for this was additional funding received for the Oxpens development site.

The Council's Overall Borrowing Need

13. The Council's underlying need to borrow, or Capital Financing Requirement (CFR), is a gauge of the Council's level of indebtedness. It represents all prior years' net capital expenditure which has not been financed by other means, i.e. revenue, capital receipts, grants etc.
14. The CFR can be reduced by:
- The application of additional capital resources, such as unapplied capital receipts; or
 - By charging a Minimum Revenue Provision (MRP), or a Voluntary Revenue Provision (VRP)
15. Table 2 below shows the Council's CFR as at the 31 March 2016, this is a key prudential indicator, and shows that actual borrowing is below the CFR:

Table 2

CFR	31 March 2016 Estimate £'000	31 March 2016 Actual £'000	Variation £'000
Opening Balance	222,962	220,706	(2,256)
Prudential Borrowing	3,268	0	(3,268)
Minimum Revenue Provision	(1,113)	(37)	(1,076)
CFR Closing Balance	225,117	220,669	(4,448)
External Borrowing	201,770	198,528	(3,242)
Variation	(23,347)	(22,141)	

16. No new debt was taken out during 2015/16 and as at 31 March 2016 the Council's total external debt was £198.5 million. This is below the CFR and indicates that the Council continues to internally borrow. The MRP was reduced from that estimated due to: a) the decision to fund new vehicles from capital receipts in 2014/15 and

hence no MRP being required for borrowing in relation to vehicles in 2015/16 and b) a reduction in the MRP that the Council makes on the non-Housing assets transferred from the HRA to the General Fund due to a reassessment of the calculation.

Treasury Position at 31 March 2016

17. Whilst the Council's gauge of its underlying need to borrow is the CFR, the treasury function manages the Council's actual borrowing position by either:
- Borrowing to the CFR;
 - Choosing to utilise temporary cash flow funds, instead of borrowing (known as "under borrowing");
 - Borrowing for future increases in the CFR (borrowing in advance of need)
18. The Council's treasury position as at the 31 March 2016 for both debt and investments, compared with the previous year is set out in Table 3 below:

Table 3

Treasury Position	31 March 2015		31 March 2016	
	Principal £'000	Average Rate %	Principal £'000	Average Rate %
Borrowing				
Fixed Interest Rate Debt	199,423	3.39	198,528	3.15
Total Debt	199,423	3.39	198,528	3.15
Investments				
Fixed Interest Investments	35,200	0.53	46,500	0.64
Variable Interest Investments	5,890	0.42	7,760	0.44
Property Funds	9,800	4.03	10,000	4.05
Total Investments	50,890	1.18	64,260	1.17
Net Position	148,533		134,268	

The average investment rate shown above is 1.17% for 2015/16 which is above the Council's target of 0.5% above base rate (1% in total). Despite this, the Council did not achieve the level of investment income that had been budgeted by £0.080 million. This is because the budget had incorporated anticipated rises in base rates which was the market intelligence at the time the budgets were set. The lack of a base rate rise had led to the situation of the budgeted income not being achieved even though performance against the target of 0.5% above base rate was achieved.

Prudential Indicators and Compliance Issues

19. Some of the prudential indicators provide an overview, others a specific limit on treasury activity. These are detailed below:
20. **Net Borrowing and the CFR** – In order to ensure that borrowing levels are prudent, the Council's external borrowing (net of investments) over the medium-

term must only be for a capital purpose, and not exceed the CFR except in the short-term. In the short term the Council can borrow for cash flow purposes, although this has not been necessary in recent years. Table 4 below highlights the Council's net borrowing position against the CFR, and shows that it is significantly below the limit, due to the level of internal borrowing that has been undertaken.

Table 4

Net Borrowing & CFR	31 March	31 March
	2015	2016
	Actual	Actual
	£'000	£'000
Total Debt	199,423	198,528
Total Investment	50,890	64,260
Net Borrowing Position	148,533	134,268
CFR	220,706	220,669
Under Borrowing plus Investments	72,173	86,401

21. In the current climate, internal borrowing is preferable to borrowing externally as the interest rate payable on an external loan is much higher than that which can be earned on investments. Therefore, forfeiting interest receivable on investments is more economical than paying additional interest charges for new external debt. Clearly, if the net borrowing position and/or CFR changed significantly, the prospect of taking on additional debt would be reviewed.
22. **The Authorised Limit** – The Authorised Limit is the 'affordable borrowing limit' required by S3 of the Local Government Act 2003. The Council does not have the power to borrow above this level unless it explicitly agrees to do so. Table 5 below demonstrates that during 2015/16 the Council's gross borrowing was within its Authorised Limit. The Authorised Limit allows the Council to borrow against the future CFR if required, with a little headroom.

Table 5

Authorised Borrowing	31 March 2015		31 March 2016	
	Estimate	Actual	Estimate	Actual
	£'000	£'000	£'000	£'000
Borrowing	247,000	199,423	247,566	198,528
Other Long Term Liabilities	0	0	0	0
Total Borrowed	247,000	199,423	247,566	198,528
Amount under Limit	47,577		49,038	

23. **The Operational Boundary Limit** – the Operational Boundary Limit is the expected borrowing position of the Council during the year. It is possible to exceed the Operational Boundary Limit, for a short period of time, providing that the

Authorised Borrowing Limit is not breached. Table 6 below shows the limits for the last two financial years. They were not breached during either period.

Table 6

Operational Boundaries	31 March 2015 £'000	31 March 2016 £'000
Borrowing	236,000	234,000
Other Long Term Liabilities	0	0
Totals	236,000	234,000

24. **Actual financing costs as a proportion of net revenue stream** – this indicator identifies the trend in the net cost of capital against the net revenue stream and is an indicator of affordability. Table 7 below shows that for the General Fund, the ratio is negative as external loans have been repaid and investment income is positive. The HRA ratio has improved slightly due to an increasing income stream meaning that financing costs as a proportion have fallen.

Table 7

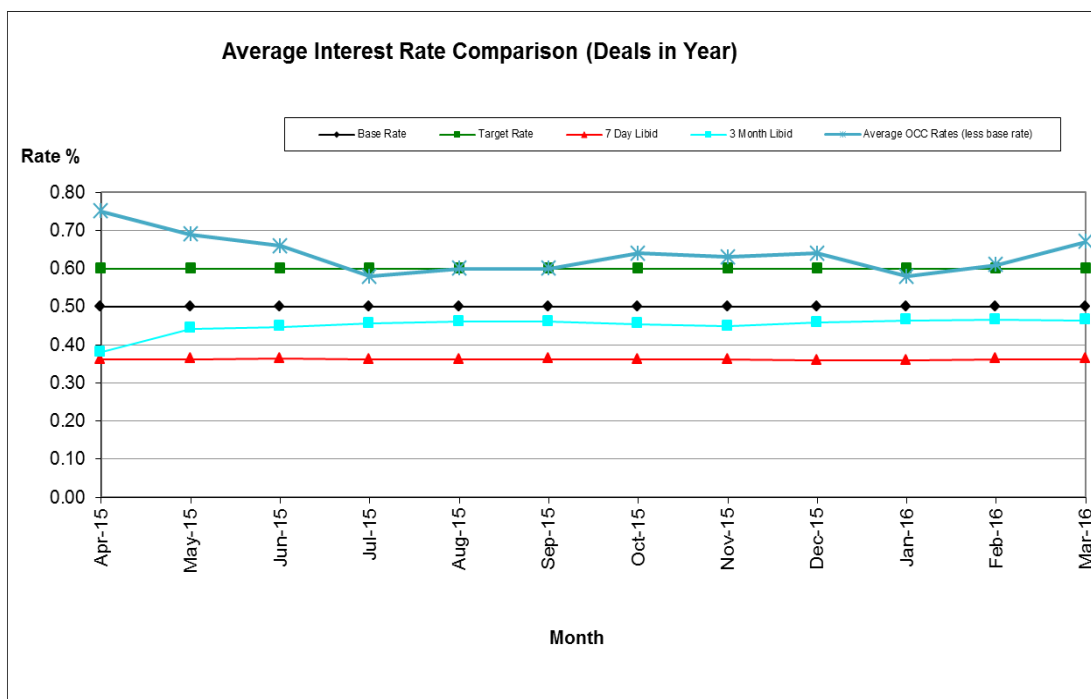
Actual Finance Costs	2014/15 £'000	2015/16 £'000
Indicators		
Original Indicator - Authorised Limit	247,000	247,566
Original Indicator - Operational Boundary	236,000	234,000
Financing Costs as a proportion of Net Revenue Stream - General Fund	-0.15%	-0.09%
Financing Costs as a proportion of Net Revenue Stream - HRA	17.7%	16.8%

Icelandic Banks

25. During 2008/09 the Council invested £4.5 million with two of the now failed Icelandic banks: £3.0 million was deposited with Heritable Bank and £1.5 million with Glitnir Bank.
26. As at 31 March 2016, the Council had received approximately £2.94 million of its original Heritable Bank investment. A repayment of £0.119 million was received in 2015/16. A balance of £0.060 million remains. The prospect of a full recovery is uncertain.
27. As at 31 March 2016, the Council had received approximately £1.394 million of its Glitnir investment. A repayment of £0.098 million has been received in 2015/16. A balance of £0.106 million remains with the potential to recover this in due course.

Investment Income

28. The following graph shows the monthly average interest earned by the Council in comparison to the base rate and also in comparison to its benchmarks: 3-months Libid and 7-day Libid.



29. As illustrated above, the Council's average monthly rate of return fluctuated around the benchmark throughout the year. It exceeded the benchmark for eight months, met the benchmark for two months and dropped below for two months.
30. The Council manages its investments in-house and invests with institutions listed in the Council's approved counterparty list. The Council invests for a range of periods from overnight to 364 days, dependant on cash flow needs, its interest rate view, the interest rates on offer and durational limits set out in the Council's Investment Strategy.
31. During 2015/16, the Council maintained an average investment balance of £74.8million and received an average return of 1.17%. This is above the target of 1% and is mainly due to investment in property funds. It is important to note that market rates have continued to drop throughout the financial year and that for many of the approved counterparties, the Council has not been able to achieve the same rate of return as in previous periods.
32. The Property Funds are classified as Non-specified Investments within the approved Strategy. The current rate of return on the investments is circa 4.05% per annum. The capital value of the Communities, Churches and Local Authorities Fund has increased by 28.32% since April 2013 and the Lothbury fund has similarly increased by 15.74% since August 2014. This capital value can also fluctuate downwards. However the Council joined the property funds as a long term investment because of the revenue stream. It is expected that the capital values will vary up and down in line with the property market and the overall position is monitored on a monthly basis. Since 31 March 2016 there has been a sharp reduction in the capital value of the property funds due to reductions in property values post-Brexit. The Council entered into the property funds to achieve a revenue return and, whilst the capital value has reduced, it is still significantly above the purchase value.
33. Actual investment income for 2015/16 was £0.86 million; this was marginally lower than the original budget of £0.94 million. Market rates continue to be very low and

as security of investment is the Council's primary concern, it has not always been possible to invest cash at more favourable rates.

34. Fluctuations in the Council's balances have been managed through a mix of instant access and notice accounts, money market funds and short term deposits (up to 364 days). This approach is in line with the Investment Strategy approved by Council.

Interest Rates since 31 March 2016

35. The Council takes advice from Capita on the appropriate durations to place investments with counterparties. These durations and also the availability of individual counterparties change based on market conditions and the credit ratings of the individual institutions. This means that the investment portfolio has to be actively managed to ensure both the availability of enough suitable counterparties and that the Council achieves the best interest rates possible within the agreed security and liquidity parameters.
36. Following the result of the referendum on 23rd June 2016, there have been further downward pressures on interest rates. The Bank of England's Monetary Policy Committee did not adjust the Base Rate when it met in July, however the release of economic data showing that the Brexit implications were more significant than first thought meant that the MPC Committee cut bank base rate by 0.25% to a record low of 0.25% at its meeting on the 4th August. Capita have revised their interest rate forecasts and expect base rate to be cut further to 0.10% in December 2016. The forecast goes on to suggest no rise in base rate until quarter 2 of 2018.
37. Under the current market conditions, Money Market Funds (MMFs) are paying higher interest rates than many six-month investments. MMF rates as at the beginning of August are up to 0.52% and six month investments have been quoted at rates down to 0.16%. MMFs are amongst the most liquid of Council's investment portfolio; they do not need the Council to give notice and, providing the Council requests funds by midday, the investment will be transferred into the Council's bank account that same day. MMFs are ordinarily used to provide cash flow flexibility to allow money to be accessed and invested quickly and to deal with fluctuations in cash flow.
38. To take advantage of the preferential rates MMFs are currently offering the Council needs to increase the amount that can be invested in MMFs. It is therefore recommended that the 2016/17 Treasury Strategy is amended to allow an investment limit of £25 million in MMFs, an increase of £5 million on the current limit. The revised Specified Counterparty List is attached at Appendix 1 with the proposed change shown in bold italics.

Counterparty Changes

39. Following a tender process, Barclays Bank UK plc now provides the Council's banking services.

Financial implications

40. These are set out within the body of the report.

Legal issues

41. The Council is required to report on its Treasury Management Function on an annual basis. This report meets that requirement.

Level of risk

42. There are no risks in connection with the report's recommendations. Risk assessment and management is a key part of Treasury Management activity, especially in the selection of counterparties when investment is being considered. The Council uses external advisors and counterparty credit ratings issued by the rating agencies to assist in this process.

Equalities impact

43. There is no equalities impact relating to this report.

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Job title	Financial Accounting Manager
Service area or department	Financial Services
Telephone	01865 252607
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Background Papers: None

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Amended Specified Investments List

Specified Investments – These investments are sterling investments that do not exceed a maturity period of more than one year, or those which could be for a longer period but where the Council has the right to be repaid within twelve months if it wishes. These are considered low risk assets where the possibility of loss of principal or investment income is small. These would include sterling investments which would not be defined as capital expenditure with:

1. The UK Government (such as the Debt Management Account deposit facility, UK Treasury Bills or Gilts with less than one year to maturity).
2. Supranational bonds of less than one year's duration.
3. A Local Authority, Parish Council, Community Council, Fire or Police Authority
4. Pooled investment vehicles (such as money market funds) that have been awarded a high credit rating by a credit rating agency. For category 4, this covers pooled investment vehicles, such as money market funds, rated AAA by Standard and Poor's, Moody's or Fitch rating agencies.
5. A body that is considered of a high credit quality (such as a bank or building society) meeting the minimum 'high' quality criteria where applicable.

Additionally, and in accordance with the Code, the Council has set duration and value limits as follows:

Specified Investments - Limits on value and period

	Minimum credit criteria/colour banding	Max % of total investments / £ limit per institution	Max maturity period
Debt Management Office – UK Government	Not applicable	100%	364 days
UK Government Gilts	UK Sovereign rating	20%	364 days
UK Government Treasury Bills	UK Sovereign rating	20%	364 days
Bonds issued by multilateral development banks	UK Sovereign rating	20%	6 months
Money Market Fund	AAA	£25m	Liquid
Local Authorities, Fire and Police Authorities		20%	364 days
Term deposits with banks and rated building societies	Blue Orange Red Green	£15m or 20% of total investments whichever is the greater	Up to 1 year Up to 1 year Up to 6 Months Up to 100 days
Certificate of Deposit or corporate bonds with banks and building societies	Blue Orange Red Green	£10m or 20% of total investments whichever is the greater	Up to 1 year Up to 1 year Up to 6 Months Up to 100 days
Enhanced Cash funds		20%	6 months
Corporate bond funds		20%	6 months
Gilt Funds	UK sovereign rating	20%	6 months

The colour ratings above for the Term deposits with banks and rated building societies and Certificates of Deposit or corporate bonds with banks and building societies link the durations in the right hand column to colour coding used in Capita's Credit List i.e. Blue and Orange coloured institutions can be allow investments of up to a year according to the Capita Credit List

To: General Purposes Licensing Committee

Date: 20 September 2016

Report of: Head of Community Services

Title of Report: Hackney Carriage & Private Hire: Proposals to amend the criteria and conditions applicable to the licensing of the Hackney Carriage and Private Hire trades in light of the Oxfordshire Joint Operating Framework for Taxi Licensing.

Summary and Recommendations

Purpose of report: To seek the approval of amendments to the criteria applicable to the Hackney Carriage and Private Hire trades in order to promote safeguarding and awareness of safeguarding.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy
Cleaner, Greener Oxford
Policy on the Relevance of Warnings, Offences,
Cautions and Convictions

Recommendation(s):

The Committee is recommended to:

- i) approve the proposed amendments to the criteria and conditions applicable to licensed drivers as detailed within this report; and
- ii) recommend the amendments to Council for adoption.

Additional Papers: None

Appendix One: Revised Driver Application Pack

Introduction

1. The Serious Case Review into Child Sexual Exploitation in Oxfordshire (known as Bullfinch) made a series of recommendations regarding Taxi Licensing functions across Oxfordshire.
2. This Authority put a significant number of measures in place both prior to and since the Serious Case Review findings were published, and has developed a

Joint Operating Framework with the other Oxfordshire district councils, and Oxfordshire County Council.

3. The proposals in this report further promote the safeguarding of children, vulnerable persons and the public within Oxford, and will also be adopted by our neighbouring authorities in due course.

Background

4. Since 1st March 2011 a robust vetting process for all applications has been in place within the Taxi Licensing functions, and any concerns are put before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine.
5. Since June 2014, a basic safeguarding awareness training has been introduced within our criteria for all new applicants by way of the Local Knowledge and Safeguarding Test and the Disability Awareness and Safeguarding Awareness Course, and the criteria put in place locally has been adopted by our neighbouring authorities.
6. The Joint Operating Framework developed across the county requires all of the Licensing Authorities to work to similar standards. Our neighbouring authorities are committed to the mandatory training and will be amending their policies accordingly. The proposals that require the approval this Committee and Council are:
 - ***The introduction of Mandatory Safeguarding Awareness Training to be attended by all licensed drivers.***
 - ***Requiring all drivers to sign up to the Enhanced Disclosure and Barring Services (DBS) Update Service.***

Mandatory Safeguarding Awareness Training

7. In response to the recommendation of the Serious Case Review that all licensed drivers across Oxfordshire undertake the same level of Safeguarding Awareness Training, Oxfordshire County Council tendered for and appointed a training provider.
8. The content of this training has been approved by Oxfordshire County Council's Local Designated Officer for child safeguarding and the Serious Case Review recommends that all licensed drivers across all of the Oxfordshire District Council complete such training.
9. The County Council will only finance the training for those drivers who provide School Transport Services, and whilst this should account for the majority of licence holders, steps need to be taken to ensure that all Oxford City Council licensed drivers have attained this enhanced level of training.
10. The cost of this Safeguarding Awareness Training is £15.00 per attendee. Whilst the County Council will meet the costs associated with all those who provide School Transport Services, it is proposed that the Licensing Authority meet these costs for those remaining licence holders who do not provide

School Transport Services (the majority of licence holders do provide School Transport Services).

11. It is proposed that this Safeguarding Awareness Training becomes a “pre-application” requirement for applicants prior to their appointment to submit their completed application to the Licensing Officer. This will be implemented with immediate effect for any person yet to submit an application to the Licensing Authority.
12. The cost per attendee that the Licensing Authority will incur for applicants to attend this training will be built into the charges associated with the new applicant application process, and charged at cost recovery (£15).
13. It is proposed that the Head of Community Services write to all existing licence holders informing them of this training requirement, and that no licence will be renewed until this training has been completed.
14. In order to allow time for the trade to digest this information and book onto the Training course, it is proposed that the requirement on existing licence holders take effect from 3rd April 2017 in order that the costs incurred by the Licensing Authority be met within the 2017/18 Council year.

Mandatory requirement for Drivers to sign up to the Disclosure and Barring Service (DBS) Update Service

15. The DBS Update Service is an online service provided by the DBS that allows applicants to keep their DBS certificates up to date, and for employers and approved organisations (i.e. a Licensing Authority) to check a DBS certificate without the need for a new DBS Mandate to be completed and sent for processing.
16. The benefit to drivers and to the Licensing Authority of the Update Service is that the driver does not need to apply for a new Enhanced DBS check and wait for the DBS certificate to be issued and posted to him/her when a re-check on an individual’s status is required. Further details as to the Update Service can be found online at: <https://www.gov.uk/dbs-update-service>
17. The Committee is asked to note that should the Update Service reveal a change to a person’s DBS status (i.e. that new information relating to his/her criminal record is available), then in order for Officers to acquire the relevant information that caused the change of status, the driver will be required to complete a new Enhanced Disclosure and Barring Services Mandate. The driver must then await the issue of a new DBS Certificate before any decision on his/her suitability to continue to hold a licence can be made.
18. Since 1st March 2011 this Authority has maintained a robust vetting process for all applications made within the Taxi Licensing function, and this vetting process is used as a benchmark across the County as a result of the findings of the Serious Case Review, and the requirements of the Joint Operating Framework.

19. An issue that has frequently arisen when applications to renew a licence coincide with the requirement for an Enhanced DBS Disclosure to be renewed. The time taken for the DBS to issue the Disclosure can exceed the period of time between the applicant attending an appointment with the Licensing Officer and the date upon which the licence expires.
20. Various different solutions to this problem have been trialled, however none have been found to be satisfactory, owing to a small proportion of drivers failing to inform the Licensing Authority of matters that have occurred of a criminal or motoring matter during the period that the licence had effect.
21. In order to not delay the processing of licence renewal applications, and to further enhance our already robust approach when carrying out background checks, it is proposed to make it a mandatory requirement of all driver applicants to sign up to the DBS Update Service by way of the addition of a condition to a licence.
22. By making the above a mandatory requirement, it will immediately remove the problems faced by both Officers and licence holders relating to the slow processing of Disclosure applications. This in turn will provide confidence to the Licensing Authority and the general public that no drivers will be driving a licensed vehicle on an expired Hackney Carriage and Private Hire Driver Dual Licence or Private Hire Driver Licence whilst the Licensing Authority awaits the return of their DBS Disclosure.
23. The cost of enrolling to the Update Service (currently an annual payment of £13.00) is payable by the applicant directly to the Disclosure and Barring Services.
24. The condition that is proposed reads as follows (this will be included as Condition 73 of a Hackney Carriage and Private Hire Dual Licence, and included as Condition 68 of a Private Hire Driver Licence):

The driver shall enrol with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of this licence.
25. It is proposed that with effect from 2nd April 2018 that it be a mandatory requirement for all licence holders to have signed up to the DBS Update service.
26. In order that the Trade is fully aware of this requirement, the communication detailing the Mandatory Safeguarding Awareness Training will also provide information relating to the DBS Update service requirement.
27. A copy of the Driver Application Pack is attached at **Appendix One**, and Members will find at Pages 1, 2, 3, 4, 9, 12 and 17 (and highlighted in yellow

to assist) the necessary amendments that will be made should the proposals contained within this report be approved.

Financial Considerations

28. Any financial matters contained within this report are met through the Licensing Authorities own budgets, without any costs being passed on to existing licence holders. A charge of £15.00 for new applications is to be implemented to recover the cost of the Mandatory Safeguarding Awareness Training that the Authority will be recharged by Oxfordshire County Council (such a charge is only applicable to “new applications” for a Hackney Carriage and Private Hire Driver Dual Licence or a Private Hire Driver Licence).

Legal Considerations

29. A district council shall not grant a licence to drive a Hackney Carriage or Private Hire vehicle unless satisfied the applicant is a fit and proper person to hold a driver’s licence ((Local Government (Miscellaneous Provisions) Act 1976 sections 51 & 59)). The Licensing Authority may be guided by its own policy and criteria in assessing the fitness of applicants.
30. The Local Government (Miscellaneous Provisions) Act 1976 at sections 51 (Drivers of Private Hire Vehicles – as we issued dual licences this also applies to those who drive Oxford licensed Hackney Carriage Vehicles) allows the Licensing authority to attach to licences such conditions as it considers reasonably necessary.
31. Any licence holder aggrieved by any condition attached to their licence may appeal to the Magistrates’ Court.

Recommendations

32. The Committee is recommended to:
 - i) approve the proposed amendments to the criteria and conditions applicable to licensed drivers as detailed within this report; and
 - ii) recommend the amendments to Council for adoption.

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COMMUNITY SERVICES

www.oxford.gov.uk



APPLICATION PACK FOR:
HACKNEY
CARRIAGE &
PRIVATE HIRE
DRIVER LICENCE



VERSION: AUTUMN 2016

OXFORD CITY COUNCIL

HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE APPLICATION PACK

CONTAINED WITHIN THIS APPLICATION PACK YOU WILL FIND:

CONTENT	PAGE
INTRODUCTION	1
OXFORD CITY COUNCIL LICENSING TEAM DETAILS	2
NEW APPLICANT INFORMATION	2
CRITERIA FOR NEW APPLICANTS TO PROVE THEIR SUITABILITY	2
CURRENT LEVELS OF FEES AND CHARGES	4
PROCEDURE FOR A NEW HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE	5
PROCEDURE TO RENEW A ONE YEAR HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE	5
PROCEDURE TO RENEW OR CHANGE TO A THREE YEAR HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE	6
PROCEDURE FOR ATTENDING A “DECLARATION” APPOINTMENT	6
CONDITIONS: HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE	6
CONDITIONS: PRIVATE HIRE DRIVER LICENCE	10
ENFORCEMENT PROCEDURES	13
OFFENCES	13
SAFEGUARDING: HUMAN TRAFFICKING – EXPLOITATION OF VULNERABLE PERSONS	14
TRANSPORTING DISABLED PASSENGERS	15
HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS	15
EQUALITY ACT 2010	16
ENHANCED DISCLOSURE & BARRING SERVICES REPORT INFORMATION	17
PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.	18
POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS	19
GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS	23
TABLE OF REHABILITATION OF OFFENDERS ACT	26
APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE	27
DVLA MANDATE	29
MEDICAL REPORT	31

INTRODUCTION

It is important that you read this application pack in full before applying for a Hackney Carriage or Private Hire Drivers Licence. This application pack should be kept for future reference so that you are fully aware of the procedures for obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.

The Council licences Hackney Carriage and Private Hire drivers, vehicles and Private Hire Operators. The authority for doing so was adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part 2, together with the Town Police Clauses Act 1847, and the Public Health Act 1875.

Appointments

Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain or renew a licence must be made by way of a **pre-booked appointment** with the Licensing Officer.

New Licence

Licences will be issued for a maximum duration of three years **subject to the applicant having undertaken the Safeguarding Awareness and Training hosted by the Oxfordshire County Council since 16th May 2016**, or for a lesser period if you so require (this will be for a maximum duration of one year). In all cases a licence will only be issued subject to the Licensing Authority being satisfied that the applicant is "fit and proper" to be issued with the licence.

The Licensing Authority issues 2 types of driver licences:

- **Hackney Carriage & Private Hire Driver (Dual) Licence**
- **Private Hire Driver Licence**

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Renewal of Licence

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Under no circumstances will licences be issued without full and satisfactory checks having first been carried out, including Medical Reports, DVLA Disclosure and Enhanced Disclosure & Barring Service Report. **To avoid delay, applicants are advised to submit an application no later than 8 weeks before the expiry of their current licence, by way of a pre-booked appointment with the Licensing Officer. A licence cannot be renewed unless all of the necessary checks have been completed.**

If you do not book an appointment before your current licence expires, a period of 12 months is permitted to allow you to reapply for a licence without having to undertake the requirements for New Applicants. However, you will be required to renew your Enhanced Disclosure & Barring Service Report, DVLA Disclosure and Medical Report.

Any licence holder seeking a three year licence will be required to renew their Enhanced Disclosure & Barring Services Report, DVLA Disclosure and Medical Report, even if such Reports and Disclosures were carried out less than 3 years previously, in order to ensure that the Licensing Authority may undertake up-to-date background checks to assist with the grant of the licence. Furthermore, holders of a three year licence will be required to participate in annual "**declaration**" appointments with the Licensing Officer.

From 2nd April 2018 no licence will be issued unless the licence holder has successfully completed the Safeguarding Awareness and Training hosted by the Oxfordshire County Council since 16th May 2016, and unless the licence holder has signed up to the DBS Update Service.

If you are already permitted to carry out the transportation of children on behalf of Oxfordshire County Council (i.e. hold a "**School Badge**") you will already possess the necessary Safeguarding Awareness and Training Certificate if it was issued after 16th May 2016.

Suitability

The Council reserves the right to require any applicant or existing licence holder to provide additional DVLA Disclosures, Enhanced Disclosure & Barring Service Reports or full Medical Reports if the Licensing Officer has reason to believe that such a person's circumstances may have changed since the application was made.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence

It must be clearly understood that the Hackney Carriage or Private Hire Drivers Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. The licence may also be suspended if the drivers Department of Transport drivers licence is suspended or revoked by a Court of Summary Jurisdiction. Any caution, conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately. The attention of drivers and applicants for a Drivers Licence is drawn to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, whereby a District Council may suspend, revoke, or refuse the renewal of a licence where the driver has been convicted of any offence involving dishonesty, indecency, violence or any other reasonable cause. The Council reserves the right to consider other matters which do not amount to a conviction but which they feel are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Ability to Work in the UK

The Council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence to drive a licensed vehicle. For this reason all applicants (new and those applying to renew their existing licence) must provide evidence to show that they are entitled to work in the UK (without restriction; those persons who have restricted ability to work in the UK will NOT be granted a licence). If you are granted full entitlement to work for 12 months at a time, you will be required to resubmit your documents every 12 months to show that your entitlement has been renewed/extended. If, at any time, your entitlement is removed, your licence will be revoked. Further information regarding what documents you can submit with your application to show your entitlement are given later in this document, 'Prevention of Illegal Working', and can be obtained from the website: www.bia.homeoffice.gov.uk.

DVLA Disclosure

The grant / renewal of a licence is subject to a check being made with the Driver & Vehicle Licensing Agency (DVLA) in respect of any relevant driving convictions. This DVLA check is carried out at the time that the application is made or sooner if the Licensing Officer has reason to believe that it should be.

Enhanced Disclosure & Barring Service (DBS) Report

The grant / renewal of a licence is subject to an Enhanced Disclosure & Barring Service Report. The DBS check is carried out every 3 years or sooner if the Licensing Officer has reason to believe that it should be. It is strongly recommended that licence holders sign up to the DBS Update service (and from 2nd April 2018 this is a mandatory requirement for all licence holders to sign up to and maintain), which allows for an instant online check to be carried out, and prevents delays when processing your licence application.

Medical Certificate

Before a licence can be issued the applicant must be certified fit to be a Hackney Carriage or Private Hire driver by his or her GP/Doctor. The approved form to be used for this purpose is included in this pack. Your GP/Doctor may charge a fee for this examination. Applicants are required to undergo a medical examination for periods according to the following age groups:
Aged to 65: every 6 years; Aged 65 or over: annually

CONTACT DETAILS:

Licensing Team, Oxford City Council, St. Aldate's Chambers, St. Aldate's, Oxford. OX1 1DS.

Tel / Fax: 01865 252115 Email: licensing@oxford.gov.uk Website: www.oxford.gov.uk/taxilicensing

NEW APPLICANT INFORMATION

A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months or more before the application form was received by the Licensing Officer.

First time applicants must at the time of application:

- Have held a current licence to drive a motor vehicle (not being a provisional licence) issued in accordance with the Road Traffic Acts, for a period of not less than 24 months prior to the date of application.
- Demonstrate competency in written and oral comprehension of the English Language before the grant of a Hackney Carriage or Private Hire Drivers Licence. This must include a recognised qualification in the English language.
- Have undertaken, and be able to provide evidence that they have passed the Driver Standards Agency or Oxford City Council Assessment for Hackney Carriage and Private Hire vehicles.
- Undertake the Council's Disability Awareness & Safeguarding Course.
- Undertake and pass the Council's Local Knowledge & Safeguarding Test (relevant to the licence that they are applying for)

NOTE: A person already licensed by the Authority as a Private Hire Driver, who wishes to acquire a licence to drive Hackney Carriage vehicles, shall be subject to the criteria applicable to New Applicants, irrespective of what information is currently held regarding such a person by the Licensing Authority. Therefore any DVLA Disclosure, Enhanced Disclosure & Barring Service Report, Medical Report and Disability Awareness and Safeguarding Training (if such training is not of the same level as in place at the time of the application being made) obtained whilst the applicant carried a Private Hire Driver licence, will not be accepted as the applicants means to prove his or suitability for a licence to drive Hackney Carriage vehicles, as the grant of such a licence is deemed to be the grant of a new licence.

CRITERIA FOR NEW APPLICANTS TO PROVE THEIR SUITABILITY

ENGLISH LANGUAGE COMPETENCY CRITERIA

It is a requirement of the Licensing Authority that you have an adequate knowledge of both written and spoken English, and must show proof of your competency by means of a relevant certificate / qualification at the time of submitting your application. For example a GCSE English Examination Certificate, a Certificate from a Language School, etc However, if the Licensing Officer is not satisfied with your spoken and written standard of the English language during your appointment, this may require you to gain a further certificate of competency from an English Language School, before your application can be considered further.

We are aware that not everyone will necessarily have a relevant qualification, or may not be able to find their Certificate. In order to assist you in meeting our criteria, please read the notes below:

- a) If you have a recognised qualification in the English Language, but cannot find your Certificate, please visit the National Consortium for Examinations Results website: <https://www.ncer.org/LostCerts.aspx> where you will find information as to how to obtain duplicate certificates or a "Statement of Results".
If you do not have any qualification in the English Language, you may wish to contact ESOL at Oxfordshire County Council Adult Learning on 01865 778827 to enrol in an English Language Course where you will be assessed as to your current level of competency, and informed of which course to enrol on, in order to become qualified. Visit the Skills For Life pages of the Oxfordshire County Council website: <http://www.oxfordshire.gov.uk/cms/content/skills-life> for further details. The Licensing Authority will accept "ESOL English: Entry Level 2" as a recognised qualification.
- c) Alternatively, you may wish to make your own arrangements with a School of Languages of your own choice; however, it is advisable to check the level of competency that you must attain.

DRIVER ASSESSMENT CRITERIA

It is a requirement that all new applicants pass either the **Driver Standards Agency (DSA) Taxi Driving Test (Enhanced Assessment for Hackney Carriage Driver applicants, or the Standard Driving Assessment for Private Hire Driver applicants)** or **Oxford City Council's Taxi / Private Hire Driver Assessment** prior to submitting an application to the Council to become a licensed driver. The standard of the Assessments are set at a level suitable for a full driving licence holder. It is therefore higher than the learner driver test. Full details as to what the assessment consists of can be found online at either <http://www.dft.gov.uk/dsa> (for the Driver Standard Agency) or <http://www.oxforddirectservices.co.uk/drivingassessment> (for the Oxford City Council Driver Assessment), and you will also find further information about the assessments on the Council's website.

To book your **Driver Standards Agency (DSA) Taxi Driver Test** (and to select the appropriate test for the type of application you wish to make) visit the DSA website, or call 0300 200 1122. You will be given times, dates and locations when you book your assessment.

Alternatively, to book your local **Oxford City Council Driver Assessment for Taxi / Private Hire Driver Assessment**, please telephone 01865 252944 or visit the Council depot reception area at Marsh Road, Cowley, Oxford OX4 2HH. The frequency of the Council Driver Assessment is higher than that offered by the Driver Standards Agency.

MANDATORY SAFEGUARDING AWARENESS TRAINING

It is a pre-application requirement for all new applicants to attend the Oxfordshire County Council Safeguarding Awareness Training, and provide proof of this when submitting any new application for a Hackney Carriage or Private Hire Driver Licence with this Authority. The cost of the Mandatory Safeguarding Awareness Training is built into the New Applicant fee payable to Oxford City Council.

In order to arrange to take this training, you will need to go online to: <http://diversiti.uk/book-your-safeguarding-training/> and click onto the **'Book Your Safeguarding Training/Diversity UK'** website link and follow the instructions from there.

When on the Diversiti website you will be instructed to enter the following information:

- **Your Unique reference Number - Not applicable if you do not also hold an Oxfordshire County Council School Transport Services Badge**
- **Your Full Name**
- **Your Date of Birth**
- **The name of the District Council you are licenced with (if applicable)**
- **Name of Service Provider employer by (or will be employed by)**

You will be sent an email confirmation of your training course booking. Any reading to complete before the session or anything required to bring with you to the session will be included & explained on the email.

Upon completing the training you will be issued a Training Certificate which you will need to bring with you to your appointment with the Licensing Officer.

DVLA DISCLOSURE & DISCLOSURE & BARRING SERVICE REPORT CRITERIA

Oxford City Council's prime consideration is to the safety of the travelling public and part of the enquiries that the Licensing Officer is required to make before a Hackney Carriage or Private Hire Driver licence may be granted are to carry out checks on both of your driving licence and to check for any previous criminal convictions.

A Hackney Carriage or Private Hire Drivers Licence will not be issued to any new applicant who has not held a full United Kingdom driving licence carrying the applicant's current address, for a minimum of 24 months, or held a licence from another EEA state for a minimum of 24 months together with a DVLA counterpart showing the applicant's current address. You must also provide a copy of your driving record in English to include motoring convictions. Applicants who hold a DVLA driving licence are required to agree to the provision of a check on their driving history, and the approved form is included in this Application Pack.

If the DVLA driving licence of an applicant is revoked with six or more penalty points during the first two years of passing the driving test, then a period of 24 months following the restoration of the licence must have passed before a Hackney Carriage or Private Hire driving licence can be considered.

You should also note that new applicants are normally not considered if they have more than 3 penalty points in the previous 12 months or in the previous 2 years have been convicted of a single offence carrying 5 points or more or offences totalling more than 6 points. Licences will not normally be granted until 2 years after any period of disqualification has expired.

You are required to complete an Enhanced Disclosure & Barring Service application and advised to sign up to the DBS Update service (and from 2nd April 2018 this is a mandatory requirement for all licence holders to sign up to and maintain). If you have not been a resident in the UK for 5 years you will need to provide proof that you do not have a criminal record, such as a Certificate of Good Conduct from the country in which you have been resident (which must be in English) for the period you lived outside the UK.

The Disclosure & Barring Service check can take up to eight weeks to be issued even when all the forms are correctly completed, hence why we advise you to sign up to the DBS Update service in order to prevent delays to the issue of the licence. The DVLA check is carried out online, however, on rare occasions it may need posting to the DVLA and this can take up to 3 weeks to complete. Oxford City Council has a Code of Practice in respect of checks made through the Disclosure & Barring Service which will be made available upon request. The Enhanced Disclosure & Barring Service application form can be obtained by contacting the Licensing Team, or from our St Aldate's Chambers reception area.

Applicants who have been resident in the UK for less than five years from the date of application are required to provide an Enhanced Disclosure & Barring Services Report, Certificate of Good Conduct or an equivalent document from all countries in which they have lived within the previous five years, this is to be in English, at their own expense and in addition the Enhanced Disclosure & Barring Service Report. Any documentation produced must be verifiable, and sufficient to enable the Head of Community Services to make a decision in respect of the applicant's suitability to hold a Hackney Carriage or Private Hire drivers licence.

If you have been previously convicted of either criminal or motoring offences that may not necessarily prevent you from being granted a licence, as it will depend upon what the offences were for, and how long ago they occurred. **However, you should note that it is an offence not to declare such information on your application to the Council.** In cases where the Licensing Officer is unable to determine the grant of the licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee. You may wish to refer to the **Policy on the Relevance of Warnings, Offences, Cautions and Convictions** (which can be found within this Application Pack), which states the guidelines that Licensing Authority and the Courts will have regard to when determining an application.

Further information as to how to complete the Disclosure and Barring Service for which documents are acceptable to show to a Licensing Officer, and information about the DBS Update service can be found at Page 17 of this Pack.

MEDICAL REPORT CRITERIA

Before a licence can be issued the applicant must be **certified fit by his or her GP/Doctor** to be a Hackney Carriage or Private Hire driver. The approved Medical Report form to be used for this purpose is included in this Application Pack.

DISABILITY AWARENESS & SAFEGUARDING COURSE CRITERIA

New applicants are requested to attend a "Disability Awareness & Safeguarding" training course held by the Council, or demonstrate that they have attended the same course that has been provided by Oxfordshire County Council since 16th May 2016. The cost of this course is £45.00. This course must be attended prior to any licence being granted.

KNOWLEDGE & SAFEGUARDING TEST CRITERIA

New applicants must also undertake a **Knowledge & Safeguarding Test** with this Authority. The test is devised so that applicants can prove that they have sufficient knowledge of the City of Oxford, the conduct required of licensed drivers and local traffic regulations. You are required to obtain a minimum mark of 80% (the test questions differ somewhat depending upon which driver licence is applied for).

SECTION	NUMBER OF QUESTIONS	
	HPD (DUAL)	PHD
A. Identification of Roads & Streets	20	20
B. Identification of Buildings & Locations	15	15
C. Rules & Regulations	10	5
D. Correct Routes	5	-
E. Equal Opportunities Awareness & Safeguarding	5	5
F. Disability Awareness	5	5
TOTAL NUMBER OF QUESTIONS	60	50

A minimum of 80% in each section is required to pass the test. The test lasts for 90 minutes and sections C, E and F are multiple choice. This means that you are given a number of possible answers to each question and you must decide the correct answer. If you fail the test you will be invited to take the test again after a further test fee has been paid, and then allocated a retest date.

LEARNING THE KNOWLEDGE & SAFEGUARDING

The City Council conducts the tests, it does not teach the knowledge & safeguarding, however to assist you a list of all rules and regulations, a summary of other laws applicable to Hackney Carriage and Private Hire, and information relating to safeguarding children and vulnerable people can be found within this Application Pack. Details as to the roads and landmarks that may be included in the Private Hire Driver Knowledge & Safeguarding Test and a wider understanding of safeguarding can be found on the Councils website at: www.oxford.gov.uk/taxilicensing

GRANT OF LICENCE TO NEW APPLICANT

Upon receipt of satisfactory DVLA, Enhanced DBS and Medical Report checks, and you having passed the Knowledge & Safeguarding Test, undertaken the Disability Awareness & Safeguarding Course, paid the full fee at your appointment with the Licensing Officer, and that all of your other documents were found to be satisfactory, you will be issued with a licence and badge (posted to your home address). If any information that you have not previously declared on your application form is found to have come to light upon receipt of the DVLA and / or DBS check, you may be refused a licence.

Should you wish to proceed with your application to become a licensed driver, you should refer to the section "Procedure for New Hackney Carriage / Private Hire drivers licence" which will give further information on what to do next.

What happens if my licence has not been issued 6 months after I apply? You will have to apply for another DBS and DVLA check at your own expense.

What happens if my licence hasn't been issued 12 months after I apply? Your application will be null and void and you will need to reapply.

FEES AND CHARGES

Fees once paid will on no account be refunded, and fees and charges may also be amended from time to time to meet the reasonable cost of issue and administration.

Payment must be made at the time of the pre-booked appointment with the Licensing Officer. Payment must be by way of Debit / Credit card, Postal Order or Cheque only. Please note that any failure to pay the appropriate fee may result in the driver licence being suspended, until such time as payment has been made.

FEES & CHARGES: PAYABLE TO OXFORD CITY COUNCIL: DRIVER LICENCE			
		3 YEAR	1 YEAR
HACKNEY CARRIAGE	NEW HACKNEY CARRIAGE DRIVER LICENCE	£548.00	£318.00
	RENEWAL OF HACKNEY CARRIAGE DRIVER LICENCE	£353.00	£123.00
PRIVATE HIRE	NEW PRIVATE HIRE DRIVER LICENCE	£506.00	£304.00
	RENEWAL OF PRIVATE HIRE DRIVER LICENCE	£311.00	£109.00
ADDITIONAL DRIVER CHARGES			
DVLA DISCLOSURE			£8.00
ENHANCED DISCLOSURE & BARRING SERVICES (DBS) REPORT			£50.00
MANDATORY SAFEGUARDING AWARENESS TRAINING			£15.00
KNOWLEDGE & SAFEGUARDING TEST / RETEST (NEW APPLICANT)			£75.00
DISABILITY AWARENESS & SAFEGUARDING COURSE (NEW APPLICANT)			£45.00
REPLACEMENT BADGE			£10.00
DUPLICATE LICENCE			£2.00
RETURNED CHEQUE FEE			£30.00

PROCEDURE FOR NEW HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

1. Once you have obtained your DSA Certificate, Mandatory **Safeguarding Awareness Training Certificate** and are able to provide evidence of your recognised qualification in the English Language (both written and oral) you will need to book an appointment with the Licensing Team.
2. **At this appointment, you must bring with you:** (if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment:
 - The necessary documents to complete the Enhanced DBS application form
 - Passport
 - DVLA licence
 - National Insurance number card or other document
 - 2 x proofs of address
 - Proof of your recognised qualification in written and spoken English
 - Proof that you have passed the appropriate Driver Standards Agency Taxi Driving Test or the Oxford City Council Taxi / Private Hire Driver Assessment (see Page 2 of this Pack for guidance).
 - The Safeguarding Awareness and Training Certificate issued by Oxfordshire County Council since 16th May 2016 or issued by Oxford City Council since 19th September 2016 (if applying for a 3 year licence)
 - The completed application form
 - The completed DVLA mandate
 - The completed Enhanced DBS application form (see Page 17 of this Application Pack for guidance)
 - The completed Medical Report (certified by your GP / Doctor)
 - 2 x passport standard sized photographs
 - Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa
 - DVLA licence
 - Payment for the full application fees
3. If all of the above documents are valid, and you make your payment in full, you will be booked on the next available Knowledge & Safeguarding Test and Disability Awareness & Safeguarding Course. You will be given confirmation of the time and date for the Test and Course at your appointment; and the Licensing Team will send your completed DVLA Mandate and Enhanced DBS application form to the relevant authorities to carry out their necessary checks.
4. It may be that you take the Knowledge & Safeguarding Test and Disability Awareness & Safeguarding Course before these checks are returned to us. However, the grant of a licence is dependent upon the Licensing Officer being satisfied with the results of the Enhanced DBS Report and DVLA checks. Should you not pass the Knowledge & Safeguarding Test, you are able to apply to retake the test (please be aware that questions set for the Tests are changed monthly).
5. Upon receipt of your satisfactory DVLA Disclosure, Enhanced DBS Report and Medical Report, and upon the passing of the Knowledge & Safeguarding Test and sitting of the Disability Awareness & Safeguarding Course, your licence will be granted. Should the Licensing Officer have any concerns over you being deemed "fit and proper" to hold a licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined. The Sub-Committee may determine that the licence not be granted, or that it be granted for a specified period of time.
6. If you are granted a licence, your licence and badge will be posted by First Class post to your home address.

NOTE: A person already licensed by the Authority as a Private Hire Driver, who wishes to acquire a licence to drive Hackney Carriage vehicles, shall be subject to the criteria and procedure applicable to New Applicants.

PROCEDURE FOR RENEWING A ONE YEAR DRIVERS LICENCE

1. You will be sent a "Reminder Letter" approximately 3 months before the expiry of your current drivers licence. The letter will include an application pack. You will then need to book an appointment for at least 8 weeks before your licence is due to expire with the Licensing Team. **If you do not book an appointment to renew your licence before it expires, you will need to meet with the relevant criteria detailed on Page 1 of this pack in the section "Renewal of Licence".**
2. **At this appointment, you must bring with you:** if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment:
 - The necessary documents to complete the Enhanced DBS application form (if applicable – as stated on your current Badge)
 - Passport
 - DVLA licence
 - National Insurance number card or other document
 - 2 x proofs of address
 - The completed application form
 - **The Safeguarding Awareness and Training Certificate (issued by Oxfordshire County Council since 16th May 2016) NOTE: This criteria will be applicable for a period of one year from 3rd April 2017**
 - The completed DVLA mandate
 - The completed DBS application form or (if you have signed up to the DBS Update service) your authorisation for the Licensing Authority to carry out an online DBS Check (see Page 17 for guidance)
 - The completed medical certificate * (if applicable)
 - 2 x passport standard sized photographs
 - Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa
 - DVLA Licence
 - Payment for the full application fees

* (The medical certificate can be one of the last documents you provide with reference to your application. It does not have to be submitted on the day of application but your licence will not be granted until the Licensing Team has received your medical certificate and are satisfied that you have been declared "fit" to drive licensed vehicles).
3. If all of the above documents are valid, and you make your payment in full, the Licensing Team will send your completed DVLA Mandate and Enhanced DBS application form to the relevant authorities to carry out their necessary checks.
4. Upon receipt of your satisfactory DVLA Disclosure, and if required your Enhanced DBS Report and Medical Report, your licence will be granted for a maximum period of one year. Should the Licensing Officer have any concerns over you being deemed "fit and proper" to hold a licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined. The Sub-Committee may determine that the licence not be granted, or that it be granted for a period of less than one year.
5. If you are granted a licence, your licence and badge will be posted by First Class post to your home address.

PROCEDURE FOR RENEWING (OR CHANGING TO) A THREE YEAR DRIVERS LICENCE

1. You will be sent a “Reminder Letter” approximately 3 months before the expiry of your current drivers licence. The letter will include an application pack. You will then need to book an appointment for at least 8 weeks before your licence is due to expire with the Licensing Team. **If you do not book an appointment to renew your licence before it expires, you will need to meet with the relevant criteria detailed on Page 1 of this pack in the section “Renewal of Licence”.**
2. **At this appointment, you must bring with you:** if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment:
 - The necessary documents to complete the Enhanced DBS application form
 - Passport
 - DVLA licence
 - National Insurance number card or other document
 - 2 x proofs of address
 - The completed application form
 - **The Safeguarding Awareness and Training Certificate issued by Oxfordshire County Council since 16th May 2016 (if changing to a 3 year licence)**
 - The completed DVLA mandate
 - The completed DBS application form or (if you have signed up to the DBS Update service) your authorisation for the Licensing Authority to carry out an online DBS Check (see Page 17 for guidance)
 - The completed medical certificate * (if applicable)
 - 2 x passport standard sized photographs
 - Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa
 - DVLA Licence
 - Payment for the full application fees

* (The medical certificate can be one of the last documents you provide with reference to your application. It does not have to be submitted on the day of application but your licence will not be granted until the Licensing Team has received your medical certificate and are satisfied that you have been declared “fit” to drive licensed vehicles).
5. If all of the above documents are valid, and you make your payment in full, the Licensing Team will send your completed DVLA Mandate and Enhanced DBS application form to the relevant authorities to carry out their necessary checks.
6. Upon receipt of your satisfactory DVLA Disclosure, Enhanced DBS Disclosure and Medical Report, your licence will be granted for a maximum period of three years. Should the Licensing Officer have any concerns over you being deemed “fit and proper” to hold a licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined. The Sub-Committee may determine that the licence not be granted, or that it be granted for a period of less than three years.
7. If you are granted a licence, your licence and badge will be posted by First Class post to your home address.

PROCEDURE FOR ATTENDING A “DECLARATION” APPOINTMENT

1. If you hold a **three year licence**, you will be sent a “Reminder Letter” approximately 3 months before the anniversary of the grant of your current three year driver licence. The letter will include a “Declaration” form. You will then need to book an appointment for at least 6 weeks prior to the anniversary of your licence with the Licensing Team. **If you do not book an appointment to submit your “Declaration” form before the anniversary date of your three year licence, your suitability to continue to hold the licence may be referred to the Licensing Manager to determine.**
2. **At this appointment, you must bring with you:** if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment:
 - The completed “Declaration” form
 - 1 x Photographic Identification (i.e. DVLA Driver Licence)
 - 1 x Proof of current address
 - Your authorisation to the Licensing Authority to carry out an online DBS Check (if you are signed up to the DBS Update service)
3. Upon receipt of the above documents, your records will be updated. Should the Licensing Officer have any concerns regarding your “Declaration”, or any matters are brought to the attention of the Licensing Officer that were not declared at the appointment, your suitability to continue to hold a licence may be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined.
4. For those persons holding a three year licence, this process will need to be repeated each year, save for the occasion when you renew the licence.

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) LICENCE: CONDITIONS

The Council attaches the following conditions to a driver's licence: In these conditions "the Council" means the Oxford City Council, "Driver" means a person holding a drivers licence issued by the Council. "Vehicle" means a vehicle licensed by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
 - Cause any person to take offence at their actions
 - Cause any person to believe their actions are inappropriate
 - Cause any person to fear for their physical safety
 - Cause any person to doubt their integrity
 - Bring in to disrepute the integrity of the Council for having issued a licence to such person
2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.
4. The Driver shall not at any time lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.
6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.
7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage and / or Private Hire Driver's licence with their Private Hire Operator for retention by the Operator until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.
8. The Driver shall only drive vehicles licensed by Oxford City Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.
9. The Driver shall not drive a vehicle if he or she is not insured to do so.
10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those vehicles that have been granted an Exemption Notice).
11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.
12. The Driver shall ensure that the passengers wear a seat belt throughout the duration of the journey.
13. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.
14. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.
15. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.
16. The Driver shall ensure that before the vehicle is used, that a copies of the Certificate of Insurance, Certificate of Compliance and Ownership Document (V5 Log Book) are available within the vehicle, so as to be available to an Authorised Officer upon request.
17. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.
18. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).
19. The Driver shall not carry any other person in the vehicle without the permission of the hirer.
20. The Driver shall when asked by a passenger, indicate the route they are going to take.
21. The Driver shall: -
 - Take a reasonable amount of luggage including wheelchairs and children's pushchairs;
 - Give reasonable assistance in loading and unloading luggage;
 - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
 - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.
22. The Driver shall not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey.
23. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.
24. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirements it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.

25. The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
26. The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.
27. The Driver shall, when carrying children aged 1 to 14 years ensure that they be transported in the rear of the vehicle, using a child seat or booster cushion, together with a seat belt as appropriate.
28. The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that you wait until they are safely inside the house, agree to such requests.
29. The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
30. The Driver shall provide a written receipt to the hirer if requested to do so.
31. The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.
32. The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council's district, and if required to do so, leave it in the custody of a Police Officer having obtained a receipt for it.
33. The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
34. The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.
35. The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.
36. The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.
37. The Driver shall not whilst driving use a handheld mobile phone or any other handheld mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.
38. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.
39. The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.
40. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.
41. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).
42. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.
43. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.
44. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.
45. The Driver shall not travel on any restricted road within the Oxford City boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger.
46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre so as to contravene any traffic laws, regulations, orders or guidance outlined in the current highway code
47. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).
48. The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc).
49. The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.
50. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.
51. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.
52. The Driver shall if arrested, released on Police Bail, charged or convicted of an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the conviction) give full details of it to the Council in writing.

53. The Driver shall not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
54. The Driver shall when driving or in charge of a Private Hire vehicle shall record in a suitable book, with bound consecutively numbered pages, provided by the proprietor of that Private Hire vehicle, the following particulars at the start of each shift:
- her/his name and badge number prior to the commencement of each hiring;
 - the date and time the hiring was allocated to that vehicle;
 - the name of the hirer;
 - the time and place of pick-up;
 - the destination.
- And upon completion of each hiring, the fare charged.
And shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.
55. The Driver shall not whilst driving or in charge of a Private Hire vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.
56. The Driver shall not whilst driving or in charge of a Private Hire vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
57. The Driver shall not whilst driving or in charge of a Private Hire vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that that the driver and the vehicle are available for immediate public hire.
58. The Driver shall not whilst driving or in charge of a Private Hire vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.
59. The Driver shall not whilst driving or in charge of a Private Hire vehicle park on a taxi rank.
60. The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.
61. The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
62. The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.
63. The Driver shall when driving a Private Hire vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.
64. The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer
65. The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.
66. The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.
67. The Driver of a Hackney Carriage does not have to accept journeys that end outside the City of Oxford boundaries. If the journey is accepted the fare or rate for the journey should be agreed between the driver and the hirer before the start of the journey. Where no such agreement takes place the charge should be the correct tariff for the time of day.
68. The Driver shall when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages authorised to do so, proceed to another stand, and not park on or near a taxi rank that is full.
69. The Driver shall when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle being driven by the Driver moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.
70. The Driver shall when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to hire at once by any person.
71. The Driver shall when driving a Hackney Carriage not park on a rank for any purpose other than for standing for hire.
72. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
73. The driver shall enrol with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of this licence.

PRIVATE HIRE DRIVER LICENCE: CONDITIONS

The Council attaches the following conditions to Private Hire driver's licenses: In these conditions "the Council" means the Oxford City Council, "Driver" means a person holding a Private Hire drivers licence issued by the Council and acting as a Private Hire driver "Vehicle" means a Private Hire vehicle licensed by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
 - Cause any person to take offence at their actions
 - Cause any person to believe their actions are inappropriate
 - Cause any person to fear for their physical safety
 - Cause any person to doubt their integrity
 - Bring in to disrepute the integrity of the Council for having issued a licence to such person
2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.
4. The Driver shall not at any time lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.
6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.
7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage and / or Private Hire Driver's licence with their Private Hire Operator for retention by the Operator until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.
8. The Driver shall only drive vehicles licensed by Oxford City Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.
9. The Driver shall not drive a vehicle if he or she is not insured to do so.
10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those vehicles that have been granted an Exemption Notice).
11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.
12. The Driver shall ensure that the passengers wear a seat belt throughout the duration of the journey.
13. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.
14. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.
15. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.
16. The Driver shall ensure that before the vehicle is used, that a copies of the Certificate of Insurance, Certificate of Compliance and Ownership Document (V5 Log Book) are available within the vehicle, so as to be available to an Authorised Officer upon request.
17. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.
18. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).
19. The Driver shall not carry any other person in the vehicle without the permission of the hirer.
20. The Driver shall when asked by a passenger, indicate the route they are going to take.
21. The Driver shall: -
 - Take a reasonable amount of luggage including wheelchairs and children's pushchairs;
 - Give reasonable assistance in loading and unloading luggage;
 - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
 - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.
22. The Driver shall not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey.
23. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.

24. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.
25. The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
26. The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.
27. The Driver shall, when carrying children aged 1 to 14 years ensure that they be transported in the rear of the vehicle, using a child seat or booster cushion, together with a seat belt as appropriate.
28. The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that you wait until they are safely inside the house, agree to such requests.
29. The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
30. The Driver shall provide a written receipt to the hirer if requested to do so.
31. The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.
32. The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council's district, and if required to do so, leave it in the custody of a Police Officer having obtained a receipt for it.
33. The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
34. The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.
35. The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.
36. The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.
37. The Driver shall not whilst driving use a handheld mobile phone or any other handheld mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.
38. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.
39. The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.
40. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.
41. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).
42. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.
43. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.
44. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.
45. The Driver shall not travel on any restricted road within the Oxford City boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger.
46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre so as to contravene any traffic laws, regulations, orders or guidance outlined in the current highway code.
47. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).
48. The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc).
49. The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.

50. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.
51. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.
52. The Driver shall if arrested, released on Police Bail, charged or convicted of an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the conviction) give full details of it to the Council in writing.
53. The Driver shall not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
54. The Driver shall when driving or in charge of a Private Hire vehicle record in a suitable book, with bound consecutively numbered pages, provided by the proprietor of that Private Hire vehicle, the following particulars at the start of each shift:
 - her/his name and badge number prior to the commencement of each hiring;
 - the date and time the hiring was allocated to that vehicle;
 - the name of the hirer;
 - the time and place of pick-up;
 - the destination.
 - And upon completion of each hiring, the fare charged.
 And shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.
55. The Driver shall not whilst driving or in charge of a Private Hire vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.
56. The Driver shall not whilst driving or in charge of a Private Hire vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
57. The Driver shall not whilst driving or in charge of a Private Hire vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.
58. The Driver shall not whilst driving or in charge of a Private Hire vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.
59. The Driver shall not whilst driving or in charge of a Private Hire vehicle park on a taxi rank.
60. The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.
61. The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
62. The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.
63. The Driver shall when driving a Private Hire vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.
64. The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer
65. The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.
66. The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.
67. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
68. The driver shall enrol with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of this licence.

ENFORCEMENT PROCEDURES

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Community Services, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- **the issue of a warning (appropriate to the incident reported)**
- **the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Head of Community Services**
- **the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

You will find details of the Warnings and further actions that the Licensing Authority may take contained within the section entitled "Policy on the Relevance of Warnings, Offences, Cautions and Convictions" that is contained within this Application Pack.

OFFENCES

OFFENCES UNDER SECTIONS 37-68 TOWN POLICE CLAUSES ACT 1847

1. Plying for Hire without Licence. **STALKING (this can even be parking near a rank or in a prominent position)**
2. Driving Hackney Carriage without Hackney Carriage driver's licence.

OFFENCES UNDER LOCAL GOVERNMENT (MISCELLANIOUS PROVISIONS) ACT 1976

1. Owning unlicensed vehicle used as Private Hire vehicle.
2. Driving a Private Hire vehicle without a Private Hire driver's licence.
3. Owning licensed Private Hire vehicle driven by unlicensed driver.
4. Operating Private Hire vehicles without operator licence.
5. Operating unlicensed Private Hire vehicles.
6. Operating unlicensed Private Hire vehicles driven by unlicensed drivers
7. Failure to exhibit vehicle licence plate.
8. Failure to notify (in writing within 14 days) transfer of Hackney Carriage or Private Hire vehicle.
9. Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.
10. Failure to report (within 72 hours) accident involving Hackney Carriage or Private Hire vehicle.
11. Failure to produce Hackney Carriage or Private Hire vehicle licence and insurance when requested.
12. Failure to produce Hackney Carriage or Private Hire driver's licence when requested.
13. Failure to wear Private Hire driver's badge.
14. Failure of Private Hire operator to keep record of bookings
15. Failure to produce such record when requested.
16. Failure of Private Hire operator to keep records required by local authority
17. Failure to produce such records when requested.
18. Failure to produce Private Hire operator's licence when requested.
19. Making of false statement or omission of material information in application for any licence.
20. Failure to return, after due notice, licence plate issued in respect of revoked, expired or suspended Hackney Carriage or Private Hire vehicle licence
21. Failure to return, after due notice, driver's badge issued in respect of suspended or revoked Hackney Carriage or Private Hire drivers licence
22. Unauthorised parking on Hackney Carriage stand
23. Unreasonable prolongation of journeys.
24. Misuse of taximeters.
25. Obstruction of authorised officers.

SAFEGUARDING: HUMAN TRAFFICKING – EXPLOITATION OF VULNERABLE PERSONS

Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability.

Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime.

Taxi and Private Hire Drivers are the eyes and ears of their communities through the work they do and the contacts they have, and if you are able to spot the signs of human trafficking and know how to report this crime, you can be a major force in tackling this terrible activity.

There are three main elements involved with Human Trafficking:

- **Movement:** recruitment, transportation, transfer, harbouring or receipt of people (adults or children).
- **Control:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
- **Purpose:** exploitation of a person (adult or child), which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, street crime, forced marriage and the removal of organs forced to work, beaten, abused and too scared to escape.

HOW CAN YOU SPOT IF SOMEONE MAY BE VULNERABLE AND BEING EXPLOITED AND TRAFFICKED?

There are various tell-tale signals to look for. One sign on its own does not mean someone has been trafficked, but several signs together should give you cause for concern. Perhaps the person shows signs of the following:

- Does not know their home or work address
- Allows others to speak for them when addressed directly
- Live or travel in a group, sometimes with other persons who do not speak the same language
- They are collected very early and/or returned late at night on a regular basis
- May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment
- Their physical appearance may show signs of injury, malnourishment, unkempt
- They may be isolated from the local community and/or appear to be under the control or influence of others
- Have no cash of their own
- Be known to work at a brothel and be frequently moved from one site to another

HOW TO REPORT YOUR CONCERNS?

If you suspect that a person (adult or child) is vulnerable and may be the victim of abuse, exploitation and/or trafficking, you can report your concerns in confidence by telephoning:

- **Thames Valley Police:** 101 (or if an emergency 999)
- **Crimestoppers:** 0800 555 111

WHY DO I NEED TO KNOW ABOUT SAFEGUARDING?

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

This page and our website are devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited, and questions relating to this subject are posed within the Local Knowledge & Safeguarding Test that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this page and our website will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

WHERE CAN I FIND MORE INFORMATION ON SAFEGUARDING?

A full page devoted to Safeguarding, designed with help from the National Working Group and Oxfordshire County Council can be found on the Council website: <http://www.oxford.gov.uk/PageRender/decB/TaxiandPrivateHireSafeguarding.htm>

If you are a new applicant, many of the questions posed in the Local Knowledge & Safeguarding Test will be more familiar to you if you have studied our online Safeguarding page. As an existing licence holder, the information on the website will help you identify and support those persons in most need of help, and **04** support the authorities in tackling these abhorrent crimes and protecting the most vulnerable in our society.

TRANSPORTING DISABLED PASSENGERS

Customer Care starts from the moment that the customer hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service. Many disabled people have at some time experienced well-intentioned but clumsy assistance that has caused them discomfort and pain. The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. **Always** ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. **Ask the customer if they are all right before you start the journey.**

If the passenger is in a wheelchair you should always:-

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture. In the case of a London type cab this position will be facing the rear of the vehicle. **The wrong travelling position is unsafe;**
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- **Always secure** the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps; two people are needed for safety.

Although all Oxford City Council Hackney Carriage vehicles are wheelchair accessible you should be aware that they are not accessible to all wheelchair users. There are a number of wheelchair designs that are either too large for the ramps and to fit through the doorway or are unable to be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests) that precludes them from safely using a Hackney Carriage vehicle. **However you cannot refuse to take a passenger in a wheelchair if your vehicle can safely take it. It is against the law and the conditions attached to a drivers licence to refuse a wheelchair passenger. It could lead to prosecution and your Hackney Carriage driver's licence being revoked.**

HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

Both the restraint system for the wheelchair and the safety belt for the passenger **must be used on every occasion**. Failure to do so may render you liable in the event of an accident and could affect your insurance cover.

- In the interest of the comfort and safety of both the passenger and yourself, the ramps must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must **never** travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates.
- The brakes on the wheelchair must always be applied during the journey. You should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers.
- The wheelchair restraint mechanism isolating switch must always be in the "off" position before the journey begins. If it is left in the "on" position the wheelchair is still unrestrained.
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided. Unless they hold a medical exemption certificate.
- Wheelchairs must always be taken out of the vehicle backwards.

EQUALITY ACT 2010

HOW DOES THIS AFFECT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS?

There are some changes in the law which will come into effect in October 2010 which might affect you. The Equality Act 2010 includes provisions relating specifically to Hackney Carriages and Private Hire vehicles and disability. The Government brought into force several provisions of the Act in October 2010 and other provisions will come into force at a time yet to be determined.

The information below provides details of the provisions that are currently in place in relation to Hackney Carriages and Private Hire vehicles, and what the implications are for Hackney Carriage and Private Hire vehicle drivers; and details of the further measures that are due to be implemented at a future date yet to be determined. In effect 2 duties are placed on drivers:

- 1) To assist passengers in wheelchairs (if you drive a wheelchair accessible vehicle); and**
- 2) To carry guide dogs / assistance dogs.**

DUTIES ON DRIVERS TO ASSIST PASSENGERS IN WHEELCHAIRS

The Equality Act places duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs.

The duties apply to the driver of any wheelchair accessible Hackney Carriages and Private Hire vehicles which are on the licensing authority's list of "designated vehicles". Oxford City Council will be maintaining a list of designated vehicles (in effect this is all Hackney Carriage Vehicles licensed by the Council) and therefore the following duties will apply to you.

The duties being placed on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles are (under Section 165 of The Equalities Act 2010):

- **To carry the passenger while in a wheelchair**
- **Not to make any additional charge for doing so**
- **If the passenger chooses to sit in a passenger seat, to carry the wheelchair**
- **To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and**
- **To give the passenger such "mobility assistance" as is reasonably required.**

WHAT DOES MOBILITY ASSISTANCE MEAN?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger's luggage into and out of the vehicle.

LISTS OF WHEELCHAIR ACCESSIBLE VEHICLES

Section 167 of the Act allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

GUIDE DOGS / ASSISTANCE DOGS

Duties are also placed on Hackney Carriages and Private Hire drivers and on Private Hire Vehicle operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010. Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT EITHER OR BOTH OF THESE DUTIES?

The new Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with these duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority.

WHO DECIDES IF A DRIVER IS EXEMPT?

The local licensing authority decides if a driver should be exempt from the duties.

WHAT IF THE LICENSING AUTHORITY SAYS THAT I AM OK TO CARRY OUT THE DUTIES AND I DISAGREE?

The legislation allows a driver to appeal to the magistrates' court within 28 days if the licensing authority decides not to issue an exemption certificate.

HOW WILL PASSENGERS KNOW THAT I AM EXEMPT FROM THE DUTIES TO ASSIST PASSENGERS?

The licensing authority will issue you with a special Exemption Notice which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from one of more duties.

I HAVE AN EXEMPTION CERTIFICATE (MOBILITY ASSISTANCE) AND / OR SPECIAL NOTICE (CARRYING OF GUIDE DOGS) WHICH SAYS THAT IT WAS ISSUED UNDER THE DISABILITY DISCRIMINATION ACT 1995 – DO I HAVE TO GET A NEW ONE?

No, you do not have to get a new certificate; the certificate which you have been granted remains valid until its expiry date.

I DO NOT HAVE ANY EXEMPTION FROM PROVIDING MOBILITY ASSISTANCE AND / OR CARRYING GUIDE DOGS OR ASSISTANCE DOGS AT PRESENT, HOW DO I APPLY FOR AN EXEMPTION FROM HAVING TO FULFIL THESE DUTIES?

You will need to contact the Licensing Team by telephoning 01865 252565 or by emailing licensing@oxford.gov.uk to inform an Officer of your request, and for the necessary application form to be sent to you. When submitting your completed form, you will be required to provide evidence from your Medical Practitioner supporting your application and substantiating the medical reasons applicable to your request.

Your application will be determined by the Licensing Manager, and if successful you will be issued with the relevant Exemption Notice to display within the vehicle.

ENHANCED DISCLOSURE & BARRING SERVICE (DBS) REPORT INFORMATION

The Enhanced DBS application form must be completed before your appointment. However it will be checked at your appointment and you are free to ask any questions that you may have at the appointment.

When answering **Question E55** on the application form, we ask that you treat this question as if you are being asked to declare: **'Do you have any unspent convictions, cautions, reprimands or warnings?'**

WHAT DOCUMENTS TO PRESENT TO THE LICENSING OFFICER AT YOUR APPOINTMENT

The applicant must be able to provide one document from Group 1, and 2 further documents from either Group 1, or Group 2a or 2b. At least one of the documents must show the applicant's current address.

If the applicant doesn't have any of the documents in Group 1, then they must be able to show: one document from Group 2a, and 2 further documents from either Group 2a or 2b. At least one of the documents must show the applicant's current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.

If it's impossible to process the application through the above means, the applicant must be able to show: a birth certificate issued after the time of birth (UK and Channel Islands), one document from Group 2a, and 3 further documents from Group 2a or 2b. At least one of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted.

GROUP 1: PRIMARY IDENTITY DOCUMENTS

Passport
Biometric residence permit
Current driving licence photocard - (full or provisional)
Birth certificate - issued within 12 months of birth

Adoption certificate

Notes relevant to document:

Any current and valid passport
UK
UK, Isle of Man, Channel Islands and EU
UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
UK and Channel Islands

GROUP 2a: TRUSTED GOVERNMENT DOCUMENTS

Current valid driving licence photocard - (full or provisional)
Current driving licence (full or provisional) - paper version (if issued before 1998)
Birth certificate - issued after time of birth
Marriage/civil partnership certificate
HM Forces ID card
Firearms licence

Notes relevant to these documents:

All countries outside the EU (excluding Isle of Man and Channel Islands)
UK, Isle of Man, Channel Islands and EU
UK, Isle of Man and Channel Islands
UK and Channel Islands
UK
UK, Channel Islands and Isle of Man

GROUP 2b: FINANCIAL AND SOCIAL HISTORY DOCUMENTS

Mortgage statement
Bank or building society statement
Bank or building society account opening confirmation letter
Credit card statement
Financial statement, e.g. pension or endowment
P45 or P60 statement
Council Tax statement
Work permit or visa
Letter of sponsorship from future employment provider

Notes relevant to these documents:

UK or EEA – **issued in last 12 months**
UK and Channel Islands or EEA – **issued in last 3 months**
UK – **issued in last 3 months**
UK or EEA – **issued in last 3 months**
UK – **issued in last 12 months**
UK and Channel Islands – **issued in last 12 months**
UK and Channel Islands – **issued in last 12 months**
UK – **valid up to expiry date**
Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application – **must still be valid**
UK - not mobile telephone bill – **issued in last 3 months**
UK – **issued in last 3 months**
UK and Channel Islands – **issued in last 3 months**

Utility bill
Benefit statement, eg Child Benefit, Pension
Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC.
EU National ID card
Cards carrying the PASS accreditation logo
Letter from head teacher or college principal

Must still be valid

UK, Isle of Man and Channel Islands – **must still be valid**
UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided – **must still be valid**

WHAT TO DO WHEN YOU RECEIVE YOUR ENHANCED DBS DISCLOSURE (IMPORTANT)

The Disclosure and Barring Service Disclosure Report will be returned to you at your home address. Upon receipt of the Disclosure Report you will need to either send or deliver the original Disclosure Report to the Licensing Authority at this office (please mark your envelope: Private & Confidential, F.A.O. Licensing Officer, Taxi Licensing) or send a scan of the entire Disclosure Report to licensing@oxford.gov.uk clearly identifying your name on your email and, if held, your badge number.

The Licensing Authority no longer receives its own copy of the Disclosure. At your appointment you will be handed an "Information Chit" advising you what to do when you receive your DBS Disclosure. Please note that a licence and badge cannot be issued until we have received and processed your DBS Disclosure. When issued, the licence and badge will be posted to your home address.

Owing to delays in the processing of DBS Disclosure Reports, we strongly advise you to sign up to the DBS Update Service (and from 2nd April 2018 this is a mandatory requirement for all licence holders to sign up to and maintain). The Licensing Officer will provide you with information about the DBS Update Service at your appointment. The Update Service currently costs £13.00 per annum, and all that you need to do is set up a direct debit with the DBS and provide written authorisation to the Licensing Officer at your renewal / declaration appointment to carry out an online check.

PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.

The Council has a duty to ensure that all those individuals it grants a licence to are entitled to work in the UK. For this reason the following documentation must be provided at your licence renewal appointment. Because the licence is issued annually or three-yearly, these checks must be carried out in order for the Licensing Authority to have complied with any legal requirements placed on it.

List A – documents which show an ongoing right to work. If you can provide documents from list A, you do NOT need to provide any from list B.

1. A passport showing that the holder is a British citizen
2. A passport showing that the holder is a citizen of the UK and Colonies having the right to abode in the UK – passport has a 'certificate of entitlement to the right of abode' in it.
3. A passport showing that the holder is a national of a European Economic Area (EEA) country or Switzerland
4. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office (HO), the Border and Immigration Agency (BIA), a national of an EEA or Switzerland
5. A permanent residence card issued by the HO or BIA to the family member of a national of EEA or Switzerland
6. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
7. A passport or other travel document endorsed to show that the holder is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit to their stay in the UK

Document combinations – one of the following:

8. An official document issued by a previous employer or Government agency i.e. HM Revenue and Customs, Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person
Plus:
 - a. An immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
Or:
 - b. A full birth certificate/full adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents
Or:
 - c. A birth certificate/adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
Or:
 - d. A certificate of registration or naturalisation as a British citizen
Or:
 - e. A letter issued by the HO or the BIA to the holder which indicates that the person named

List B – Documents which show a right to work for up to 12 months (where this is applicable the applicant will have to prove their right to work annually otherwise their licence will be revoked) (If you can provide documents from list B, you do NOT need to provide any from list A). You will need to provide either 1 or 2, with a combination of the following i.e. 3 + a or 3 + b; 4 or 5; 6; 7 or 8.:

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit
2. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.

Document combinations – first combination:

3. A work permit or other approval to take employment issued by the HO or BIA with:
 - a. A passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question
Or:
 - b. A letter issued by the HO or the BIA to the holder or the employer or prospective employer confirming the same

Second combination – must be checked by the BIA Employer Checking Service:

4. A certificate of application issued by the HO or the BIA to or for a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old
Or:
5. An application registration card issued by the HO or the BIA stating that the holder is permitted to take employment

Third combination:

6. A document issued by a previous employer or Government agency e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder

One of the following must be provided, if a document showing your National Insurance number has previously been provided:

7. An Immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it can stay in the UK and is allowed to do the type of work in question
Or:
8. A letter issued by the HO or BIA to the holder or the employer or prospective employer, which indicates that the person named in it can

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Licences, and Private Hire Operator Licences.

Introduction

Hackney Carriage and Private Hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal hours" of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council's powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

Licensing Objectives

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- **Safety and health of drivers and the public;**
- **The promotion of a professional and respected Hackney Carriage and Private Hire trade;**
- **To prevent crime and disorder and to protect consumers;**
- **Improve the local environment, economy and quality of life; and**
- **To promote the aims and vision of Oxford City Council and its Partners.**

The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy and any other relevant Council policy, each case will be considered on its own merits.

Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire vehicle driver's, operator's and proprietor's licences, and the maintaining of such licences.

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when processing applications.

Enforcement Procedures

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Community Services, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a tiered and cumulative "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions (including Officers requesting that additional background checks be carried out):

- **the issue of a warning (appropriate to the incident reported)**
- **the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Head of Community Services**
- **the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee**
- **the referral of the matter to the Law and Governance department for consideration of prosecution**

Definitions

Appeal: A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

Offence: commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

Caution: A caution is a formal warning given to an adult who has admitted to the commission of an offence and has consented to the caution.

Conviction: Judicially determining that someone is guilty of a crime

Free of convictions: This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Hackney Carriages: A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a vehicle available for public Hire.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Community Services is unable to determine whether such a person meets the Authority's definition of a "fit and proper" person.

Head of Community Services: Who holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and the suspension of any licence holder.

Mitigating Circumstances: The circumstances surrounding an offence, caution or conviction. These may alter the seriousness of a crime.

Private Hire Vehicles: A vehicle which must be pre-booked with a Private Hire operator. This type of vehicle cannot ply for hire (stand in a rank, wait without a booking in a "prominent position" giving rise to the impression that the vehicle is available for hire, or undertake a journey that has not been pre-booked by the hirer with the Private Hire Operator).

Proprietor: The person in possession of a Hackney Carriage or Private Hire vehicle licence.

Operator: This means a business that makes provision for the invitation or acceptance of bookings for a Private Hire vehicle.

Refusal: To decide not to give something

(Within this Policy any reference to refusal will also be a reference to revocation or suspension).

Revoke: To take something away permanently.

Suspend: To take something away temporarily.

Advisory Warning: Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.

First Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

Second Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

Final Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

Councillor Warning: A Decision issued by the Hackney Carriage & Private Hire Licensing Sub-Committee (likely to also include additional conditions being imposed on a licence) advising that although an offence, caution or conviction, and / or accumulation of Warnings issued by the Licensing Officers was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

Introduction to the Guidelines Relating to the Relevance of Convictions Powers and Duties

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver. In order to assess an individual's suitability to hold a licence, this Authority requires all applicants to provide an Enhanced Disclosure & Barring Service Report and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, cautions and convictions when considering an application for a driver's licence, irrespective of offence, sentence imposed or age when the offence is committed. All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, cautions or convictions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered "fit and proper" to hold a licence issued by the Authority.

Suitability

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:

- **Hackney Carriage & Private Hire Driver Licence Application Pack**
- **Hackney Carriage & Private Hire Vehicle Licence Application Pack**
- **Private Hire Operator Licence Application Pack**

Alternatively, the Council provides all such relevant information on it's website at: www.oxford.gov.uk/taxilicensing

Offences, Cautions and Convictions

The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person's suitability to hold a Hackney Carriage/Private Hire driver's licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters. The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of 'convictions' and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken in to consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at Appendix 1.0. The fact that a conviction is not yet spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court or the Police have found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Licensing Sub-Committee for determination. **In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.**

A "Fit and Proper Person"

When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

Protecting the Public

The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine **each case on its own merits**.

History

The Licensing Officer may take into account a persons' history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

Best Practice Guidance

In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute of Licensing has been taken into account.

GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.
3. In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.
4. Cautions will be taken in to consideration for a period of five years.
5. A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before the application form was received in the Taxi Licensing Office.
6. Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation of a licence issued by the Authority.

The following examples afford a general guide on the action to be taken where convictions are admitted.

Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it nevertheless attracts penalty points to a DVLA licence. The Council considers 'death by careless driving' or 'death by dangerous driving' to be a very serious and you should therefore refer to the **Major Traffic Offences** section. For information on alcohol and drug related offences see **Drunkenness & Drugs** sections.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

For existing licence holders, a guideline is provided below in relation to penalty points:

5 or less penalty points: For 5 or fewer points on an applicant's driving licence, a licence will usually be granted, with an advisory warning.

6 or more penalty points: Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a written warning unless exceptional circumstances justify a refusal.

"Totting Up" under S35 Road Traffic Offenders Act 1988: Where an applicant has been disqualified under the "totting up" procedure, the Licensing Officers will normally consider refusal until there has been a **period of 12 months** free of relevant convictions. If an applicant has agreed "exceptional hardship" and avoided disqualification, refusal will still be considered and a **period of 12 months** free of relevant convictions required.

Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at **least 3 years** after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.

Major traffic offences

E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a **period of 12 months** free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a **period of 2 years** free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider 'death by careless driving' or 'death by dangerous driving' to be a very serious offence. If the applicant has been convicted of such an offence a **period of 3 years** free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee.

Plying for Hire

A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one's vehicle available for public hire whilst using a licensed Private Hire vehicle. It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer's case. If a Private Hire Operator is complicit in allowing the driver to book a journey, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the company itself.

The Licensing Authority regularly carries out what are known as "Test Purchase" Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

Drunkness (With Motor Vehicle)

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. A conviction for this offence should raise grave doubts as to the applicants' fitness to hold a licence and at least 3 years should elapse (after the restoration of the driving licence) before an application for a licence is considered.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkness (Not in Motor Vehicle)

An isolated conviction for drunkness need not debar an applicant from gaining a licence. However, more than one conviction for drunkness could indicate a medical problem necessitating critical examination.

Drugs

A serious view should be taken of this type of offence. An applicant with a conviction or caution for any drug related offence should be required to show a period of at least 3 years free of conviction or caution before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

Police Bail

Hackney Carriage and Private Hire drivers are expected to adhere to this Policy's definition of a "fit and proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Community Services. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect to have their licence suspended by the Head of Community Services. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Indecency Offences

As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence. Any applicant with a single caution or conviction of this kind should expect to have their application determined by the Hackney Carriage and Private Hire Licensing Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant. A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

No application will be considered from a person currently on the Sex Offender's Register.

Violence

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for any form of offence that involves violence of any description. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

Dishonesty

Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue.

Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

Complaints Made Against Drivers

Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer's discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns and if deemed appropriate request additional background checks be carried out. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

Warnings Issued By The Licensing Officers

The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the City. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority's policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head of Community Services, the Hackney Carriage and Private Hire Licensing Sub-Committee, or the Law and Governance department.

A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Community Services.

Any applicant or licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written complaint, to the Licensing Team Leader within **21 days of the Warning being issued**.

Conclusion

Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted is more likely to value their licence and act accordingly. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority's policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer's assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates' Court within **21 days of the notice of decision**.

APPENDICES

Appendix 1.0: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note that it is from **the date of conviction** that the time commences for the Rehabilitation of Offenders Act.

Adult

	Sentence	Rehabilitation Period
1.	2 ½ years (30 months) imprisonment and over whether sentence was suspended or not	Never spent
2.	6 months imprisonment/youth custody and over but under 30 months whether sentence was suspended or not	10 years
3.	Under 6 months imprisonment/youth custody whether sentence was suspended or not	7 years
4.	A Fine, Compensation or Community Service Order	5 years
5.	Conditional Discharge, Bound Over or Probation Order. (Also includes Fit Person, Supervision and Care Orders)	1 year or period of probation sentence, whichever is longer
6.	Absolute Discharge	6 months
7.	Disqualification, disability or prohibition	Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)
8.	Remand Home/Approval School/ Attendance Centre Orders	1 year after Order expires
9.	Hospital Order Under Mental Health Acts	The period of the Order plus a further 2 years after Order expires (with a minimum of 5 years from the date of the conviction)

Youths

For applicants aged under 17 when the date of conviction took place 2, 3 and 4 above of the fixed rehabilitation periods are halved. Sentences which can only be passed on young offenders remain **fixed** and cannot be halved.

	Sentence	Rehabilitation Period
10.	Borstal	7 years
11.	6 months – 2 ½ years detention in a place determined by the Secretary of State	5 years
12.	6 months detention and less as above	3 years
13.	Detention Centre Orders	3 years

The period of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. **The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.**

APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

Preamble: We may get information about you from certain third parties, or give information to them, to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include other local authorities and Government departments.

To: The Head of Community Services, Oxford City Council, St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS

ALL QUESTIONS MUST BE ANSWERED

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS

THIS APPLICATION FORM MUST BE COMPLETED BY THE APPLICANT.

FULL NAME:	
ADDRESS:	
	POSTCODE:
HOME TELEPHONE:	MOBILE TELEPHONE:
EMAIL ADDRESS:	NATIONAL INSURANCE NO.:
DATE OF BIRTH:	NATIONALITY:
<p>I am applying for the: GRANT / RENEWAL (delete as applicable) for a period of ONE YEAR / THREE YEARS (delete as applicable)</p> <p>a: HACKNEY CARRIAGE / PRIVATE HIRE (delete as applicable) DRIVER LICENCE</p> <p>CURRENT BADGE NUMBER (if applicable) HPD / PHD (delete as applicable):</p> <p>NUMBER OF YEARS YOU HAVE HELD A UK DRIVING LICENCE:</p>	
PROOF OF ENTITLEMENT TO WORK:	YES / NO (delete as applicable)
PROOF OF COMPETENCY IN ENGLISH LANGUAGE (New applicants only):	YES / NO (delete as applicable)
PROOF OF PASSING DRIVER STANDARD ASSESSMENT FOR HC & PH (New applicants only):	YES / NO (delete as applicable)
<p>HAVE YOU EVER BEEN OR ARE YOU CURRENTLY A LICENSED DRIVER WITH ANOTHER LOCAL AUTHORITY?</p> <p>YES / NO (delete as applicable) IF YOU HAVE ANSWERED YES, PLEASE GIVE DETAILS:</p>	
<p>WHICH PRIVATE HIRE OPERATOR DO / WILL YOU WORK FOR?</p>	
<p>HAS THERE BEEN ANY CHANGE IN YOUR HEALTH OR EYESIGHT SINCE THE GRANT OF YOUR PREVIOUS LICENCE:</p> <p>YES / NO (delete as applicable) IF YOU HAVE ANSWERED YES, PLEASE GIVE DETAILS:</p>	
<p>HAS YOUR DVLA DRIVER'S LICENCE BEEN SUSPENDED / REVOKED / ENDORSED FOR ANY OFFENCE IN THE LAST 3 YEARS (OFFENCE TO FAIL TO DECLARE SUCH MATTERS)?</p> <p>YES / NO (delete as applicable) IF YOU HAVE ANSWERED YES, PLEASE GIVE DATES AND FULL DETAILS:</p>	
<p>HAVE YOU EVER BEEN CONVICTED OR CAUTIONED FOR A CRIMINAL OFFENCE?</p> <p>YES / NO (delete as applicable):</p> <p>ARE YOU CURRENTLY AWAITING TRIAL OR FACING CHARGES FOR A CRIMINAL OFFENCE?</p> <p>YES / NO (delete as applicable):</p> <p>IF YOU HAVE ANSWERED "YES" TO EITHER OR BOTH OF THE ABOVE QUESTIONS, PLEASE GIVE DATES AND FULL DETAILS (INCLUDING PENDING COURT DATES) (PLEASE NOTE IT IS AN OFFENCE TO FAIL TO DECLARE SUCH MATTERS):</p>	

DECLARATION:

I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form that person shall be guilty of an offence. This means that if you as the applicant, or anyone else gives false information or leaves out any information to help you get a licence, you and/or they can be prosecuted in court. I declare that I have checked the details given and to the best of my knowledge and belief they are correct. I am entitled to the licence for which I apply.

DATE:..... **SIGNATURE:**.....

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>

Notes for guidance

Please read the notes before filling in this form.

- 1 **This form should only be filled in to confirm an individual's entitlement to drive.** It must be filled in and signed in all cases by the driver. Forms without a signature will not be accepted.
- 2 If the details on your driving licence are not up to date, return it to us and tell us what changes are needed. It is a legal requirement that you tell us immediately of a change to your permanent address or name. You could be fined up to £1000 if you do not notify us of these changes.
- 3 If you are a bus or lorry driver and have passed driver certificate of professional competence (CPC) initial test modules, or completed periodic training since 10 September 2008 (for bus drivers), or 10 September 2009 (for lorry drivers) and you need these details included in your response please fill in section 3 with your driver qualification card (DQC) number if known. **Please do not fill in section 3 if you do not hold a CPC qualification. The driver CPC information will be sent to the company separately from your driver record details.**
If you have any queries regarding driver CPC please contact the Driving Standards Agency in the following ways:
 - Phone **0300 200 1122**
 - Email **customer.services@dsa.gsi.gov.uk** (referring to 'Driver CPC Enquiry')
- 4 In some instances, the company requesting details of your driver record may be making the request on behalf of the company you have a relationship with.
- 5 DVLA has a duty under the Data Protection Act 1998 to protect personal information. To ensure adequate protection, DVLA require the specific consent of the driver before releasing information. This information will only be released for the purpose of confirming entitlement to drive and will be held in accordance with the Data Protection Act 1998.
- 6 If you wish to withdraw consent you may do this at anytime under the Data Protection Act 1998. Check with your employer whether they would prefer your withdrawal of consent verbally or in writing. It is your responsibility to obtain acknowledgement of your withdrawal of consent.
- 7 If you leave your current employer **or cease to drive in connection with the named company** your consent becomes automatically invalid. If you are re-employed by the same company a new consent form will be required.

Warning

Failure to provide sufficient information about your company or the driver you are enquiring about, or failure to sign the declaration will result in your application being rejected.

It is a criminal offence under section 55 of the Data Protection Act 1998 to unlawfully obtain or disclose (or procure the disclosure of) personal data from Data Controllers without the data subject's consent. It is also an offence to sell personal data that is illegally obtained. Convictions for offences are punishable in a Magistrates Court by a fine of up to £5000 or by an unlimited fine in a Crown Court.

Any legitimate complaints received from a driver whose details have been obtained unlawfully may be passed to the Information Commissioner to consider prosecution. If we have evidence that information has been obtained or used inappropriately we may refuse future applications.

IMPORTANT: Please read the notes over the page before filling in this form – Please write clearly in BLACK INK using CAPITAL LETTERS.

1 Company details (to be filled in by the company making the enquiry):

Company name and address (the company):

Oxford City Council, Taxi Licensing
3rd Floor, St. Aldate's Chambers
109 St. Aldate's
OXFORD
Postcode: OX1 1DS

Account number:

Reference number:

Please delete as appropriate:

Are you making an enquiry on behalf of another company?

No

If yes, company name must be entered below.

2 Driver details (to be filled in by the driver):

Surname:

First name:

Middle name(s)

Date of birth:

Driver number:

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Current address:

Line 1
Line 2
Line 3
Post town
Postcode:

Address on licence (if different):*

Line 1
Line 2
Line 3
Post town
Postcode:

* You must tell DVLA of any changes to your address. Failure to do so could result in a fine of up to £1000

3 CPC information (please see notes over the page):

Please delete as appropriate:

Do you require CPC information?

No

DQC number

4 Driver declaration (to be filled in by the driver):

IMPORTANT: Please read the notes over the page before signing this form

Declaration:

Being the person referred to in section 2 above, I authorise Oxford City Council to ask DVLA for my driver record information as and when they require, at a frequency they shall determine.

I understand that Oxford City Council I authorise to ask for my driver record information may use an intermediary company (not applicable) to make the enquiry with DVLA on their behalf.

I authorise and direct DVLA to disclose to Oxford City Council all relevant information relating to my driver record from the computerised register of drivers maintained by DVLA. This includes personal details, driving entitlements, endorsement details, disqualifications, convictions, photo images and CPC details (where appropriate). Medical information is not to be provided.

This authority will expire when I cease to drive in connection with Oxford City Council and in any case three years from the date of my signature.

110

SIGNATURE:

DATE:

OXFORD CITY COUNCIL - TAXI LICENSING

MEDICAL REPORT

Hackney Carriage and Private Hire Drivers

THE MEDICAL EXAMINATION MUST BE CARRIED OUT BY YOUR G.P. OR A MEMBER OF THE MEDICAL PRACTICE WHO HAS ACCESS TO YOUR MEDICAL RECORDS.

A. What you have to do:-

1. Before consulting your doctor you must read the notes at C below. If you have any of these conditions you may not be granted a licence
2. If you have any doubts about your ability to meet the medical standards, consult your Doctor before you arrange for this medical form to be completed. The Doctor will charge you for completing it but should not charge more than the charge for DVLA Group 2 medical. In the event of your application being refused, the fee you pay the Doctor is not refundable. Oxford City Council has no responsibility for the fee payable to the Doctor.
3. Fill in **Section 9** of this report in the presence of the Doctor carrying out the examination.
4. For new applicants this report, together with your application, must be submitted to Oxford City Council within 4 months of the Doctor signing the report, For existing licence holders, this report must not be dated more than 4 months before your licence is due to expire.

B. What the Doctor has to do:-

1. Unless special arrangements have been made through the Taxi Licensing Office you must be a member of the practice holding the applicant's medical records. Please arrange for a full medical examination undertaken, applying the same standards as the DVLA apply to PCV/LGV drivers (Group 2)
2. Fill in **Section 1 - 8** of this report. You may find it helpful to consult the DVLA's "At a Glance" booklet. Alternatively, up to date standards can be obtained of the DVLA website: www.dvla.gov.uk.
3. Applicants who may be asymptomatic at the time of the examination should be advised that, if in future symptoms of a medical condition develop, likely to affect safe driving, and a Driver's Licence is held, the Taxi Licensing Office, Oxford City Council, should be informed immediately.
4. Please ensure that you have completed all the sections, written the applicants name at the bottom of each page and included your surgery/practice stamp

C. Group 2: Medical Standards for HCV and PHV Drivers:-

Standards for HCV and PHV drivers are higher than for car drivers. Specific conditions that are a bar to obtaining or holding a hackney carriage or private hire driving licence are as follows:

1. **Epilepsy / Seizures** - an applicant must: Have been free of epileptic attacks for the last ten years, have not taken any anti-epileptic medication during this ten year period, and not have a continuing liability to epileptic seizures.

In cases where that has been an "**Isolated Seizure**" – an applicant must: Have been free of epileptic attacks for the last five years, have not taken any anti-epileptic medication during this five year period, have undergone a recent assessment by a Neurologist, and have satisfactory results from the Neurologists investigation.

2. **Diabetes:** New applicants and existing licensed drivers with insulin treated diabetes may apply / continue to drive under following conditions:
 - i. You must have had no episodes of hypoglycaemia which have required assistance of another person within the last 12 months.
 - ii. You have full awareness and demonstrate an understanding of the risks of hypoglycaemia.
 - iii. You regularly monitor your blood glucose at least twice a day and at times relevant to your driving (no more than 2 hours before the start of the first journey and every 2 hours whilst driving), using a glucose meter with a memory function to measure and record blood glucose levels.

- iv. Every 12 months, you will need to arrange to be medically examined. At the time of this examination, the doctor will need to review your blood glucose records for the previous 3-month period.
 - v. The cost of the examination is to be met by the licence holder.
 - vi. You must have no other debarring complications of diabetes such as a visual field defect.
3. **Eyesight:** All drivers, for whatever category of vehicle, must be able to read a registration mark fixed to a motor vehicle and containing letters and figures 79 millimetres high and 50 millimetres at a distance of 20 metres, or at a distance of 20.5 metres where the characters are 79 millimetres high and 57 millimetres wide and, if glasses or contact lenses are required to do so, these must be worn while driving.

In addition, an applicant who has not held a vocational Driver's licence before must by law have:

- a) Must be able to meet the above prescribed standard for reading a number-plate. In addition, the visual acuity (with the aid of glasses or contact lenses if worn) must be at least 6/12 (Snellen, decimal 0.5) with both eyes open, or in the only eye if monocular.
- b) Drivers must have a visual acuity, using corrective lenses if necessary, of at least 6/7.5 (0.8 decimal) in the better eye and at least 6/60 (Snellen, decimal 0.1) in the other eye.
- c) Where glasses are worn to meet the minimum standards, they should have a corrective power $\leq +8$ dioptries.

Further information can be obtained by contacting the Drivers Medical Unit, DVLC, Swansea, SA99 1TU, or telephone 01792 304000, about the requirements, informing the unit that the Council's standards are those set out for DVLA Group 2 vocational licences.

An applicant or licence holder failing to meet the epilepsy, diabetes or eyesight regulations must be refused in law from obtaining a Vocational Driver's Licence.

4. In addition to those medical conditions covered by law, an applicant or licence holder is likely to be refused if he/she is unable to meet the national recommended guidelines in cases of:-
- within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty
 - a significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met
 - suffering from or being treated for angina or heart failure
 - established hypertension where the BP is persistently 180 systolic or over or 100 diastolic or over
 - a stroke, TIA or unexplained loss of consciousness within the past 5 years
 - Meniere's and other diseases causing disabling vertigo, within the past 2 years
 - severe head injury with serious continuing after effects, or major brain surgery
 - Parkinson's disease, multiple sclerosis or other "chronic" neurological disorders likely to affect limb power and co-ordination
 - being treated for or suffering a psychotic or schizophrenic illness in the past 3 years, or suffering from dementia
 - alcohol dependency or continued misuse, or illicit drug or substance dependency or use in the past 3 years
 - serious difficulty in communicating by telephone in an emergency
 - insuperable diplopia, pathological visual field defect or loss of normal binocular field of vision
 - any other serious medical condition which may cause problems for road safety and HC and PH driving

MEDICAL EXAMINATION:

to be completed by the Doctor

(Please answer all questions).

Section 1	Vision	YES	NO								
a.	Is the visual acuity as measured by the Snellen chart at least 6/12 (Snellen, decimal 0.5) with both eyes open, or in the only eye if monocular.										
b.	Is the visual acuity, using corrective lenses if necessary, of at least 6/7.5 (Snellen, decimal 0.8) in the better eye and at least 6/60 (Snellen, decimal 0.1) in the other eye.										
c.	If corrective lenses (including glasses) have to be worn to achieve this standard, is the corrective power $\leq +8$ dioptres.										
d.	Please state all the visual acuities for all applicants measured										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">UNCORRECTED</th> <th colspan="2" style="text-align: left;">CORRECTED</th> </tr> </thead> <tbody> <tr> <td>Left:</td> <td>Right:</td> <td>Left:</td> <td>Right:</td> </tr> </tbody> </table>	UNCORRECTED		CORRECTED		Left:	Right:	Left:	Right:		
UNCORRECTED		CORRECTED									
Left:	Right:	Left:	Right:								
e.	If there is no degree of vision whatsoever in one eye, on what date did the applicant become monocular or develop sight in one eye only?										
f.	Is there documented evidence of a pathological field defect e.g. hemianopia, scotoma or quadrantanopia										
g.	Is there uncontrolled diplopia										
h.	Is there full binocular field of vision on confrontation										
Section 2	Nervous System	YES	NO								
a.	Has the applicant a 'liability to epileptic seizures'?										
b.	Does the applicant suffer from epilepsy?										
c.	Is there a history of a sudden and disabling episode or episodes of unexplained impaired consciousness within the past 5 years?										
d.	Is there a history of stroke, TIA or vertebrobasilar insufficiency within the past 5 years?										
e.	Is there a history of uncontrolled Meniere's disease or other causes of sudden disabling vertigo within the last 2 years?										
f.	Is there evidence, with documented signs of neurological or cognitive impairment, of multiple sclerosis?										
g.	Is there Parkinson's Disease or other muscle or Movement disorder likely to affect vehicle control?										
h.	Is there a history of brain surgery since the last licence was issued?										
i.	Is there a history of serious head injury associated with an intra-cerebral haematoma or compound depressed skull fracture since the last licence was issued?										
	<i>(Note: in the case of a first applicant for licence please answer h or i above).</i>										
j.	Is there a history of brain tumour, either benign or malignant, primary or secondary?										
Section 3	Diabetes Mellitus	YES	NO								
	Does the applicant have diabetes mellitus? (if "no" please proceed to Section 4)										
	If YES please answer the following.										
a.	Is the diabetes managed by Insulin? If "YES", date started on insulin										
b.	If treated with insulin, are there at least 3 months of blood glucose readings stored on a memory meter? If "NO", please provide further details (at the end of the Report)										
c.	Other injectable treatments?										
d.	A Sulphonylurea or a Glinide?										
e.	Oral hypoglycaemic agents and diet? If "YES" please provide further details (at the end of Report)										
f.	Diet only?										
g.	Does the applicant test blood glucose at least twice daily?										
h.	Does the applicant test at times relevant to driving?										
i.	Does the applicant keep fast acting carbohydrate within easy reach when driving?										
j.	Does the applicant have a clear understanding of diabetes and the necessary precautions for safe driving?										
k.	Is there any evidence of impaired awareness of hypoglycaemia?										
l.	Is there a history of hypoglycaemia in the last 12 months requiring the assistance of another person?										
m.	Is there evidence of either a loss of visual field and / or severe peripheral neuropathy, sufficient to impair limb function for safe driving? If "YES" please provide further details (at the end of the Report)										
n.	Has there been laser treatment or intra-vitreous treatment for retinopathy? If "YES" please provide details of date(s) of treatment (at the end of the Report)										

PLEASE TURN OVER

Section 4		Psychiatric Illness	YES	NO
a.	Has the applicant suffered or required treatment for a psychotic illness in the past 3 years			
b.	Has the applicant required treatment for a psychoneurotic disorder with psychotropic medication within the past 6 months? (If "yes" please answer below)			
i)	does the medication cause side effects likely to affect driving ability?			
ii)	is the condition stable or resolved?			
c.	Is there confirmed evidence of dementia?			
d.	In the past 3 years has there been:			
i)	a history of continued alcohol abuse or alcohol dependency?			
ii)	a history of illicit drug or substance use or dependency?			
	If you have answered "yes" to either i) or ii) above, please provide dates/details of alcohol intake or type of illicit drug, treatment and compliance with advice (below)			
Section 5		General	YES	NO
a.	Has the applicant a significant disability of the spine or limbs which is likely to interfere with the efficient discharge of his/her duties as a vocational driver?			
b.	Is there a history within the past two years of bronchogenic or other malignant tumour with a significant liability to metastasise Cerebrally?			
	If YES, please give dates and diagnosis and state whether there is current evidence of dissemination (below)			
c.	Is there serious difficulty preventing adequate communication by telephone in an emergency?			
Section 6		Cardiac	YES	NO
a.	Coronary artery disease: Is there a history, or evidence of:			
i)	angina pectoris or heart failure (whether or not maintained symptom free by the use of medication)			
ii)	myocardial infarction/any episode of unstable angina			
iii)	Coronary artery by pass graft (CABG)/coronary angioplasty?			
	If YES to i, ii, or iii please give details/dates (below)			
b.	Has a resting ECG been performed previously			
c.	If you have answered YES for the above question, did it show pathological Q waves present in 3 leads or more, or left bundle branch block?			
d.	Please enter the date that the ECG was performed (if you have answered YES to the above questions) (Note: an ECG does not need to be performed for this examination)			
e.	Other vascular disorders: Is there a history, or evidence of:			
i)	Aortic aneurysm, thoracic or abdominal, with a transverse diameter of 5cm or more (whether or not it has been repaired)?			
ii)	Confirmed symptomatic peripheral arterial disease?			
iii)	Any other significant vascular disorder (ie. Marfans)?			
f.	Cardiac arrhythmia and heart block: Is there a history, or evidence, of:			
i)	significant disturbance of cardiac rhythm within the past 5 years If yes, please give details (below)?			
ii)	pacemaker or cardioverter defibrillator insertion?			
g.	Is the resting blood pressure consistently 180 systolic or more and/or 100 diastolic or more?			
h.	Is there a history, or evidence, of acquired valvular heart disease, with or without heart valve replacement?			
j.	Is there a history, or evidence, of established cardiomyopathy, heart or lung transplant, cardiac surgery other than above, or significant congenital heart disorder?			

Section 8 Medical Practitioner Details

To be completed by Doctor carrying out the examination who must be the applicant's general practitioner or a member of the Group Practice holding the applicant's medical records.

About your GP/Group Practice

Name _____
Address _____

Tel _____

SURGERY STAMP

<p>Section 8B Medical Practitioner Certification (to be completed by Doctor carrying out examination)</p> <p>I certify that I have today examined the applicant in Section 8 of this Report and in my opinion the applicant is FIT / UNFIT * to drive Hackney Carriage or Private Hire Vehicles. <i>*delete as necessary</i></p> <p>NAME</p> <p>SIGNATURE</p> <p>DATE</p>
--

The Applicant's Consultant/Specialist (If applicable)

Consultant's Name _____
Address _____

Tel _____
Date Last Seen _____

This part to be completed by applicant in the presence of the Medical Practitioner carrying out the examination

Section 9 Applicant Details

ABOUT YOU (the applicant)

Your Name _____
Address _____

Date of Birth _____
Phone Numbers _____

This section MUST be completed and must NOT be altered in any way

Consent and Declaration

You should be aware that if you have knowingly given false information in this examination you are liable to Prosecution

Please sign the statement below:

I declare that I have checked the details I have given and that to the best of my knowledge and belief they are correct. If a medical condition is declared I authorise my Doctor(s) and Specialist(s) to release reports to Oxford City Council's Medical Adviser about my condition.

Signature

Date

PLEASE REMEMBER TO SIGN AND DATE THIS FORM

**Extract of Minutes for General Purposes Licensing Committee
20 September 2016**

Hackney Carriage & Private Hire: Proposals to amend the criteria and conditions applicable to the licensing of the Hackney Carriage and Private Hire trades in light of the Oxfordshire Joint Operating Framework for Taxi Licensing.

Minutes:

The Head of Community Services submitted a report which detailed the proposed amendments to the criteria applicable to the Hackney Carriage and Private Hire trades in order to promote safeguarding and awareness of safeguarding.

The Licensing Manager introduced the report. He explained that the proposed amendments were as a result of the recommendations arising from the recommendations that came out of the Serious Case Review into the Bullfinch child sexual exploitation operation. In summary the proposed amendments were:

- The introduction of mandatory Safeguarding Awareness Training to be attended by all licensed drivers.
- A requirement for all drivers to sign up to the Enhanced Disclosure and Barring Services (DBS) Update Service.

In discussion the Committee noted the following points:

- The mandatory Safeguarding Awareness Training has been approved by Oxfordshire County Council's Local Designated Officer for child safeguarding
- Oxfordshire County Council will finance the training for those drivers who provide school transport services (expected to be the majority of drivers)
- to ensure that all Oxford City Council licensed drivers have attained this enhanced level of training it is proposed that the Licensing Authority meet the cost of training (£15.00 per attendee) for those remaining licence holders who do not provide school transport services
- the safeguarding awareness training would be a "pre-application" requirement for all new applicants
- the Licensing Manager will write to all existing licence holders informing them of this training requirement, and that no licence will be renewed until this training has been completed
- to allow time for the trade to digest this information and book a training course, the requirement on existing licence holders will take effect from 3 April 2017 and the costs incurred by the Licensing Authority be met within the 2017/18 Council year (i.e. for those who do not also hold a School transport badge with the County Council)

- making the DBS Update a mandatory requirement would remove the problems faced by both officers and licence holders relating to the slow processing of disclosure applications, and allow the Authority to be able to carry out swift background checks in order to promote our safeguarding objectives.

In conclusion the Committee noted that these recommendations would be adopted by neighbouring local authorities in due course but until that time it was possible that drivers licensed by them would still be able to drive within the city without having undertaken the mandatory training.

The General Purposes Licensing Committee resolved to:

1. **approve** the proposed amendments to the criteria and conditions applicable to licensed drivers as detailed within the report; and
2. **recommend** the amendments to Council for adoption.

To: Council

Date: 29 September 2016

Report of: The Chief Executive

Title of Report: Designation of Monitoring Officer and Appointment of Returning Officer and Electoral Registration Officer

Summary and Recommendations

Purpose of report: To designate the role of Monitoring Officer and to appoint a Returning Officer and Electoral Registration Officer

Policy Framework: None

Recommendations: That Council resolves to

1. **Approve** the appointment of Peter Sloman, Chief Executive as the Council's Returning Officer and Electoral Registration Officer
2. **Approve** the designation of the Lindsay Cane, Acting Head of Law & Governance as the Council's Monitoring Officer.

Background

1. The Council has a duty under Section 5(1) of the Local Government and Housing Act 1989 to designate one of its officers as the Monitoring Officer. The Monitoring Officer may not be the Head of Paid Service or the section 151 Officer.
2. The Council designated the Head of Law & Governance as the Monitoring Officer. In the light of the recent sad news of his death it is necessary to designate another officer of the Council as Monitoring Officer.
3. It is proposed that the Acting Head of Law & Governance is designated the role of Monitoring Officer. Lindsay Cane is the Acting Head of Law and Governance.

4. Section 8 of the Representation of the People Act 1983 requires every district council to appoint an officer of the council to be Electoral Registration Officer.
5. Section 35 of the Representation of the People Act 1983 requires every district council to appoint a Returning Officer for district and parish council elections. The role is to ensure that the elections are administered effectively and that, as a result, the experience of voters and those standing for election is a positive one.
6. The roles of Electoral Registration Officer and Returning Officer are currently held by the Jeremy Thomas. It has become necessary to make new appointments. It is proposed that Peter Sloman is appointed as the Council's Electoral Registration Officer and the Council's Returning Officer.
7. Unlike a Returning Officer, the Electoral Registration Officer cannot appoint a deputy themselves, unless the power to do so has been delegated to them by the council. The Council appointed Martin John as its Deputy Electoral Registration Officer in February 2004. This appointment remains unchanged.

Legal issues

8. There are no legal issues arising from the report.

Financial Issues

9. There are no financial issues arising from the report.

Name and contact details of author: Emma Griffiths, Lawyer, Law & Governance Tel: 01865 252208, egriffiths@oxford.gov.uk

Background papers: None

To: Council
Date: 29 September 2016
Report of: Head of Business Improvement
Title of Report: Attendance Management Policy and Procedure

Summary and recommendations	
Purpose of report:	To approve the implementation of a revised Attendance Management Policy and Procedure
Key decision:	No
Executive Board Member:	Cllr Susan Brown, Customer and Corporate Services
Corporate Priority:	Efficient and Effective Council
Policy Framework:	None
Recommendations: That Council resolves to:	
<ol style="list-style-type: none"> 1. Approve the Attendance Management Policy and Procedure attached at Appendix 1 with immediate effect. 2. Delegate authority to the Head of Business Improvement to amend the policies to reflect administrative changes and to correct any factual or legal errors. 	

Appendices	
Appendix 1	Attendance Management Policy and Procedure
Appendix 2	Risk Register

Introduction and background

1. The current policy has been in place for two years and has been effective in terms of maintaining low absence levels, but needs to be reviewed and modified to ensure the attendance management continues to be effectively managed, whilst ensuring that staff morale is maintained. The proposed changes support a strategy of managing short term absences robustly and supporting long terms absentees to return to work at the earliest opportunity.

2. Trade union colleagues are responsible for proposing many of the changes reflected in the revised policy and their input is welcomed.

Overview of Changes

3. The policy document and procedures have been simplified.
4. The existing and new policies feature the 'Oxford Factor' trigger which is a means to identify frequent short term absentees. The score increases exponentially with the number of instances of short term absences (and the number of days off each time).
5. The current Oxford Factor trigger score of 100 is retained, however both the second Oxford Factor trigger score of 250 and the 6 day absence trigger in a leave year have been removed. This latter trigger called anyone to a formal attendance management review who had more than 6 days off per year which in some cases is not required.
6. The changes provide the opportunity for a wider range of responses to the management of sickness absence whilst still retaining the responsibility to address issues of frequent short term absence and this is reflected in Appendix 3 of the Policy and Procedure. For example absence as a consequence of a planned operation wouldn't necessarily result in a formal meeting, but will still be managed through the return to work process. The process for progression to further stages has also been simplified.
7. The documentation used to manage the process will be reviewed and simplified and workshops will be arranged to introduce the updated process and reinforce the line manager's role in managing sickness absence.
8. These changes are expected to help managers focus their attention on the cases which need more support rather than the current less tailored approach.

Trade Union Position

9. Both trade unions have been consulted and they welcome the change of emphasis in the management of absence by allowing greater flexibility by line managers when deciding appropriate courses of action and better use of the return to work process to identify where and what action to take before invoking the use of attendance management meetings. Both unions want to continue to work with management about the operation of the policy and incorporate any further agreed changes in the management guidance (for example managing sickness in relation to our disabled colleagues and work related absences and their treatment under the policy).
10. Both trade unions will put the revised policy to their respective branch committees during September for ratification.

Financial implications

11. Failure to implement and maintain an effective Attendance Management Policy could result in increased levels of sickness absence and the costs associated with this. The revision to this policy and procedure will assist with the continued effective management of attendance. Keeping absence to a minimum reduces direct financial costs to the Council in terms of sickness pay and covering absences by agency staff and increases efficiency, productivity and staff morale.

Legal issues

12. Employment policies form part of the Council's terms and conditions of employment for all employees, requiring all staff to adhere to their contents. Managers are required to ensure consistent, fair and equitable application of these policies to meet employment law requirements and good practice.

Level of risk

13. A risk register can be found at Appendix 2.

Equalities impact

14. An Equalities Impact Assessment is not necessary. The revisions are intended to ensure a fair and consistent approach to attendance management across all areas of the Council. It also reinforces the supportive nature of the process and ensures that any disability issues and adjustments are considered at every stage in the process.

Report author	Helen Bishop
Job title	Head of Business Improvement
Service area or department	Business Improvement
Telephone	01865 252233
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Background Papers: None

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Draft Attendance Management Policy and Procedure

Contents

1. <i>Policy Statement</i>	3
2. <i>Applicability</i>	3
3. <i>Roles and Responsibilities</i>	3
<i>Sickness Absence Reporting Procedure, Recording Sickness Absence and Providing Support during Absence</i>	5
4. <i>Reporting absence due to personal illness or injury</i>	5
5. <i>Recording Sickness Absence, Medical Certification and Absence during Annual Leave</i>	6
6. <i>Keeping in Contact and Providing Support</i>	7
7. <i>Sick Pay and Pay During a Phased Return to Work</i>	7
8. <i>Support for Employees with Disabilities</i>	9
9. <i>Work Related Accident or Incident</i>	9
<i>Procedure for managing sickness absence</i>	10
10. <i>Overview of procedure for managing sickness absence</i>	10
11. <i>Making reasonable adjustments, redeployment and permanent ill health</i>	11
12. <i>First Sickness Absence Meeting</i>	12
13. <i>Further Sickness Absence Meeting(s)</i>	12
14. <i>Final Sickness Absence Meeting</i>	13
15. <i>Appeals</i>	13
16. <i>Written Records</i>	14
<i>Other Relevant Documentation and Relationship with Other Policies</i>	14
<i>Management Guidance – Attendance Management</i>	15

1. Policy Statement

- 1.1 Oxford City Council believes that a healthy and productive workforce best serves the Council and the City's residents. High attendance rates have a positive impact on the quality of the services we provide the public, on our work colleagues and represent value for money for the Council.
- 1.2 The Council's aim is to promote a culture of exemplary attendance through fair, consistent and effective management of sickness absence. All employee absences will be recorded for the purposes of managing attendance. Disability related absences may be discounted as 'Disability Leave' as a reasonable adjustment.
- 1.3 Managers and employees have key responsibilities in managing absence and promoting attendance.
- 1.4 The Council will manage absence through this policy and promote and facilitate high attendance through its Health and Well-Being Policy.
- 1.5 The purpose of this policy is to support the effective reporting, recording and management of sickness absence to reduce its impact on service delivery and provide appropriate support to employees. It aims to encourage employees to achieve and maintain acceptable levels of attendance and is designed to ensure fairness and consistency in the management of concerns about attendance.

2. Applicability

- 2.1 This Policy applies to all employees, with the exception of employees within their probation period for whom concerns about attendance will be handled using the probation policy and procedure.
- 2.2 This document applies to absence due to an employee's personal sickness or injury. It does not apply to absences connected to the illness or injury of relatives or hospital, dentist or GP appointments or medical screening. For details of these and other types of absence see the Leave Policy and Procedure.
- 2.3 This Policy has had consultation with Heads of Service, managers and Trade Unions.

3. Roles and Responsibilities

- 3.1 The overall responsibility for the management of sickness absence within Oxford City Council rests with the Chief Executive.
- 3.2 Heads of Service are responsible for ensuring that their service complies with this policy, procedure and guidance in respect of reporting, recording and managing cases of absence and for ensuring systems are in place for securely retaining sickness documentation within the service.
- 3.3 Managers are responsible for:

- day-to-day management of sickness absence within their teams in line with this Policy and Procedure;
- ensuring all employees reporting to them are aware of this Policy and Procedure;
- ensuring that sickness absence is recorded accurately;
- conducting return to work meetings with employees after each and every period of sickness absence;
- handling absence problems promptly, sensitively and confidentially;
- ensuring that any disability related absences are taken into consideration when applying the procedure;
- conducting informal and formal meetings with employees with absence problems;
- referring employees for occupational health advice and other forms of support;
- maintaining appropriate contact with employees who are absent from work;
- retaining documentation confidentially.

3.4 Employees are responsible for:

- familiarising themselves with and adhering to this policy;
- attending work regularly in accordance with their contract;
- following the procedure for reporting absence due to personal sickness or injury and complying with the Attendance Management Policy;
- attend meetings with their manager and Occupational Health to discuss their absence as required;
- telling their manager if their health is being negatively affected by any work related factors or if they have concerns about returning to work after a period of sickness absence;
- telling their manager if they are taking prescribed or non-prescribed medication that may affect their ability to do their job safely;
- taking responsibility for their own health and helping to prevent accidents at work;
- reporting accidents at work and completing Incident Reports as soon as practicable and normally no later than 24 hours after the incident (managers can complete on employee's behalf if necessary).

3.5 Human Resources are responsible for:

- providing managers with regular reports on levels of sickness absence;
- providing support and advice to managers in improving attendance at service or individual level;
- providing support to managers where sickness absence is due to a disability as defined by the Equality Act, directly attributed to an accident at work or due to pregnancy.

3.6 It is important to ensure consistency of approach. Each case should be treated on its merits, but managers should apply the same standards to all employees. It is important that some employees are not singled out for formal action whilst the absence of others is ignored.

- 3.7 Sickness absence should be handled with empathy and respect for the employee. The aim is to support employees where possible, whilst maintaining the interests of the service.

Above is the Policy of the Council, below is the procedure for reporting and managing absence due to personal sickness or injury

Sickness Absence Reporting Procedure, Recording Sickness Absence and Providing Support during Absence

4. Reporting absence due to personal illness or injury

- 4.1 Employees should use this procedure for **all** periods of absence due to personal sickness or injury. Failure to do so may result in action being taken under the Council's disciplinary procedure.
- 4.2 An employee who is unable to attend work must notify his/her line manager as soon as possible and normally no later than 30 minutes after he/she usually starts work.
- 4.3 The employee should speak to his/her line manager in person. A text message or email without a phone call is not sufficient notification. Where the line manager is unavailable the employee should leave a contact number so that the manager can call him/her back. In exceptional circumstances, where the employee is unable to report his/her absence in person, he /she should normally arrange for someone to do this on his/her behalf.
- 4.4 The line manager should be told the reason for absence, an estimate of how long the employee is likely to be absent from work, contact details during absence and any urgent or outstanding work that requires action.
- 4.5 Where an employee is taken ill or injured at work, the line manager should be contacted to give permission to leave work. The line manager should make arrangements for the employee to leave work safely and/or receive appropriate medical treatment, including from the service area first aid officer. The Health and Safety Advisors may also offer support.
- 4.6 Where the employee fails, without prior agreement, to report his/her absence in line with this procedure, the manager should contact the employee.
- 4.7 On the first day of a return to work the manager must hold a return to work meeting with the employee to check that the employee is fit to return, discuss any support that may be required, including any advice from Occupational Health/medical practitioners, and, where appropriate, update on activities which have occurred during the absence. **(Also see Management Guidance – Attendance Management for additional information.)**
- 4.8 Where sickness absence is due to a disability as defined by the Equality Act, is directly attributed to an accident at work, or due to pregnancy the manager can seek advice from Human Resources about how this should be managed.

- 4.9 If employees have any queries about how to report sickness absence these should be raised with the line manager.
5. **Recording Sickness Absence, Medical Certification and Absence during Annual Leave**
- 5.1 The line manager must record sickness absence on iTrent on the day it is reported.
- 5.2 On return to work the line manager must complete the Return to Work e-form with the employee, save the completed form on iTrent and input an end date for the absence. (*See Management Guidance – Attendance Management for additional information.*)
- 5.3 Absence of up to seven calendar days can be self-certified. Absence in excess of seven calendar days requires medical certification. Employees are responsible for obtaining certification and forwarding this to the line manager, normally within two working days, wherever practical. If absence continues, further medical certificates must be provided to cover the whole period with no gaps in dates.
- 5.4 The employee can return to work at any time, even if this is before the medical certification expires, as this can aid recovery. The employee must discuss the proposed return date with the line manager. Returning to work early does not breach the Council's insurance arrangements but consideration should be given to any medical advice, to appropriate safety procedures and, where necessary, a risk assessment should be undertaken. This is especially important where the fitness of the employee is safety critical (e.g. where he/she operates potentially hazardous equipment drives or climbs ladders at work) or where the employee works alone.
- 5.5 Where the manager is concerned that the employee may not be fit to return to work before the expiry of the current medical certification, he/she should discuss this with the employee and complete a risk assessment. Human Resources advice should also be sought. The manager may also refer the employee to occupational health or advise the employee to obtain a certificate from his/her GP. The employee's service will need to pay for the certificate. The employee will remain on sick leave whilst such medical advice is sought
- 5.6 Where the line manager has concerns about the reason for absence, or the employee has frequent short term absence, the employee may be required to produce medical certification for each absence regardless of duration. Costs of obtaining this documentation will be reimbursed to the employee on production of proof of payment, via the next available payroll run.
- 5.7 Where an employee falls sick during the course of annual leave (excluding Bank Holidays) the employee will be regarded as being on sick leave on production of appropriate medical certification. The start date for the sickness absence would be the date indicated on the certificate which would normally be from the date of the consultation. Any costs for the certification will be met by the employee.
- 5.8 The Equality Act protects pregnant women from unfavourable treatment in employment on grounds of pregnancy or maternity. Managers must not take pregnancy related absence into account when managing attendance. Where an employee has pregnancy related illness after the beginning of the fourth week before the expected week of child birth, maternity leave automatically begins the day after the first day of her absence. Managers should seek further advice from

Human Resources. Absence due to a pregnancy-related illness should be recorded on iTrent but discounted for the purposes of assessing whether formal action is appropriate.

6. Keeping in Contact and Providing Support

- 6.1 Employees should keep in touch with the line manager regularly at intervals agreed with the line manager and normally at least once per week. Such contact is intended to provide reassurance for the employee and will be limited to what is reasonable, the purpose being to maintain contact, discuss well-being, expected length of absence and any work that may require attention.
- 6.2 Contact will normally be with the line manager. In very exceptional circumstances, the contact may be with Human Resources. Should an employee have concerns while absent on sick leave, whether about the reason for the absence or ability to return to work, the employee can contact the line manager and/or Human Resources at any time.
- 6.3 Informal contact can include visits to the workplace, another location, or, if agreed with all parties, a home visit. Meetings will be arranged at a mutually convenient time but employees should be reasonable in accommodating the request. The employee has the right to be accompanied at this meeting and, if a home visit, two officers, one of whom should be known to the employee, will attend.
- 6.4 To fully support a return to work at the earliest opportunity, the employee may also be asked to consent to attend appointments with Occupational Health. The employee will be asked to agree that any report produced in connection with a referral may be disclosed to the line manager and Human Resources and that the report may be discussed with the relevant medical advisors.
- 6.5 It is important for employees to attend Occupational Health appointments, not least because the information from the referral aids a successful return to work and helps the Council make reasonable adjustments where an employee has an underlying disability. Refusal to attend can put the health of the employee, his/her employment and the Council at risk; therefore the Council could consider disciplinary action (eg: failure to follow a reasonable management instruction) and may make decisions in the absence of medical information.
- 6.6 The Council makes use of a Counselling Service and, where appropriate, an employee can be referred to the service by the line manager, or make a self-referral. A referral to the service may be particularly beneficial where the reasons for absence are due to stress, depression or anxiety. In normal circumstances, up to six sessions are funded by the Council.
- 6.7 The Council is also able to arrange physiotherapy where it will enable an employee to return to work more quickly, or to stay in work, or where Occupational Health has made a recommendation.

7. Sick Pay and Pay During a Phased Return to Work

- 7.1 Employees should refer to the contract of employment for details of the sick pay scheme and refer any queries to Payroll. The sick pay scheme includes

- **Statutory Sick Pay (SSP)** – provided the relevant requirements are satisfied. Qualifying days for SSP purposes are Monday to Sunday.
- **Occupational Sick Pay** - in accordance with the Council’s sickness pay provisions provided the employee complies with the sickness absence reporting procedure and any other requests made under this policy. Where this is not the case, the Council reserves the right to withhold payment of occupational sick pay.

7.2 Length of service determines the amount of sickness pay benefits that and employee may receive from the Council in any twelve month period. Sickness pay is paid for the following periods, depending on continuous service in Local Government:-

Service	Full Pay*	Half Pay*
Less than 4 months	22 working days	None
After 4 months but less than 1 year	22 working days	43 working days
After 1 year but less than 2 years	43 working days	43 working days
After 2 years but less than 3 years	87 working days	87 working days
After 3 years but less than 5 years	108 working days	108 working days
After 5 years	130 working days	130 working days

* based on normal salary.

Note - all references to ‘working days’ in the table above refer to entitlements based on 37 hours, 5 day working week. They are pro-rata for any variation to this, including part time or compressed hours (eg: in Waste and Recycling).

Full pay shall be inclusive of any SSP due in accordance with applicable legislation in force at the time of absence.

7.3 Employees returning to work from a prolonged absence may have a phased return that can involve working fewer hours per week than under the normal contract of employment. Unless there are exceptional circumstances, a phased return is for a maximum period of four weeks. Where an employee is on an agreed phased return to work, he/she will receive normal pay for two weeks. For the remaining two weeks (or more in exceptional circumstances) of the phased return any shortfall in hours will either be made up by making deductions against leave, or taken as unpaid absence. This period is not counted as sickness and as such SSP is not payable.

7.4 If a period of sickness absence is, or appears to be, occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages may be recoverable, the employee must immediately notify Human Resources of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that the Council may reasonably require. Where required to do so, the employee must cooperate in any related legal proceedings and refund to the Council that part of any damages or compensation recovered that relates to lost earnings for the period of sickness absence as the Council may reasonably determine, less any costs the employee has incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to the Council shall not

exceed the total amount paid to the employee by the Council in respect of the period of sickness absence.

8. **Support for Employees with Disabilities**

- 8.1 Where sickness absence may result from a disability, at each stage of the Attendance Management Procedure particular consideration will be given to whether there are possible reasonable adjustments that could be made to the requirements of a job or working arrangements that will provide support at work and/or assist a return to work, **(see *Management Guidance -Attendance Management for additional information.*)**
- 8.2 Where an employee considers he/she is affected by a disability or any medical condition which affects the ability to undertake the job role, the employee should inform the line manager who should consider any action to support the employee in the workplace, seeking advice from Human Resources. Employees are encouraged to disclose their medical conditions including any disabilities although there is no legal obligation to do so.
- 8.3 Disability Leave is intended to provide disabled employees with reasonable paid time off work for reasons related to their impairment. It can usually be planned in advance and is for a fixed period of time. **(See *Management Guidance – Attendance Management for additional information.*)**
- 8.4 Disability related sickness absence arises where the employee's sickness absence is related to a disability. In these circumstances reasonable adjustments should be made in relation to any action taken when managing an employee's attendance, depending on available medical information and the individual circumstances. **(See *Management Guidance – Attendance Management for additional information.*)**

9. **Work Related Accident or Incident**

- 9.1 The Accident and Incident Review Board (AIRB) will review sickness absence cases considered to be as a result of a work related accident or incident. The Board will comprise members of Health and Safety, Trade Unions and Senior Managers.
- 9.2 Where sickness absence includes periods of absence that are a direct result of an injury sustained as a consequence of an accident during working hours and employees complete Incident Reports as soon as practicable and normally no later than 24 hours after the incident (managers can complete on employee's behalf if necessary), line managers should record the absence on iTrent as an Industrial Injury and refer the employee to Occupational Health.
- 9.3 Where this happens the matter will be referred to the AIRB to assess how the sickness will be regarded for the purposes of assessing eligibility for the Partnership Payment and calculating sick pay, taking into account whether the actions of the employee contributed to the accident. The outcome will be confirmed to the line manager, the employee and Payroll.
- 9.4 All absence that becomes long term (in excess of 28 calendar days) will be managed in accordance with the Attendance Management Policy.

- 9.5 To be classified as an accident, there must be a separate, identifiable and unintended incident that causes physical injury that directly results in absence. This includes acts of unprovoked violence towards employees at work.
- 9.6 Injuries themselves, for example 'feeling a sharp twinge' are not accidents. There must be an identifiable external event that causes the injury, e.g. a falling object striking someone. Cumulative exposures to hazards, which eventually cause injury (e.g. repetitive lifting), are not classed as 'accidents'.

Procedure for managing sickness absence

10. Overview of procedure for managing sickness absence

- 10.1 The formal procedure for managing concerns about an employee's attendance consists of the following stages:
- **First Sickness Absence meeting** (First formal stage);
 - **Further Sickness Absence meeting** (Second formal stage – can result in a warning);
 - **Final Sickness Absence meeting** (Third formal stage – can result in dismissal Hearing).
- 10.2 Depending upon the circumstances of the case it may be appropriate to adjourn a meeting pending further information or action or to hold more than one meeting at any stage.
- 10.3 An employee has the right to appeal against the decision to dismiss at a Final Sickness Absence meeting.
- 10.4 Concern about an employee's attendance may be triggered by one or more of the following:
- absence score of 100 (adjusted for working patterns of more/less than five days);
 - unacceptable patterns of absence; for example a pattern of calling in sick the day before or after a weekend or bank holiday, or before or after annual leave, or consistently higher than average levels of absence when monitored over a long period;
 - a period of absence of more than 28 calendar days (long term sickness absence) where the return to work date has not been specified or is of concern to the line manager.

The above triggers may not necessarily result in a formal meeting. Management Guidance – Attendance Management can provide additional support on identifying and managing employees with low attendance.

- 10.5 The employee may be referred to occupational health and/or asked to obtain advice or information from his/her GP, specialist or consultant at any stage of the procedure.

- 10.6 The employee will normally be given seven calendar days written notice of formal meetings and hearings. This timescale can be altered by mutual consent.
- 10.7 The employee is entitled to be accompanied at all formal meetings/hearings by a trade union representative or work colleague. In exceptional circumstances the employee may be allowed to be accompanied by an alternative representative. Managers should contact Human Resources if the employee requests an alternative representative.
- 10.8 The employee's representative may confer with the employee during formal meetings, hearings and appeals, explain the employee's case, ask questions, sum up and respond to views expressed at the hearing so long as the employee is happy for him/her to do so. Unless there are exceptional circumstances and the chair of the meeting/hearing/appeal permits it, the representative may not answer questions on the employee's behalf.
- 10.9 The employee will be informed in writing of the outcome of all formal meetings and hearings under the procedure, normally within five working days of a decision being made. In addition, notes must be taken at a Final Sickness Absence meeting.
- 10.10 Those authorised to act under this procedure are as follows

First and Further Sickness Absence Meetings	Final Sickness Absence Meeting	Appeal against dismissal
Line manager or another manager in team/service more senior to the employee, with support from HR as required	Head of Service (or Director where employee is a Head of Service) supported by HR	Another Head of Service (not previously involved in the case) or officer more senior to the officer making the original decision, in the presence of an Elected Member and supported by HR

11. Making reasonable adjustments, redeployment and permanent ill health

- 11.1 Managers must comply with the requirements of the Equality Act. This includes making reasonable adjustments to enable disabled (as defined by the Act) employees to improve their attendance levels and/or successfully return to work.
- 11.2 Managers may also consider making reasonable adjustments on a temporary or permanent basis for employees who are not disabled.
- 11.3 Where an employee is unable to return to his/her role following long term sickness absence but could return to another role, or where the manager believes that an employee could achieve an acceptable level of attendance in another role, redeployment opportunities will be sought, for a period of up to 60 days. This can be at any stage of the process. The employee will have prior consideration for vacancies before external applicants. Pay protection will not apply and the employee will be redeployed on the terms and conditions of the new post. Advice should be sought from Human Resources.

11.4 Reasonable adjustments can also be considered at any stage of the procedure as appropriate to the individual case. In most cases, medical advice, including Occupational Health advice, will be sought as well as advice from Human Resources. Reasonable adjustments can include:

- permanent or temporary adjustments to the duties of the role;
- flexible working;
- home working;
- modified/ reduced duties;
- phased return to work - in most cases, maximum of four weeks (see 7.3);
- adjustment in working hours/working patterns;
- adjusting the trigger point where levels of absence are higher due to the disability.

11.5 Where an employee is in the Local Government Pension Scheme (LGPS) and is unable to return to work because of illness, in some cases it may be possible to access pension benefits. The level of ill health pension benefits payable will vary according to the circumstances of the case. Advice must be sought from Human Resources.

12. First Sickness Absence Meeting

12.1 In cases of frequent short term absence (absence score of 100) or unacceptable patterns of absence or where long term absence exceeds 28 calendar days, a first formal sickness absence meeting may be arranged. (***See Management Guidance – Attendance Management for advice.***)

12.2 The meeting will review the reasons for and details of the employee's absence, any medical information and advice available and whether there is any support that could help the employee achieve an acceptable level of attendance.

12.3 Targets for expected attendance levels for short term absence cases/ return to work for long term absence cases will be set, and any requirements for reporting or certificating absence.

12.4 **In all cases** the line manager will meet with the employee at the end of the timescale for review to assess whether or not there are still concerns about the employee's attendance and/or return to work. Where concerns remain a meeting may be arranged at the second formal stage, or the timescale for review may be extended, according to the circumstances of the case.

13. Further Sickness Absence Meeting(s)

13.1 In cases where an improvement following a First Sickness Absence meeting has not been achieved, or where the line manager has significant concerns about absence/patterns of absence or where an employee has not been able to return to work from long term absence within reasonable timescales, a Further Sickness Absence meeting will be held. The meeting will review the case so far and look at whether there are any further options for reasonably supporting the employee in reaching an acceptable level of attendance or making a successful return to work. It may be appropriate to consider redeployment at this stage. (***See Management Guidance – Attendance Management for advice.***)

- 13.2 In most circumstances, an outcome to a Further Sickness Absence meeting will be for the line manager to issue a warning that the employee's continued employment will be at risk if he/she does not meet the level of attendance expected/targets for attendance within a specified timescale, and maintain an acceptable level of attendance. The warning will be issued in writing, normally within five working days of the meeting.
- 13.3 In cases of long term absence, where medical advice states that the employee will not be able to work again in any capacity, and there are no reasonable adjustments that would enable him/her to do so, it may be appropriate to omit the Further Sickness Absence stage and convene a Final Sickness Absence meeting. If the employee does not consent to this in writing, a Further Sickness Absence meeting should be convened, at which a warning will be issued and targets set for attendance within a specified timescale. It may also be appropriate to consider Ill Health Retirement.
- 13.4 In all cases the line manager will meet with the employee at the end of the timescale for review to assess whether or not there are still concerns about the employee's attendance and/or return to work. Where concerns remain, a meeting may be arranged at the final formal stage, or the timescale for review may be extended, according to the circumstances of the case.

14. Final Sickness Absence Meeting

- 14.1 Where an improvement in attendance as detailed in the Further Sickness Absence meeting action plan not achieved or where the employee is permanently unfit to undertake the duties of the existing job, a Final Sickness Absence meeting will be convened. (**See *Management Guidance – Attendance Management for advice.***) It may also be appropriate to consider Ill Health Retirement at this stage.
- 14.2 The chair of the hearing may decide to dismiss the employee, where an employee has been warned he/she is at risk of dismissal. The employee will receive the appropriate notice, and the dismissal will be on grounds of capability. Alternatively the chair may recommend alternative action in the light of evidence presented at the hearing.

15. Appeals

- 15.1 The employee may appeal against a decision to dismiss.
- 15.2 The appeal must be made in writing within seven calendar days of the date of the letter confirming the outcome, addressed to the HR and Payroll Manager, and state the grounds for the appeal. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal but if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of service or pay.
- 15.3 The appeal will review the earlier decision, taking into account the grounds of the appeal. The appeal can overturn the earlier decision, confirm it or recommend alternative action. The appeal decision is final within the Council.

16. Written Records

- 16.1 Managers should keep written records of all stages of the procedure that they handle and provide the employee with written outcomes. These should be saved in iTrent. Records should be treated as confidential as appropriate and kept in accordance with the Data Protection Act.

Other Relevant Documentation and Relationship with Other Policies

Alcohol and Drug Misuse Related Illnesses.

Where a manager suspects or is made aware that an employee is experiencing problems associated with alcohol or drugs, he/she should encourage the employee to discuss this problem and seek help. The problem should be addressed with sensitivity. Managers should refer to the Council's Policy on Alcohol and Drug Misuse, available on the intranet.

Disciplinary Policy & Procedure

These issues (a non-exhaustive list) may be dealt with under the Disciplinary Policy:

- failure to attend work when medically fit to do so and not on any other authorised leave;
- failure to follow the sickness absence notification procedure without good reason;
- failure to provide medical certificates when required;
- undertaking paid or unpaid employment while absent on sick leave;
- deliberate falsification of self or medical certificates;
- incapability at work and being under the influence of alcohol or non-prescribed drugs;
- failure to attend Occupational Health referrals or informal/formal meetings without good reason.

Performance Improvement Policy and Procedure (PIPP)

Employees who are subject to PIPP may be considered under this Policy if there are medical grounds for doing so.

Management Guidance – Attendance Management

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The following sections provide guidance on managing absence.

Note: Managers can obtain further advice from Human Resources.

Section 1 - Return to Work meetings

Section 2 - Supporting employees with disabilities

Section 3 - Identifying and managing employees with low attendance

Section 4 - Making a decision to dismiss

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Section 1 – RETURN TO WORK MEETING

Key Points

- Return-to-work meetings are one of the main tools used in the effective management of sickness absence and are carried out by the line manager. Holding a meeting demonstrates to the employee that the employer is implementing the absence management policy consistently, is concerned about the employee's health and wellbeing and is working with the employee to facilitate a return to work.
- A return to work meeting **MUST** take place after every period of absence and must be conducted in a confidential place.
- The meetings can help to bring about an improvement in sickness absence levels by discouraging absence that is not genuinely for reasons related to sickness.
- In the case of short-term absence, ensure that the employee is invited to the meeting **promptly** on his or her return from sickness absence. In the case of long-term absence, it will usually be appropriate to arrange the meeting for prior to the actual return to work, having referred the employee to Occupational Health.
- Prepare for the meeting by gathering all the information that is required, including data/medical certification for this period of absence, absence history and any relevant medical information – eg: Occupational Health advice. This information is used to facilitate a discussion about the reason for the absence and the employee's attendance levels in general. It is important to look at absence over a period of time (e.g.: last two years), not just this absence period, to take an informed view of the absence record. Take particular account of any absence related to a disability.
- Assess whether the employee has triggered formal action or an escalation of the procedure if already subject to formal attendance management. Take account of any absence that is linked to pregnancy or disability, or any absence that may be linked, seeking advice from Human Resources where required.
- Decide whether or not any action is required as a result of the meeting, for example, implementing a phased return in the case of long term absence, or identifying work plans and priorities on return.
- Complete the Return to Work e-form, give the employee a copy if he/she requires and ensure the form is stored on iTrent.
- Where the absence is disability-related, ensure this is accurately recorded on iTrent.
- Although the term "return-to-work meeting" sounds formal, the emphasis is informal, intended to encourage a two-way flow of communication, facilitate an employee's return from a period of sickness absence and allow the line manager to check that he or she is well enough to be back at work.

SECTION 2 – SUPPORTING EMPLOYEES WITH DISABILITIES

Oxford City Council's aim is to promote equality of opportunity for all employees and remove or make adjustments to policies which disadvantage disabled employees.

Disability Leave

Disability Leave is intended to provide disabled employees with reasonable paid time off work for reasons related to the disability, for example to support attendance at appointments or to undergo treatment or rehabilitation. It can usually be planned in advance and is for a fixed period of time. Previously this type of absence may have been classed as sick leave or the employee has used annual leave to accommodate such absences. The intention, where workable, is to avoid such situations adversely impacting on attendance records or annual leave entitlement.

The Equality Act 2010 requires employers to make reasonable adjustments to remove or reduce any disadvantage that disabled staff may face. Disability Leave is a "reasonable adjustment" under this legislation.

Examples of where short term disability leave may be appropriate *(not exhaustive)*

- Doctors or complementary medicine practitioner's appointments
- Hospital appointments as an outpatient
- Hearing aid tests
- Training with a guide or hearing dog
- Counselling/ therapeutic treatment
- Recovery time after a blood transfusion or dialysis treatment
- Physiotherapy

Examples of longer blocks of disability leave

- A period of time off work where, based on medical advice, it is not appropriate for the employee to either remain at work or be redeployed while reasonable adjustments are made to the role/working environment (such time off will not be taken into account when considering possible dismissal on the grounds of health capability).
- An extension to the four week phased return period, where supported by medical advice.

Who can request disability leave?

Any employee who considers him/herself disabled can apply to the line manager for Disability Leave when they need it, explaining the reasons for leave and providing supporting information (eg: appointment cards). It is not up to a line manager to decide if someone is disabled under the Equality Act 2010. It is best practice to assume that someone who is asking for support in relation to a health condition does indeed need that support and to provide it accordingly, assuming it is proportionate to do so. Human Resources or Occupational Health are able to advise as required.

How much disability leave can an employee request?

Line Managers may grant a reasonable amount of paid time off for disabled employees who need to be away from work for reasons connected with his or her disability. What is 'reasonable' will depend on the circumstances but the leave is intended to support a specific purpose, as illustrated in the examples above, and is not intended to be used as a means of extending sick pay. Line managers should seek advice from Human Resources where needed.

Disability Leave may be taken in a "block" or as individual days or half days, or shorter periods of time.

Recording disability leave

Disability Leave of half a day or more should be recorded by line managers on iTrent, using specific data entry fields to record Disability Leave.

If an employee's request for disability leave is agreed there is a need to ensure the employee's personnel record is up to date, to reflect the disability. The employee can update the record or the line manager can request Human Resources to do so.

Disability-related sickness absence

Where sickness absence relates to a disability, the absence should be recorded by line managers using the same method they use to record other types of sickness i.e. the electronic absence recording system available on iTrent.

Reasonable adjustments for disability related sickness absence should be made as part of the attendance management procedure. Where an employee with a disability is expected (following medical advice) to have a higher level of absence than an employee without a disability, the trigger point for instigating formal action should be adjusted to allow for this, but all absence should be recorded. Please seek advice from Human Resources before taking action.

Medical information about employees will be kept confidential so far as is practicable unless the employee agrees to disclosure or it becomes necessary as an adjustment.

Other forms of support

Line managers should also consider, in consultation with the employee, what reasonable measures could be put in place to assist the employee achieve and sustain regular attendance at work. This can include providing technology or equipment, adjusting working patterns, changing start/finish times or reducing contracted hours. In some situations, limited external assistance with implementing adjustments may be available from disability charities or the Access to Work scheme. These options should be fully explored with the employee, and advice is available from Human Resources.

SECTION 3 – IDENTIFYING AND MANAGING EMPLOYEES WITH LOW ATTENDANCE

Managers will need to make evidence-based decisions when determining the action they are choosing to take to manage attendance, at all stages of the process, and will need to be able to provide a rationale for each decision. Managers should also be mindful of any attendance issues that may be linked to a disability or pregnancy/maternity. Advice on all aspects of Attendance Management is available from the HR Business Partner team where required.

First Sickness Absence meeting

When is a First Sickness Absence meeting triggered?

Concern about an employee's attendance may be triggered by one or more of the following.

- Absence score of 100+ (*adjusted for working patterns of more or less than five days*) - see '*Calculating an Absence Score*' below,
- Unacceptable patterns of absence; for example a pattern of calling in sick the day before or after a weekend or bank holiday, or before or after annual leave, or consistently higher than average levels of absence when monitored over a long period.
- A period of absence of more than 28 calendar days (long term sickness absence) where the return to work date has not been specified or is of concern to the line manager.

Prior to the trigger points, the first means of managing absence would be through the Return to Work meeting.

Where a formal meeting is required, the employee needs seven calendar days' notice in writing, unless he/she agrees to a shorter timescale and must be advised he/she can be accompanied by a Trade Union representative or work colleague. The meeting must take place in a confidential meeting room.

For short term absence, the meeting should take place as soon as possible after the return to work. In long term cases, as soon as possible after the 28 day trigger has been reached. In cases of long term absence, the meeting should take place even if the employee has not returned to work.

What may not trigger a First Sickness Absence meeting?

The Council sets a target that sickness absence should average no more than six days per full time employee per year. Where an individual employee has more than six days but short of 28 days, this may not necessarily trigger a formal meeting.

Managers should take account of the reason for the absence and also review attendance over a period of time, to make an assessment as to what may be a reasonable approach to managing the absence.

Where sickness absence is directly attributable to a disability, the trigger points for formal action may also be adjusted. Seek advice from Human Resources.

An alternative approach to a First Sickness Absence meeting?

A formal attendance management meeting is unlikely to be necessary for an employee who has, for example, been off work for two weeks recovering from a planned operation, but who otherwise has an exemplary attendance record (although the absence will affect the Partnership Payment).

When reviewing an Absence Score of 100+, it may be appropriate to make a judgement to link close periods of identical absence where, for example, the person returned to work only to have a reoccurrence of the absence, and this may reduce the score.

These cases would be managed through regular contact during the absence, a Return to Work meeting, and potentially an Occupational Health referral.

But an alternative approach may not always be appropriate...

It may be reasonable to have a First Sickness Absence meeting with an employee who has a block of absence beyond six days but short of 28 days, where a pattern indicates that, when looked at over a period of time (e.g. two years); the levels of absence have consistently been tracking above the Council target.

Outcomes of the First Sickness Absence Meeting

An outcome of a First Sickness Absence Meeting must always include an action plan under which the employee will be assessed. It is important this action plan is realistic and reasonable – a reasonable target is likely to be, for example, 'During the next six months, to achieve and maintain an attendance level below an Absence Score of 100. To reduce your sickness to below 100 at the earliest opportunity, you should have no further sickness absence between XDATE and YDATE. This Action Plan will be monitored in one to one meetings and Return to Work meetings.

A target that would be difficult to enforce would be something like 'You should have no further sickness absence for a specific period of time (e.g. three or six months.) If the person has a day or two off, which is not unreasonable for the average person, it does leave the manager in a more difficult position.

In long term absence cases, a target would be 'to return to work by XX date'. The date would depend of the circumstances of the case and, in most cases of long term absence, managers should seek support from the HR Business Partner.

In many cases, particularly cases of long term absence, a referral to Occupational Health and/or physiotherapy is likely to be helpful and, in some cases, the employee may wish to take up the opportunity for counselling.

A form to record the outcomes is available on the intranet. A copy of the form must be given to the employee and a copy saved on iTrent

Further Sickness Absence Meeting

When is a Further Sickness Absence Meeting triggered?

A Further Sickness Absence Meeting is likely to be triggered by a period of long term absence which is extending well beyond the 28 day period that triggered a First Sickness Absence Meeting and Action Plan, and where there is no prognosis for a return date. The exact timings for a meeting will vary according to the case and the manager should always seek advice from the HR Business Partner. Medical advice will also be required.

A Further Sickness Absence Meeting is also likely to be triggered by a failure to meet targets for short term absence set at the First Sickness Absence meeting.

It can also be triggered where there has been no First Sickness Absence Meeting, but the absence is excessive and/or there is no clear prognosis for a return to work.

Again, where a formal meeting is required, provide the employee with seven calendar days' notice in writing, unless the employee agrees to a shorter timescale. In the letter advise the employee he/she can be accompanied by a Trade Union representative or work colleague, and ensure the meeting takes place in a confidential meeting room.

For short term absence, the meeting should take place as soon as possible after the end of the monitoring period or, if further action is triggered before the end of the monitoring period, as soon as possible after the return to work. In long term cases, the meeting should take place as soon as possible after the target return date set in the First Sickness Absence meeting has been reached.

When might there be an alternative approach to a Further Sickness Absence meeting?

There may be circumstances where a Further Sickness Absence Meeting may not always be the only response to a failure to meet targets – for example, where an employee has made significant effort to improve attendance but has just fallen short of the Action Plan target, an extension to the monitoring period may be a reasonable option, to provide further opportunity for the employee to demonstrate sustained improvement before moving to a Further Sickness Absence meeting. The manager must meet with the employee to discuss, follow up the meeting in writing, and ensure the outcome is recorded on iTrent.

In some cases of long term absence, where medical information confirms the employee will not be able to work again in any capacity, and there are no reasonable adjustments that would enable him/her to do so, with the employee's agreement, it may be appropriate to omit the Further Sickness Absence stage and convene a Final Sickness Absence meeting. If the employee does not consent to this in writing, a Further Sickness Absence meeting should be convened, at which a warning will be issued.

It may also be appropriate to consider Ill Health Retirement - seek advice from the HR Business Partner.

Outcomes of the Further Sickness Absence Meeting

As with a First Sickness Absence Meeting, there will be an action plan as an outcome of the meeting. A referral/further referral to Occupational Health and/or physiotherapy and /or counselling should also be considered.

In addition, in most circumstances an outcome from the meeting should be to warn the employee that continued employment may be at risk if he/she is unable to maintain satisfactory levels of attendance. It may also be appropriate to consider redeployment. Advice is available from the HR Business Partner.

A form to record the outcomes is available on the intranet. A copy of the form must be given to the employee and a copy saved on iTrent

Final Sickness Absence Meeting

When is a Final Sickness Absence Meeting triggered?

A Final Sickness Absence Meeting is likely to be triggered where an employee has a prolonged period of long term absence, has had a Further Sickness Absence Meeting and where there is no prognosis for a return date. As with the Further Sickness Absence meeting, the exact timings for a meeting will vary according to the case and the manager should always seek advice from the HR Business Partner.

A Final Sickness Absence Meeting is also likely to be triggered by a failure to meet targets set at the Further Sickness Absence meeting.

A Head of Service level or above will chair the meeting. The manager who has managed the case to date will attend to present the case. Up to date medical advice will also be required. Again, the employee will need seven calendar days' notice in writing, unless he/she agrees to a shorter timescale and has the right to be accompanied by a Trade Union representative or work colleague. The employee should also be given a copy of all the information that will be presented as part of the management case.

When might there be an alternative approach to a Final Sickness Absence meeting?

As with the Further Sickness Absence meeting, there may be circumstances where a Final Sickness Absence Meeting may not always be the only response to a failure to meet targets – for example, where an employee has made significant effort to improve attendance but has just fallen short of the Action Plan target and an extension to the monitoring period may be a reasonable option, to provide further opportunity for the employee to demonstrate sustained improvement before moving to a Final Sickness Absence meeting. It may also be appropriate to consider Ill Health Retirement or redeployment - seek advice from the HR Business Partner.

Outcomes of the Final Sickness Absence Meeting

Where a warning was issued at the Further Sickness Absence meeting, an outcome to the Final Sickness absence meeting could be dismissal, with notice. Alternatively, the Chair could conclude to extend the monitoring period, putting in place an action plan and follow up review and issue a warning.

Calculating an Absence Score

The Absence Score is one mechanism for line managers to manage attendance by implementing defined trigger points. The Council's HR information system (iTrent) produces a report of all employees' sickness absence. The system looks over the

previous 12 month period at the number of absences and the total days absent and undertakes the calculation **S x S x D = Absence Score**

S is the number of spells of any sickness absence in a 12 month period, multiplied by itself in the calculation to take account of repeated instances of sickness.

D is the number of days sickness absence in the same 12 month period.

Managers should:

- Check the employee’s score against the table below – the score in itself is not decisive – it is simply an indicator that action may be required (*see guidance above, taking particular account of any sickness absence attributable to a disability*)
- Take the appropriate steps as indicated in the table. If an absence review meeting is required refer to the guidance above

Situation	Who takes action	Action	Appeal
Absence score of 100* OR Any concerns over pattern of absence OR Continuous absence of 28+ days <i>*adjusted for working patterns of more/less than 5 days</i>	Line manager	First sickness absence meeting, action plan and follow up review	No
Improvement in attendance as per First Sickness Absence meeting action plan not achieved OR Significant concerns about absence/pattern of absence OR Unable to return to work within reasonable timescales (long term sickness)	Line manager	Further Sickness Absence meeting, action plan and follow up review. Normally follows a First Sickness Absence meeting, but circumstances may mean starting at the further review stage. Issue written warning that failure to sustain reasonable levels of attendance/return to work within reasonable timescales may result in dismissal	No
Improvement in attendance as per Further Sickness Absence meeting action plan not achieved OR Unable to return to work within reasonable timescales (long term)	Head of Service (or nominated senior manager)	Final Sickness Absence meeting, may result in action plan and follow up review or dismissal on capability grounds	Yes, if dismissed

Examples of how to calculate absence scores

Example 1

An employee who has nine separate absences in any 12 month period, totalling 10 actual days absent, will score 810, on the monitoring report, i.e.

nine instances of sickness (multiplied by itself to 'weight' the number of absences, gives 81) and then that total multiplied by the total number of days off sick - 10 in this case.

Example 2

An employee who takes one period of 10 continuous days off in any 12 month period will score 10 on the monitoring report - $1 \times 1 \times 10 = 10$

Example 3

In a 12 month period, an employee is off sick as follows:

Cold – one day off, Cold – two days off, Stomach upset – two days off, Headache – two days off

So four separate absences totalling 7 days off has a score as follows - $4 \times 4 \times 7 = 112$

Example 4

In a 12 month period, an employee is off sick as follows:

Cold – one day off, Stress – 10 days off

So two separate absences totalling 11 days off - $2 \times 2 \times 11 = 44$

The employee, within the same 12 month period, goes off again with another cold for two days. The calculation considers ALL absences in any 12 month period

Cold – one day off Stress – 10 days off Cold – two days off

Three separate absences totalling 13 days off - $3 \times 3 \times 13 = 117$

SECTION 4 – MAKING A DECISION TO DISMISS

Criteria to be applied when determining at a Final Sickness Absence meeting whether dismissal is appropriate

The issue for the chair of the hearing to consider is whether the employee is capable of doing his or her job now or in the immediate future.

In determining this the chair must consider the following issues.

- The employee's history of absences caused by ill-health during their employment with the Council;
- All the information and advice obtained from Occupational Health during the employee's employment with the Council.
- All the information provided by the employee about their health and the reasons for their absences from work.
- Whether or not, at the time the meeting is held and in the light of all the available information and advice provided by Occupational Health and/or the employee, the employee has a disability within the meaning of the Equality Act 2010 ("the Act").
- Where the employee has a disability within the meaning of the Act, have reasonable adjustments been made to an assessment of the employee's history of absences (for example, by giving the employee appropriate credit for past absences that were not attributed to the employee's disability because it was not known that the employee was disabled)?
- Whether or not the employee does have a disability within the meaning of the Act, where the employee has not been capable of doing his/her job because of their poor health or disability, what attempts have been made to consider reasonable adjustments to enable the employee to remain in the job? This might include considering permanent or temporary altered working hours/shift patterns, working from home, a change in the employee's role or the way they carry out their current role.
- Could further measures, steps or reasonable adjustments assist an employee at work and their effectiveness?
- Have attempts been made to re-deploy the employee to another role within the Council, that they would be capable of carrying-out notwithstanding their poor health or disability?
- Has ill health retirement has been considered in accordance with the LGPS Regulations? If not, should be considered?
- Where is it suggested an employee may be capable of doing his/her job in the future, in the light of all the information available to the chair and, in particular, the employee's history of absences and the reasons for those past absences, how likely is the return and when will that be the case?

- What effect is the employee's absence/attendance having on the work of the Council, including, in particular, the effect on the employee's immediate colleagues? Where there is a suggestion the employee's health may improve in the future, so that he or she will be able to return to work, what will be the effect of their delayed return on the work of the Council in general and their colleagues in particular?

The chair must ensure the employee has had every opportunity to provide full comment and provide all additional information he/she would like to enable the chair to fully address the issues set out above.

The chair will not consider the employee's disciplinary record unless asked to do so by the employee. However, an employee's disciplinary record is unlikely to be relevant to the issues set out above.

In drawing conclusions, the chair must refer to each of the factors listed above so the employee knows each has been considered and understands the reasons for the decision taken.

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Appendix 2

Employment Policies and Procedures: Attendance Management Policy - 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
Employment Policies and Procedures	Failure to provide a suite of policies that comply with employment legislation and that are fit for purposes of improving performance and managing risk	T	Managers not equipped with revised policies and procedures	Effective employment policies not implemented consistently and fairly applied	01.08.16	Helen Bishop	3	3	3	2	2	2	Reviewing and maintaining current employment policies is a continual process	Reviewing and maintaining current employment policies is a continual process	ongoing	open	80	Helen Bishop
Employment Policies and Procedures	Loss of opportunity to have a suite of policies that implement good practice	O	Manages not equipped with revised policies and procedures	Effective employment policies not implemented consistently and fairly applied	16.02.16	Helen Bishop	3	3	3	2	2	2	Reviewing and maintaining current employment policies is a continual process	Reviewing and maintaining current employment policies is a continual process	ngoing	open	80	Helen Bishop

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MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 14 July 2016

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

OTHER MEMBERS PRESENT: Councillor David Henwood (Chair of Scrutiny Housing Panel) and Councillor Elizabeth Wade (Ward Councillor, St Margaret's)

OFFICERS PRESENT: Peter Sloman (Chief Executive), Caroline Green (Assistant Chief Executive), Nigel Kennedy (Head of Financial Services), Lindsay Cane (Legal Services Manager), Ian Brooke (Head of Community Services), Julia Tomkins (Grants & External Funding Officer), Dave Scholes (Housing Strategy & Needs Manager), David Rundle (Private Rented Team Leader), Ian Wright (Service Manager Environmental Health), Michael Browning (Private Sector Safety Team Leader) and Sarah Claridge (Committee Services Officer)

23. APOLOGIES FOR ABSENCE

Apologies received from Cllr Gant, Chair of Scrutiny Committee.

24. DECLARATIONS OF INTEREST

Cllr Simm declared an interest in item 9 Grant Allocations (minute 31) as she is a trustee on the Donnington Doorsteps Association.

25. PUBLIC QUESTIONS

Public questions on Item 8 - Fusion Lifestyle Annual Plan 2016/17 were received by Mr Nigel Gibson.

The City Executive Board noted the questions and responses.

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

Cllr Wade spoke to the Board.

Item 7 Private Sector Housing Policy (refer minute 30)

Cllr Wade was concerned the policy could make life difficult for good landlords and felt the lack of responses from the consultation process did not provide a clear mandate for the Board to base its decision on.

Item 8 Fusion Lifestyle Annual Plan 2016/17 (refer minute 29)

Cllr Wade felt more scrutiny was needed to challenge the falling numbers in the over 60s swimming group. She would like to see Fusion commission a report on why there was a decline.

The Fusion's Divisional Manager said that the decline in swimming was a national trend and it could be that people are just doing other forms of exercise. He highlighted that participation in group exercise classes was up and that the decline in swimming was a challenge for Fusion to reverse.

27. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

There were no addresses on neighbourhood issues.

28. SCRUTINY COMMITTEE REPORTS

Private Sector Housing Policy (post-consultation)

Cllr Henwood, Chair of the Scrutiny Housing Panel presented the report and noted the Board's positive responses to the recommendations. He had reservations about the consultation process and suggested that future consultation be advertised in places with a higher footfall eg Templar Square shopping centre, events and community centres.

Fusion Lifestyle's 2016/17 Annual Service Plan

The Scrutiny Officer presented the report and thanked the Board for their responses. All recommendation had been agreed except recommendation 7.

Grant Allocations – Monitoring Report

The Scrutiny Officer explained that the Committee had looked at the overarching view of the monitoring report rather than the grants themselves. He appreciated the positive responses to the Committee's two recommendations.

Cllr Simm, Board Member for Culture and Communities explained the increasing importance of measuring social value (recommendation 1). She explained that there were tools available but they required the co-operation of organisations and users of the services. She said she would look into how the Council could measure social value with the community grant recipients; however she did not want officers to spend too much time measuring social value when they could be spending time improving it.

In regards to linking the grants programme with service delivery, Cllr Simm explained she would look into what good practice existed and would duplicate them if appropriate.

Review of the Lord Mayor's Deposit Guarantee Scheme.

Cllr Henwood, thanked the Board for the accepted recommendation. He stated he'd like to review the scheme after the pilot year.

Cllr Rowley, Board member for Housing agreed that the scrutiny recommendation was very sensible. A report reviewing the scheme will come back to CEB in a year.

Report of the Equality and Diversity Review Group

The Scrutiny Officer presented the report and explained that this review was unique as it had a wholly internal focus.

The report was made up of two parts:

1. Analysis of council workforce with minority groups underrepresented in council workforce
2. Ideas to reduce barriers to minority groups.

He explained that further information had been received regarding recommendation 15 and he wished to withdraw it so the Scrutiny Committee could re-consider it. The Board agreed that the Scrutiny Committee would review the new information and the recommendation would return to the Board at a later date.

Cllr Brown, Board member for Customer Services and Corporate Services thanked the review group for their work. She said workplace diversity was monitored regularly and she was constantly looking for ways to improve it.

Apprentices

The Scrutiny Officer presented the report and outlined the recommendations.

Cllr Brown, Board member for Customer Services and Corporate Services outlined the Human Resources risks of council not getting mitigation of the apprenticeship levy right. She was seeking assurances before increasing apprenticeship numbers.

Cllr Kennedy explained that the Council's apprentice wage rates were about mid-range compared to other councils. Good work was being done to advertise the scheme with local businesses and with schools.

Cllr Price mentioned the need to look into the effect of increasing apprenticeship numbers due to the government's apprenticeship levy. As only training costs can be charged against the levy not wages.

29. FUSION LIFESTYLE'S 2016/ 2017 ANNUAL SERVICE PLAN

The Head of Community Services submitted a report which outlined Fusion Lifestyle's Annual Service Plan for the management of the Council's leisure facilities for 2016/17.

Cllr Smith, Board Member for Leisure, Parks and Sport presented the report. She highlighted the accessible and affordable leisure being offered, value for money and improved energy efficiency in the plan. The Council's subsidy was due to be zero in 2017 and a profit share arrangement will commence. Monthly client performance meetings and the Scrutiny Committee's involvement were really important in maintaining leisure standards.

The Head of Community Services said that usage has increased 54% since Fusion took the contract in 2009 and there were around 1.3M visits per year to the Council's leisure centres in 2015/16. He suspected swimming numbers are down because people are doing other forms of exercise as overall participation had increased.

The Fusion Divisional Manager said that Fusion had a strong relationship with the Council. Future plans included a new website and user monitoring system to record service and participation.

Cllr Price asked if there were any plans to extend the range of activities available. The Head of Community Services said the Council was constantly looking at what they offered people. Group exercises classes are really popular and the Council is always looking to increase the range.

A list of concerns were raised by Councillors for the Fusion Manager to feedback to his staff, these included:

- Increasing the parking at the Leys leisure centre
- Strengthening enforcement and signage of shoe-free area in swimming zone.
- Fixing repairs in a timely manner
- Timetabling different sessions for different groups at Hinksey Pool
- Considering the introduction of an under 16 participation card.
- Extending the healthy food trial to all leisure centres.

The Fusion Divisional Manager said that all programmes were reviewed quarterly.

The City Executive Board resolves to ENDORSE the Fusion Lifestyle Annual Service Plan for 2016/17.

30. PRIVATE SECTOR HOUSING POLICY (POST-CONSULTATION)

The Head of Planning and Regulatory Services submitted a report which detailed the results from the consultation exercise carried out for the draft Private Sector Housing Policy 2016-2019 and sought approval of the policy. The policy sets out the present baseline conditions of Oxford's private rented sector housing and how Council services have been working to improve those conditions. It then sets out how the Council will address the complex issues that affect the sector from 2016-2019.

Cllr Hollingsworth Board Member for Planning and Regulatory Services presented the report. He explained that the policy set out the potential extension of a licensing scheme. But reiterated that there are many elements to overcome first ie legal matters, regulations, statement of intent and resource implications before the Council could consider an extension. Any future licensing scheme might be sector focus rather than a blanket approach.

Cllr Turner pointed out the issues with the bottom end of the private rental sector where tenants don't have the option to pick and choose their homes as there are so few available.

The Environmental Health Services Manager said that the consultation plan was broadly similar to the Houses in Multiple Occupation (HMO) licencing scheme's one. The poor response reflected the Council's budget not that officers did not try hard to get the public to engage.

Cllr Brown said that many tenants were scared of raising housing issues for fear of being issued an eviction notice. The Council does not want to see the private rental sector shrink just better homes and landlords.

Cllr Sinclair asked whether there had been an increase in the rental sector in neighbouring authorities due to the City's HMO licencing scheme.

The Environmental Health Services Manager said he had asked the district councils whether they had seen a change and had found it surprising that the councils had reported no significant increase in the private rental market.

The City Executive Board resolves to:

1. CONSIDER the report of the consultation on the Private Sector Housing Policy 2016-2019 and NOTE the findings attached at Appendix 2;
2. APPROVE the Private Sector Housing Policy 2016 – 2019 attached at Appendix 1.

31. MONITORING THE GRANT ALLOCATIONS TO COMMUNITY & VOLUNTARY ORGANISATIONS - REPORTED ACHIEVEMENTS 2015/2016

The Head of Community Services submitted a report that informed members of the monitoring findings of the 2015/16 grants programme.

Cllr Simm, Board Member for Culture and Communities presented the report. She explained that we currently have an increased demand for community grants but a shrinking grants budget. People are aware that there is less money available and are collaborating ie joint bidding. She said that people in Oxford were very good at responding to need and there were lots of people across the city wanting to help which the Council needed to support.

The social and economic geography of Oxford is changing with the County Council cutting services ie children centres closing have increased need in that area.

Cllr Simms explained that recommendation 2 was aspiration at the moment but officers are doing a lot of partnership work. However we need to get more strategic about it.

Cllr Brown asked what would be the impact on the city of lost EU funding? The Board agreed the need to record the organisations who receive EU funding and to remind the government of their promise to maintain funding.

Cllr Tanner said it was important for Oxford to retain its international links and money should be put into twinning associations and European groups. The Council should look at creating an Eastern European twin.

Cllr Simm replied that the Communities team was actively engaging with the polish community and making sure they had the services they need.

The City Executive Board resolves to:

1. NOTE the results of the grant monitoring, the positive impact the community and voluntary sector is making in the city.
2. WORK with partners to understand the issues facing the community and voluntary sector in greater depth so we are better able to target our support where it is most needed and will have the greatest impact.

32. REVIEW OF LORD MAYORS DEPOSIT GUARANTEE SCHEME

The Head of Housing and Property submitted a report which detailed changes to the Lord Mayor's Deposit Guarantee Scheme in anticipation of legislative changes and to boost positive outcomes for vulnerable persons.

Cllr Rowley, Executive Member for Housing presented the report. He said the scheme had been declining in effectiveness because of the increasing cost of

housing. The deposit scheme is autonomous from the housing budget and has been increased so it can sustain itself. Loans are charged at 0% interest. The scheme will be advertised at Shelter but he encouraged members to let people know about it.

The Private Rented Sector Team Leader said the pilot would show how the scheme goes, he had spoken to Premier estate agents and had been told that some landlords might take it but because of the housing demand, they do not need housing need tenants.

The City Executive Board resolved to:

1. AGREE the enhanced one year pilot offer to landlords, as set out in this report, to help increase the number of low income non-statutory homeless households to find property in the private rented sector.
2. DELEGATE any further minor changes to the scheme to the Head of Housing and Property, including whether to adopt the approach piloted in future, following an evaluation of the pilot.

33. AWARD OF GOODS AND SERVICE CONTRACT: TO DELIVER CIVIL ENGINEERING PLANT & NRSWA QUALIFIED LABOUR HIRE

The Head of Direct Services has submitted a report which detailed that the City Executive Board delegated responsibility to the Executive Director, Community Services, to the award a new contract for the Civil Engineering Plant and NRSWA (New Roads and Streetworks Act) qualified labour hire to the Council.

Cllr Turner, Board Member for Finance, Asset Management and Public Health presented the report. He explained that the Council had found local contractors with the flexibility to cope with peaks and low periods.

The Board asked for a report once the contract had been agreed

The City Executive Board resolved to GRANT delegated authority to the Executive Director, Community Service to award a new contract for the provision of Civil Engineering Plant and NRSWA qualified labour hire to the Council following the completion of a tender process.

34. ITEMS RAISED BY BOARD MEMBERS

None

35. MINUTES

The Board resolved to APPROVE the minutes of the meeting held on 16 June 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

Monday 8 August 2016



COUNCILLORS PRESENT: Councillors Price (Chair), Turner (Deputy Leader), Hollingsworth, Kennedy, Rowley, Simm, Smith and Tanner.

OTHER MEMBERS PRESENT: Councillor Mohammed Altaf-Khan (Ward Councillor, Headington) and Councillor Angie Goff (Ward Councillor, Wolvercote)

OFFICERS PRESENT: David Edwards (Executive Director City Regeneration and Housing), Jackie Yates (Executive Director Organisational Development and Corporate Services), Mark Jaggard (Planning Policy Manager), Richard Wyatt (Senior Planner), Jeremy Thomas (Head of Law and Governance) and Sarah Claridge (Committee Services Officer)

36. APOLOGIES FOR ABSENCE

Apologies for absence were received by Cllrs Sinclair and Brown

37. DECLARATIONS OF INTEREST

None

38. ADDRESSES AND QUESTIONS BY MEMBERS OF THE PUBLIC (15 MINUTES TOTAL)

None received

39. COUNCILLORS ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA

Cllr Altaf Khan spoke on the Headington Neighbourhood Plan (minute 40). He congratulated residents on the work done which included a public consultation. A decision is needed to meet the deadline, so a referendum on the plan can be held alongside the County elections in May.

40. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES (10 MINUTES IN TOTAL)

Cllr Goff addressed the Board on the loss of the number 17 bus service. She explained that the County Council's cut to the bus subsidy meant that the bus company was no longer going to operate the 17 bus from Cutteslowe to the city centre and hospitals. A lot of elderly people relied on this service to get around and were now going to feel isolated.

The County Council has offered a bus (for up to 16 people) and a reduced service of 2 days a week would cost £10,000 a year to run. The Cutteslowe Community Centre has agreed to co-ordinate the service if the City Council could fund the £10, 000 for the first year.

Cllr Hollingsworth, Board Member for Planning and Regulatory said that the City Council was reviewing several options for replacing the service and discussions were on-going.

Cllr Smith asked whether Ward Councillors had considered using their ward member spend and CIL money to fund the bus service. Cllr Goff said that purchasing benches had been discussed so people could rest to their way to the bus stops but not the funding of the service. Cllr Hollingsworth reminded Councillors that CIL money is not available for bus services.

41. ITEMS RAISED BY BOARD MEMBERS

None received

42. SCRUTINY COMMITTEE REPORTS

None received.

43. HEADINGTON NEIGHBOURHOOD PLAN

The Head of Planning and Regulatory submitted a report seeking endorsement for the consultation required by regulations for the Headington Neighbourhood Plan.

Councillor Hollingsworth, Board Member for Planning and Regulatory Services presented the report. He thanked officers for the work done. The timing of the decision was important to fit the election timetable, which is not absolute but as long as there are no legal challenges it should be met.

He reiterated that the Board was being asked to just endorse the process and it was not the time to comment on the document, but to agree that all legal hurdles had been met and the draft plan could move to the next stage.

The Planning Policy Manager explained that it was the first Neighbourhood Plan in the city.

The Vice Chair of the Headington Neighbourhood Plan Steering Committee thanked officers for all the work they had done to assist the committee in the development of the draft plan.

The City Executive Board resolved to:

1. **Agree** that the legal tests have been met.
2. **Endorse** the consultation on the submitted Headington Neighbourhood Plan

3. **Proceed** with the neighbourhood planning process by submitting with the outcome of the consultation exercise, the draft plan for independent examination

44. FURTHER LOAN FACILITY TO LOW CARBON HUB IPS

Cllr Rowley arrived at the meeting.

The Chief Executive has submitted a report to consider the approval of a loan to the Low Carbon Hub (IPS) to support the construction of the hydroelectric renewable energy scheme at Sandford and to mitigate the clawback risk around the Intelligent Energy Europe grant arrangements.

Cllr Turner, Board Member for Finance, Asset Management and Public Health presented the report. He explained that the Council had been approached by the Low Carbon Hub for additional funding as the scheme is more expensive than planned. A £100,000 loan would be paid back at 1% interest by June 2019.

The Council has been awarded EU funding to provide a series of renewable energy projects before November 2016. Without the Sandford scheme the Council would not meet its obligations with the EU and would be required to repay approx. £193,000. To avoid this, the Sandford scheme and loan should go ahead.

Cllr Tanner endorsed the work of the Low Carbon Hub at promoting renewable energy projects. He gave credit to Oxford City Council for funding the scheme.

Cllr Price outlined the impressive track record the Low Carbon Hub had at raising finance for its projects and the importance of mitigating the risk of the EU grant clawback.

Cllr Hollingsworth praised the Low Carbon Hub for bringing investment into the local community which is good for the economy.

The Head of Law and Governance asked the Board to note the confidential appendix on assurances around state aid. The Board noted the appendix.

The City Executive Board resolved to:

1. **Agree** a loan to the Low Carbon Hub IPS of up to £100k at an interest rate of 1% for 3 years specifically to support the construction of the hydroelectric scheme at Sandford.
2. **Delegate** the authority to enter into an appropriate Loan Agreement with the Low Carbon Hub (IPS) to the Section 151 Officer and Monitoring Officer in consultation with the Chief Executive Officer.

45. MINUTES

Minute 29 Paragraph 2 to be amended to read: "The Council's subsidy was due to be zero in 2017 and a profit share arrangement will commence".

The Board resolved to APPROVE the amended minutes of the meeting held on 14 July 2016 as a true and accurate record.

46. 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 12A 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.

47. CONFIDENTIAL APPENDIX_ LOAN FOR THE CARBON HUB

The Board noted the confidential appendix in open session.

The meeting started at 5.00 pm and ended at 5.18 pm

MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 15 September 2016

www.oxford.gov.uk



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

OTHER MEMBERS PRESENT: Councillor Andrew Gant (Chair, Scrutiny Committee) and Councillor Jean Fooks

OFFICERS PRESENT: Caroline Green (Assistant Chief Executive), Lindsay Cane (Acting Head of Law and Governance), Nigel Kennedy (Head of Financial Services), Dave Scholes (Housing Strategy & Needs Manager), Ossi Mosley (Rough Sleeping & Single Homelessness Officer) and Sarah Claridge (Committee Services Officer)

48. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Tanner.

49. DECLARATIONS OF INTEREST

None

50. PUBLIC QUESTIONS

There were no public questions.

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

Cllr Fooks spoke on the following items during the discussion of each item.

Item 9: OxLEP Strategic Economic Plan Refresh (minute 56)

Item 14: Community Centre Strategy 2016- 2020 (minute 61)

Item 16: Quarterly Integrated Performance 2016/17 - Q1 (minute 63)

52. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

None

53. SCRUTINY COMMITTEE REPORTS

The following Scrutiny Committee reports were submitted to this meeting:-

(a) OxLEP Strategic Economic Plan Refresh

Cllr Gant, Chair of the Scrutiny Committee presented the report. All three recommendations were agreed by the Board.

(b) Equality and Diversity Review - Recommendation 15

Cllr Gant, Chair of the Scrutiny Committee presented the report. He confirmed that the Scrutiny Committee had reviewed the new material and decided not to change the recommendation.

Cllr Brown, Board Member for Customer and Corporate Services accepted the scrutiny recommendation. The money saved would be used to promote equality in the workforce. She would discuss with officers how best to use the money.

(c) Oxfordshire Credit Union

The Scrutiny Officer presented the report on behalf of the Finance Panel. He outlined the following points in the report:

- Regret of the failed merger between Oxfordshire and Blackbird Leys credit unions due to the different operating models.
- Oxfordshire credit union would like funding for a part time development manager and they have been informed of the Council's grant funding process.

The Panel recommended to the Board that the Council promotes Oxfordshire credit union to Council employees.

Cllr Brown said she would be happy to promote Oxfordshire credit union to Council employees at the point that they are paying a dividend. Promotions could involve the credit union having a 'stall of offer' at Council and emails and leaflets advertising its services. All promotions of the credit union would have to be put in the context of other services offered to staff.

54. ITEMS RAISED BY BOARD MEMBERS

None

55. EUROPEAN REGIONAL DEVELOPMENT FUND (ERDF) INNOVATION PROJECTS - MATCH FUNDING

The Executive Director, Regeneration and Housing submitted a report which requested approval to commit match funding towards the Oxford City Council led element of the European Regional Development Fund Innovation allocation for Oxfordshire, if funds are successfully awarded.

Cllr Price, Board Member for Corporate Strategy and Economic Development presented the report.

The City Executive Board resolves to:

1. **Recommend Council** to approve the required match funding to deliver the capital (£33,939) and revenue (£45,000) elements of the projects detailed in this report.
2. **Delegate authority** to the Executive Director, Regeneration and Housing to enter into any necessary agreements to secure European Regional Development Fund funding

56. OXFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP (OXLEP) STRATEGIC ECONOMIC PLAN REFRESH

Cllr Rowley arrived

The Executive Director, Housing and Regeneration submitted a report to update Members on the consultation draft of the Strategic Economic Plan (SEP), and to agree feedback on it, prior to formal endorsement of the document.

Cllr Price, Board Member for Corporate Strategy and Economic Development presented the report.

Cllr Fooks said she approved of the sustainability issues which were highlighted by the Scrutiny Committee. She felt the SEP did not put enough emphasis on the gap in key skills and jobs and the need for more affordable housing in Oxford. Cllr Price acknowledged that there were not enough training opportunities available, the Government refusing to release the adult training budget to local councils was not helping.

Cllr Fooks asked for a break-down of costs for the £452M invested in the Northern Gateway project. Cllr Price agreed to pass this information on.

Cllr Fooks asked whether OxLEP had discussed how they were to fund the projects without EU funds. Cllr Price said it was an area for discussion and would depend on the Brexit discussions and whether the Government will release money that would have gone to the EU.

Cllr Turner said that OxLEP needs to remind the government that the scientific and educational communities and tourism are extremely vulnerable to Brexit.

The City Executive Board resolves to:

1. **Agree** to formally endorse the draft Oxfordshire Local Enterprise Partnership Strategic Economic Plan, subject to the feedback in the report and any additional member comments being relayed to the Oxfordshire Local Enterprise Partnership Board for consideration.

57. CHANGES TO CHARGING FOR BUILDING CONTROL APPLICATION FEES

The Head of Planning and Regulatory Service submitted a report which set new Building Control application fees and introduced one new charge.

Cllr Hollingsworth, Board Member for Planning and Regulatory Services presented the report. He said the amendments will bring fees in line with costs.

That the City Executive Board resolves to:

1. **Approve** the proposed Building Control application fees and charges to take effect from 30 September 2016 and that a strategic review of the service will be undertaken by December 2016.

58. FIXED PENALTY NOTICES FOR FLY-TIPPING

The Head of Community Services submitted a report to adopt the powers to issue fixed penalty notices for fly-tipping in Oxford and set the fine levels.

The City Executive Board resolves to:

1. **Adopt** the power to issue fixed penalty notices for fly-tipping offences under the Deposit of Waste (Fixed Penalties) Regulations 2016 and section 33ZA of The Environmental Protection Act 1990;.
2. **Delegate** the power to authorise officers to issue Fixed Penalty Notices to the Head of Community Services.
3. **Agree** to set the amount of the Fixed Penalty Notice for fly-tipping at £400 and the lesser amount of £200 if paid within 10 working days and include these items in the Council's Fees and Charges.

59. HOME CHOICE PILOT & RENT GUARANTEE SCHEME

The Executive Director of Regeneration & Housing submitted a report which requested approval to adopt a Rent Guarantee Scheme to enable the delivery of a Home Choice pilot, providing support to tenants to help them become financially independent.

Cllr Rowley, Board Member for Housing presented the report. The pilot is to try and make the home choice scheme (which provides private rental accommodation for people at risk of homelessness) more effective.

The pilot's aim is to support at least 80 people. The welfare team will work closely with tenants to assist them with budgeting so they can become financially independent.

The two year pilot is going to mirror the discretionary housing payments pilot to provide a consistent approach.

The Housing Strategy & Needs Manager said the pilot would mainly target families.

A report on the pilot will be presented to CEB in 12 months.

The City Executive Board resolved to:

1. **Adopt** the proposed Rent Guarantee Scheme outlined in the report

60. LEISURE INVESTMENT OPTIONS

The Head of Community Services submitted a report which sought project approval to improve tennis provision at Florence Park and the car parking to the sports facilities at Court Place Farm.

Cllr Smith, Board Member for Leisure, Parks and Sports presented the report. £130,000 will be match funded by the tennis association to install flood lights at Florence Park and £117,000 in addition (to the £70,000 already agreed) will be spent on resurfacing the car park. We also want to start charging for the use of the car park.

Cllr Turner said it was good to invest in tennis but further consideration was needed in regards to charging for car parking as the car park at Oxford United Football Club is free across the road.

The City Executive Board resolves to:

1. **Grant project approval** for the improvements to:
 - Tennis provision at Florence Park
 - The car park at Court Place Farmas outlined in this report
2. **Delegate authority to** the Executive Director for Community Services, in consultation with the Board Members for Leisure, Sport and Parks; and Finance, Corporate Asset Management and Public Health, the Head of Financial Services and Acting Head of Law and Governance to enter into any necessary agreements or contracts to complete the works.

61. COMMUNITY CENTRE STRATEGY 2016- 2020

The Head of Community Services submitted a report which requested the approval of the Community Centres Strategy which had been updated following consultation.

Cllr Simm, Board Member for Communities and Culture presented the report. She highlighted the high levels of responses to the consultation (Appendix 4) and thanked all the consultees.

The strategy focuses on facilities; in particular, making sure Rose Hill is used extensively and supporting Blackbird Leys and Barton. The Council has also carried out a feasibility study for the East Oxford site - the consultation will begin soon.

The strategy also draws up a 5 year maintenance plan, as several community centres were built after WW2.

New leases for all community associations and recruitment and support of volunteers, especially on-going training is also a priority.

Cllr Fooks endorsed the consultation done. Having two community associations in her ward, she would prefer new leases to be available before November 2017. Cllr Simm said that the Council has trialled a lease with one community association to get the model right and once this is finalised, the rolling out to the other associations won't take long.

Cllr Price said that the Communities Officer was always willing to meet with associations, so if associations are willing, they could have a new lease by early 2017.

Cllr Price said the strategy's title "Building Communities together: Skills Health and Life" suggests that the role of community centres is to provide a wide range of activities and to work with partner organisations. There is the potential for community associations to link with health services and the police to deliver services.

Cllr Simm said that the Stronger Communities Partnership is constantly looking at ways we can use community centres to deliver social services. Trustees have shown an appetite to do this, but we need to work on how we can best co-ordinate these services.

The City Executive Board resolves to:

1. **Adopt** the Community Centre Strategy

62. TREASURY MANAGEMENT ANNUAL REPORT 2015/16

The Head of Financial Services submitted a report which set out the Council's treasury management activity and performance for the financial year 2015/2016. The report also identifies some reductions in interest rates in 2016/17 and recommends a change to the Treasury Strategy for 2016/17.

Cllr Turner, Board Member for Finance, Asset Management and Public Health presented the report. He said that the Council had done well on the property funds but as a result of Brexit, capital values had reduced but were still significantly above the Council's purchase price. He was cautious about over-exposing the Council to risk in the property market.

The Head of Financial Services said that a 0.10% base rate was expected. In terms of internally borrowing, it was better for council to borrow internally as you only forfeit the interest from saving the money in the bank (which is very low at the moment) rather than paying a higher interest rate through external borrowing.

The City Executive Board resolves to:

1. **Note** the report
2. **Recommend that Council** approve the amendment to the Specified Investments list attached at Appendix 1 (paragraphs 35 – 37 below)

63. QUARTERLY INTEGRATED PERFORMANCE 2016/17 - Q1

The Head of Financial Services submitted a report which updated Members on the Council's Financial Risk and Performance as at 30 June 2016.

Cllr Turner, Finance, Asset Management and Public Health presented the report. He highlighted two concerns:

- The base budget around planning/ regulatory is more than expected.
- Leisure usage was down on target for the year.

Cllr Fooks commented on the difficulties the Council has had in recruiting and retaining staff in the planning department. She recommended offering higher salaries.

Cllr Hollingsworth said that a number of planning posts had had their salaries increased to encouraged recruitment. There were 4 planning apprentices starting next week

Cllr Smith said that the leisure usage figures for August showed improvement on the June figures (published in the report).

The City Executive Board resolves to:

1. **Note** the projected financial outturn, the current position on risk and performance as at the 30 June 2016;
2. **Recommend to Council** that additional budget of £0.118 million and £0.399 million is approved for Super Connected Cities and Disabled Facilities Grant expenditure to be financed from external grant funding in accordance with paragraph 12.

64. POOLED BUDGET ARRANGEMENTS FOR THE COMMISSIONING OF ADULT HOMELESS SUPPORTED ACCOMMODATION IN OXFORDSHIRE

The Head of Housing and Property submitted a report which sought agreement to enter into a pooled budget arrangement with Oxfordshire County Council, Oxfordshire Clinical Commissioning Group and Oxfordshire District Councils; and to agree Oxford City Council's initial 3 year contribution to the pooled budget from existing base budget provision.

Cllr Rowley, Board Member for Housing presented the report. He explained it was the outcome of long negotiations and thanked officers and the Board Member for Finance, Asset Management and Public Health for the work done.

The pooled fund will pay for vital homeless support services in Oxfordshire. He said the proposal was a success in some respects as it meant that all surrounding councils will contribute towards providing homeless services roughly in proportion to the homelessness need of their areas.

However it's not overall good news for city homeless services as their will be less money available from the County Council. In three years, time the County will be cutting funding completely for Housing related support.

This agreement provides stability for services to continue and brings in money we wouldn't have got from clinical service providers. With less money available for homelessness, services must be co-ordinated if they are to have a future. This is a large amount of work to do with homelessness providers to co-ordinate services.

Cllr Turner explained that he had been involved in the negotiations as the Chair of the Health and Wellbeing partnership which has been the mechanism for agreeing the work. He thanked officers and explained that rough sleeping in Oxfordshire was increasing whilst funding was being cut. The Government has just announced they were planning to further cut housing benefit which will put more pressure on the homelessness budget.

The Council needs to review how our money is being spent. The quality of services is important and needs to be properly resources. There's no point in providing housing without adequate support.

Officers explained that the first year is better resourced as it provides transitional money. However there was concern that the pooled budget wouldn't meet the single homelessness need in the city.

Cllr Price asked if the City Council could fund additional accommodation independently. Cllr Rowley said that would mean taking money from the homelessness budget which is ear-marked for preventative measures. Taking money from homelessness prevention to pay for reduction measures doesn't make sense.

Cllr Rowley said that a report on allocations is expected to come to the Board before April 2017.

The Housing Strategy & Needs Manager said the decision today was important to inform the County of what our attentions are, before the budget process begins.

Cllr Brown asked what the Council was doing in terms of lobbying against the housing benefit cuts. Is the Council doing everything it could so that our MPs knew what will happen with the proposed housing cuts.

The Assistant Chief Executive said the City's MPs had been informed of the increased homelessness need but more work will be done.

The City Executive Board resolves to:

1. **Agree** the commitment by Oxford City Council to enter into a pooled budget arrangement in order to fund adult homeless supported accommodation in Oxfordshire.
2. **Agree** Oxford City Council's annual contribution of £161,700 towards the pooled budget from Housing and Property's existing Homelessness Prevention funds base budget provision that is included in the current approved Medium Term Financial Plan
3. **Delegate to** the Head of Housing and Property Services, in consultation with the Board Members for Housing; and Finance, Asset Management and Public Health, the discretion to increase/reduce the Council's contribution in years 4 (2020/21) and 5 (2021/22) from within existing approved homelessness prevention funds budgetary provision, if it is agreed by all parties to extend the current 3 year proposal.
4. **Delegate authority** to the Executive Director of Regeneration and Housing to enter into a governance agreement for the pooled budget before April 2017

65. COMPULSORY PURCHASE ORDER-SPENCER CRESCENT, ROSE HILL

The Head of Head of Housing & Property submitted a report which obtained approval to initiate compulsory purchase proceedings in relation to a long term empty property.

Cllr Rowley, Board Member for Housing presented the report. The Board noted the confidential appendices.

The City Executive Board resolves to:

1. **Delegate authority** to the Head of Housing and Property, in consultation with the Acting Head of Law and Governance and the Head of Financial Services, to initiate compulsory purchase proceedings to acquire all interests in the property situated in Spencer Crescent, Oxford (full address provided in Appendix A)
2. **Delegate authority** to the Acting Head of Law and Governance to take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all Notices and the presentation of the Council's case at any public inquiry;
3. **Delegate authority** to the Regeneration & Major Projects Service Manager to take all necessary action to acquire and obtain possession of the property either compulsorily or by agreement and to negotiate and agree all matters relating to compensation payments;
4. **Delegate authority to** the Regeneration & Major Projects Service Manager to dispose of the property in accordance with the Disposal Options set out in this report.

66. RENT SETTING FOR A HOUSING REVENUE ACCOUNT PROPERTY LEASED TO A PARTNER AGENCY AS SUPPORTED ACCOMMODATION

The Head of Housing and Property submitted a report which set out the basis for the charging of rent for an externally leased HRA property to a partner organisation as supported housing

Cllr Mike Rowley, Board Member for Housing presented the report. He explained that a report came to CEB earlier this year for rent setting and that one property had been left off the list. This report was to tidy things up.

The Board noted the confidential appendix.

The City Executive Board resolves to:

1. **Agree** rent setting on the basis set out in paragraphs 5, 6 and 7 of this report.

67. MINUTES

The Board resolved to **approve** the minutes of the meeting held on 8 August 2016 as a true and accurate record.

68. 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 12A 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.

69. CONFIDENTIAL APPENDICES_ COMPULSORY PURCHASE ORDER- SPENCER CRESCENT, ROSE HILL

Noted

70. CONFIDENTIAL APPENDIX_RENT SETTING FOR A HOUSING REVENUE ACCOUNT PROPERTY LEASED TO PARTNER AGENCY AS SUPPORTED ACCOMMODATION

Noted

The meeting started at 5.00 pm and ended at 6.10 pm

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To: Council

Date: 29 September 2016

Report of: Councillor John Tanner, Board Member for Clean and Green Oxford

Title of Report: Oxford Environment Partnership

Summary and Recommendations

Purpose of report: To inform members of the work of the Oxford Environment Partnership.

Policy Framework: The Corporate Plan

Recommendation: Council to

1. Note the content of the report.

Background

1. Oxfordshire Environment Partnership has operated since 2008. It is a meeting of Cabinet members and officers of the six local authorities in Oxfordshire, with other groups, that have responsibility for the environment to share best practice, review performance and discuss policy.
2. Waste and recycling issues were incorporated into the Oxfordshire Environment Partnership as the result of the dissolution of the Oxfordshire Waste Partnership (OWP) in April 2015. The dissolution of the OWP was a move away from a formal, binding and funded partnership to an informal model based on collaboration and cooperation.
3. The partnership meets three times a year at locations across the County.

Terms of Reference

4. The Oxfordshire Environment Partnership focus of the priorities identified by the Oxfordshire 2030 Strategic Plan, and the delivery of commitments based around the following themes:
 - Reduce carbon emissions and improve water and energy efficiency across public sector organisations, and encourage residents and business to do the same
 - Reduce waste and increase reuse and recycling by householders and business
 - Minimise the effects and risk of flooding
 - Ensure new development is built to high standards of sustainability
 - Support individuals, communities and business to respond to climate change
 - Keep Oxfordshire Green and Clean
 - Protect and enhance the biodiversity of the County
 - Reduce the gap between the best and the worst off by targeting our work appropriately
5. Terms of reference were discussed by the partnership at a meeting in October 2015. The partnership agreed to concentrate on waste, biodiversity and best practice.
6. Membership is elected representative from each authority and the Chair rotates with three meetings a year.
7. The Partnership has previously sought to deliver the commitments of Climate Local, an LGA initiative on climate change, supported by the Environment Agency, however this programme ended in March 2016.
8. The ending of the Climate Local initiative was marked with a report ([Climate Local annual report 2015/16 \(PDF\)](#)) on activities across England. This report noted the co-ordinated work in Oxfordshire between partner authorities. It also noted that local authorities are facing barriers to action on climate change which was *“unsurprisingly, given the funding cuts that local authorities currently face”*.
9. The report went on to note that local authorities *“identified ways to work around these challenges, for example by working in partnership with other organisations...more councils are likely to have adopted creative examples to help deliver climate related actions in the face of continued public spending constraints.”*

Activities in the last 12 months

10. The Oxford Environment Partnership has over the past twelve months continued to seek out and learn from best practice both within the county and beyond. The past year has seen a wide range of best practice presentations including the following:

Title	Presentation by
Grid Capacity in Oxfordshire	Low Carbon Hub
Heat Network for Bicester	BioRegional/Cherwell District Council
Energy from Waste	Oxfordshire County Council
Flood Risk Management Strategy	Oxfordshire County Council
Oxfordshire Woodlands	Oxfordshire County Council
Local Nature Partnership	Oxfordshire County Council
Food and Garden Waste Processing	Agrivert
Courtauld Commitment	WRAP
Recycling in flats	Oxford City Council
Recycling incentivisation	Oxford City Council
Foodwise Commercial Food Recycling	Oxfordshire County Council
Countywide Carbon Emissions	Aether
OxFutures	Oxford City Council
Sustainable Energy Action Plan	Oxford City Council
Local Energy Mapping	Oxford Brookes University

11. The partnership also received performance reporting information on waste and recycling along with carbon emissions reductions on a county wide basis.

12. As a result of the Partnership, Oxford City Council has worked with others to examine grid capacity issues, signed up to the Courtauld Commitment 2025, developed work on heat networks in the city, and continues to review ways to reduce carbon emissions across the city.

Forward work programme

13. The forward programme is set at each meeting. Items that are due to be discussed in 2016 include:

- Oxfordshire Flood Toolkit
- An update on food waste project
- Assessment of recycling promotion campaigns
- Evaluation of the impact as a result of the loss of the Oxfordshire Waste Partnership officer post.

Legal issues

14. The partnership has no formal decision making powers. Any implementation actions are determined by individual authorities.

Financial issues

15. The partnership draws on 'in kind' resources from member authorities but holds no commissioning budget.

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Oxford City Council's Scrutiny Committee

Annual Report 2015/16

www.oxford.gov.uk







Oxford City Council's Scrutiny Committee

Annual Report 2015/16

Contents

Foreword by the Chair and Vice-Chair	4
Summary of scrutiny activity during 2015/16	5
About Scrutiny	5
The Scrutiny Committee	7
Guest Houses	8
Equality and Diversity	10
Inequality Panel	11
Local Economy Review Group	11
Cycling Review Group	12
Waste Water Flooding	12
Public Spaces Protection Orders (PSPOs)	13
Finance Panel	13
Housing Panel	14
The year ahead	15



**Councillor
Craig Simmons**
Chair, Scrutiny
Committee



**Councillor
Tom Hayes**
Vice-Chair, Scrutiny
Committee

4

Foreword by the Chair and Vice-Chair

Noted Victorian historian Lord Acton, well known for his progressive views on democracy, freedom and the operation of government, once wrote that 'power corrupts and absolute power corrupts absolutely'.

In this short sentence Acton effectively summed up the reasons why scrutiny is so important. Without effective checks and balances, there is always a risk that those wielding power will not respect the tenets of good governance.

In Oxford, we are glad to report that Councillors from all parties have supported and embraced the concept of scrutiny. This can be seen, most clearly, in the number of scrutiny recommendations that have been accepted by City Executive Board and the way in which Scrutiny, through its panels and review groups, has challenged the Council to improve the efficiency with which it operates and the quality of the services it delivers.

There is an increasing need for scrutiny and in particular 'critical friend' challenge within the current climate. Members across the Council recognise the importance of this and regularly

present more topics for scrutiny than can be accommodated within the officer resources available. This restriction on influence remains a challenge and frustration for non-executive councillors.

When our Scrutiny committee offers helpful challenges to thinking and plans, our Council gets more things right and delivers the best possible value for money for local taxpayers. During tough financial times for authorities all around the country, it's critically important that Oxford seizes every opportunity for saving and generating funding. Our Scrutiny Committee is working hard to create the greenest, healthiest, and best educated city, with support nets for the most vulnerable, by searching for – and in many cases, exploiting – these opportunities.

“After my second year as Chair of Scrutiny, it is time to stand down and hand the reigns on to another Councillor. I would like to thank the Vice Chair, Cllr Tom Hayes, for his support and the officers from Democratic Services for their guidance and advice. I would to extend my thanks to all members who have participated in this important process. The Council is measurably better as a result.”

Councillor Craig Simmons
Chair of the Scrutiny Committee

September 2016

Summary of scrutiny activity during 2015/16



About Scrutiny

Most major City Council decisions are taken by the City Executive Board, which is made up of ten elected Councillors from the controlling political group. In operating this form of decision making arrangement the Council is required by law to have a dedicated Scrutiny Committee made up

of elected Councillors who are not on the Board. Their role is to provide a check and balance function that holds the Board to account and provides a formal means for 'backbench' Councillors to contribute to Council decision making, similar to the role of Select Committees at the UK Parliament.

Scrutiny is empowered to question council decision makers and to make recommendations to them about their decisions or about any issue affecting the local area or its inhabitants that Scrutiny has chosen to investigate.

The work of Scrutiny helps to provide assurance that the Council is performing well, providing value for money and taking the best decisions it can to improve public services and the quality of life for people in Oxford. It also helps to open up Council decision making and promote public engagement in democratic processes.

Scrutiny at Oxford City Council

Oxford City Council has a well-established scrutiny function led by a 12-member Scrutiny Committee that meets in public 10 times per year. Meetings are timed to enable the Committee to make recommendations about selected decisions before they are taken by the Board.

The Committee has cross-party membership and is chaired by an opposition Scrutiny Councillor who is elected at the first meeting of the Council year.

The Committee also agrees a work plan at the start of each year including determining which of the long list of topics and issues that Councillors have highlighted should be prioritised for scrutiny during the year. Some of these issues are delegated to two standing panels, which meet approximately five times per year, and to time-limited review groups, which can look at certain topics in detail over a series of meetings. The work plan itself is reviewed at each Scrutiny meeting to ensure that it remains current.

Call in

Call in is a statutory function that enables Councillors to challenge decisions that have been taken before they are implemented. If a call in request from any 4 Councillors or the Chair of Scrutiny is deemed valid the Scrutiny Committee will hear both sides of the argument and decide whether or not to refer the decision back to the Board with reasons why it should be re-considered.

Get involved

There are many opportunities for members of the public and representatives of groups and organisations to get involved in the work of Scrutiny. You can:

- Attend meetings of the Scrutiny Committee, Standing Panels and some review groups, except in instances where confidential information is to be discussed. Details of these meetings are displayed in the Town Hall and on our website.
- Speak on any agenda item with the prior agreement of the Chair by emailing democraticservices@oxford.gov.uk. Please give at least 24 hours' notice. The Chair will decide how long you can speak for.
- Suggest a topic for the Scrutiny Work Plan by completing and submitting our Suggestion Form.
- Raise issues with your local City Councillor and request that Scrutiny consider this as part of a Councillor Call for Action.
- Watch out for consultations, surveys and requests for evidence by registering at <http://www.oxford.gov.uk/consultation>.

Witnesses provide evidence to the Inequality Panel in March 2015



7

The Scrutiny Committee

Membership

Councillor Craig Simmons (Chair)
Councillor Tom Hayes (Vice-Chair)
Councillor Mohammed Altaf-Khan
(to September)
Councillor Van Coulter
Councillor Roy Darke
Councillor James Fry
Councillor Andrew Gant (from September)
Councillor Sam Hollick
Councillor David Henwood
Councillor Ben Lloyd-Shogbesan
Councillor Jennifer Pegg (from December)
Councillor Linda Smith
Councillor Sian Taylor
Councillor Louise Upton (to December)

The Scrutiny Committee is responsible for the overall management of the Council's scrutiny function and decides which topics, issues and decisions will be considered at Scrutiny

meetings. These items are all listed in an annual work plan which is agreed each summer and reviewed regularly during the year to take account of any emerging issues and upcoming decisions.

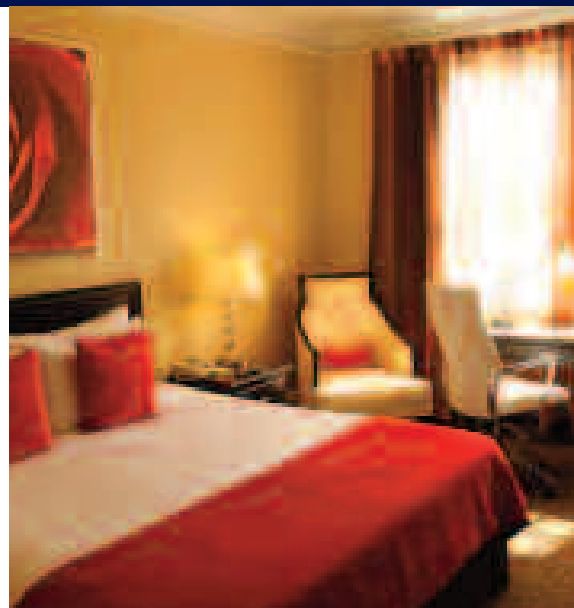
The Committee also sets the remits and membership of two standing panels, which are themed sub-committees that consider all issues and decisions within their given remits. This year the Committee agreed to continue with the Finance Panel and Housing Panel and membership of the Housing Panel was increased from four to six Councillors to provide opportunities for more Councillors to get involved in Scrutiny.

A small number of issues prioritised by the Committee are delegated to review groups for more detailed scrutiny over a series of meetings. Review groups often engage with partner organisations and expert witnesses before producing substantial evidence-based reports with recommendations. This year review groups were set up to look at safeguarding practices in guest houses and issues of equality and diversity in the Council workforce. A review of the Council's annual budget and medium term financial strategy was delegated to the Finance Panel. The Committee also established one-off panels to scrutinise efforts to reduce sewerage

flooding in Oxford and a proposed Public Spaces Protection Order covering Oxford City Centre.

Approximately half of all items listed on the Scrutiny Work Plan were considered at meetings of the Scrutiny Committee. These include items on preventing elderly isolation, taxi licensing, discretionary housing payments, and the work of the Oxfordshire Growth Board, which is a joint committee of the six councils in Oxfordshire that facilitates collaboration on economic development, strategic planning and growth. The Committee also scrutinised various Council decisions through the year, including decisions on grant allocations to community and voluntary groups, resettling Syrian refugees in Oxford, the redevelopment of the Oxpens area, and the Council's Leisure and Wellbeing Strategy. In many cases, these items resulted in reports and recommendations to the City Executive Board.

Scrutiny also has a role in monitoring Council performance and received quarterly reports on a set of selected performance indicators. This enabled Scrutiny Councillors to track Council performance in key areas and, where necessary, hold the organisation to account for under-performance against targets.



Guest Houses

Membership

Councillor Van Coulter (Chair)

Councillor Michele Paule

Councillor Gwynneth Royce

Councillor Craig Simmons

A high profile investigation into suspected serious sexual offences against children in Oxfordshire revealed that a guest house was one of a number of premises where offenders took young girls to have sex. Scrutiny Councillors raised concerns that the regulatory framework and powers available to the authorities to intervene in guest houses were inadequate, and exploring these issues was the highest priority for the Scrutiny Committee in 2015/16.

The Guest Houses Review Group was chaired by Councillor Van Coulter and sought to understand what was already being done to prevent exploitation in guest houses, and to consider the case for further interventions, including the introduction of a voluntary code of practice for guest house owners to sign up to.

The Review Group met six times from August to December 2015 including four evidence

sessions where Councillors spoke in confidence with a range of witnesses. These included people who own or run guest houses in the City, an independent trauma advisor who works with victims of exploitation, and representatives of the various agencies involved in regulating guest houses, such as the police, fire authority, trading standards, environmental health and community safety.

During their deliberations the Review Group concluded that there was a strong case for the introduction of a voluntary code of good practice for guest house owners to sign up to. This proposal was found to complement other initiatives aimed at improving standards in guest houses. It would also provide assurance that guest house owners are committed to operating their premises in accordance with good practices that can help to deter, prevent and disrupt criminal activities. The Review Group identified a number of good practices that were not routinely practiced across the sector and suggested that these should be included in the code. No one the Review Group spoke to objected outright to this proposal and amongst guest house owners there was an acknowledgment of the problem and a willingness to co-operate.

The City Executive Board agreed in principle to the introduction a voluntary code of good practice and the Scrutiny Committee will monitor progress after 12 months.

“It is clear some offenses of exploitation have taken place within a number of Oxford’s guest houses. Some owners of guest houses already work to very good standards, sharing suspicions and incidents with the police and having various measures in place that can deter potential perpetrators. Owners of other establishments accepted they have had little oversight of who comes and goes from guest rooms, but each showed a willingness to improve standards.”

Councillor Van Coulter, Chair of the Guest Houses Review Group

**SAY
SOMETHING
IF YOU
SEE
SOMETHING**

9

Agreed recommendations called for:

- The introduction of a voluntary code of good practice
- Targeted promotion of the code to institutions based in the City
- Better signposting to advice and guidance for guest house owners
- Prompt attention to requests for assistance at guest houses



10

Equality and Diversity

Membership

Councillor Tom Hayes (Chair)

Councillor Mohammed Altaf-Khan

Councillor Sian Taylor

Councillor David Thomas

The second scrutiny review of the year had a more internal focus on exploring issues of equality and diversity in the Council workforce. A Review Group led by Councillor Tom Hayes was tasked with identifying barriers faced by under-represented groups in recruitment and career progression at the Council, and understanding how the Council prevents and addresses instances of discrimination, including specifically discrimination against LGBT employees.

The Review Group began by examining employee equalities data held by the Council and comparing this with information from the most recent Oxford census. This enabled Councillors to make a number of observations about the profile of the Council workforce and

identify under-representations of minority ethnic groups, women, people with disabilities and LGBT groups in different parts of the Council workforce.

A number of possible explanations for the under-representation of different groups were considered in discussions with Council officers and trade union representatives and further measures were identified that could help to reduce barriers experienced by these groups. Instances of reported discrimination were found to be very low but the Review Group felt that more could be done to prevent unconscious bias and make the workplace more inclusive of diverse groups, and in particular, transgender people.

Agreed recommendations called for:

- Job vacancy advertising in community settings
- A more targeted approach to talent management
- Unconscious bias training for recruiting managers
- Adding the gender-neutral title 'Mx' alongside existing options on Council forms

“When our Council gets diversity right and looks more like the communities we serve, our Council gets more things right and delivers the best possible value for money for local taxpayers. Further improvements are possible, and we offer concrete accounts of the gaps that need filling and our thinking on the measures that can best fill them.”

Councillor Tom Hayes, Chair of the Equality and Diversity Review Group



Inequality

A review group was set up in the previous year to examine how the Council could maximise its impact in combating social and economic inequality in the City. Councillor Van Coulter chaired this wide-ranging review. The Review Group's 21 recommendations were informed by evidence from members of the public, social researchers and representatives of numerous partner organisations, including; Oxfordshire Clinical Commissioning Group, Citizens Advice, Age UK, the Child Poverty Action Group, Asylum Welcome, Healthwatch Oxfordshire and the Living Wage Foundation.

The Review Group made recommendations about, amongst other things, boosting the supply of affordable housing including keyworker housing, further interventions to improve standards in the private rented sector, closer working with health partners and continued efforts to combat financial exclusion.

The City Executive Board responded to the recommendations in October 2015, agreeing over two thirds in full or in part. The Committee will receive an update report in order to track progress and implementation in autumn 2016.



Local Economy

In 2014/15 the Local Economy Review Group, led by Councillor James Fry, focused on support for independent retailers during a period of major redevelopment in the City Centre. In June 2016 the Committee received a 12 month update report to enable Councillors to track progress.

Developments one year on included progress in supporting businesses to draw up proposals for a Business Improvement District for the City Centre. A long term strategy for the City Centre was also in development but the Committee heard that it might not be possible to progress some of the priorities identified by the Review Group, such as encouraging distinctive 'local quarters' in and around the City Centre, due to a resource-intensive review of the Council's Local Plan.

The Committee restated its support for the Review Group's recommendations, welcomed progress in some areas and urged officers to implement outstanding recommendations, such as doing more to facilitate the temporary use of empty retail premises for things like pop-up shops.



Cycling

The Cycling Review Group, led by Councillor Louise Upton, was also established in 2014/15 but concluded its work during summer 2015. The Review Group made the case for having an overall cycling strategy and a dedicated Cycling Officer for the City. The Review Group also highlighted opportunities to ensure the Council's planning policies support its vision for Oxford to become one of the great cycling cities of Europe.

The Board responded positively to the Review Group's nine recommendations in September, agreeing six in full and three in part. The Board agreed to explore the scope for an innovative partnership approach with major employers that would deliver the objectives behind the suggestion for a dedicated Cycling Officer at lower cost. The Committee will be monitor progress and implementation during the year ahead.

Waste Water Flooding

Former Councillor Roy Darke convened a second meeting with Thames Water Utilities (TWU) in July 2015. This enabled Councillors to monitor the progress of a substantial long-term catchment study of Oxford's sewerage system, which is intended to identify issues and priority improvement works.

TWU reported that during their initial investigations they came across a number of serious problems, which they had been dealing with on a find and fix basis. The next phase of the study would involve developing predictive 3D modelling of the sewerage system in order to manage flows in real time and prevent instances of sewerage flooding.

The Panel recommended that the Council continues to engage proactively with TWU at a senior level through the Oxford Area Flood Partnership and other channels, and this recommendation was agreed by the Board.

“The Scrutiny Committee pushed for this study and I'm delighted it's now happening and progressing well. We originally thought it would be some years before we saw noticeable improvements so the find and fix system being

actively pursued by TWU is particularly pleasing. The removal of fatbergs and other obstructions will be making an immediate difference and we are already seeing less sewage flooding in parts of the city.”

Former Councillor Roy Darke, Chair of the Waste Water Flooding Panel.

Public Spaces Protection Orders (PSPOs)

The Scrutiny Committee has kept a close watch on Council proposals to utilise new powers aimed at tackling anti-social behaviours in the City Centre and on the Oxford Waterways. The proposed PSPOs generated public and media interest and a number of residents took the opportunity to address Councillors when these decisions came to Scrutiny.

The Committee tasked a one-off Panel, Chaired by Councillor Andrew Gant, with questioning Council decision makers and scrutinising the City Centre PSPO decision in detail before reporting back to the Committee with their findings.

Despite differing views on the inclusion of certain behaviours in the PSPOs, the Committee made a number of suggestions for strengthening the proposals which were agreed by the Board.

After the City Centre PSPO decision was taken, four Councillors exercised their right to call it in for further scrutiny. At the call in meeting the Committee agreed by a majority vote that the decision should stand.

Later in the year the Committee scrutinised proposals to consult on a PSPO covering the Oxford Waterways. The Committee considered submissions from members of the public before recommending that the documentation should be revised and improved prior to the start of a formal consultation. This recommendation was agreed by the Board and the start of the consultation was delayed.



13

Finance Panel

Membership

Councillor Craig Simmons (Chair)

Councillor James Fry

Councillor Jean Fooks

Councillor Tom Hayes

The Finance Panel is responsible for overseeing and scrutinising the Council's financial performance. It does this by monitoring spend throughout the year, looking at selected financial issues and decisions and conducting a detailed review of the Council's annual budget and medium term spending proposals.

This year the Panel engaged with representatives of several external bodies in considering a number of financial themes. These included exploring the case for borrowing or investing in the Municipal Bonds Agency, assessing opportunities for the Council to utilise alternative funding models such as crowd-sourcing, and examining the provision of credit union services in the City. The Panel also requested a report on the numbers and costs of different Council Tax exemptions and discounts, welcoming the use of

additional tools and resources to crack down on fraudulent claims.

The Finance Panel conducted an in depth review of the Council's budget proposals over the New Year period, questioning senior managers on budgetary changes and testing assumptions about spending levels, income targets and financial pressures. Councillors were pleased to conclude that the General Fund remained in good shape but had significant concerns about the impacts of government policy changes, such as annual reductions in social rents, on the Housing Revenue Account. The Panel made 24 recommendations to the Board aimed at strengthening the proposals and maximising the Council's financial position. 21 of these were agreed in full or in part.

Other financial decisions scrutinised by the Panel included decisions on the Council's Capital Strategy, Treasury Management Strategy, Debt Policy and energy and water contracts. The Panel also received an update report following recommendations made to the Board last year on maximising the benefits of European Funding. The Panel was pleased to see their recommendations being actioned and making a difference.

“We cannot spend what we do not have. Thus sound finances must form the basis of any well run organisation. The role of Finance Panel is to keep a watchful eye on the Council's finances, to check that they are robust, as well as looking for revenue-raising opportunities and innovative means of making savings without compromising on the quality or quantity of the services the Council delivers.”

Councillor Craig Simmons, Chair, Finance Panel



Housing Panel

Membership

Councillor Linda Smith (Chair)

Councillor Elise Benjamin

Councillor Mike Gotch (from March)

Councillor David Henwood

Councillor Sam Hollick (to March)

Councillor Gill Sanders

Councillor Liz Wade

Geno Humphrey (tenant co-optee)

The Housing Panel is tasked with scrutinising strategic housing and landlord services, issues and decisions. The lack of affordable housing is a big issue in Oxford and a number of major housing-related decisions were taken by the Council during 2015/16, so the Panel had a busy year.

Members of the Housing Panel joined with the Finance Panel in considering the implications of national policy changes on the Housing Revenue Account, and in scrutinising a decision to establish a Council-owned housing company. Other housing decisions considered by the Panel included decisions on the Oxford Growth

Strategy, the allocation of homelessness prevention funds, a major investment in homelessness properties, the extension of a houses in multiple occupation (HMO) licensing scheme and a new Private Sector Housing Policy.

The Panel also monitored the performance of the Council's housing function and considered a number of other issues prioritised by Councillors, including the refurbishment of five tower blocks, the Council's great estates investments, security in communal areas of tower blocks and changes to the Choice Based Lettings scheme for the allocation of social housing.

In April the Panel held a joint meeting with the Tenant Scrutiny Panel dedicated to the topic of tenant involvement. The Panel welcomed the Council's achievement of a tenant engagement accreditation and together with tenant representatives made 14 recommendations for building on recent improvements, which were all agreed or agreed in part by the Board.

“Building more affordable homes, providing a first class service to our existing tenants, improving standards in the private rented sector and fighting homelessness are high priorities for this council. The Housing Panel acts as a critical friend to scrutinise the efforts being made in these areas to help ensure that, whatever policies and budgets come from national government, Oxford City Council will continue to deliver the best possible results.”

Councillor Linda Smith, Housing Panel Chair

The year ahead

The Scrutiny Committee has elected Councillor Andrew Gant as Chair for the 2016/17 Council year. The Committee also has four new members in Councillors Jamila Azad, Nigel Chapman, Marie Tidball and Ruth Wilkinson, who replace

Councillor Linda Smith, Councillor Ben Lloyd-Shogbesan and former Councillors Roy Darke and Sam Hollick.

The new Committee has prioritised reviews into devolution proposals for Oxfordshire and the impacts of English language schools in the City, including safeguarding concerns around under-18s studying at language schools being accommodated in the private sector. The Committee will continue to scrutinise selected CEB decisions and a number of other issues affecting the City have been included in the Scrutiny Work Plan. These include; air quality, workplace parking levies, the Local Plan review, graffiti prevention and educational attainment. The Committee has also re-appointed to the housing and finance standing panels and referred a number of issues and decisions to them for consideration.

In 2016/17 the Committee will receive update reports following recent scrutiny reviews into Inequality, Cycling and Guest Houses, and will continue to monitor the implementation of all agreed Scrutiny recommendations.

Housing Panel will be chaired by Councillor David Henwood this year after Councillor Linda Smith was appointed to the Board. The Panel plans to engage with representatives of the two universities about their approaches to land management in the City. The Panel will also look at issues around rough sleeping, how to reduce under-occupation in the Council's housing stock and the impacts of major housing investments such as the refurbishment of five tower blocks.

Councillor Craig Simmons remains Chair of the Finance Panel, which will undertake the detailed annual review of the Council's budget proposals early in the New Year. The Panel has also agreed to look at the financial impacts of Brexit, the Council Tax Support Scheme and alternative ways of funding affordable housing. The Finance Panel and Housing Panel will join together in considering the progress of the new Council-owned housing company and in scrutinising the Housing Revenue Account business plan.



Oxford City Council's Scrutiny Committee

Annual Report 2015/16

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