

Minutes of a meeting of **COUNCIL** on Monday 5 December 2016

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Members:

Councillor Altaf-Khan (Lord Mayor)	Councillor Brown (Sheriff)
Councillor Cook	Councillor Abbasi
Councillor Anwar	Councillor Azad
Councillor Brandt	Councillor Chapman
Councillor Clarkson	Councillor Coulter
Councillor Curran	Councillor Fooks
Councillor Fry	Councillor Gant
Councillor Goddard	Councillor Goff
Councillor Haines	Councillor Hayes
Councillor Henwood	Councillor Hollingsworth
Councillor Iley-Williamson	Councillor Kennedy
Councillor Landell Mills	Councillor Lloyd-Shogbesan
Councillor Munkonge	Councillor Paule
Councillor Pegg	Councillor Pressel
Councillor Price	Councillor Rowley
Councillor Sanders	Councillor Simm
Councillor Simmons	Councillor Sinclair
Councillor Smith	Councillor Tanner
Councillor Tarver	Councillor Taylor
Councillor Thomas	Councillor Tidball
Councillor Turner	Councillor Upton
Councillor Wade	Councillor Wilkinson
Councillor Wolff	

Apologies:

Councillor(s) Humberstone, Lygo and Malik sent apologies.

Minute's silence for former Lord Mayor Queenie Hamilton

Council stood for a minute's silence in memory of former councillor and Lord Mayor Queenie Hamilton who had died the previous week at the age of 98.

48. Apologies for absence

Cllrs Gant and Turner apologised for lateness.
Cllr Haines apologised for leaving at the break.

49. Declarations of interest

There were no declarations of interest.

50. Minutes

Council agreed to **approve** the minutes of the ordinary meeting held on 29 September 2016 as a true and correct record and that the Lord Mayor should sign these as such.

51. Appointment to Committees

Council **agreed** the following change:

West Area Planning Committee: Councillor Tidball to stand down and Councillor Curran to replace her.

52. Announcements

The Lord Mayor:

- thanked staff and those involved in organising the well-attended Remembrance Day ceremonies;
- reminded councillors of the Lord Mayor's reception on 12 December and the Lord Mayor's carol service on 18 December;
- congratulated Councillor Tidball on being awarded her DPhil from Oxford University.

The Sheriff informed councillors of the Freeman of Oxford ceremony and reception and the induction of new Freeman (or in this case, Freewomen).

The Leader announced:

- Civic office holders for 2017/18 would be
Lord Mayor: Councillor Fooks
Deputy Lord Mayor: Councillor Simm
Sheriff: Councillor Altaf- Khan
- The register of electors for December, with 102,000 electors, had been published and that this was due, in large part, to the commitment of Martin John and the Elections team in working with the University, Brookes and other colleges to increase student registration.

53. Public addresses and questions that relate to matters for decision at this meeting

There were no addresses or questions.

54. External Audit contract from 2018/19

Council considered a report from the Head of Financial Services asking for authorisation to opt in to the national scheme for external auditor appointments in accordance with the recommendation from Audit and Governance Committee.

Council resolved:

to authorise the Head of Financial Services to opt in to the national scheme for auditor appointments for the provision of external audit services starting with the audit of the 2018/19 accounts.

55. Council and Committee meeting programme May 2017 to May 2019

Council considered a report proposing the programme of Council and committee meetings for the 2017/18 council year (May 2017 to May 2018 inclusive) and for the 2018/19 council year (May 2018 to May 2019 inclusive).

Council resolved to:

1. approve the programme of Council, Committee and other meetings attached at Appendix 1 for the council year 2017/18; and
2. approve the programme of Council, Committee and other meetings attached at Appendix 1 for the council year 2018/19, subject to amendment at Council in December 2017; and
3. delegate the setting of dates for the Standards Committee, the Growth Board, and training and briefing sessions for members to the Interim Head of Law and Governance.

56. City Executive Board Minutes

a) Minutes of meeting Thursday 13 October 2016 of City Executive Board

Council had before it the minutes of the City Executive Board meeting of 13 October 2016.

On minute 75, Councillor Fooks said that the Oxford half-marathon was a joint County/City Council event

On minute 75, Councillor Wade asked if there was sufficient insurance to cover the event in view of the legal and financial status of the event organiser.

Councillor Simm, Board member for Culture and Communities said that the Oxford half-marathon was a County Council event in so far as it took place on the highway and required permission from the County Council as the highways authority. She said that she had recently learnt of the change of status of the event organiser and that she would pursue the question of insurance cover.

On minute 77a, Councillor Wilkinson asked if the City Executive Board would consider joint working on educational attainment. Councillor Kennedy, Board member for Young People, Schools and Skills said that she spoke regularly to the County Council on educational attainment.

On minute 78, Councillor Wolff asked if the Board member was aware of particular problems relating to the implementation of the Council Tax Reduction Scheme. He said he was aware of four households that had received strongly worded letters from the Council challenging their right to a single person discount. This had caused considerable distress particularly in one case where the occupant had been recently bereaved. Councillor Brown, Board member for Customer and Corporate Services said that she was aware of these cases and that the offending letter had been revised. She said that she would discuss the particular issues around bereavement with officers. However, it was important to note that the letters were issued after multiple checks and that it was necessary to serve letters as part of the due legal process.

On minute 79, Councillor Fooks noted that it would be sensible to add a reference to air pollution in the Tree Management Policy.

b) Minutes of meeting Thursday 17 November 2016 of City Executive Board

Council had before it the minutes of the City Executive Board meeting of 17 November 2016.

On minute 90, Councillor Simmons observed that there was some ambiguity in the recommendations and said that it was his understanding that the City Council would only contribute to the scheme on the basis that it was for the complete and total pedestrianisation of Queen Street.

57. Questions on Notice from Members of Council

Member of Council submitted 35 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 these minutes.

58. Public addresses and questions that do not relate to matters for decision at this Council meeting

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

Addresses were heard from:

1. Colin Aldridge, East Oxford Community Centre Association
2. Simon Collings, on behalf of Oxford Flood Alliance
3. Artwell
4. Larry Sanders – relating to Motion 1 on the agenda
5. Michael Drolet
6. Sarah Lasenby
7. Stefan Piechnik

Questions were heard from:

1. Judith Harley – proposed funding for Cowley Marsh Recreation Ground
2. Guilhem Poussot – Network Rail and Oxford – Marylebone line
3. Michael Drolet – Network Rail and Oxford – Marylebone line
4. Lady Jackie Grey – Network Rail and Oxford – Marylebone line
5. Liz Sawyer – extension to Seacourt Park and Ride

Board members responded to these addresses and questions.

In responding to the address from Sarah Lasenby, Councillor Price spoke on behalf of all councillors from all political groups.

The Lord Mayor thanked those speaking.

The supplement to the minutes contains the full text and addresses and questions delivered broadly as submitted; summaries where these were not delivered as submitted; and written and summarised verbal responses from the Board Members.

59. Outside organisation/Committee Chair reports: Oxfordshire Local Enterprise Partnership

Council had before it a report from the Economic Development Manager (submitted on behalf of Councillor Price) giving an update on the work of the Oxfordshire Local Enterprise Partnership.

Councillor Price presented the report and said that:

- The LEP had relocated to the College of Further Education
- Jeremy Long had been appointed as Board Chair in March 2016
- Phil Southall, Managing Director of the Oxford Bus Company, and Penny Rinta-Suksi, Partner at Blake Morgan were new Oxford based members of the Board

Council noted the report.

60. Scrutiny Committee update report

Council had before it a report from the Chair of the Scrutiny Committee detailing the activities of scrutiny and other non-executive Councillors and the implementation of recommendations since the last meeting of Council.

Councillor Gant, Chair of Scrutiny, presented the report and thanked all members and officers who had attended meetings or contributed to the work of the Scrutiny Committee.

Council noted the report on the work of the Scrutiny Committee.

61. Motions on notice

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

Council resolved to adopt the following motions:

- a) NHS Sustainability and Transformation Plans - motion including both amendments
- b) Universal Credit - original motion
- c) Prioritise initiatives to provide permanently affordable private homes – motion including amendment
- d) Oxford's future within the EU - motion including amendment
- e) Support measures to increase vital early years childcare provision – original motion

This motion was not taken due to lack of time:

Support the Paris Climate Change Agreement

The full minute and text of each adopted motion is below.

a) NHS Sustainability and Transformation Plans - motion including both amendments

Councillor Simmons proposed his submitted motion, agreeing to amend this to also incorporate the motions submitted by Councillor Turner and Councillor Wade (Motion 1 on the agenda). Councillor Wade corrected her amendment as follows:

Change:

b) Establishes any basis

To read b) Does not establish any basis

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:

This Council notes that the government is dividing the NHS in England into 44 areas or 'footprints', each of which has a 'Sustainability and Transformation Plan' (STP).

Government requires these STPs to collectively deliver cuts of at least £2.5bn nationally this year, and £22bn within the next five years, to wipe out the NHS' so-called 'financial deficit' by implementing 'new models of care'.

The former head of NHS commissioning, Julia Simon, has denounced the STP process as 'shameful', 'mad', 'ridiculous' and the plans as full of lies [1].

Locally, the Council notes that the Chief Exec of Oxfordshire Clinical Commissioning Group (Oxon CCG) has said that without changes to local NHS provision there will be a cumulative funding gap of about £200 million by 2020-21 and that the STP will need to change service provision to eliminate it [2]. Council further notes that local NHS employers face particular challenges from the high cost of housing locally, the mitigation of which may require investment.

Council considers that the Buckinghamshire Oxfordshire Berkshire West (BOB) STP

- a) Does not contain adequate or indeed any information on which a decision can be made about the future of NHS provision in what the STP refers to as 'the BOB geography.' It presents aspirations couched in meaningless jargon and suggests, without any evidence, that the unspecified STP Plan will result in the transformation of a projected deficit of £479m to a surplus of £11m by the end of 20/21.
- b) Does not establish any basis for a consultation to be carried out with health professionals and members of the public. Indeed the timeline in the STP suggests no consultation is envisaged since 'agreement on the plan' is to be reached with NHS England in November/December, before any consultation is even planned.

Council believes it is possible that the STP for the area which includes Oxfordshire (BOB - Bucks, Oxon and Berks) contains measures which could seriously impact on the health and welfare of the local population, and that the insistence by NHS England upon restricting early publication is leading to harmful speculation.

Council notes that wider consultation on the STP has not yet started, and calls for the immediate publication of the STP, in full, with proper consultation to take place with patients, interested public, private and community bodies, and staff. Council notes the frustration recently expressed by senior CCG officials about NHS England's negative attitude to timely publication and consultation of the STP, and believes that, especially in difficult times for the NHS, early engagement of all stakeholders is vital, and exercises in secrecy prevent constructive engagement from public bodies and local communities, and foster an atmosphere of mistrust.

Council endorses the view recently expressed by the Oxfordshire Health Inequality Commission that significant investment in interventions to reduce health inequalities and prevent poor health and illness are very important, and believes that such services are at particular risk when pressures on the NHS are scheduled to rise faster than funding. It therefore asks the CCG to prioritise investments which will reduce health inequality and support services towards groups suffering from health inequalities.

Council rejects the suggestion that there is a safe way to reduce the current level of NHS provision by £200 million (the gap identified by the CCG) by 2020-21 and agrees to:

- Ask the Oxon CCG to fully disclose to the public what changes are being considered with NHS England lifting its bar on publication
- Provide what support it can to the STP consultation
- Ask the Oxon CCG to start a full consultation as soon as possible on all aspects of the proposed changes
- Encourage the public to make their views on the services reductions and changes known by promoting the consultation on the Council's website, social media and through wider media communications
- Invite the County & District Councils to work together with the City to oppose any changes which will harm patients
- Write to the relevant Government Ministers to express Oxford's grave concern about a plan which is being foisted upon NHS professionals and the public in this city without adequate or indeed any information about the change in the level of services which must be intended.
- Write to the City's MPs asking for their support

[1] <http://www.gponline.com/shameful-pace-stp-rollout-risks-financial-meltdown-warns-former-nhs-commissioning-chief/article/1410546> See also <http://www.nationalhealththexecutive.com/Health-Care-News/just-16-of-finance-directors-think-sustainable-stps-achievable-by-2021>

[2] <http://mycouncil.oxfordshire.gov.uk/documents/s35312/17%20Nov%202016%20-%20presentation%20on%20STP%20BOB%20update.pdf>

b) Universal Credit

Councillor Brown, seconded by Councillor Rowley, proposed her submitted motion (Motion 2 on the agenda).

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

Council resolved to adopt the motion as set out below:

This council expresses its grave concerns over the impact of the new lowered benefit cap and its impact on families struggling with high rents in Oxford.

This council notes that nearly 1,000 children are likely to be affected by these cuts as families on a number of benefits including working tax credit and housing benefit have a cap put on their benefit to a maximum of £20,000 a year.

This council notes that yet again, a different rate applies in London and yet the cost of living in Oxford is comparable.

This council requests its officers to raise with local MPs and government ministers the urgent need to reflect the true cost of living in Oxford in welfare allowances, the living wage and government grants to public services.

c) Prioritise initiatives to provide permanently affordable private homes - motion including amendment

Councillor Gant proposed his submitted motion (Motion 3 on the agenda) agreeing to the first part of the amendment proposed by Councillor Simmons. Councillor Fooks seconded this. The amended motion then read:

Council notes

- *the increasing unaffordability of housing in the city*
- *that this is affecting the ability of the council as well as schools and hospitals to recruit and retain staff*

Council recognises that this poses a threat to the continuing economic growth of the city, and the welfare of its residents, and that a new approach is urgently needed.

Council therefore asks the Executive Board

- *to give due consideration, in the development of the Local Plan and other planning policy, to prioritise or make recommendations to Council which prioritise such initiatives as community land trusts and smart homes, which offer opportunities to provide permanently affordable private homes;*
- *to actively encourage neighbouring districts to do the same for land in their areas, as this is a problem affecting them too.*

Councillor Simmons, seconded by Councillor Wolff, then proposed the second part of his amendment to the motion:

Change: "to give due consideration, in the development of the Local Plan and other planning policy, to prioritise or make recommendations to Council which prioritise such initiatives as community land trusts and smart homes, which offer opportunities to provide permanently affordable private homes;"

to read:

"to give due consideration, in the development of the Local Plan and other planning policy, to make recommendations to Council which promote such initiatives as community land trusts, housing co-ops and smart homes, which offer opportunities to provide permanently affordable private homes whilst recognising that the Council's top priority remains the provision of genuinely affordable social housing;"

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

On being put to the vote, the amended motion was declared carried.

Council resolved to adopt the motion as set out below:

Council notes

- *the increasing unaffordability of housing in the city*
- *that this is affecting the ability of the council as well as schools and hospitals to recruit and retain staff*

Council recognises that this poses a threat to the continuing economic growth of the city, and the welfare of its residents, and that a new approach is urgently needed.

Council therefore asks the Executive Board

- to give due consideration, in the development of the Local Plan and other planning policy, to make recommendations to Council which promote such initiatives as community land trusts housing co-ops and smart homes, which offer opportunities to provide permanently affordable private homes whilst recognising that the Council's top priority remains the provision of genuinely affordable social housing;
- to actively encourage neighbouring districts to do the same for land in their areas, as this is a problem affecting them too.

d) Oxford's future within the EU - motion including amendment

Councillor Simmons proposed his submitted motion, agreeing to accept the amendment submitted by Councillor Price (Motion 4 on the agenda). Councillor Wolff seconded this.

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:

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 seek to negotiate a revised Treaty relationship with the EU which would preserve the undoubted benefits that Oxford and our local economy have gained from the free movement of labour within Europe and from the common standards attaching to product certification and common environmental standards.

For example, a negotiated settlement could offer UK residents e-citizenship of the EU or EU or dual citizenship could be available to those who meet certain criteria (as is already permitted in several countries). It could allow certain companies who agreed to be bound by EU legislation preferential access to the single market.

The City Council will seek to adopt into its own practices and regulatory standards, those aspects of EU legislation which currently or in future provide better social and environmental protection to our citizens e.g. on air quality, pollution and family rights.

On the basis that we believe Brexit will have a negative impact on Oxford's economy, its environment and its people, and that the majority of the electorate voted to remain, we will also commit as a Council to do what we can to promote alternatives to Brexit.

Council urges our two MPs to support an amendment to any motion to trigger Article 50 that is submitted on behalf of the Government which will commit the Government to submit an eventual exit 'deal' to a vote in both Houses of Parliament, and a second referendum to approve or reject the terms that have been negotiated.

Council agrees to write to our MEPs asking them to support EU citizenship proposals (Amendment 882 being put to the EU's Constitutional Affairs Committee early in the new year) being put forward by Luxembourg MEP Charles Goerens.

e) Support measures to increase vital early years childcare provision

Councillor Tidball, seconded by Councillor Clarkson, proposed her motion (Motion 5 on the agenda).

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

Council resolved to adopt the motion as set out below:

The government's proposed 15% reduction in the Early Years Funding formula will impact directly on early years education provision in Oxford, particularly in the most deprived areas where it is most needed. It will threaten the future of nursery schools and will accentuate the damage that will be caused to child development and support by the closure of the Children's Centres. Since 2009, over 2000 childcare places have been lost in Oxfordshire, and there are 233 fewer childcare providers.

Council calls on the local MPs to oppose these reductions and to support measures to increase vital early years childcare provision.

The meeting started at 5.00 pm and ended at 8.35 pm

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To: Council
Date: 5 December 2016
Title of Report: Questions on Notice from members of Council and responses from the Board Members and Leader, republished after the meeting to include supplementary questions and responses.

Introduction

1. Questions submitted by members of Council to the Board members, Leader of the Council, by the deadline in the Constitution are listed below in the order they were taken at the meeting.
2. Responses are included.
3. Questioners can ask one supplementary question of the councillor answering the original question.
4. This report is republished as part of the minutes pack after the Council meeting and includes supplementary questions and responses asked and given at the meeting.
5. Unfamiliar terms not explained in the text are briefly explained in footnotes.

Questions and responses

Board member for Community Safety

1. From Councillor Wade to Councillor Sinclair

Could the Board Member advise what positive alternatives to the Waterways PSPO (Public Spaces Protection Order) are being explored e.g. the setting up of a working group to include the Environment Agency, Canal and River Trust, city officers, waterways users and land-based residents to discuss solutions to problems as they're identified?

Response

The consultation process has raised many issues and concerns from waterways users and landowners as well as options to tackle them. I shall be drawing these together in a report to the City Executive Board in the New Year. I believe that a sensible way forward would be to instigate a working group to take some of these issues forward, recognising that safety on and by the water will be an important element.

Supplementary question

There are several groups of boaters and vulnerable adults and homeless who have yet to be engaged in the process.

Response

The Council has an inclusive approach to consultation.

2. From Councillor Thomas to Councillor Sinclair

I hugely welcome the council's work to re-engage with Oxford's boating community, but does Councillor Sinclair accept that with the Waterways PSPO draft as it stands, the boaters are right to feel concerned their way of life is under threat if they remain in Oxford?

Response

It was always the intention of the consultation was always to listen to and consider our communities' views not to threaten their way of life. The engagement exercise has raised a number of issues and options. I shall be drawing these together with officers with a view to a report to the City Executive Board in the New Year.

Supplementary question

The next report to the City Executive Board will be an opportunity for the Council to redefine its historically difficult relationship with the waterways community.

Response

The Council wishes to engage with all interested parties.

Board member for Culture and Communities

3. From Councillor Wolff to Councillor Simm

The Administration has now disclosed its preferred option for the East Oxford Community Centre – to dispose of the Film Oxford and East Oxford Games Hall sites and sell-off the rear of the East Oxford Community Centre site (which includes the Chinese Community Centre, B block and the land enclosed by these buildings). During the recent consultation, residents were led to believe that the stated aim is to relocate users to upgraded community facilities on the remaining Princes Street site. Can the portfolio holder please tell me the floor area of the community facilities that will be lost and how this compares with the additional floor area that will be created at the Princes Street site as this information was not made available during the consultation?

Response

A comprehensive consultation process was undertaken to help to inform the next steps of the project.

148 questionnaires were completed, over 100 individuals attended the exhibitions and the online adverts were viewed over 670,000 times.

The results were shared and discussed with the East Oxford reference group made up of key community users and stakeholders.

60% of the respondents to the consultation were in favour of combining facilities onto the community centre site.

The main loss of space will be the East Oxford Games Hall which is in very poor condition. We are confident we can relocate the bookings from the games hall in the community centre and relocate the badminton players at schools and colleges.

The advice centre is also a large building and part of the ground floor is condemned.

The total space for the games hall, Film Oxford and the non-condemned part of the advice centre is 2,033 m². The proposed new facility would be 1,135m².

The concept is to take poor quality, high cost spaces that are not as well used as they should be and create a well-used sustainable community hub.

Supplementary question

What does the 2033m² cover – does it include B block and the office – could a plan showing the different sections included in this be provided along with the floor areas?

Response

A written response will be provided.

4. From Councillor Wolff to Councillor Simm

Will the Portfolio Holder agree with me that disposing of community sites is not ideal at a time when Government policy is creating a greater demand for such facilities?

Response

The plan is to create a well-used, sustainable facility that is used by the whole community. The challenging financial environment means we must find innovative solutions if we are to protect valuable community facilities.

Supplementary question

Do you agree that this is a short-term solution and the Council should look at innovative options to create a long-term income generating solution?

Response

Given the scale of the proposed investment this is not a short term option. Although the formal consultation has closed we continue to explore ideas and options for the future of the centre.

5. From Councillor Wolff to Councillor Simm

Will the Portfolio Holder agree to continue to look at other sources of funding for the East Oxford community Centre improvements thereby avoiding the need to dispose of community sites?

Response

We are open to all ideas to source funding, although we need to be realistic about the level of funding we may be able to obtain.

Supplementary question

What funding has been applied for and what work has been done to look at income generation?

Response

We are still at the initial discussion stage and there are as yet no details of funding sources to share.

Board Member for Customer and Corporate Services

6. From Councillor Thomas to Councillor Brown

How many households in Oxford have been affected by the recently introduced cap on Universal Credit?

Of these, how many of them are currently eligible to receive Discretionary Housing Payment (DHP) from Oxford City Council?

Response

On 7 November the government lowered the Benefit Cap for households who had already been affected by the previous benefit cap. The new lower limit is £20,000. So far this has affected 48 households in the city.

The DWP (Department for Works and Pensions) are in the process of rolling out this new lower cap to new customers on an area by area basis. It is expected that new cases in Oxford will be capped from 12 December. At the moment we expect 275 households to be capped in this process.

These figures do change all the time, as people's circumstances change. The Welfare Reform Team have been proactively contacting people about the lower Benefit Cap over the last year. Work that the team has undertaken with people who might be affected has resulted in 55 people moving into work and 54 obtaining a valid exemption such as a disability benefit which means that they will avoid the lower Benefit Cap.

Any household affected by the Benefit Cap is invited to apply for a Discretionary Housing Payment. The Council's DHP policy clearly sets out the short term nature of the awards and the need for them to be transitional in the vast majority of cases. Therefore, for anyone to receive a Discretionary Housing Payment, they need to show that they are making progress to some means by which they will not need this support in the future.

The Welfare Reform Team supports people to make these changes, but sometimes that support is turned down by the customer, and in those cases, financial assistance will not be provided.

Supplementary question

Can you give a guarantee that the DHP will be fully disbursed by the end of the financial year?

Response

I cannot give any guarantee as it will depend on the number of valid applications that we receive. However, it is likely to be oversubscribed.

Board member for Housing

7. From Councillor Thomas to Councillor Rowley

Could the Portfolio Holder please update me on the plans for Lucy Faithful House?

Could the Portfolio Holder please update me on negotiations with the County and Districts following the announcement that Julian Housing and Simon House will close with the result that beds for the homeless will be more than halved?

Response

The City Council are exploring options to return the leasehold interest of Lucy Faithful House back to the Council, to ensure the more productive use of this site as permanent housing. The funding envelope for this will be included in the 2017/18 consultation budget proposals.

The City Council, County Council and OCCG (Oxfordshire Clinical Commissioning Group) have agreed the joint commissioning of some adult homeless pathway services for three years, with the city and district councils securing additional funding to help mitigate the £1.5m County Council cuts to this area. This secures approximately 141 bed spaces from 285 currently in the pathway (a loss of about 144 bed spaces by April 2019), as set out in the report to the CEB (City Executive Board) in September 2016. This was the maximum level of provision that the new allocated funds could secure.

Officers at the City Council are entering into discussions with providers - Oxford Homeless Pathways regarding Julian Housing, and A2Dominion in relation to Simon House - with a view to commissioning some additional supported bed provision, for homeless clients with a local connection to Oxford City, from June 2017 and April 2018 respectively. This will not equate to the beds lost, as only about 50% of pathway beds are presently used by clients connected to Oxford City, but should meet the essential needs identified. Officers expect to bring a report to CEB in relation to the commissioning plans for the £1.4m Oxford City Council spends each year on these services, in Feb/March 2017, as part of the budget process.

This Council will maintain 100% of our funds to support local homeless people, and we are grateful to our partners for their help and co-operation in planning to keep vital services going. However, the general funding situation for homelessness prevention and services is very bad and the responsibility for this lies ultimately at national level. Combined with soaring rents, benefit cuts, and the lowest social home building numbers on record, we as a nation are failing in our duty to the most vulnerable among us.

Supplementary question

In the medium term can we provide permanent housing to alleviate the housing shortage?

Response

Provision must be considered in the context of hugely reduced funding. We are working with other providers to provide as good a service as we can.

8. From Councillor Goddard to Councillor Rowley

At its meeting of 21 July 2014 the West Area Planning Committee approved an application from the council for 17 residential units, all to be used for social housing, on the Elsfield Hall site, 15-17 Elsfield Way (ref 13/03454). Work does not appear to have begun. Could the councillor give an update on this relatively modest but still important contribution to Oxford's affordable housing need?

Response

This site was being progressed for development for social housing using funding from the Council's Housing Revenue account. Government policy changes with regard to rent reductions and the sale of high value voids to pay for the costs of the right to buy for housing association tenants significantly reduced resources for investment in new

housing. This very regretfully has delayed this particular development. However in order to bring forward this and other sites the Council has now established our own housing company and we intend to include the necessary funding for loans to the company within the Council's draft budget so that the much needed affordable housing can be delivered as soon as possible.

Board member for Leisure, Parks and Sport

9. From Councillor Goff to Councillor Smith

Does the Councillor agree that it's high time the Five Mile Drive play area should be refurbished?

Response

The Five Mile Drive play areas is planned to be refurbished within financial year 2017/18 and officers will be talking to local councillors and stakeholders to help shape these proposals.

Supplementary question

Will toilet facilities be available nearby?

Response

We are in discussion with the local community to ensure that we deliver a facility that takes account of their views.

10. From Councillor Gant to Councillor Smith

Cllr Smith and officers kindly joined Cllr Fooks and me on a visit to Alexandra Courts (or Park) in Summertown. A plan was discussed with officers to relocate some of the fencing around the grassed area in order to bring some of it into open use, as an initial stage in an ongoing consideration of the best use of the entire site. Timing for this initial stage would be determined by officer's work schedules, estimated around the end of this calendar year. Could the councillor give an update on progress and timings for this work?

Response

Feasibility work has been completed regarding improvements to Alexandra Park including removal of some fencing to create open space. We are currently finalising the project and cost plans with work expected to begin by our internal Direct Services in the new year.

Supplementary question

Can you give a more precise date for the work to commence?

Response

No – but can assure Cllr Gant it will be in the new year.

11. From Councillor Simmons to Councillor Hollingsworth

The other day I saw a ‘burger van’ parked up near Bonn Square running a noisy and polluting generator to provide power. Right next to them was pitched a stall which had been given access to City Council electricity sockets to provide clean, silent power. Will the portfolio holder agree to look at the possibility of providing more concessions with access to existing power sockets to avoid the need to run generators as well as looking at what else can be done to stop the use of generators in the City Centre?

Response

There are a small number of fixed power supplies for street traders in the city which were privately installed and managed. The only supply under the Council’s control is at Bonn Square; this is managed by the Events Team who allow event traders to use the supply.

As the councillor is aware, the City Council is developing a network of electric vehicle charging points, and it is technically feasible for these to be made available to street traders as a source of electricity. Unfortunately many street trading pitches are in places that are not likely to be suitable for charging points. Where it is possible to site a charging point the Council will try to do so, but in many or indeed most instances it will not be possible.

Unfortunately, in the absence of a fixed power supply, the use of generators by mobile units is unavoidable. The impact of generators used for small scale short term supplies is insignificant in the scale of air quality and carbon emissions in the city; the Council has used and will continue to use appropriate environmental health powers to address noise disturbance from generators.

Supplementary question

Is there more that could be done to reduce the number of generators in the City Centre?

Response

The Council will continue to install power supplies where it is appropriate to do so at a reasonable cost.

12. From Councillor Goddard to Councillor Hollingsworth

Can the member categorically reassure inhabitants of my ward that the Northern Gateway proposal still envisages only the overblown number of 500 new dwellings on the green belt, and not the catastrophic number of 800+?

Response

The Councillor can be reassured that the Development Plan policies for the site are those set out in the Northern Gateway AAP, policy NG2: Mix of uses “Planning permission will be granted at the Northern Gateway for: up to 90,000m² (gross internal area) of employment development; and up to 500 new homes; and a range of local scale retail uses (up to a total of 2,500m² gross internal area); and a hotel with associated leisure facilities (up to 180 bedrooms)”

Supplementary question

Where did the 800+ figure come from?

Response

I don't know where it originated.

13. From Councillor Wade to Councillor Hollingsworth

Can the Board Member advise whether the new draft Local Plan will include a mechanism for identifying sites e.g. the C.S.Lewis Nature Reserve in Risinghurst, which are outside the City's conservation areas but are nonetheless of special importance to the City's cultural heritage?

Response

There is a mechanism in the NPPF (National Planning Policy Framework) which allows sites of local heritage value to be considered as part of the determination process of a planning application. As the Councillor will know all applications are weighed against the policies of the NPPF as well as the local development plan and other material considerations. Any policy considered for inclusion in the emerging Local Plan must add to, rather than simply restate, the policies in the NPPF.

The site in question is a subject to live planning applications, so it is inappropriate to comment further on the specifics of the case.

Supplementary question

With reference to the Heritage Asset Register, can we be sure to include all relevant Oxford buildings and locations?

Response

I intend to speak to officers regarding a "refresh" of the current Heritage Asset Register.

14. From Councillor Wade to Councillor Hollingsworth

It was reported in the Oxford Mail on November 24 that health bosses have no plans to add to the number of visitor spaces at the JR, even though Stagecoach has indicated that cars waiting to park are holding up bus services by 30 minutes. There may soon be further delays while the County Council starts work on the Headley Way roundabout entrance as part of its Access to Headington scheme. To what extent does the Board Member believe that this issue can be addressed in the emerging local plan?

Response

Current Local Plan policy SP23 governs the John Radcliffe site; that policy requires the Trust to "minimise car parking spaces on site", a policy designed to reduce the impact of traffic congestion on Headington and Marston. It is up to the Hospital Trust to properly manage the limited number of spaces on site to ensure that visitors can access the spaces that they need, when they need them, something that can be achieved with better staff parking permit management – which was implemented this summer by the Trust – and other improvements.

The emerging Local Plan will certainly have specific policies for the major hospital sites in Headington, and these developed alongside the masterplanning process currently being undertaken by AECOM on behalf of the Trust. I look forward with interest to the publication of the Trust's plans, and to working with them to plan for reductions in the traffic and better and more efficient public transport, cycling and pedestrian options for staff and visitors alike.

Supplementary question

Would the Board member comment on the suggestion that the Hospital Trust could promote car parking at the Park and Ride by offering a free shuttle bus service to health workers?

Response

That is a matter for the Hospital Trust. But we acknowledge that parking represents a serious challenge for the Trust.

15. From Councillor Goddard to Councillor Hollingsworth

Network Rail remain in breach of an important planning condition set in June 2015: Condition 2 of the Council's agreement to their application 15/00956/CND, requiring submission of proposals for the use of Tata SilentTrack rail dampers in Section H (Wolvercote); given that Network Rail have completed the development of East West Rail Phase 1, and have announced that train services are about to begin, what action is the Council taking to enforce the condition?

Response

An Advice Note to Members issued on 28.11.16 and posted on the Council's "Railway Developments" web pages included a question and answer expressed in legal language which relates to this question:

Paragraph 3. OCC position on the possibility of taking enforcement action in view of the commencement of rail services between Oxford Parkway and Oxford Station prior to determination of the current planning applications

As a matter of planning law, enforcement action is discretionary (e.g. section 172 of the Town and Country Planning Act 1990). The Secretary of State's policy requires Councils to act proportionately in responding to breaches of planning control (paragraph 207, National Planning Policy Framework). A breach of planning control does not trigger enforcement action as a matter of course. There is a clear requirement to consider enforcement action on its merits and whether this is proportionate, in the public interest and appropriate in the circumstances. Please see for example the Secretary of State's Planning Practice Guidance (Paragraph: 011 Reference ID: 17b-011-20140306) stating, "[n]othing in this guidance should be taken as condoning a wilful breach of planning law. Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case...".

In the case of EWRP1, if train services commence a breach of planning control will have occurred. However, in view of the current planning applications (see note 2 above) and the additional information recently provided by Network Rail in support, which the Council is evaluating, members are advised that it would not be expedient to take enforcement action at this time.

This is a very difficult position, and I personally and this Council as a whole have great sympathy for the position that local residents have been put in through no fault of their own. It is clear that undertakings made by both ministers and Network Rail have not been delivered on; the City Council has been left to try to make good these shortcomings. While the legal advice above makes clear that enforcement action to prevent the running of trains on the new tracks would fail the test of prematurity, the

City Council has and will continue to put as much moral and legal pressure as possible on all those responsible for this situation.

Supplementary question

Given the wording of the planning condition Condition 2 15/00956/CND, is Network Rail not already in breach of this? What actions have been taken or are possible to pursue this as a solution?

Response

I will arrange for a written response.

16. From Councillor Goddard to Councillor Hollingsworth

Network Rail has delayed testing Tata Silent Track in Sections H and I-1 of the Oxford line despite assurances that it would do so as far back as 2013. The likely damage in Section I-1 to the amenity of St Philip & St James primary school, the track-side housing estates, Port Meadow and the Trap Grounds, can only be ameliorated if Network Rail test and invest in the promised mitigation measures. Network Rail now says it is not going to proceed with tests but still expects Oxford City Council to approve the inadequate work it has done and remove the planning condition forthwith. Could the Board Member confirm that the condition will not be treated as satisfied until Silent Track has been tested here and if, as we expect, it is found to mitigate vibration, has been fitted to the I-1 section of the track?

Response

Yes the condition is not currently satisfied.

For clarification SilentTrack is the trade name for a rail damping product which is intended to reduce noise from the wheels of trains passing along the track; it is not a vibration mitigation measure. Rail damping is one of three potential mitigation methods referred to in the deemed planning permission which this Council has been given the responsibility to discharge. Network Rail's argument is that, in its opinion, SilentTrack is not reasonably practicable for use in Oxford. On 13 September the West Area Planning Committee decision effectively rejected this claim by Network Rail. The recent re-submission of Noise Schemes of Assessment for Sections H and I-1 present new information which officers will be reporting to the Committee on. As such the issue is subject to a live planning application which will be decided in due course in the usual way.

Supplementary question

What is the new information and if Silent Track is not suitable can another product be considered?

Response

This is a matter for consideration as part of the active planning application.

17. From Councillor Goff to Councillor Hollingsworth

In the application for the Seacourt Park and Ride extension, policy CS2 about development in the flood plain is not mentioned. Why was this the case, as it seems a very pertinent Core Strategy policy?

Response

The paragraph in Policy CS2 on development in the flood plain. relates specifically to sites allocated for development in the Sites and Housing Plan or some other part of the

Local Plan suite of documents. The site in question has no allocation and therefore CS2 does not apply. The relevant Core Strategy policy is CS11 on flooding, which the application refers to explicitly. The Planning Statement quotes from the policy noting that “planning permission will not be granted for any development in the functional flood plain (Flood Zone 3b) except water-compatible uses and *essential infrastructure*” (my emphasis). The application is based on the premise that the provision of Park & Ride services as part of the transport system of the city is essential infrastructure, and is thus in compliance with policy CS11.

Supplementary question

Can this be justified as “essential infrastructure” in view of the County Council long term plans to reduce traffic in the city?

Response

The opening sentence of the written response should read as follows: **The paragraph in Policy CS2 on development in the flood plain** (*as shown in the amended text of the response above*). This is a matter for consideration as part of the active planning application.

18. From Councillor Goddard to Councillor Hollingsworth

The presence of badger setts on the site for the proposed extension to Seacourt P&R may make development difficult if not impossible. Was the site surveyed to ascertain where any badger setts are located, as it is known that there are many badgers in the area?

Response

Yes. Chapter 8 of the application explains in considerable detail the processes followed, and has maps showing badger survey areas (figure 8.5). Paragraphs 8.77 to 8.80 contain precise details of the findings of the series of surveys carried out.

Supplementary question

Will independent data and evidence be taken into account?

Response

Yes – all relevant information will be considered.

19. From Councillor Gant to Councillor Hollingsworth

The application for an extension to Seacourt Park and Ride car park is known to be liable to flooding. The application describes emergency evacuation procedures. Can you explain how these would allow a driver who has caught the train to London for the day to retrieve their car safely, if it is in possibly over a meter of water?

Response

The purpose of the emergency evacuation procedures are to ensure that there is no risk to life, to safety of individuals, and as limited risk as possible to property, including cars. As recent floods in Bristol show, sometimes it is not possible for all cars to be retrieved from rising flood waters. In the unlikely event of an entirely unpredicted 1 metre rise in floodwater in the Thames floodplain at Oxford during a single working day it might not be possible for every car owner to retrieve their car safely from Seacourt Park and Ride or elsewhere. The primary concern of staff and the emergency services would be the prevention of loss of life, and would instruct any such car owner accordingly.

20. From Councillor Fooks to Councillor Hollingsworth

Two firms of consultants were commissioned by the City Council to advise on the planning application for an extension to the Seacourt Park and Ride car park, Turley and WYG. Could Council be told how much these consultants were paid for their work?

Response

The level of professional fees to progress this project to a robust planning application and outline costing are as follows: WYG - £156,599; Turley - £97,616.

21. From Councillor Landell Mills to Councillor Hollingsworth

Could the Board Member advise how the City plans to deal with the shortage of cycle parking in the city centre and whether the City can replace some of the car parking spaces in St Giles and Broad Street with additional cycle stands.

Response

Cycle parking throughout the city centre is in short supply, and needs to be increased. However the capacity to do so is limited by the limited availability of space. To remove car parking spaces from Broad Street and replace some with cycle parking as part of a comprehensive public realm scheme is something I would support, but it does involve the agreement of the County Council as the Highways Authority in order to happen. The council intends to pick the issue of areas where public realm improvements are needed through the new local plan. In the meantime the City Council has been work with ParkThatBike to provide more cycle parking; projects that will provide 80 new spaces, with a further 64 in the pipeline, have been delivered through them.

Supplementary question

How is the total demand for cycle parking in the city assessed and what is the total number of spaces in the city centre?

Response

I will arrange for a written response.

22. From Councillor Wolff to Councillor Hollingsworth

As the days get shorter, is there anything more that the City Council can do to encourage cyclists to use lights and otherwise make themselves more visible at night?

Response

The City Council continues to encourage cyclists to use lights to make themselves visible – and when they do use new ultra bright lights to make sure that they dip them so they don't dazzle other road users and pedestrians – and to wear reflective or light clothing. The City Council supports the campaigns by Thames Valley Police to stop cyclists without lights and issue them with fines and/or advice as appropriate. The City Council also supports the efforts by both Universities' Student Unions to encourage their members to buy and use proper lights and clothing.

23. From Councillor Gant to Councillor Hollingsworth

The council's licensing scheme for HMOs (houses in multiple occupation) has resulted in an increase in the number of HMOs known to the council. Is any data available about how many of these are actually new HMOs, and how many were already HMOs and have been newly-registered?

Response

The original estimate in the number of HMOs was based on an analysis of the 2011 Census, and was around 5000. Since then the Council has licensed 3600 HMOs. Since the implementation of the scheme the team responsible have used the original Census records, the electoral register and other data to identify houses which may be HMOs. With this continual refreshing of the original data set it is not possible to separate the number of HMOs into those that existed at the implementation of the original scheme and those which have become HMOs during the scheme's lifetime.

However as the scheme has matured, and numbers have become more stable, it is possible to make reasonable estimates of numbers in each a category over a shorter time span. Since January 2016 the team has licensed 142 newly created HMOs, while the enforcement team has identified 109 properties which were operating as HMOs but without a licence.

The evidence seems to suggest that there are now a limited number of unidentified HMOs remaining – and that the original estimate of 5000 might have been a slight over-estimate - although it is important to bear in mind that new properties will move into as well as fall out of the HMO licensing scheme all the time.

For the first five years of the scheme the focus has been on identifying and licensing properties; as the scheme moves into this new mature phase, the emphasis will shift towards quality and compliance. The main measure of success up to now has been the percentage of an estimated total number of HMOs licensed; it will still be important to measure that percentage, but moving forward we will also start to judge success by increasing the proportion of properties that comply with the required standards at the point of licensing or renewal, just as with our highly successful food standards scheme.

24. From Councillor Gant to Councillor Hollingsworth

Has the council received any representations that the HMO (houses in multiple occupation) licensing scheme might impose unwelcome administrative and financial burdens on good landlords, thereby discouraging them from participating in the market?

Response

Yes. During the life of the first scheme there were a number of representations about licensing fees. On balance this Council has felt when establishing and then renewing the scheme that the benefits in improving the quality of accommodation outweigh any perceived burdens in complying with the scheme.

When consulting to renew the scheme in 2015 the Council sat down with a group of local agents who represented about 40% of the HMO market and discussed these concerns. This led to the Council introducing longer licences with lower fees for compliant landlords and retaining annual licences with higher fees for the non-compliant.

Supplementary question

Since the 2015 review is there any evidence of the scheme discouraging good landlords?

Response

I am not aware of any decision to avoid the licensing scheme on the part of landlords. Overall the scheme balances the benefits for the tenant against the requirements placed on landlords.

25. From Councillor Fooks to Councillor Hollingsworth

The opening of the new Westgate and the John Lewis store is certain to increase the numbers of people wanting to come to Oxford to shop. To reduce the possible increase in congestion and pollution from extra traffic, has consideration been given to having a collection point at the park and ride sites for goods purchased at John Lewis and perhaps other city stores?

Response

Whilst this solution was put forward by officers in discussions with the development partners and John Lewis, John Lewis decided that this wasn't commercially workable. Collection points are already available at five other John Lewis Group outlets in Oxfordshire, with two in Oxford.

There is also the wider issue of more efficient freight movement into and within the city centre and ensuring this is managed efficiently. Officers will be monitoring the impact in terms of congestion and air quality and if solutions need to be sought in future – such as tighter restrictions on times for deliveries to take place in - this issue will be considered carefully in partnership with the County Council and local business and transport operators.

Supplementary question

Where are these other outlets in Oxford?

Response

The Waitrose stores in Headington and on the Botley Road.

Deputy Leader of the Council, Board Member for Finance, Asset Management and Public Health

26. From Councillor Wade to Councillor Turner

This year the five year rent reviews of Covered Market tenancies coincides with the expiry of the 15 year lease term. It is a difficult time for tenants. Can the Board Member confirm that the many proposals for improvement made in the independent report of 2012, and not acted on, will be reviewed urgently?

Response

The Council is currently involved in lease renewals for the Covered market units; there is no separate rent review. The new leases are offered at a rent reflecting current market conditions.

The 2012 report made 15 suggestions for improvement, of which 10 have been implemented. Those that are outstanding or partially outstanding are:

- New Marketing Campaign & Brand Development – initial discussions were held with traders but they have shown little appetite for such a campaign.
- New Signage- A trial Market Street banner sign has been installed and there are consultations ongoing with structural engineers and third party land owners.
- Car & Van Free Entrances - the yard has been subject to a refurbishment & improvement scheme to aid efficiency of deliveries. The parking bays in Market St may be raised with the County Council but changes may cause further delivery problems and bring little benefit.
- Covered Market Quarter – this is a longer term plan and is dependent on consultations with both landowners and adjacent tenants.
- Covered Market Oscars – started on smaller scale with features on best performing & award winning traders announced through the newsletter.

Supplementary question

Would the Board member comment on:

- Grants to retailers: how many and what value?
- What are the plans for ground floor improvements?

Response

I can't comment on the grants; and the improvements remain a long term aspiration when funds are available.

27. From Councillor Brandt to Councillor Turner

1) What has the council done to divert footfall towards the Covered Market, especially in light of the overall fall in footfall in the city centre due to the Westgate redevelopment works?

2) What commercial comparators have been used to assess the proposed rent increases for the Covered Market given that the CM offer is very different from the rest of the City Centre?

3) Is any more refurbishment work planned for the Covered Market?

4) Covered Market traders are not getting the 2% business rate reduction that other city centre traders have been getting as a result of the Westgate work, because they are classed as a 'market' (though their insurance classes them as an 'arcade'). Seeing as they are suffering the same (if not more) fall in business as the other traders, what is the council doing to try and secure the CM traders a rate reduction?

Response

1. Diverting footfall:

- The council have produced a Covered Market leaflet/flyer advertising the market and the businesses within. These have been distributed to local tourist offices, libraries, events, P&R stations, local hotels etc.
 - The spill out onto Market Street has continued this year with the last event being held on Friday 9 December. This event aims to reach out and showcase businesses from within the market whilst drawing attention to the market itself.
 - Continued support is being provided to traders on the use of social media which is now gaining real momentum and providing strong results for some businesses.
2. The Council has taken advice from a firm of surveyors who specialise in retail property. The rental levels have been calculated using evidence of new lettings within the Covered Market.
3. Refurbishment work:
- Phase 3 of the market roof refurbishment programme starts January 2017, this is an ongoing project which has secured budget for the next 4 years
 - Improved lighting in avenues 1-4 High Street has been approved and will start early 2017
 - Sprinkler system refurbishment - just completed phase 2 of a 3 year project
 - Roof infill and refurbishment of avenue 2 (High Street end) is scheduled for spring 2017
 - Safe Roof Access system is about to be procured with a budget secured
4. It is for the individual traders to seek independent advice regarding whether or not they should appeal the business rates valuation.

Supplementary question

What is the position on new lettings? Will we favour chains or local traders?

Response from Councillor Clarkson

We will follow our robust lettings policy for independent, local companies or small chains but no high street chains.

28. From Councillor Simmons to Councillor Turner

What assumptions sit behind the site valuations used during the consultation on East Oxford Community Centre for the assumed income from the disposal of the Chinese Community Centre and associated land, Film Oxford and the East Oxford Games Hall? Was it assumed that these sites would be sold for market housing or social housing?

Response

The assumptions used were residential development of the subject sites in line with current Oxford City Council planning policy.

Supplementary question

Given the size of the site can we assume it will be used for market housing?

Response

Yes.

Leader of the Council, Board Member for Corporate Strategy and Economic Development

29. From Councillor Goddard to Councillor Price

Given recent comments by the Shadow Chancellor that Brexit is "an enormous opportunity to reshape our country" does the leader of the Council share his parliamentary colleague's enthusiasm for Brexit and his optimistic view that it offers "an enormous opportunity" to Oxford?

Response

SWOT analysis proceeds from the basis that most human situations present both threats and opportunities. So much, so banal. The purpose of using that sort of analytical framework is of course to allow the decision makers to determine the balance of one against the other. At the present moment, the terms on which the UK will leave the EU are unknown, so it is very difficult to conduct such an analysis with any confidence. However, if, as seems very likely in the light of the statements made by the Brexit Triad Gang, this will involve leaving the single market and customs union, and restricting the ability of Oxfordshire employers to recruit the many nurses, doctors, construction workers, researchers, teachers, administrators, technicians, IT specialists, care workers, streetscene operatives, restaurant, hotel and café workers who are playing a vital part in the buoyancy of the city and county economy, it would be reasonable to reach the conclusion that any opportunities created by Brexit will be massively outweighed by the threats. The impact on the universities and big science facilities is already being felt, and the uncertainty created by the lack of a clear government strategy is affecting many parts of our sub regional economy.

Supplementary question

Will you be supporting the Labour candidate in this week's Lincolnshire by-election who is an enthusiastic Brexit supporter in comparison to the Labour candidate in last week's by-election who was not?

Response

Equality of views for all party members is exactly that and everyone has the right to express their views. And those are my views.

30. From Councillor Goddard to Councillor Price – motion in September

At the 29 September meeting of this council, a motion was submitted asking the leaders of all councils in Oxfordshire to continue talking about local government reorganisation, based on the widely acknowledged potential benefits. The leader of the council and his colleagues chose not to support the motion as submitted, amending it to refer to devolution without reorganisation. However, a motion identical to the unamended version was also tabled at a meeting of Vale of White Horse District Council on 12 October 2016*, and was passed unanimously. Could Cllr Price provide an explanation for this apparent discrepancy between himself and his counterpart at the Vale on the desirability of keeping alive discussions about reorganisation?

*<http://democratic.whitehorsedc.gov.uk/ieListDocuments.aspx?CId=108&MId=2143&Ver=4>

Response

Discussions between the Oxfordshire local authorities on the terms of a fresh devolution proposal involving a combined authority and an elected mayor are under way. No other joint discussions are taking place about local government reorganisation outside this devolution package.

31. From Councillor Simmons to Councillor Price

Will the Leader join me in thanking all those involved in the Oxford Christmas Light Festival including the City's own staff and the many other organisations around the City (many staffed by volunteers) that opened their doors for the weekend.

Response

Yes; of course. I have already expressed our collective thanks to Rachel Capell, Ian Nolan, and the Events team who made this year's Light Festival such a massive success, in terms of attendances throughout the weekend, and the quality and variety of the programme. We should also record our thanks to the main sponsors, the Westgate Alliance and the University of Oxford, whose funding is so vital to the support

32. From Councillor Thomas to Councillor Price

For most employees in Oxford, a salary at the level of the Oxford Living Wage (OLW) remains aspirational.

Why has Oxford City Council still not started a scheme to promote the Oxford Living Wage and reward and recognise business that pay the Oxford Living Wage?

Response

The Council does indeed promote the Oxford Living Wage by requiring all its contractors to observe the OLW as a minimum wage, and through our regular meetings with the business community, both collectively and on a one to one basis. The Council is also supporting the various student campaigns in the University and the colleges which are seeking to promote the OLW.

Supplementary question

There appears to be a Council blind spot and inertia in failing to get more employers to offer the OLW.

Response

It is a slow process to get employers to accept their social responsibility but we have a regular campaign to promote the OLW and promote face-to-face whenever possible, and this will continue.

33. From Councillor Thomas to Councillor Price

Will the Leader agree with me that the Campsfield Detention Centre, where a demonstration recently took place marking its 23rd year, and where more than 280 people are currently being detained, is a disgrace and take the opportunity of the recent protest to again write to the relevant Government Minister expressing our opposition to the Centre?

(Many detainees are being held without charge, without time limit, without proper reasons given, and without proper access to legal representation. Amnesty International reports that these are breaches of internationally recognised human rights. Authorities and organisations such as Chief Inspector of Prisons, the Medical Foundation for the Care of Victims of Torture, and Medical Justice, have condemned conditions at Campsfield House.)

Response

Conditions at Campsfield have been heavily criticised over the years and improvements have been made in response to the campaigns that have been mounted locally. Writing to a Minister is unlikely to make a great impact other than on the workload of an HEO in the Ministry of Justice but I am happy to do so.

Supplementary question

Will you help promote the Campsfield demonstration in January 2017?

Response

Yes.

34. From Councillor Simmons to Councillor Price

Will the City Council be offering to do an expanded, leaflet drop - or information campaign - on behalf of the charity Guide Dogs after it was reported that another blind person was turned away from a restaurant as he was accompanied by his guide dog, despite the fact that he had the right to enter under the 2010 Equalities Act.

Response

Yes. I am sure that all members will be shocked and surprised that a restaurant owner should be unaware of the provisions of the Act which have been in force for 6 years now. The Council has been working with Guide Dogs Oxfordshire to raise awareness and has contributed to their recent campaign. A new webpage on our website provides food businesses with information and advice. In addition, a newsletter containing guidance on the legal obligations relating to guide dog access was sent out to approximately 900 food businesses in October. We will continue to work with the charity to support their campaign.

Link to website:

https://www.oxford.gov.uk/info/20055/food_safety/1145/guide_dog_access_to_food_premises

35. From Councillor Gant to Councillor Price

The Chancellor, Philip Hammond, has been described as “reassuringly boring”. From his perspective as leader, did Cllr Price regard the recent autumn statement as “boring”?

Response

While the media may have sought to trivialise the Chancellor’s Autumn Statement by focussing on his speaking style, it is very unwise to treat the content of the statement as ‘boring’, and I hope that the Leader of the Liberal Democrat Group is not simply making a petty political point against his former Coalition ally.

This was the first occasion when the likely economic consequences of the decision to leave the EU were quantified, and their implications for the people of the UK were spelt out: £120 billion of extra borrowing to 2020, half of which is directly due to Brexit, no real wage growth for the longest period of years since the 1920s, slower economic growth, higher inflation. Despite the Prime Minister’s rhetoric about the ‘just managing’, no change in the benefits cap level, an imperceptible reduction in the rate of UC withdrawal, nothing extra for the NHS, or for social care, despite the clear signals that vital services are on the verge of crisis, all the previous spending limits on departmental spending maintained implying a deepening crisis in education spending – except for

new grammar schools, no mention of business rates devolution. I could go on, but while these announcements were all unwelcome, they are certainly not boring and reflect the abject failure of the Coalition's and the subsequent Tory governments' economic policies since 2010. To be projecting a debt to GDP ratio of over 90% in 2019 says it all.

Looking at the positive aspects of the Statement is also not boring. Over £1 billion for infrastructure projects to unlock affordable housing in high demand areas is welcome. The investment in the early planning for improved road links across the centre of England between Oxfordshire and Cambridgeshire is also welcome.

In summary; neither reassuring, nor boring.

To: Council

Date: 5 December 2016

Title of Report: Public addresses and questions that do not relate to matters for decision

This document was updated following the meeting.

Introduction

1. Addresses made by members of the public to the Council, and questions put to the Board members or Leader, registered by the deadline in the Constitution, are below. Any written responses available are also below.
2. Addresses as submitted by the speakers and written responses where available were published with the briefing note in advance of the meeting.
3. This report was republished after the Council meeting as part of the minutes pack and replaces that published with the briefing note.
4. This lists:
 - the submitted text of speeches where delivered broadly as submitted, deleting parts not read out;
 - noteworthy amendments to reflect the spoken address in italics.
 - summaries of speeches delivered where these differed significantly from those submitted;
 - written responses published in the briefing note before the meeting; and
 - summaries of verbal responses by the Board Members given at the meeting.

Addresses and questions taken in Part 2 of the agenda.

Addresses in part 2

1. Address by Mr Colin Aldridge, East Oxford Community Centre Association
2. Address by Simon Collings, on behalf of Oxford Flood Alliance
3. Address by Artwell
4. Address by Larry Sanders – relating to Motion 1 on the agenda
5. Address by Michael Drolet
6. Address by Sarah Lasenby
7. Address by Stefan Piechnik .

Questions in part 2

1. Question from Judith Harley – proposed funding for Cowley Marsh Recreation Ground
2. Question from Mr Guilhem Poussot – Network Rail and Oxford – Marylebone line
3. Question from Dr Michael Drolet– Network Rail and Oxford – Marylebone line
4. Question from Lady Jackie Grey – Network Rail and Oxford – Marylebone line
5. Question from Liz Sawyer – extension to Seacourt Park and Ride

Addresses in part 2

1. Address by Mr Colin Aldridge, East Oxford Community Centre Association

In light of the recent news report of homelessness increasing in Oxford does the Council think that it is acceptable that the preferred option is to close community facilities in East Oxford?

The council have said they will cater for all three sites into one (the land to the rear, East Oxford Games Hall, Film Oxford Building) If these sites are to be used for housing they should be used for affordable housing or in the case of Film Oxford and the part of the Chinese centre which is not condemned maybe a homeless unit. It is obvious the reduced space in the preferred option 3 would not be able to house all the activities. There is also a much reduced yard which is an important area for many centre users. After a reference group meeting (in which it was obvious there are many unanswered questions) we were assured there is a long way to go with this project.

Your officer in charge of the meeting told us they are willing to look at another option which is encouraging. We may get a centre which caters for the needs of the residents of Oxford East.

EOCA would like to work with the council to produce a suitable centre which will be used for many years to come. We need a centre which is far more innovative in design and use. Hopefully between interested parties we will have a centre truly fit for the 21st century.

Thank you for listening.

Summary of the verbal response given by Councillor Simm at the meeting

Colin, thank you. I have read what you have to say and thank you very much for coming today. I very much appreciate your offer to work with us and, as I said earlier in the meeting, although official consultation period is at an end discussions are on-going with various people in the community who have an interest. We look forward to having a constructive and positive engagement with you and your association. So thank you very much for coming along this evening.

2. Address by Simon Collings, on behalf of Oxford Flood Alliance

Councillors, Ladies and Gentlemen,

I rise this evening to draw your attention to the concerns of the Oxford Flood Alliance about the proposed extension to Seacourt Park & Ride. In our view this development breaches national planning policy, and could increase flood risk during major events.

National guidelines on planning policy, the NPPF, steer planners away from siting developments in the functional floodplain, wherever practically possible. Oxford's own strategic planning document, the Core Strategy, follows these guidelines. Because Oxford is vulnerable to flooding, the City Council has put in place sensible, long-term policies to protect its floodplain, and in particular undeveloped, greenfield floodplain which absorbs and retains water during floods. Core Strategy 2 states, inter alia: *Greenfield land will not be allocated for development if any part of the development would be on Flood Zone 3b. Core Strategy 11 says: Planning permission will not be granted for any development in the functional flood plain (Flood Zone 3b) except water-compatible uses and essential infrastructure.*

The proposed Seacourt extension involves development of a greenfield site in Flood Zone 3(b). This is clearly in clear contravention of Core Strategy 2, and contrary to the NPPF advice.

The consultants who prepared the application try to suggest that the NPPF is silent on the specific issue of Park & Ride and that there is therefore leeway to consider this development acceptable provided any resulting flood risk can be mitigated. This argument in our view is spurious. The only permitted development in Flood Zone 3(b) under the NPPF is essential infrastructure or 'water compatible development'. A Park & Ride is not essential infrastructure in NPPF terms. In the government's guidance on flood risk and planning, it says: 'water-compatible uses, should be designed and constructed to... remain operational and safe for users in times of flood.' As the proposed carpark extension will be closed during a flood it clearly does not comply with this requirement. The applicants state, based on discussion with the Environment Agency (EA), that the development is considered to have low risk vulnerability, because it will not be occupied during a flood. We agree with this. According to the NPPF guidance document developments like this, i.e. of a 'less vulnerable' nature, 'should not be permitted' in Flood Zone 3(b).

Having decided, for reasons which are not explained, that this proposal is somehow compatible with the NPPF framework the applicant attempts to apply an assessment 'akin to the Sequential and Exception tests' required for justifying development of essential infrastructure in Zone 3(b). The use of 'akin to' is interesting terminology – the consultants are essentially saying they are working outside the NPPF. The NPPF Sequential Test is supposed to be a tool for making strategic assessments of where best to locate development, it is not a tool for justifying the kind of short term, quick-fix process being proposed here. The way the Sequential Test has been applied in this application is wholly inconsistent with NPPF guidance and example case studies. A process 'akin' to the sequential approach should not be accepted by the planning authority as consistent with NPPF requirements.

Apart from the breaches of planning policy we have very grave concerns about the quality of the Flood Risk Assessment. This document has many weaknesses. Among other things it fails to provide proper data on how frequently this site actually floods. The table on page 14 lists 'historic flood events recorded within the site since 1947.' But this only gives major floods up to 2008. Oxford experienced serious flooding between Nov 2012 and Feb 2013, with Botley Rd closed for significant periods, and very serious flooding in Jan and Feb 2015. This site floods frequently. Even when the city is not threatened by flooding water builds up at various points in the floodplain after

a period of rainfall. The ground survey supports our view that the water table is very near the surface.

The design proposed would be fine if the car park were outside the floodplain, and it would help to reduce runoff. But the site is in the floodplain and will flood frequently. The porous surfaces proposed for the paving will soon clog with silt and the area become damaged as a result of flooding. In a major flood event there is serious risk of the fencing and structures on the site being carried into the Seacourt causing an obstruction in the river, not to mention any cars stranded on the site. This would block a major flood route impeding the drainage of the whole flood plain north of Botley Road. There is no discussion anywhere in the planning documents about the cost of maintaining the this kind of design which would suffer from serious flooding every other year.

This development is at the northern end of the proposed Oxford Flood Alleviation Scheme but no attempt has been made by the consultants to understand the implications of what is being planned for OFAS .

There is an alternative and this is my new information. You could put temporary decking on the existing site. Planning documents claim this is not possible because of a legal covenant on the land. We asked to see that document and it turns out that it's the lease with the Co-op which says you cannot put buildings on the land without the landlord's permission. We believe there is an option of negotiating with the landlord for a perfectly suitable alternative.

Councillors, I put to you that this planning application is a major mistake. It breaches national flood planning policy and the City's own core strategy. The functional flood plain is a completely inappropriate location for a car park. Proceeding with this development would increase risk in large scale flooding events, and alternatives have to be found. We urge you not to proceed with this proposal. Thank you.

Written response from the Board Member, Councillor Hollingsworth

Thank you for your address to the Council. The documents associated with the planning application cover these issues. It will be up to the relevant planning Committee, or Committees, to weigh up the application against the relevant national and local planning policies, the responses of statutory and non-statutory consultees, the advice of the planning officers, and any other relevant material considerations, and come to a decision on these matters.

Summary of the verbal response given by Councillor Hollingsworth at the meeting

I have given a written response and have nothing to add to that. I thank the petitioner for raising it. This is a very challenging planning application and it will be considered in due course by the relevant planning committee.

3. Address by Artwell

Summary of address given by Artwell at the meeting:

I am going to reduce my main statement to 3 main points. As you know the space and facilities at East Oxford Community Centre is being greatly reduced and its of great concern to myself and many people in east Oxford. We turned up at a meeting 2 weeks ago when we thought we were going to hear the results of the consultation. The officers were there but sadly no elected representative. I think this is not good enough. We have a democratic system whereby people who hold office should come forward to have questions put to them in a democratic forum. So I am asking for a delay for whatever plans for EOCC until Portfolio holder will come down and listen to what we have to say and we can put questions to her in a democratic forum.

Summary of the verbal response given by Councillor Simm at the meeting

The printed text of this address is not exactly the same as Mr Artwell's contribution and its regrettable when in public life the level of debate is lowered to the level of a personal attack on an individual. However, in the interests of transparency and democracy I will account for my movements on 22 November. When that date was chosen for the reference group meeting, the purpose of which was for officers to report back on the outcome of the consultation process, I already had a long standing engagement which I could not miss. I told the officer chairing the meeting that I would come late if I could. There is no democratic deficit. The formal consultation process is over but we are working with those people in the east Oxford community who are willing and able to make a positive contribution. I have no more to add.

4. Address by Larry Sanders – relating to Motion 1 on the agenda

The Chief Executive of OCCG has said clearly that if NHS provision in Oxfordshire continues at its present level there would be a funding deficit of £200 million by 2020-21. They therefore had to reduce spending by that amount. Current spending is about £1billion pounds a year, so the reduction is extremely large and dangerous.

We have begun to see details of some of the changes which will be proposed. They include closure of hospitals (the 9 Community Hospitals, including Oxford City), ward closures and service downgrades (at the Horton, which will mean many additional patients coming to the JR), GP surgery closures, reductions in medical and nursing staff, substitution of less well trained personnel, and so on.

The NHS spends about 20% a year less than the average European Health service. We have fewer nurses, doctors and hospital beds than almost all similar economies. We thus start from a point of enormous strain and face at least 4 years of sizeable reduction in the capacity to care.

We have a serious shortage of Social Care services in terms of Nursing Homes and home care workers to take some of the strain off desperately pressed family members. This, in turn, creates additional stress for the NHS.

It is accurate to say that these cuts will cause death and suffering. The only plausible way to stop the cuts machine is for the people of the County to show their dismay and anger in very great numbers. The motion before you creates a framework for Oxford City Council to take a lead in informing the public and encouraging them to use their strength. I hope you will assume that responsibility.

Larry Sanders, Oxford resident

There was no formal response as this formed part of the debate on the Councillor Motion on NHS Sustainability and Transformation Plans.

5. Address by Michael Drolet

We are here to appeal to you in the strongest possible terms to uphold the planning condition you yourselves imposed on Network Rail. The condition was rightly and lawfully imposed to protect residents from residual noise and vibration, and it has not been met. By refusing to honour this Condition, Network Rail are in breach of the law and openly defying the Council. The service from Oxford station to Marylebone is advertised to commence on 12th December with tickets already being sold. This is a flagrant breach of planning control and the law. There is NO mitigation for vibration and only limited mitigation for noise.

The situation is now critical. The Council may be nervous about challenging Network Rail, but it is surely duty bound to do so. Line side residents, while suffering major disturbance for eighteen months while works were under way adjacent to their homes, have shown considerable restraint in not pressing for enforcement previously. Network Rail and Chiltern Rail are now taking the breach to a new and provocative level. It is unreasonable of Oxford City Council to expect residents to continue to show constraint in the face of such provocation.

We have seen, and continue to see, extraordinary events within the political sphere, due in part to electorates across the Western world becoming disillusioned with the political establishment and how it has tended to abdicate its civic responsibilities in favour of cosy corporate relationships. The outright flouting of the planning Condition by Network Rail and Chiltern Railways is as disgraceful as it is contemptuous- of due process, of yourselves, and of the people you represent. Network Rail clearly sees the Council as a pushover, a weak opponent willing to be bullied. You have the support of residents, both our MPs, and the Secretary of State. You should hold Network Rail to account, not simply as a point of principle but because democracy really matters. Please do not let everyone, including yourselves, down.

Written Response from Councillor Hollingsworth

I have absolute sympathy with the residents of North Oxford, who have been made promises by both Network Rail and Government ministers that have not been kept. The City Council has been left to try to make good these shortfalls, using powers that are limited and untested when it comes to railways. I undertake that the Council will use all the moral and legal pressure that it can, but I do so knowing that the utmost a City Council can do - when faced with an industry that has almost never in 200 years had to pay any heed to the impact on residents of its activities and a Government that has absolved itself of any responsibility whatsoever in this matter – will almost certainly not go anywhere near as far as local residents would want.

An Advice Note to Members issued on 28.11.16 and posted on the Council's "Railway Developments" web pages included a question and answer expressed in legal language which relates to this issue:

Paragraph 3. OCC position on the possibility of taking enforcement action in view of the commencement of rail services between Oxford Parkway and Oxford Station prior to determination of the current planning applications

As a matter of planning law, enforcement action is discretionary (e.g. section 172 of the Town and Country Planning Act 1990). The Secretary of State's policy requires Councils to act proportionately in responding to breaches of planning control (paragraph 207, National Planning Policy Framework). A breach of planning control does not trigger enforcement action as a matter of course. There is a clear requirement to consider enforcement action on its merits and whether this is proportionate, in the public interest and appropriate in the circumstances. Please see for example the

Secretary of State's Planning Practice Guidance (Paragraph: 011 Reference ID: 17b-011-20140306) stating, "[n]othing in this guidance should be taken as condoning a wilful breach of planning law. Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case... "

In the case of EWRP1, if train services commence a breach of planning control will have occurred. However, in view of the current planning applications (see note 2 above) and the additional information recently provided by Network Rail in support, which the Council is evaluating, members are advised that it would not be expedient to take enforcement action at this time.

In plainer English, the legal advice is that enforcement action by Oxford City Council to stop trains running on 12th December would be both premature and unsustainable in court.

I should also be plain and say that, regrettably, we do not have the support of the Secretary of State for Transport. It has been reported that Nicola Blackwood MP and local residents believe that the DfT has offered the Council guidance throughout the process of discharge of the EWRP1 planning conditions. And that the substance of DfT guidance is that the Council can impose any condition, including speed restrictions that it deems necessary to get Network Rail (NR) to achieve acceptable noise and vibration levels

There has been no contact by DfT in relation to EWRP1, or offer of advice to officers or Councillors, other than the visit of the previous rail minister Claire Perry on 5th March 2015. Officers wrote (21st September 2016) to the DfT for clarification of two elements of the TWAO decision (monitoring; and amending the Secretary of State's decision) but have not yet had a reply. The Council has offered a briefing to the MP and will be writing to confirm the position as the Council sees it currently.

There are ongoing discussions between officers and the DfT about the Oxford Station redevelopment. These do not address the conditions of the EWRP1 deemed planning permission. DfT officials have informally indicated previously as a general principle that they are not supportive of conditions which may increase cost and restrict the development of the railway.

Summary of the verbal response given by Councillor Hollingsworth at the meeting

Thank you very much for your address which included some additional points to those you submitted. I have answered that submission with a written response and I don't think that I have anything to add: only to reiterate the sympathy and support which we want to give in what is an extraordinarily difficult situation. I would emphasise the final three paragraphs of my written response. The notion that we have had support from the Government or Department of Transport is utterly untrue.

6. Address by Sarah Lasenby

Good Evening Councillors

You will have heard from me about the unfortunate mistakes the Council has made by selling and then forcing the demolition of Temple Cowley Pools and Gym leaving a substantial and rising population without this resource and resulting in the other pools being overcrowded.

Today I want to ask about the process you follow in relation to debates triggered by petitions. If a petition reaches more than 1,500 signatures this will trigger a debate in Full Council. That sounds like the Council listening to the people and a good thing. I have listened to at least one debate that was a good debate covering important issues but then the vote bore no relation to the debate. So what is the point?

Then I then found out that the different party groups behave in different ways with both Labour Councillors and the Lib Dems deciding at their Group Meetings held before the Council Meeting, which way their Group will vote in such a debate. These decisions are whipped so no one is allowed to change their minds after hearing the discussion and possible new information in the debate.

So an apparently 'democratic' debate is actually just another exercise in control by the leading group. It has all been decided before hand before any new information has been heard. This makes a mockery of the debate

Now that Councillors realise what hardships have been caused to their constituents by their actions, these are the people of the 'blue hole' caused by the closure of Temple Cowley Pools, and that you have deprived these people of facilities for their health.

Action is needed. These people really need a well sited gym and pools as the legislation requires. Please will the Councillors respond to this reality and decide how to resolve the problem as soon as possible.

You need to take some action. This was a very well sited health provision very accessible and one these people really need. You must decide how to resolve the problem and to take some action to remedy this as soon as possible.

Please will the Councillors respond to this reality and Can you assure me that in future debates triggered by petitions signed by more than 1,500 people, the issues will be properly debated without whipping thus allowing Councillors to respond as they think best to any new information that they hear and that the debate's conclusion will be taken as a decision to be acted on?

Summary of the verbal response given by Councillor Price at the meeting.

As everyone knows whipping is part of the democratic system which exists in Westminster and elsewhere in the UK system. Whether it is used or not depends on the subject. Some subjects are whipped and some are not. In the context of Group meetings issues that are relevant are discussed in detail and so there is a democratic discussion. The decision on whether to whip the vote is not anti-democratic it is part of the democratic process.

(note: this statement by the Leader was made on behalf of all political groups and councillors)

7. Address by Stefan Piechnik

Dear Council and the members of the public,

I have addressed this assembly twice regarding the issue of Tower block Refurbishment. This has been planned thoroughly by City Council officers since at least 2007, but astronomical costs revealed to individual leaseholders only few months ago, well after the relevant £20M contract had been signed. The project has been advertised consistently for its improvement and area regeneration character, with assurances that no residents should worry about the cost. This turned out to be a farcically wrong for the leaseholders, as given the evidence of £50'000 bill on my doorstep, no one sane can consider this to be "good for all the residents" as the project advertising claims.

Furthermore, my recent experience with addressing this assembly indicates that misleading assurances have been presented here. In particular, in reply to my address to the Full Council in April this year, Cllr Rowley stated that court application has been submitted when it actually was not. He also assured the council that Tower blocks life will be extended by 30 years, but subsequently could not provide any evidence in support of this statement. Astonishingly, until I forced a formal complaint to put this on record in that meeting records, I was assured that giving misleading statements on the status of legal proceedings or presenting unsupported by evidence beliefs as facts, is not a problem at all.

In September, when I talked here about some previously undeclared disadvantages of the project, such as balcony doors narrower than escape hatches on Oxford city busses, or significant amounts of timber between load bearing walls of high rise buildings, the council and the public were assured that the project was fully consulted with the tenants. Certainly I did not know the problems from the consultation materials, and despite repeated requests I was not provided with any evidence where the specific clear disadvantages indicated mentioned were ever mentioned in the consultation materials. In my mind, it clearly follows that consultation cannot be therefore considered "full" in this respect, and the assurances given to all of us publicly in this hall must be considered misleading.

For certain I hope that my deep disappointed with the process is not irrational, and I wonder in what degree the custom of delivering consistently and un-apologetically assurances not supported by evidence undermines the process of decision making by the Oxford City Council.

Summary of the verbal response given by Councillor Rowley at the meeting

Councillor Rowley thanked Mr Piechnik for his address.

Questions in part 2

1. Question from Judith Harley – proposed funding for Cowley Marsh Recreation Ground

Question to the Board Member/ Leader, Councillor Smith

Lord Mayor, Councillors,

Earlier this year, at the June CEB (*City Executive Board*), I asked some questions about proposed funding for Cowley Marsh Recreation Ground which appeared on the CEB agenda as Carry Forward and New Bids (Agenda Item 7, the Integrated Performance Report Q4 2015/16). This item requested £132,000 for “Cowley Marsh Recreation Ground car park extension”, a figure subsequently approved at July’s Full Council meeting.

One of my questions to the June CEB was:

- If £132,000 is available to spend on Cowley Marsh Car Park, why can’t this be spent on repairing or strengthening the stone pillars and fencing at the entrance to the Park and surrounding the Car Park, restoring them to their rightful glory, so that the unsightly supporting temporary fencing can be removed?

to which I received the reply:

- Part of the expenditure will be used to make the current surround safe and therefore enable the temporary fencing to be removed.

To date, no repairs have been done, and the unsightly temporary fencing is still present. Residents want this rectified.

My questions to today’s Council are:

1. As money has been approved for this, why have no repairs been done to date?
2. Who is responsible for authorising and organising the necessary repairs to the stone pillars and fencing at the entrance to the Cowley Marsh Park?
3. What is the timetable for authorising and organising these repairs?
4. What is the estimated cost of these repairs?
5. When will these repairs be carried out?

Written Response from Councillor Smith

1. As stated previously, planning permission for the whole scheme associated with the refurbishment and changes to this car park will be required and detailed plans have needed to be drawn up. This work is almost complete.
2. The repairs will form part of the planning application which, if approved, will then be the responsibility of the Head of Direct Services to get the work undertaken.
3. It is intended to submit the planning application early in the new year and if approval is received, work is likely to commence in Spring 2017.
4. The cost of the repairs has yet to be finalised, but will be contained within the budget of £132,000 which has been approved for the scheme.
5. As stated in 3 above, it is likely that the work will commence in Spring 2017.

Summary of the verbal response given by Councillor Smith at the meeting

Thank you for the address. In the interests of efficiency the works to the gate are not independent and will be carried out as part of the same project as the works to the carpark. I look forward to seeing the gates restored to their rightful glory.

2. Question from Mr Guilhem Poussot – Network Rail and Oxford – Marylebone line

Question to the Board Member Councillor Hollingsworth

- a) What steps is Oxford City Council willing to take to enforce Condition 19?
- b) Has Oxford City Council approached, and/or does it have any plans to raise, these issues with the Local Government Association, or other county or city councils?

Written Response from Councillor Hollingsworth

- a) This is covered by my answer to Michael Drolet's address earlier and the Council's position is set out in the advice note published earlier on the Council's website.

The Council cannot pursue enforcement action ahead of the occurrence of a breach of planning conditions and the courts would not give us an injunction. Further, national planning policy does not support the Council taking enforcement action whilst there is a possibility that the position might be still be resolved by other routes; in this case Network Rail has submitted fresh planning applications and information. As a matter of principle, the courts would not support the Council acting ahead of considering this information and determining these planning applications.

- b) No. The planning issues we face are specific to Oxford and arise from the Secretary of State's original decision and the particular conditions the Planning Inspector set.

These are not matters where the LGA has expertise. We are aware of the experience of councils elsewhere. However, most Network Rail development is undertaken under their own powers (permitted development) without reference to the local planning authority, which is why the circumstances in Oxford are unusual.

There was no further response from Councillor Hollingsworth at the meeting.

3. Question from Dr Michael Drolet– Network Rail and Oxford – Marylebone line

Question to the Board Member Councillor Hollingsworth

- a) Has any contact taken place between Oxford City Council and the Department for Transport over specific enforcement action in this matter? If not why not?
- b) Is Oxford City Council aware of the Government's response to questions in the Lords of September 2015 (HL1855), in which it confirmed that local planning authorities have "broad powers to impose conditions and enforce where they consider that conditions have been breached"?

Written Response from Councillor Hollingsworth

- a) No. Regrettably, we do not have the support of the Secretary of State for Transport. It has been reported that Nicola Blackwood MP and local residents believe that the

DfT has offered the Council guidance throughout the process of discharge of the EWRP1 planning conditions. And that the substance of DfT guidance is that the Council can impose any condition, including speed restrictions that it deems necessary to get Network Rail (NR) to achieve acceptable noise and vibration levels

There has been no contact by DfT in relation to EWRP1, or offer of advice to officers or Councillors, other than the visit of the previous rail minister Claire Perry on 5th March 2015. Officers wrote (21st September 2016) to the DfT for clarification of two elements of the TWA0 decision (monitoring; and amending the Secretary of State's decision) but have not yet had a reply. The Council has offered a briefing to the MP and will be writing to confirm the position as the Council sees it currently.

There are ongoing discussions between officers and the DfT about the Oxford Station redevelopment. These do not address the conditions of the EWRP1 deemed planning permission. DfT officials have informally indicated previously as a general principle that they are not supportive of conditions which may increase cost and restrict the development of the railway.

- b) Yes. However, the Council cannot pursue enforcement action ahead of the occurrence of a breach of planning conditions and the courts would not give us an injunction. Further, national planning policy does not support the Council taking enforcement action whilst there is a possibility that the position might be still be resolved by other routes; in this case Network Rail has submitted fresh planning applications and information. As a matter of principle, the courts would not support the Council acting ahead of considering this information and determining these planning applications.

There was no further response from Councillor Hollingsworth at the meeting.

4. Question from Lady Jackie Grey – Network Rail and Oxford – Marylebone line

Question to the Board Member Councillor Hollingsworth

- a) The World Health Organisation has issued guidance on noise pollution. Residents living along the rail corridor will be subject to noise pollution well in excess of those guidelines. What is the Council's fiduciary duty to protect the health of residents from the damaging effects of noise and air pollution?
- b) We believe that Network Rail has clearly been manipulating the planning system in order to undermine Condition 19. It and its subcontractors have also been found to be in breach of the Code of Construction practice on numerous occasions. Has the Council taken these matters up with the Rail Minister and the Local Government Minister?

Written Response from Councillor Hollingsworth

- a) Information provided by NR/ERM and verified by Independent Experts indicates that the WHO guidelines will not be exceeded once mitigation measures are in place. There is no single duty to this effect though there are a number of statutory duties for example those under Part III of the Environmental Protection Act 1990 in respect of statutory nuisance and the Licensing Act 2006 in respect of public nuisance.
- b) We are aware of two occasions where generators were left on overnight in breach of the Code of Construction Practice. These were subject to a full investigation and improvement measures to prevent a recurrence were required. No further breaches have been established. No external recourse would therefore be justified

There was no further response from Councillor Hollingsworth at the meeting.

5. Question from Liz Sawyer – extension to Seacourt Park and Ride

Question to the Board Member Councillor Hollingsworth

Good evening. I pose a question in two parts to the Leader of the City Executive Board:

Part A:

You have heard this evening from Simon Collings of the Oxford Flood Alliance about the serious flaws of the plan to expand the Seacourt Park and Ride facility into flood plain. The planning application does not include any parallels of similar schemes, despite a direct request from OCC to do so. This is not surprising, since the proposal contravenes both local and national planning guidance, so similar developments have simply not been permitted elsewhere. National planning guidance is in part designed to protect public safety, and this proposed car park risks endangering the public. The new extension area will flood more often than the existing car park, and to more dangerous depths because it is situated much lower (by a metre). Furthermore, the emergency evacuation plans are irresponsible and dangerous. They state that the P&R is not going to be supervised during a flood. The emergency measures propose messaging people to inform them of the rising water levels, a move which will actively draw people to an unsupervised car park where there are rising flood waters. They propose closing the new, lower car park in times of flood merely by putting up signs. This may not sufficiently deter some people, who may have returned at short notice after receiving a warning message, from attempting to enter the car park and trying to rescue their cars, in rapidly deepening water, before the flooding worsens. The level of risk that the council is delegating to the public in this instance is far beyond that usually covered by the liability for car parks in which the users park 'at their own risk.'

The City Council may be guilty of gross negligence with regard to public safety if it permits this planning application to go ahead, knowingly in contravention of national and local planning guidance. **What legal advice has the applicant taken in this regard?**

Part B:

The City Council already applied to extend the Park and Ride onto exactly this same site, in 1997. This plan was rejected, after an appeal, by the Secretary of State in 1999, due to the land's being flood plain and Green Belt. The reasons stated then were: "The Secretary of State agrees... that the main issues in this case relate to the effect of the development on the Green Belt and countryside, traffic impact and the effect on flooding. He agrees with the Inspector that the proposed extension to the park and ride is inappropriate development in the Green Belt. The Secretary of State agrees ... that the development would conflict with the purposes of the Green Belt... by reducing openness, extending urban sprawl and encroaching into the countryside. The use would also fail to retain and enhance the landscape where people live.... He shares the Inspector's opinion that... the development would appear as an unnatural extension into the wider landscape, and would be difficult to screen, especially at night... [and he] considers therefore that the harm to the Green Belt would be substantial."

The land is still Green Belt, still Flood Plain; what is the justification for trying once again to develop this site, when the same reasons for rejecting the proposal will still apply today as they did nearly 20 years ago?

Councillor Hollingsworth said that a written response would be supplied after the meeting.

Written Response from Councillor Hollingsworth, circulated after the meeting.

Question A

The City Council has not taken legal advice on this specific issue as the project team has engaged extensively with both Environment Agency, the Lead Local Flood Authority (Oxfordshire County Council) and the Local Planning Authority. The advice given and accepted is to adopt a robust emergency plan, which has been done. The sufficiency and robustness of the submitted plan will be tested through the planning process and any further advice given by the Environment Agency and or Emergency Planning authorities will be taken into account.

Question B

The application that was previously refused was nearly 20 years ago and since then national and local planning policies and other relevant factors such as the current parking and transport needs of the city have changed. Historic rejections do not preclude the submission of future applications. New applications are considered on their merits against current national and local planning policy and the local development plan. In addition new material considerations may be submitted in relation to layout, access, landscaping, materials, ecology and other issues.