

# Agenda

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## Cabinet

Date: **Wednesday 11 March 2020**

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Time: **6.00 pm**

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Place: **The Old Library - Oxford Town Hall**

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For any further information please contact:

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Details of how City Councillors and members of the public may engage with this meeting may be found on page 9 of this agenda.

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

# Cabinet

## Membership

<b>Chair/ Leader</b>	Councillor Susan Brown	Leader of the Council, Cabinet Member for Economic Development and Partnerships
<b>Vice Chair/ Deputy Leader</b>	Councillor Linda Smith	Deputy Leader (Statutory), Cabinet Member for Leisure and Housing
	Councillor Ed Turner	Deputy Leader, Cabinet Member for Finance and Asset Management
	Councillor Nigel Chapman	Cabinet Member for Safer Communities and Customer Focused Services
	Councillor Mary Clarkson	Cabinet Member for Culture and City Centre
	Councillor Tom Hayes	Cabinet Member for Zero Carbon Oxford
	Councillor Alex Hollingsworth	Cabinet Member for Planning and Sustainable Transport
	Councillor Mike Rowley	Cabinet Member for Affordable Housing
	Councillor Marie Tidball	Cabinet Member for Supporting Local Communities
	Councillor Louise Upton	Cabinet Member for Healthy Oxford

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

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

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# AGENDA

## PART ONE PUBLIC BUSINESS

### Pages

- 1 APOLOGIES FOR ABSENCE
- 2 DECLARATIONS OF INTEREST
- 3 ADDRESSES AND QUESTIONS BY MEMBERS OF THE PUBLIC
- 4 COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA
- 5 COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES
- 6 ITEMS RAISED BY BOARD MEMBERS
- 7 SCRUTINY COMMITTEE REPORTS

Scrutiny Committee meets on 03 March. Any recommendations to Cabinet from that meeting will be published as a supplement to the agenda.

- 8 **BLACKBIRD LEYS DEVELOPMENT PROJECT DETAILED DESIGN**

11 - 42

**Lead Member:** Affordable Housing (Councillor Mike Rowley)

The Executive Director (Development) has submitted a report to seek approval to proceed to the detailed design phase of the Blackbird Leys Estate Regeneration project and allocate funds associated with the detailed design and planning, as well as delivery.

**Recommendations:** That Cabinet resolves to:

1. **Delegate** authority to the Executive Director Development to sign off the Pre-Planning Viability Condition and all other Stage One requirements of the Development Agreement detailed in this report, and confirm the project can move past Gateway One and into Stage Two (detailed design & planning submission) of the Development Agreement;
2. **Delegate** authority to the Executive Director of Development, in consultation with the Cabinet Member for Leisure & Housing and the Cabinet Member for Affordable Housing, to approve moving

- through the remaining Gateways of the Development Agreement and subsequently entering into a lease for the land with Catalyst Housing Limited, subject to the approved budget;
3. **Note** that the Development Agreement sets out that if the scheme does not move forward to delivery, that the Council will incur 50% of the Stage 2 costs, an estimate of which is set out in the report. (paragraph 73);
  4. **Approve** the use the CIL receipts generated to facilitate the delivery of the community and infrastructure works set out in the concept plan and to recommend to Full Council that this commitment is recognised in the Capital Programme in 2022/23 and beyond as a potential future earmarked CIL receipt (for investment in strategic infrastructure and community facilities at Blackbird Leys) and subject to planning;
  5. **Recommend** to Council to allocate a budget of up to £21.528 million to deliver the scheme for new affordable and market housing, community and retail facilities and new and enhanced public space (paragraphs 11-19) and in line with the funding sources and viability assessment set out in this report. (paragraphs 57 – 62);
  6. **Recommend** to Council to allocate the HRA and General Fund spend in accordance with the profile set out in the report.(paragraphs 63-64) and which will supersede any current budget held for this project; and
  7. **Commit** to the fullest ongoing engagement with the local community as part of the detailed design and planning stage and prior to submission of the planning application.

## 9 ANNUAL REPORT ON GENDER PAY GAP

43 - 60

**Lead Member:** Safer Communities and Customer Focused Services  
(Councillor Nigel Chapman)

The Head of Business Improvement has submitted a report to alert Cabinet to the Council's Gender Pay Gap reporting data.

**Recommendations:** That Cabinet resolves to:

1. **Note** the contents of the report and Gender Pay Gap table at Appendix 1; and
2. **Delegate** authority to the Head of Business Improvement to publish the table at Appendix 1 to this report before the deadline of 30 March 2020.

10 **ALLOCATION OF GROWTH DEAL FUNDS TO OXFORD CITY COUNCIL**

61 - 66

**Lead Member:** Leader, Economic Development and Partnerships (Councillor Susan Brown), Planning and Sustainable Transport (Councillor Alex Hollingsworth)

The Executive Director Development has submitted a report to accept capital infrastructure funds and delegate authority to officers to enter in contractual Funding Agreements with Oxfordshire County Council, in order to deliver two city infrastructure schemes set out within the Oxfordshire Housing and Growth Deal.

**Recommendations:** That Cabinet resolves to:

**1.Recommend to Council to:**

- i. **Accept** £7m in the Oxfordshire Housing and Growth Deal Funds from Oxfordshire County Council for the delivery of city-based infrastructure schemes;
- ii. **Approve** an initial £300,000 feasibility study allocation from the capital programme for 2020-21, for Osney Mead to Oxpens Bridge, financed by available external funds; and
- iii. **Approve** the £1m capital budget for city cycling schemes at Cuckoo Lane, Marsh Lane, Marston Road & Boundary Brook, Oxford, financed by Oxfordshire Housing and Growth Deal Funding.

**2.Delegate** authority to the Executive Director Development, in consultation with the Council's Section 151 Officer, the Head of Law and Governance and Cabinet Member for Planning & Sustainable Transport, to agree and enter into grant funding arrangements and contractual terms with Oxfordshire County Council before the funds are transferred from Oxfordshire County Council to Oxford City Council to enable the City Council to deliver a £7m programme of infrastructure projects, financed through the Oxfordshire Housing and Growth Deal. This funding will include £6m towards the Osney Mead to Oxpens Bridge and £1M for defined city cycling schemes.

11 **CIL CHARGING SCHEDULE**

67 - 120

**Lead Member:** Planning and Sustainable Transport (Councillor Alex Hollingsworth)

The Head of Planning Services has submitted a report to consider withdrawal of the CIL Draft Charging Schedule Review from examination.

**Recommendation:** That Cabinet resolves to:

1. **Withdraw** the CIL Charging Schedule review from examination; and
2. **Continue** to apply the existing CIL Charging Schedule whilst the process to review it is re-started in the context of the CIL Regulations as updated in September 2019.

12	<b>INTEGRATED PERFORMANCE REPORT FOR QUARTER 3 2019/20</b>	121 - 138
	<p><b>Lead Member:</b> Deputy Leader - Finance and Asset Management (Councillor Ed Turner)</p> <p>The Head of Financial Services and Head of Business Improvement have submitted a report to update Cabinet on Finance, Risk and Corporate Performance matters as at 31 December 2019.</p> <p><b>Recommendation:</b> That Cabinet resolves to:</p> <p><b>Note</b> the projected financial outturn as well as the current position on risk and performance as at 31 December 2019.</p>	
13	<b>UPDATE OF HOUSING ASSISTANCE AND DISABLED ADAPTATION POLICY</b>	139 - 200
	<p><b>Lead Member:</b> Councillor Mike Rowley</p> <p>The Head of Regulatory Services and Community Safety has submitted a report to recommend changes to allow clarification around discretionary grant and joint custody arrangements.</p> <p><b>Recommendations:</b> That Cabinet resolves to:</p> <p><b>Approve</b> the proposed changes to the current Housing Assistance and Disabled Adaptation Policy attached at Appendix 2.</p>	
14	<b>MINUTES</b>	201 - 210
	<p><b>Recommendation:</b> That Cabinet resolves to APPROVE the minutes of the meeting held on 12 February as a true and accurate record.</p>	
15	<b>DATES OF FUTURE MEETINGS</b>	
	<p>Meetings are scheduled for the following dates:</p> <ul style="list-style-type: none"><li>• 15 April</li><li>• 10 June</li><li>• 15 July</li><li>• 12 August</li></ul> <p>All meetings start at 6pm.</p>	

**16 MATTERS EXEMPT FROM PUBLICATION**

Cabinet passed a resolution in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 to exclude the press and the public from the meeting during consideration of the following items which would involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

**PART TWO**  
**MATTERS EXEMPT FROM PUBLICATION**

<b>17</b>	<b>BLACKBIRD LEYS DEVELOPMENT PROJECT - CONFIDENTIAL APPENDICES</b>	211 - 320
<b>18</b>	<b>ANNUAL REPORT ON GENDER PAY GAP - CONFIDENTIAL APPENDICES</b>	321 - 326

## **DECLARING INTERESTS**

### **General duty**

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

### **What is a disclosable pecuniary interest?**

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

### **Declaring an interest**

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

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

### **Member's Code of Conduct and public perception**

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

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

## **HOW OXFORD CITY COUNCILLORS AND MEMBERS OF THE PUBLIC CAN ENGAGE AT THE CABINET**

### **Addresses and questions by members of the public, (15 minutes in total)**

Members of the public can submit questions in writing about any item for decision at the meeting. Questions, stating the relevant agenda item, must be received by the Head of Law and Governance by 9.30am two clear working day before the meeting (eg for a Tuesday meeting, the deadline would be 9.30am on the Friday before). Questions can be submitted either by letter or by email (to [cabinet@oxford.gov.uk](mailto:cabinet@oxford.gov.uk) ).

Answers to the questions will be provided in writing at the meeting; supplementary questions will not be allowed. If it is not possible to provide an answer at the meeting it will be included in the minutes that are published on the Council's website within 2 working days of the meeting.

The Chair has discretion in exceptional circumstances to agree that a submitted question or related statement (dealing with matters that appear on the agenda) can be asked verbally at the meeting. In these cases, the question and/or address is limited to 3 minutes, and will be answered verbally by the Chair or another Cabinet member or an officer of the Council. The text of any proposed address must be submitted within the same timescale as questions.

For this agenda item the Chair's decision is final.

### **Councillors speaking at meetings**

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

### **Councillors speaking on Neighbourhood issues (10 minutes in total)**

Any City Councillor can raise local issues on behalf of communities directly with the Cabinet. The member seeking to make an address must notify the Head of Law and Governance by 9.30am at least one clear working day before the meeting, giving outline details of the issue. Priority will be given to those members who have not already addressed the Cabinet within the year and in the order received. Issues can only be raised once unless otherwise agreed by the Cabinet. The Cabinet's responsibility will be to hear the issue and respond at the meeting, if possible, or arrange a written response within 10 working days.

### **Items raised by Cabinet members**

Such items must be submitted within the same timescale as questions and will be for discussion only and not for a Cabinet decision. Any item which requires a decision of the Cabinet will be the subject of a report to a future meeting of the Cabinet

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**To:** Cabinet  
**Date:** 11 March 2020  
**Report of:** Executive Director (Development)  
**Title of Report:** Blackbird Leys Development Project Detailed design

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To seek approval to proceed to the detailed design phase of the Blackbird Leys Estate Regeneration project and allocate funds associated with the detailed design and planning, as well as delivery.
<b>Key decision:</b>	Yes
<b>Cabinet Member:</b>	Councillor Linda Smith, Leisure and Housing and Councillor Mike Rowley, Affordable Housing
<b>Corporate Priority:</b>	Meeting Housing Need; Strong & Active Communities
<b>Policy Framework:</b>	<p><i>Housing &amp; Homelessness Strategy 2018-2021:</i></p> <ul style="list-style-type: none"> <li>- Invest to create sustainable communities that are safe &amp; happy &amp; increase housing supply; and</li> <li>- Improve access to affordable housing.</li> </ul> <p><i>Strong and Active Communities:</i></p> <ul style="list-style-type: none"> <li>- Provide high quality community facilities</li> </ul>
<b>Recommendations:</b> That Cabinet resolves to:	
1.	<b>Delegate authority</b> to the Executive Director Development to sign off the Pre-Planning Viability Condition and all other Stage One requirements of the Development Agreement detailed in this report, and confirm the project can move past Gateway One and into Stage Two (detailed design & planning submission) of the Development Agreement;
2.	<b>Delegate authority</b> to the Executive Director of Development, in consultation with the Cabinet Member for Leisure & Housing and the Cabinet Member for Affordable Housing, to approve moving through the remaining Gateways of the Development Agreement and subsequently entering into a lease for the land with Catalyst Housing Limited, subject to the approved budget;
3.	<b>Note</b> that the Development Agreement sets out that if the scheme does not move forward to delivery, that the Council will incur 50% of the Stage 2

costs, an estimate of which is set out in the report. (paragraph 73);

4. **Approve** the use the CIL receipts generated to facilitate the delivery of the community and infrastructure works set out in the concept plan and to recommend to Full Council that this commitment is recognised in the Capital Programme in 2022/23 and beyond as a potential future earmarked CIL receipt (for investment in strategic infrastructure and community facilities at Blackbird Leys) and subject to planning;
5. **Recommend to Council** to allocate a budget of up to £21.528 million to deliver the scheme for new affordable and market housing, community and retail facilities and new and enhanced public space (paragraphs 11-19) and in line with the funding sources and viability assessment set out in this report. (paragraphs 57 – 62);
6. **Recommend to Council** to allocate the HRA and General Fund spend in accordance with the profile set out in the report.(paragraphs 63-64) and which will supersede any current budget held for this project; and
- 7 **Commit** to the fullest ongoing engagement with the local community as part of the detailed design and planning stage and prior to submission of the planning application.

### **Appendices**

Appendix 1	Concept Masterplan
Appendix 2	Strategic Outline Business Case - Confidential
Appendix 3	Financial Summary Report - Confidential
Appendix 4	Legal Report – Confidential
Appendix 5	Risk Register - Confidential
Appendix 6	Equalities Impact Assessment

### **Introduction and background**

1. The Blackbird Leys District Centre was identified as a comprehensive regeneration site in the Oxford City Council Sites and Housing Plan (2013). The Leys has some of the most deprived areas in the country and the retail and community centre buildings making up the District Centre are nearing the end of their design life. The key aspirations to create an identifiable district centre with improved amenity and public space, more homes and a new multi-functional community facility form the basis this project.
2. In October 2017, Oxford City Council (OCC) undertook an OJEU compliant ‘Competitive Dialogue’ process, which ultimately led to the appointment of Catalyst Housing Limited (CHL) as the development partner for the Blackbird Leys Estate Regeneration project.
3. Given the relative low land and property values in the area the project has always had significant viability issues. Initial proposals from all bidders were based upon an indicative masterplan produced for the Council by Levitt Bernstein and which the Council’s consultants CBRE had assessed as having a deficit or negative land value. Tenders were scored on a 60% Qualitative

and 40% Quantitative (financial) basis. The selection of CHL, as the preferred development partner, was recommended after evaluation by Council advisers CBRE and a team of Council Officers.

4. It was agreed to proceed with CHL on the understanding that the Development Agreement would allow for a stage where proposals would be developed to close the viability gap before moving forward to detailed design and planning.
5. On 18 September 2018, the then City Executive Board (CEB) delegated authority to the Regeneration and Economy Programme Director and the Head of Law and Governance, to finalise and enter into a Development Agreement with the CHL. It also delegated authority to the Regeneration and Economy Programme Director and the Head of Law and Governance, to agree external grant funding arrangements to support this project. The Development Agreement was agreed in May 2018.
6. For the project to move forward, the scheme as detailed in Appendix 1 and the associated Strategies set out in paragraphs 28-42 must be viable and the Development Agreement has been set up to ensure that both OCC and CHL work to achieve this via both parties agreeing the Financial Model. The Development Agreement sets out how the project is to be bought forward through a series of Gateways, where at key stages the schemes' viability is tested and agreed by both parties. This is illustrated in the Strategic Outline Business Case.
7. To this end, officers have been working with CHL throughout Stage One to achieve scheme efficiencies, alongside assumptions around housing grant and other internal and external subsidy to close the viability gap.
8. Officers are now ready to recommend the Council can move forward through Gateway One and into Stage Two of the Development Agreement, which will see the preparation of the detailed design, working with local residents, and the preparation of the planning application.
9. The Development Agreement requires two further viability tests. The Gateway Two viability test is prior to submission of the planning application and the Gateway Three viability test will follow the planning decision. These tests will allow for any scheme changes that might affect viability, alongside any changes or firming up of assumptions, including around costs, values or housing grant rates.
10. Following Gateway Three, the costs and values will be fixed, including the level of subsidy to CHL. This will then enable OCC to grant a lease of the land to CHL and for the building work to begin.

### **Project Summary**

11. OCC and CHL have been working together to develop a masterplan with regard to layout, housing mix including tenure and type, phasing and viability. The masterplan ideas have included engagement with the community. The concept masterplan is set out as Appendix 1 to this report. This masterplan is subject to change during the detailed design and planning stage and will be informed by further engagement with local people.
12. The masterplan is set over two sites in Blackbird Leys, the District Centre and Knights Road. It proposes a new redeveloped District Centre, including new

shops and community centre to replace the existing offer, and 203 affordable homes, with a mix of social rent and shared ownership. At Knights Road there is a new development of 74 market sale and 10 shared ownership houses.

13. The masterplan has evolved in order to improve the financial viability. Knights Road is predominantly market sale housing with some shared ownership housing to improve cash flow to fund the District Centre. The District Centre development is wholly affordable housing in order to secure housing grant. The District Centre has consolidated around the existing shop and community sites and around Evenlode Tower. Development around Windrush Tower and immediately south of the 'top shops' site has been omitted as unviable.
14. The resultant concept masterplan provides 287 new homes. 12 flats above the 'top shops' will be demolished including 8 existing OCC flats and 4 leasehold properties. The scheme therefore provides an additional 275 new homes. 74% of the new housing is affordable with 52% social rent. 12% of the new homes are 3 bedroom. Details are included in Appendix 1.
15. The concept masterplan requires 8 existing OCC flats, located above the 'top shops' to be demolished. The decant strategy for affected tenants is set out below. CHL would retain ownership of all new units provided. OCC will have allocation rights.
16. The District Centre includes 982sqm of new retail and a 1,200sqm new Community Centre. There is sufficient new space for existing retail tenants and community centre users to be accommodated within the new development.
17. The current indicative phasing would seek construction work being undertaken in two phases. Phase One will include Knights Road, the new Shops and Community Centre and flats over the new shops and on the Evenlode Site adjacent the existing tower. Phase Two will be the new homes on the existing 'top shops' site. Refer to Appendix 1.
18. The masterplan has been subject to formal pre-application advice and will continue to be developed in partnership with the community towards a planning application. A Planning Performance Agreement has been signed between OCC and CHL.
19. The current project programme shows Stage Two Detailed Design and Planning submission being submitted January 2021 with Stage 3 Planning Decision due January 2022. Construction of Phase One is to commence Jan' 2022 with completion January 2024. Phase Two construction is to commence May 2024 with completion August 2026. This programme is subject to change and will be firmed up through the gateway process.

#### **Outline Business Case summary**

20. The Council has appointed Amion Consulting to prepare a Strategic Outline Business Case (SOBC). This confirms that the Stage One proposals meet the Business Case evaluation criteria and recommends that the project progresses to the next stage of development. An Outline Business Case will be required at the Stage Two Gateway. The SOBC is set out as Appendix 2 to this document.
21. The analysis has identified a strong evidence of need (Strategic Case). Blackbird Leys is deprived not just in an Oxford context, but against a wider

national background. This is supported by the Indices of Deprivation 2019, where the Blackbird Leys ward is in the 10% most deprived areas in the country.

22. The project has already been approved for Housing and Infrastructure Funding HIF monies from central government. Their assessment process is underpinned by a similar HMT Green Book methodology, which is associated with a strong Economic Case.
23. CHL has been preparing development appraisals, and in line with best practice, these have been robustly tested by the Council's commercial advisors, Montagu Evans. This ensures the public sector is maximising viability; the Financial Case.
24. The Commercial Case outlines how the project will be delivered by CHL and the Council. The Council has also appointed consultants Ridge to review the costings provided by CHL, which again strengthens the due diligence process.
25. The Management Case sets out how the delivery of the project will be planned, monitored and overseen to evaluation. The Development Agreement and the Council's own internal mechanisms will be central to ensuring good management of the scheme moving forward.

### **Stage One Gateway – Requirements**

26. The concept masterplan, has informed assumptions around mix and tenure and is the basis for estimates around construction costs and values, which in turn inform the Financial Model, which needs to be agreed by both parties. The financial considerations are set out in the Financial Implication section below.
27. Alongside the viability test, the Stage One Gateway requires agreement to strategies for stakeholder engagement, design quality, vacant possession and decant, development and phasing, the financial model, marketing and management.
28. These strategies will be finalised before entering into Stage Two and are summarised below.

### **Stakeholder engagement**

29. The concept masterplan has been developed with the involvement and feedback from the local community. There is a strategy led by CHL to ensure that the detailed design will continue to provide a wide range of opportunities for residents and stakeholders to fully engage with the work, and a commitment to develop that strategy based on feedback from the community as the project develops. CHL and OCC are working with existing and emerging forums and are providing additional opportunities for hard to reach groups to engage in the regeneration proposals.
30. The re-provision of the community centre is a key element of the masterplan and future engagement proposals include bespoke meetings to develop the detailed design of the centre. The strategy recognises the importance of ensuring that existing user groups are provided with temporary facilities during construction of the new centre.

31. There will be additional engagement with the existing retail occupiers about their intentions and preferences for the new retail offer and further consultation with the community about the uses they would like to see.

### **Design quality**

32. Design quality is defined by the Design Code. The Stage One Gateway proposals commit CHL to meeting OCC's emerging 2036 Oxford Local Plan standards. This requires improved sustainability standards to achieve an increase of a 40% improvement on Building Regulations energy use for Housing and BREEAM Excellent for the Community building. The detailed design will explore strategies to further improve sustainability for the new buildings. Detailed design and engagement on the design and use of the landscape and new public square will ensure these spaces will be a positive contribution in the area with specific funding included in the cost plan to ensuring their success. The strategy also commits to meeting the emerging fire safety standards with all new flats designed to the same improved standards and not just the taller buildings.

### **Vacant possession and decant**

33. The vacant possession and decant strategy includes tenants and leaseholders, the community centre and retail occupiers and users.
34. The concept masterplan has been revised reducing the rehousing need for both leaseholders and tenants. There are 8 tenants living above the existing shops. They will be given priority for re-housing through the council's allocation scheme and will have the option of returning to a council property or moving in to one of the new CHL properties.
35. There are 4 private leaseholders above the existing shops. There has been initial consultation with them as part of the concept masterplan work. The detailed design stage includes for further negotiation to acquire their interests by agreement. Should negotiations not prove successful, the vacant possession strategy recognises there may be a need to acquire their interests through the CPO process. Should this be deemed necessary a further report and submission will be made to Cabinet for consideration.
36. The concept masterplan strategy allows for existing tenants to be retained in the new retail units within the new district centre. The existing shops will remain in use until the new centre is constructed. There has been early engagement with tenants and this will continue through the detailed design stage. The strategy includes details of leases protected under the 1954 Landlord & Tenant Act. As with residential leaseholds should negotiations fail there may be a need to seek Cabinet approval for compulsory purchase, which will form part of a separate report.
37. The existing community centre will need to be demolished in order to make way for the new centre. The decant strategy for the Community Centre therefore provides support for existing users to be accommodated elsewhere on the estate and to ensure that current visitors can continue to engage with their services until the new centre is available.

## **Development and Phasing**

38. The development and phasing strategy minimises disruption to the community and supports the financial viability. Phase One includes the construction of the market sale homes at Knights Road and the new community centre, shops and flats on the existing community centre site. The sale of the new houses will provide cash flow to support the new district centre. The existing 'top shops' and flats will only be demolished after the new facilities are built. The strategy accommodates the timetable for the external Housing and Infrastructure Fund (HIF) grant and details the gateways required by the Development Agreement.

## **Financial Model**

39. The financial strategy at Stage One establishes a viable model that will be agreed by both CHL and OCC to enable the project to move forward to the next stage. The model has evolved with the concept masterplan. This is detailed in the Financial Implications section below.

## **Marketing and Management**

40. The marketing strategy for the market sale and shared ownership housing addresses the need to encourage buyers to consider new homes in Blackbird Leys. It will also consider how local buyers who currently live and work in the Blackbird Leys/Greater Leys area and how keyworkers e.g. local teachers from the neighbourhood college/schools can be prioritised.
41. CHL is committed to work with the City's Housing Team to agree the allocation of new homes using their choice based lettings scheme and/or Council's waiting list and to reviewing the demand for homes including unit size, demographics and priority needs. This will include targeting keyworkers, under occupiers affected by the bedroom tax, elderly residents and those considering downsizing and applicants who work in or around the Blackbird Leys area but may have a low priority need on the waiting list.
42. The management strategy is a comprehensive proposal that addresses the day to day estate management and environmental issues to maintain and improve neighbourhood standards and including the strategy for maintenance of the new public realm. The strategy includes the CHL social investment arm to support residents with a bespoke referral and case management system to identify and appropriately respond to resident needs.

## **Community and Stakeholder Involvement**

43. The Community has been engaged throughout the development of the concept masterplan through events led by CHL, working in partnership with OCC. This includes a pre-consultation survey in March 2019, engagement events in April 2019, Community Planning Days in May 2019, workshops with local schools and a Community Report Back event in June 2019. Pop-up consultation events have also been held at key locations and meetings held with local community groups, throughout the process.
44. CHL has delivered a monthly bullet point briefing, sent to all political stakeholders, partner organisations and interested people signed up to the project mailing list together with a bi-monthly update in the Leys News

45. In addition to the community engagement events, meetings have been held with Oxfordshire County Council to develop ideas for incorporating the existing Blackbird Leys Library into the new Community Centre. These consultations are on-going.
46. A bullet point briefing will be sent to the mailing list in mid-February and a community engagement event is being held on the 7<sup>th</sup> and 10<sup>th</sup> March to present the latest masterplan proposals.

### **Financial Implications**

47. This report recommends OCC moving through the Stage One Gateway to Stage Two. As part of this OCC needs to agree to the Financial Model and the assumptions set out within it. This model has been produced by CHL and has been independently reviewed and tested by OCC's advisors, including Montagu Evans (commercial agents) and Ridge (Quantity Surveyors).
48. CHL were selected as the preferred Development Partner, based on the highest scores on both quality and financially because they had the lowest profit margin on costs. As such, they represent the best value bidder to OCC for the project.
49. It was recognised on the selection of CHL that the project would, alongside work to make the scheme more efficient, require a significant amount of subsidy, including assumptions around housing grant, the potential to secure external funds from the Housing and Infrastructure Fund (HIF), alongside the potential to use some of OCC's Section 106 off-site affordable housing contributions. CHL have also provided a level of internal subsidy to help bridge the gap.
50. The infrastructure and community facility and retail re-provision to deliver the comprehensive regeneration at Blackbird Leys is of a scale that also requires re-investment of the Community Infrastructure Levy (CIL) receipts generated from the site. In the normal course of events the City and County Councils are required to consider what infrastructure is needed to mitigate the impact of developments across the City. The process is then for the City Council, as the sole recipient of CIL payments, to confirm in its capital programmes what infrastructure is to be paid for from CIL.
51. The re-provision of the existing retail and community facilities, the low value housing and the significant infrastructure and public space improvements are identified in the viability report as contributing to the significant deficit on the scheme – in addition to other public funding already identified. The proposal is to use the CIL receipts of £902K generated by the scheme to facilitate the delivery of the community and infrastructure works set out in the concept plan.
52. This report seeks Cabinet approval for this approach in principle and to recommend to Council that this commitment is recognised in the Capital Programme in 2022/23 and beyond as a potential future earmarked CIL receipt (for investment in strategic infrastructure and community facilities at Blackbird Leys) and subject to planning permission being granted.
53. The Development Agreement sets Benchmark Financial Assumptions within the CHL Financial Model. These are finance costs, development management fee, overheads and gross profit margin. Further, commercially sensitive,

details about the Development Agreement are set out in the confidential financial summary report appendix 3

54. The total capital cost of the scheme is approximately £100.621 million. The work to establish scheme efficiencies, reduce costs, maximise income, establish allocated housing grant and identify further CHL internal subsidy has reduced the deficit in the CHL Financial Model to £12.678 million.
55. It should be noted that the Development Agreement also requires certain costs to be met by OCC, which sit outside the Financial Model and are therefore additional. These include achieving Vacant Possession of the development sites and internal project delivery costs, such as staff and OCC professional advisors. These costs are direct to OCC and as such are on top of any assumptions in the CHL Financial Model. These costs are budgeted as £8.440 million including contingency.
56. As such, the total scheme deficit, when taking account of the deficit from the CHL Financial Model and the additional costs that sit directly with OCC is currently £23.375 million. This is reduced to £21.528 million when the finance savings generated by the CIL relief and HIF funding are taken in to account.

### **OCC Funding**

57. To ensure project delivery, OCC will need to agree that it is able to meet the deficit shortfall. The proposed mix of funding to achieve this is set out below.
58. **Housing Infrastructure Funding** - OCC has entered into a contract with Homes England for the HIF funding in the sum of approximately £6.250 million and with the deadline for expenditure extended to March 2023. This will be paid to CHL at the start of the scheme to reduce the deficit. Early payment will have the benefit of reducing CHL finance costs and this is shown in the table below.
59. **HRA contribution** - Improvements to the viability have reduced the demand on HRA from the level agreed at the CEB approval in September 2018. This also reflects a reduction in the number of new homes proposed as being returned to the Council. As well as a revitalised area the scheme will also allow nomination rights for tenants on the Council's waiting list. The allocation of £4 million will be paid in the form of the payment of direct costs and a capital contribution to CHL of approximately £1.1 million.
60. **Section 106 affordable housing receipts**- the Council has an amount of approximately £7.6 million of Section 106 affordable housing receipts available which could be used on this scheme. This would be paid in the form of a capital contribution to CHL
61. **Community Infrastructure Levy** - The Council has available funds received from CIL payments in addition to those generated by the scheme and that could be used on funding this scheme. The assumption is that £1.422 million will be used for this purpose in the form of a capital contribution to CHL.

62. A summary of the Financial Model for approval is set out below:

<b>Catalyst Viability Summary</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Total</b>
Total Income	£53,213,190	£24,032,805	£77,245,995
Total Costs	-£64,066,930	-£25,857,514	-£89,924,444
<b>Baseline Surplus/ Deficit (-ve value is deficit)</b>	<b>-£10,853,740</b>	<b>-£1,824,709</b>	<b>-£12,678,449</b>
Catalyst other costs	-£2,256,000	£0	-£2,256,000
<b>Baseline Surplus/ Deficit</b>	<b>-£13,109,740</b>	<b>-£1,824,709</b>	<b>-£14,934,449</b>
<b>OCC Costs:</b>			
Vacant Possession & Decant	-£2,916,000	-£2,100,000	-£5,016,000
Project Delivery Costs	-£1,041,528	-£483,630	-£1,525,158
Contingency	-£1,458,576	-£440,834	-£1,899,409
<b>Baseline Surplus/ Deficit incl' OCC Costs</b>	<b>-£18,525,844</b>	<b>-£4,849,173</b>	<b>-£23,375,016</b>
<b>Funding/ Finance Options to Reduce Deficit</b>			
CIL Relief Contribution	£902,053		£902,053
CIL Finance Cost saving	£183,745		£183,745
HIF Finance Cost saving (see below)	£761,283		£761,283
<b>Baseline Surplus/ Deficit incl' CIL/ Finance savings</b>	<b>-£16,678,763</b>	<b>-£4,849,173</b>	<b>-£21,527,935</b>
<b>Further Funding Options to Reduce Deficit</b>			
s106 Contribution	£2,750,827	£4,849,173	£7,600,000
HIF Contribution	£6,250,000		£6,250,000
Capital Receipt	£2,256,000		£2,256,000
HRA	£4,000,000		£4,000,000
CIL	£1,421,935		£1,421,935
<b>Baseline Surplus/ Deficit</b>	<b>-£0</b>	<b>£0</b>	<b>-£0</b>

63. The total funded by the Council split between the HRA and General Fund is detailed within Appendix 3. The Council will need to make provision for these amounts within its Capital Programme. The Council has already made provision within its HRA for an amount of £5.762 million. The latest viability assessment will reduce this amount to £4 million with the majority spend in 2023-24 which will be the revised budget for the HRA, £297k of which has already been allocated in 2019-20. The detailed allocation of the HRA is set out in the Confidential Financial Summary Appendix 3.

64. There is currently no budget within the Council's General Fund Capital Programme and an amount of £17.194 million will need to be included across 2022-26. The details of the proposed provision is set out in the Confidential Financial Summary Appendix 3. The project may require additional budgetary provision in order to obtain the necessary planning approvals. Should this be required then a further report will be prepared to Cabinet to seek the increased budget approval before the project progresses since the amounts will be payable to Catalyst in the form of capital grants.

65. The project requires the input of land at nil cost to the scheme. The book value of the assets held by the Council is estimated at £3.3 million however, the low property values means that the actual development value of the land is negative as demonstrated by the viability work and confirmed in the Montagu Evans Best Consideration report.
66. In addition to the disposal of land disposals of Housing Revenue Account (HRA) property out of the Council's ownership, whether on a freehold or a leasehold basis, require consent under Section 32 of the Housing Act 1985 (the 1985 Act). The current General Consents are 'The General Housing Consents 2013', issued in March of that year (with a Correction in July). General Consent A3.1 allows a local authority to dispose of the freehold of 'Part II' (i.e. HRA) land upon which dwellings exist, to a third party, at market value.
67. In order to demonstrate compliance with General Consent A3.1 when the Council reflects the disposal of the HRA assets from its accounting records a consideration equal to the then market value in the form of a capital receipt from the third party purchaser will be paid to the Council.
68. The above payment will be received by the Council on the prior agreement that the capital receipt, being classed as "Other Housing Receipts" will not be subject to pooling and instead can be immediately recycled in full back to the third party, via the Council's GF capital programme, in pursuance of regeneration and affordable housing activities that for example the Blackbird Leys Scheme is clearly associated with delivering for the wider benefit of the Council.
69. In overall terms the Montagu Evans Best Consideration Report confirms that the Council is obtaining best consideration (in terms of s123 of the Local Government Act 1972) in relation to the disposal of the site generally. Whilst the 1972 Act regime is separate from that under the 1985 Act, there is a read-across in broad valuation terms. Given that Montagu Evans have confirmed that best consideration is being obtained, and subject to the above receipt being received by the Council in respect of the disposed HRA assets on the site that will immediately be recycled back to the third party, it is therefore demonstrated that the Council is indeed disposing of its HRA land at "market value" as required by the 1985 Act.
70. It should be noted that CHL Financial Model includes assumptions on Housing Grant approximating £13.4 million. The rates are not approved and are dependent on future levels of Homes England grant, which have not yet been set. However, they are based on rates achieved by CHL elsewhere in Oxford. CHL has included their own contribution subsidy which is detailed in the Confidential Financial Report Appendix 3
71. As noted earlier in the report, the Development Agreement requires two further viability tests. The Gateway Two viability test is prior to submission of the planning application and the Gateway Three viability test will follow the planning decision. These tests will allow for any scheme changes that might affect viability, alongside any changes or firming up of assumptions, including around costs, values or housing grant rates.

72. Following Gateway Three, the costs and values will be fixed, including the level of subsidy to CHL. This will then enable OCC to grant a lease of the land to CHL and for the building work to begin.
73. Should assumptions change during Stage Two and scheme viability not be achieved, both parties have an option to exit the scheme. OCC would then be liable to a 50% share of the professional fees, which are budgeted at a total of £1.988 million. These costs will initially be incurred by CHL to produce the detailed design. Therefore, entering into Stage Two commits OCC to the possible risk of abortive fees of £994K. After the Stage Two viability is achieved OCC's liability for the share of fees is removed.
74. This potential cost liability is in addition to costs OCC will need to incur during Stage Two for staff costs, professional advice and meeting its obligations with the Development Agreement. These are estimated to be around £297K.
75. Montagu Evans has carried out a viability report into the CHL proposals as part of the due diligence work. Their sensitivity analysis table below shows the impact of incremental changes of 5% to sales revenue (open market and shared ownership) and construction costs (all uses/tenures) to the current deficit. The current CHL deficit prior to inclusion of OCC costs and funding is approximately 12.7 million. The table shows how for example, an increase in construction cost of 10% and a reduction of sales values of 5% has the potential to increase the deficit by c.£10.3 million.

<b>Surplus/Deficit (-ve) £m</b>					
	<b>Sales: Rate /m<sup>2</sup></b>				
<b>Construction: Rate /m<sup>2</sup></b>	<b>-10%</b>	<b>-5%</b>	<b>0%</b>	<b>5%</b>	<b>10%</b>
<b>-10%</b>	-£8.75	-£6.67	-£4.59	-£2.51	-£0.43
<b>-5%</b>	-£12.85	-£10.77	-£8.69	-£6.62	-£4.54
<b>0%</b>	-£16.95	-£14.88	<b>-£12.72</b>	-£10.72	-£8.64
<b>5%</b>	-£21.06	-£18.98	-£16.90	-£14.82	-£12.74
<b>10%</b>	-£25.16	-£23.08	-£21.00	-£18.93	-£16.85

76. The Stage Two detailed design work will include regular reviews of both costs and values. Should the proposals deviate from the budget mitigation steps will be required including measures to enhance values and to improve the efficiency of the proposals.

### **Legal Issues**

77. In undertaking the Blackbird Leys Estate Regeneration project the Council is relying on Section 1 of the Localism Act 2011 (the Act), which provides a general power of competence to "*do anything that individuals generally may do*". Section 1 of the Act is however qualified by Section 4(2), which states that "*where, in exercise of the general power, a local authority does things for a commercial purpose, the authority must do them through a company*"
78. The Council is not acting for a commercial purpose as the objective of the Blackbird Leys Estate Regeneration project is for the achievement of housing, employment and growth or regeneration objectives. To the extent if any that the Council achieves any return it will be in order to further its primary non-commercial purposes. The Development Agreement Benchmark Financial

Assumptions set out in the original Catalyst bid including: finance costs, development management fee, overheads and gross profit margin are complied with in the current Viability.

79. This project will be centred on sites within the City Council's freehold ownership. Pinsent Mason LLP, the Council's external legal advisers have undertaken a high level review of Title and raised no critical issues to date. A full title search has been commissioned and will be completed in time to inform the delegated decision to move to Stage Two of the Development Agreement.
80. Vacant Possession of Council sites is a requirement of the Development Agreement. A draft strategy has been agreed as part of the Stage One Gateway. The council has proposed the appointment of external consultants to manage the Vacant Possession strategy.
81. Montagu Evans was instructed to assess whether the current stage "land pricing" from the Partner, taking due account of the terms of the Development Agreement ("DA"), represents 'best consideration' as per Section 123 Local Government Act 1972.
82. Montagu Evans Best Consideration report concludes that the Council has demonstrated that the proposed deal at this early stage (i.e. pre-planning and land transfer/pricing) looks set to deliver the best consideration that can reasonably be obtained. This will be tested again at the Stage Two.
83. Exempt Appendix 4 (to be circulated separately) provides advice on State Aid and procurement matters.

#### **Sustainability & Environmental Implications**

84. The Viability proposals have been revised since the original tender proposals in particular to comply with the 2036 emerging Local Plan sustainability standards notably:
  - a. 40% increase on Building Regulations Efficiency standards
  - b. BREEAM Excellent for the Community Centre
85. CHL is further committed to delivering solutions that reduce carbon emissions. Their outline proposals have included options such as air source heating for all properties in place of boilers. The sustainability proposals will continue to be developed as part of the Detailed Design Stage Two proposals with consideration of the impact of further enhancements including Passivhaus and other improvements to sustainability.
86. Environmental improvements to be developed during the detailed design period will include the significant new public square and landscape Improvements and with opportunities for Sustainable Urban Drainage (SUDS) inclusion.
87. Housing quality standards including compliance with new minimum space standards and standards for accessible and adaptable housing in accordance with OCC emerging 2036 Local Plan will help address local housing need and wider community sustainability issues.

## **Risks**

88. The Risk register is attached as Appendix 5. Key risks are outlined below.
89. The financial model is at feasibility stage and will be reviewed at Stage 2 in accordance with the development agreement. Costs and values may change and this will impact on the viability. This will be closely monitored during detailed design.
90. The HIF funding spend deadline has been extended to March 2023. The construction programme will need to be carefully monitored to meet this timetable which is challenging but achievable.
91. Grant funding is dependent on future levels of Homes England grant, which have not yet been set
92. OCC will be liable to a share of Stage Two detailed design costs should scheme viability not be achieved at Stage Two.
93. OCC funding of the deficit and the retention of all affordable units by CHL to further reduce the subsidy will be subject to legal review and is detailed in the confidential Legal report Appendix 4.

## **Equalities Impact**

94. The project will work alongside the local priorities set for the area and which are reflective of the estate's current needs. It will be important that social regeneration is embedded within the physical regeneration activities; meeting the current and future needs of the community.
95. In support of OCC Healthy Place Shaping policy a Health Impact Assessment will be carried out during the detailed design stage to inform the proposals. Blackbird Leys has been identified as having the highest levels of inactivity in Oxfordshire (as identified by Sport England's Active Lives). Healthy Place Shaping is part of Active Oxfordshire's proposals to work with under-represented groups for which inactivity is a major issue, in particular disabled people and people with long term health conditions who make up 20% of the adult population. It will also identify and pursue opportunities for strategic thinking and policy making around mental well-being, older people and, workforce/skills development.
96. CHL is committed to the wider improvements and investment at Blackbird Leys including a commitment to employment skills and training. CHL will conduct an estate-focussed Employment and Skills Audit and ensure that opportunities are not restricted to construction related work but will include wider opportunities for up-skilling and training to support long term, secure and higher paid work.
97. See Appendix 6 for an Equalities Impact Assessment which is specific to the Stage 2 detailed design proposals.

## **Conclusion**

98. Approval to the Pre-Planning Viability Condition and all other Stage One requirements of the Development Agreement detailed in this report will enable the scheme to move past Gateway One and into Stage Two of the Development Agreement. This is supported by The Strategic Outline Business

Case which recommends that the project progresses to the next stage of development.

99. Approval to proceed to Stage Two will enable the detailed design work to commence which will see the preparation of the detailed design, and the preparation of the planning application including the further engagement of the local community to support the design. This will commit OCC to the possible risk of abortive fees of £994K should the project not proceed beyond the next viability test at the Stage Two Gateway.

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<b>Background Papers:</b>
None

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# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 1 - Concept Masterplan

### 1.0 Blackbird Leys Concept Masterplan

- 1.1 The concept masterplan has been prepared by Catalyst Housing Ltd and their architects JTP in partnership with Oxford City Council and with the engagement of the local community and key stakeholders. The plan will continue to evolve during the detailed design and planning stages.
- 1.2 The masterplan is set over two sites in Blackbird Leys; the District Centre including the existing 'top shops' and community centre sites and Knights Road.

### 2.0 The District Centre

- 2.1 A new redeveloped District Centre will include new shops and community centre to replace the existing offer, and 203 affordable homes, with a mix of social rent and shared ownership. 12 existing flats above the 'top shops' are to be demolished including 8 OCC properties and 4 leasehold flats. An additional 191 new properties are therefore provided on this site.
- 2.2 **Site 1** - The existing community centre is to be demolished with current tenant and user groups relocated temporarily within the Blackbird Leys Estate. The site is then redeveloped to provide a new community centre next to a new mixed use building with 48 flats above new retail units.
- 2.3 **Site 2** – the existing 'top shops' site is redeveloped with 96 new affordable flats and a small terrace of 4 shared ownership houses.
- 2.4 Sites 1 & 2 are focused around an extended and improved landscaped public space.
- 2.5 **Site 3** - to the south of Evenlode Tower provides 55 new affordable flats

### 3.0 Knights Road

- 3.1 At Knights Road there is a new development of 74 market sale and 10 shared ownership houses.

### 4.0 Housing

- 4.1 The development is a mix of market sale, shared ownership and social rent housing. 74% of the new housing including shared ownership is affordable. This exceeds the requirements of the OCC emerging local plan 2036. The development also includes a mix of sizes with over 12% 3 bed flats or houses. The detailed mix for all phases is shown below.

	1B/2P Flat	2B3P WC Flat	2B/4P Flat	3B/5P Flat	2B/4P House	3B/5P House	Total	% BBL	% Policy
Social Rent	39	7	95	10			151	52.6%	40% min
Shared Ownership	13	6	23	6	6	8	62	21.6%	10% min
Market Sale					62	12	74	25.8%	50% max
<b>Total</b>	<b>52</b>	<b>13</b>	<b>118</b>	<b>16</b>	<b>68</b>	<b>20</b>	<b>287</b>	<b>100.0%</b>	
<b>% Type</b>	18.1%	4.5%	41.1%	5.6%	23.7%	7.0%	100.0%		

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 1 - Concept Masterplan

### 5.0 District Centre Outline Plan



# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 1 - Concept Masterplan

### 6.0 Knights Road Outline Plan



### 7.0 Phasing

- 7.1 Phase One includes Site 1 the existing community centre and the Knights Road site. Knights Road market sale site is developed first to provide cash flow and therefore improve financial viability. The demolition of the community centre enables the construction of the new shops prior to demolition of the existing 'top shops' and in order to maintain the existing retail use during the development. Phase One also includes Site 3.
- 7.2 Knights Road and the District Centre development will commence in January 2022. Knights Road is due to be complete October 2023 with the District Centre being completed January 2024.
- 7.3 Phase Two is the existing 'top shops' site. Work on this site will only commence after the new retail space on Site 1 is available.
- 7.4 Phase Two will commence May 2024 with completion August 2026.

### 8.0 Design

- 8.1 The concept masterplan has been subject to formal pre-application advice and will continue to be developed in partnership with the community towards a planning application. A Planning Performance Agreement has been signed between OCC and CHL
- 8.2 The concept masterplan proposes the intensification of the District Centre with a predominantly flatted development ranging from 4-8 stories high. This will be progressed towards a planning application during the detailed design stage.
- 8.3 The concept masterplan will comply with the design and sustainability standards set out in the OCC emerging 2036 Local Plan.

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## Blackbird Leys Cabinet Report 11 March 2020

### Appendix 6 – Equalities Impact Assessment

The following Equalities Analysis has informed the development of this proposal on the future regeneration project for Blackbird Leys and considers impact and likely impact in relation to the nine protected characteristics of the Equality Act 2010. The Public Sector Equality Duty that is set out in the Equality Act 2010 requires public authorities to have due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations between people who share a protected characteristic and those who do not.

Equality Group Protected characteristics	Key Inequalities in Oxford & The Leys (including Northfield Brook and Blackbird Leys Ward)	Specific Barriers	Implications for regeneration
Age	<p>26.8% population aged 0-15</p> <p>26% of Children in The Leys are experiencing poverty in comparison to 16% across Oxford (LI 2019). 900 Children are experiencing deprivation due to income. 6 of the 8 SOA's are in the top 3 domain for child poverty with one categorised in domain 1. (IMD 2019)</p> <p>61.9% population are of working age. 30.7% have no qualifications higher than Oxford average. 72.2% economically active with Retail being largest sector. Average annual income after housing costs of £23,288 compared to Oxford average £30,846 (LI 2019)</p> <p>11.4% of population is identified as 65%.</p>	<p>Isolation - due to lack of income, reduced mobility links increases limited access to information/resources , less social interaction with neighbours, single older people living alone.</p> <p>Child development/Life chances/opportunities are severely reduced by families in difficult circumstances.</p>	<p>Enable older people's participation via initiatives tackling isolation e.g. Digital Inclusion for older people. With 'Good Neighbour' type outreach steps to older people who are housebound</p> <p>Recent cuts in children's services will increase demand for activities engaging children, and young people affected by multiple disadvantage. A need to actively target schools is required to supplement direct marketing to disadvantaged families.</p>

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 6 – Equalities Impact Assessment

Equality Group Protected characteristics	Key Inequalities in Oxford & The Leys (including Northfield Brook and Blackbird Leys Ward)	Specific Barriers	Implications for regeneration
	<p>45.2% has no car, 65.2% are identified as single pensioner household, 96.1% claim state pension, 25.4% claim pension credit (LI 2019). 430 older people are experiencing deprivation due to income, 5 out of 8 SOA's are in the top 3 domain for pensioners experiencing poverty (IMD 2019).</p>		
<b>Disability</b>	<p>8.7% people providing unpaid care higher than Oxford average. (LI 2019)</p> <p>7.1% claim incapacity benefits, with Local insight using 3 measures of disability: Attendance Allowance (18.5%) Personal independence payments (6.5% Men, 9% Female, 2.8% due to mental health) 4.2% claiming disability allowance. (LI 2019)</p>	<p>Inaccessible information – lack of alternative formats (both printed &amp; online)</p> <p>Stigma &amp; discrimination</p> <p>Digital exclusion - ('websites not compatible with 'screen readers')</p> <p>Inaccessibility of venues/events for physical &amp; 'hidden' disabilities</p>	<p>Ensure Accessible Information is provided.</p> <p>How is the project making facilities accessible.</p>
<b>Gender Reassignment</b>	<p>Being transgender linked to greater risk of self-harm &amp; thoughts of suicide (JSNA, 2016).</p>	<p>Due to stigma &amp; discrimination many Trans and non-binary people are anxious</p>	<p>Need to ensure confidentiality is respected</p>

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 6 – Equalities Impact Assessment

Equality Group Protected characteristics	Key Inequalities in Oxford & The Leys (including Northfield Brook and Blackbird Leys Ward)	Specific Barriers	Implications for regeneration
	<p>During the 2017-18 financial year there was 370 applications for gender recognition certificates in the UK, slightly higher than in 2016-17 (364). (JSNA 2019)</p> <p>National data indicates that Trans children &amp; young people are a particularly vulnerable to bullying</p>	about disclosing their status.	Are funded projects creating Trans-inclusive & supportive environments?
<b>Marriage &amp; Civil Partnership</b>	24.8% of people in The Leys are married this is lower than the England average, 10.3% are cohabiting households higher than the England average. There are a high proportion of single parent households on the Leys (LI 2019).	Low access to consultation events due to childcare arrangements	Ensuring consultation and engagement recognises childcare concerns for families and accommodates this.
<b>Pregnancy &amp; Maternity</b>	<p>77% of Women experience negative treatment during pregnancy.</p> <p>Certain ethnic groups and deprivation linked to higher rates of still birth and neonatal death.</p>	Participation for people with caring responsibilities greatly reduced. Time poverty pressures inhibit opportunities to access information.	Ensure that consultation considers those who are caring for children, and time poor e.g. providing facilities for children & for women who are breastfeeding?
<b>Sex</b>	48.9% Male, 51.1% female.	Work, domestic & caring responsibilities - Time poverty limits	Recognise that crèche facilities or support with childcare/carer

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 6 – Equalities Impact Assessment



Equality Group Protected characteristics	Key Inequalities in Oxford & The Leys (including Northfield Brook and Blackbird Leys Ward)	Specific Barriers	Implications for regeneration
	<p>Life expectancy in the area for Males is 77 and Females 79 significantly lower than other parts of Oxford (LI 2019, JSNA 2019).</p> <p>Almost 14% gender pay gap in Oxford - women at greater risk of poverty than Men</p> <p>Pakistani &amp; Bangladeshi women experience the largest gender pay gap at 26.2%</p> <p>Women (including working women) undertake more caring/domestic duties – e.g. 70% of housework.</p> <p>Gender based violence is experienced against Women and girls from certain communities.</p> <p>The Leys has a number of Domestic Violence cases on the estate</p>	<p>access to information and ability to participate</p> <p>Women underrepresented in networks/decision making - Public events can be dominated by men</p> <p>Traditional views which see Women having a primarily domestic role can limit participation.</p>	<p>resources can support participation, as can avoiding school holiday times</p> <p>Promote equal participation &amp; activities which challenge gender norms and stereotypes encouraging leadership and empowerment.</p>
<b>Sexual Orientation</b>	<p>There is limited data on sexual orientation</p> <p>Using the proportion of LGB population by age from ONS</p>	<p>Stigma and discrimination can deter LGBT people’s participation including LGBT people who do not wish to be ‘outed’.</p>	<p>Ensure active participation by making content inclusive to all.</p>

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 6 – Equalities Impact Assessment

Equality Group Protected characteristics	Key Inequalities in Oxford & The Leys (including Northfield Brook and Blackbird Leys Ward)	Specific Barriers	Implications for regeneration
	<p>research in 2019, it is estimated that there was a total of 11,500 people aged 16+ in Oxfordshire identifying as lesbian, gay or bisexual in 2017 (JSNA 2019).</p> <p>Research done in July 2018 on larger respondent showed that people identifying as LGBTQ were less satisfied with their life than the general UK population (rating satisfaction 6.5 on average out of 10 compared with 7.7). Trans respondents had particularly low scores (around 5.4 out of 10).</p> <ul style="list-style-type: none"> <li>• More than two thirds of LGBT respondents said they avoid holding hands with a same-sex partner for fear of a negative reaction from others.</li> <li>• At least two in five respondents had experienced an incident because they were LGBT, such as verbal harassment or physical violence, in the 12 months preceding the survey.</li> </ul>	<p>Isolation is a major barrier for LGBT people, particularly older LGBT people.</p>	

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 6 – Equalities Impact Assessment

Equality Group Protected characteristics	Key Inequalities in Oxford & The Leys (including Northfield Brook and Blackbird Leys Ward)	Specific Barriers	Implications for regeneration
	<p>However, more than nine in ten of the most serious incidents went unreported, often because respondents thought 'it happens all the time'.</p> <ul style="list-style-type: none"> <li>• 2% of respondents had undergone conversion or reparative therapy in an attempt to 'cure' them of being LGBT, and a further 5% had been offered it.</li> <li>• 24% of respondents had accessed mental health services in the 12 months preceding the survey.</li> </ul> <p>Around a quarter (26%) had experienced verbal harassment, insults or other hurtful comments, 14% had experienced disclosure of their LGBT status without permission, 6% had been threatened with physical or sexual harassment or violence, 2% had experienced physical violence and 2% had experienced sexual violence.</p>		

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 6 – Equalities Impact Assessment

Equality Group Protected characteristics	Key Inequalities in Oxford & The Leys (including Northfield Brook and Blackbird Leys Ward)	Specific Barriers	Implications for regeneration
<b>Race &amp; Ethnicity</b>	<p>Ethnic penalty in the labour market, higher rates of poverty, unemployment, health inequalities linked to multiple disadvantage for some ethnic minorities.</p> <p>There is a higher number of families on the estate compared to the Oxford average who have no adults but some children who has English as their main language 6.3% of households speak no English (LI 2019)</p> <p>67% community identify as White British 25.1% identified as from minority groups. (LI 2019)</p>	<p>Direct &amp; indirect discrimination reduces access.</p> <p>Poor English literacy.</p> <p>Knowing how systems work – lack of connections to key networks/Forums</p>	<p>Encourage collaborative working and engagement to increase community cohesion from smaller ethnic minority groups &amp; emerging communities.</p> <p>Promote a diverse workforce around the regeneration.</p> <p>Take lessons from how other regeneration projects use language and cultural understanding to engage with smaller emerging community groups understanding/awareness of needs.</p>
<b>Religion or Belief</b>	<p>56.8% identify as being Christian, 5.5% identify as being Muslim, 29.5% identify as having no religion, under 1% of people identify as having another religion such as Buddhism, Hinduism, Judaism and Sikhism or another religion.</p>		

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 6 – Equalities Impact Assessment

### Recommendations:

The Blackbird Leys Regeneration Project works alongside the Local priorities set for the area reflective of the current needs of the estate. That the social regeneration is embedded within the physical regeneration meeting the current and future needs of the community. The project encourages and empowers the community throughout the project and makes engagement inclusive to all. It also recommended that local needs assessment is done to triangulate statistical data, and health impact assessment is done for the area due to significant health inequalities this community faces.

It also recognises that multiple levels of deprivation are experienced by those in the Leys community and therefore socio-economic status should also be included.

In the most recent publication on the multiple indices of deprivation 2019, of the eight superout areas which make up the Leys. 6 are in the top 10 ranked deprived areas for multiple levels of deprivation. The breakdown is as follows:

SOA	Rank 2015	Rank 2019
BBL (17)	7	8
BBL (18)	4	5
BBL (19)	13	14
BBL (20)	5	4
Northfield Brook (67)	10	9
Northfield Brook (68)	2	1
Northfield Brook (69)	3	3
Northfield Brook (70)	44	47

This table shows IMD rank across UK, indicating some improvements whilst also some increases in deprivation across the leys.

### Evidence Annex:

#### Age

- Oxford Older People’s Needs Analysis (2013)
- English Indices of Deprivation 2019
- Age UK: Engaging with Older People Evidence Review.
- Local Insight 2019 ONS 2018
- Indices of multiple deprivation 2019, Ministry of housing, communities and local government
- Local insight 2019 DWP 2016
- Local insight Census 2011
- Local insight ONS 2015/16

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 6 – Equalities Impact Assessment

### Disability

- End Child Poverty
- Local Insight 2019 DWP 2019

### Sex

- *“Women are at greater risk of poverty than men and are more likely to suffer recurrent and longer spells of poverty (22% of women have a persistent low income compared to 14% of men)”* – **‘Closing the Gender Pay Gap’, Government Equalities Office (2016)**
- Bangladeshi & Pakistani groups have the widest gap with just 31% of women in employment compared to 67% for men. – ‘Closing the Gender Pay Gap’ (2016)
- Employment opportunities for Muslims in the UK (2016-17, House of Commons Women & Equalities Committee).
- Ending Violence Against Women and Girls Strategy 2016-2020 (HM Government)
- *“Gender norms and stereotypes are holding young women back”* – **Sounds Familiar, Fawcett Society Report 2017.**
- Local insight 2019 ONS 2018
- JSNA 2019  
[https://insight.oxfordshire.gov.uk/cms/system/files/documents/JSNA\\_Oxford\\_2019.pdf](https://insight.oxfordshire.gov.uk/cms/system/files/documents/JSNA_Oxford_2019.pdf)

### Gender reassignment

- *“being transgender is linked to greater risk of self-harm and thoughts of suicide”* (Oxfordshire JSNA, 2016).
- First Steps to Trans Inclusion: An Introduction Stonewall (2016).
- JSNA 2019  
[https://insight.oxfordshire.gov.uk/cms/system/files/documents/JSNA\\_2019\\_Ch3\\_PopulationGroups.pdf](https://insight.oxfordshire.gov.uk/cms/system/files/documents/JSNA_2019_Ch3_PopulationGroups.pdf)

### Marriage & Civil Partnership

- Local Insight 2018 OSCI 2016

### Pregnancy & Maternity

- Oxfordshire JSNA (2016)
- Maternity Action – <http://www.maternityaction.org.uk>

### Sexual Orientation

- Oxfordshire JSNA 2019
- Lesbian, Gay & Bisexual People’s Experiences of Discrimination, Stonewall (2013).

# Blackbird Leys Cabinet Report 11 March 2020

## Appendix 6 – Equalities Impact Assessment



- LGBT Survey, Government Equalities Office, July 2018  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/722314/GEO-LGBT-Survey-Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722314/GEO-LGBT-Survey-Report.pdf)
- JSNA 2019

### Race and Ethnicity

- Centre on dynamics of diversity – [www.ac.uk/research/outputs/briefings/dynamics-of-diversity](http://www.ac.uk/research/outputs/briefings/dynamics-of-diversity)
- Assessment of the Organisational Development Needs of Communities of Refugees in Oxford (Asylum Welcome, 2017)
- Primary Health Care Services for refugees, asylum seekers & vulnerable migrants in Oxfordshire (Refugee Resource, 2016)
- The Asian Women’s Wellbeing Project (Oxfordshire Healthwatch Report 2014)
- Oxfordshire Health Inequalities Commission Report (2016)
- Local Insight 2019 Census 2011

**Blackbird Leys Cabinet Report 11 March 2020**  
**Appendix 6 – Equalities Impact Assessment**

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**To:** Cabinet  
**Date:** 11 March 2020  
**Report of:** Head of Business Improvement  
**Title of Report:** Gender Pay Gap report (reporting period 31 March 2019)

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To report the Council's Gender Pay Gap reporting data
<b>Key decision:</b>	No
<b>Cabinet Member:</b>	Councillor Nigel Chapman, Safer Communities and Customer Focused Services
<b>Corporate Priority:</b>	An efficient and effective Council: our ambition is for a customer –focused organisation, delivering efficient, high quality services that meet people's needs.
<b>Policy Framework:</b>	Corporate Plan 2016-2020
<b>Recommendations:</b> That Cabinet resolves to:	
1. <b>Note</b> the contents of the report and Gender Pay Gap table at Appendix 1; and 2. <b>Delegate authority</b> to the Head of Business Improvement to publish the table at Appendix 1 to this report before the deadline of 30 March 2020	

<b>Appendices</b>	
Appendix 1	Gender Pay Gap data tables (31 March 2019)
Appendix 2	Gender Pay Gap data tables (31 March 2018 & 31 March 2018)
Appendix 3	Distribution of Council staff by grade & gender (31 March 2019) CONFIDENTIAL
Appendix 4A	Distribution of Council staff by grade & gender (stacked diagram)
Appendix 4B	Distribution of ODS staff by grade & gender (stacked diagram) CONFIDENTIAL
Appendix 5	Comparison of Gender Pay Reports (as at 31 March 2019)
Appendix 6	Risk Register (separate document supplied with this report)
Appendix 7	Distribution of ODS staff by grade and gender (31 March 2019) CONFIDENTIAL



## Introduction

1. The Council is required under the Equality Act 2010 to publish an annual report that provides details of the Council's gender pay gap using a number of key measures: basic pay; bonus; the proportion of male and females receiving a bonus; and, pay quartile data (basic pay) for male and female staff.
2. The two previous Gender Pay Gap reports published by the Council included pay data for the staff who were TUPE transferred to Oxford Direct Services (ODS) on 1 April 2018. However, the next report to be published in March 2020 will be the first to provide gender pay data for the Council's workforce only. ODS will also be required to provide their own Gender Pay Gap report as an employer in their own right at the 'snapshot' date detailed in paragraph (3) below.
3. Due to the government's gender pay reporting cycle, the pay data that the Council **must** publish by 30 March 2020 relates to Council pay data at the 'snapshot date' of 31 March 2019.

## Methodology

4. Gender pay gap reporting is based on three calculation methodologies. The first uses the hourly rate paid to male and female staff to compile the following reporting indices: -
  - Mean gender pay gap (basic pay);
  - Median gender pay gap (basic pay); and
  - Pay quartiles by gender.

The use of an hourly pay rate in the calculation of these reporting indices (as opposed to gross pay) is intended to negate the impact of part-time working within an organisation's workforce, as in our case. However, in practical terms the use of an hourly rate as the basis for these calculations means that the *distribution* of female and male staff by grade can have a significant impact on the gender pay gap indices, especially where a workforce's population is heavily skewed towards one gender and where the 'dominant' population is employed in lower graded roles when compared to the other gender.

The second calculation methodology is used to calculate the mean and median gender bonus pay gap and is based on the actual bonus payment received by staff. The Council's Partnership Payment scheme is classified as a bonus payment for the purposes of gender pay gap reporting. The Partnership Payment is part of the 2018-21 pay agreement and is based on a fixed sum (£ 500) that is paid on a pro-rata basis, i.e. based on the hours worked by an employee. As this reporting measure is based on the value of the bonus payment received, it is directly impacted by the high proportion of female staff who work on a part-time basis (circa 33%) who receive a smaller bonus payment than male staff. In practical terms this reduces both the mean and median bonus pay figures for female staff when compared to those for males, i.e. a group who predominantly work on a full-time basis.

The third calculation methodology is used to calculate the proportion of female and male staff receiving a bonus. This data set is based on the headcount of female

and male staff receiving a bonus payment and is not therefore affected by the *hours* worked by an employee.

### Data Analysis and Findings

5. The key findings of the snapshot run as at 31 March 2019 for Oxford City Council are as follows:

Mean gender pay gap (basic pay) is 10.2%
Median gender pay gap (basic pay) is 12.1%
Mean gender bonus gap for 11.6%
Median gender bonus gap is 9.26%
Proportion of male employees receiving a bonus is 83.7%
Proportion of female employees receiving a bonus is 84.2%

### Pay quartiles by gender – Oxford City Council

Quartile*	Males %	Females %
Top Quartile	50.58	49.42
Upper Middle Quartile	44.19	55.81
Lower Middle Quartile	37.12	62.79
Lower Quartile	34.88	65.12

### Note to Tables

Where a gender pay gap reporting indices is in favour of females the figure is shown as a minus figure, i.e. -2.0%.

6. In contrast to the previous reporting periods where the Council has reported gender pay gap figures in favour of female staff, the set of data to be published in March 2020 will report both a mean **and** median gender pay gap in favour of males. (Please refer to Appendix 2 for details of the previous Gender Pay Gap data reports).
7. The reason for this significant change in reported data for the Council (and ODS alike) is due to the creation of ODS as an employer in their own right, which has had a significant impact on the calculation of the gender pay gap data tables for

both organisations. In broad terms, ODS has a large number of lower paid male staff which reduced both the mean and median basic pay figures when included in the combined pay data for male staff within the City Council *and* ODS in the last two gender pay reports. This is explained in more detail in the paragraphs below.

8. The Council's workforce is predominantly female, i.e. 401 staff or 58% of the workforce, as at 31 March 2019. 126 females (circa 33%) work on a part-time basis. Of the 287 male staff, only 30 (10%) work on a part-time basis. The majority of Council staff are employed in roles on Grade 5 (25% of females and 14% of males) or Grade 7 (19% of females and 27% of males). 23 staff (3%) are employed in senior roles, i.e. above Grade 11. Males occupy proportionately more highly paid roles than females across the Council's grade structure.
9. The ODS workforce is overwhelmingly male, i.e. 570 staff or 88% of the workforce, as at 31 March 2019. Only 14 males (circa 3%) work on a part-time basis. Of the 75 female staff only 9 (or 11%) work on a part-time basis. A significant amount of the ODS workforce are employed in lower graded roles when compared to the Council's workforce.
10. The distribution of males and females across the OCC and ODS grade structures (including the craft based grades), is summarised below: -

	OCC		ODS	
	% Females	% Males	% Females	% Males
Staff employed in Grades 3 to 7	75%	67%	89%	84%
Staff employed in Grades 8 to 11	22%	28%	11%	15%
Staff employed in senior roles	3%	5%	0%	1%

Appendix 3 provides more detailed information on the distribution of female and male staff by grade for both the Council and ODS.

11. The removal of the ODS workforce from the gender pay data has significantly altered the 'shape' of the Council's reporting indices, as the greater proportion of males in ODS employed in lower paid roles helped to reduce the gender gap for both mean and median basic pay indices as detailed in the previous two reports. This impact is better illustrated in diagrammatic form, as shown at Appendix 4 for both the Council and ODS.
12. Disaggregating the gender pay data reported at the end of March 2019 (i.e. for the reporting date of 31 March 2018) indicates that the mean and median gender pay gap indices for both OCC and ODS are broadly comparable with other employers within local area, but do not compare as well with Cambridge City and Reading Borough Council data. (Appendix 5 provides a table of the gender pay report data from March 2019 for reference).
13. Addressing the challenge presented by the pay gap within the City Council in favour of males, as reported above, is **not** focused on equal pay consideration: staff on the same salary point within each grade receive the same hourly pay, irrespective of gender. Success in closing Council's gender pay gap will be achieved through its employment policies and practices, including: recruitment approaches and methods that promote the Council as an employer of choice and

place to build a great career, with access to a range of flexible working arrangements; employment policy and enabling technologies that facilitate greater flexibility in the time, place and manner by which work is performed to enable staff to achieve an effective balance between work and their home commitments; and training and organisational development initiatives to encourage and support greater levels of participation by female colleagues within higher graded roles in the Council. These issues form an integral part of the revised Equalities Action Plan recently approved by Cabinet.

## **Conclusions**

14. The next set of gender pay gap data to be reported by 30 March 2020 (Appendix 1) represents a marked change when compared to the reports published in March 2018 and 2019. The Council's gender pay gap data for 2019 was not out of step with that of other local employers, but was higher than those reported for both Cambridge and Reading Councils in 2019 (please refer to Appendix 5).
15. It is anticipated that the combination of flexible working approaches, the planned roll-out of enabling technologies and equipment and availability of training and career development opportunities will facilitate a reshaping of the Council's workforce and, thereby, Gender Pay reporting statistics.

## **Financial implications**

16. There are no financial implications associated with this report.

## **Level of Risk**

17. A Risk Register is supplied separately as Appendix 6 to this report.

## **Legal Issues**

18. The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 require the Council to publish information annually about how it complies with the Public Sector Equality Duty.
19. The Regulations also impose obligations on the Council to publish information relating to the gender pay gap in the organisation based on a 'snapshot date' of 31<sup>st</sup> March in any year.

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<b>Background Papers:</b> None
1 None

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# Appendix 1

## OXFORD CITY COUNCIL GENDER PAY GAP DATA TABLES

The Council's gender pay gap details for the snapshot date of 31st March 2019 are below.

Mean gender pay gap (basic pay) is 10.2%
Median gender pay gap (basic pay) is 12.1%
Mean gender bonus gap for 11.6%
Median gender bonus gap is 9.26%
Proportion of male employees receiving a bonus is 83.7%
Proportion of female employees receiving a bonus is 84.2%

### Pay quartiles by gender

Quartile*	Males %	Females %
Top Quartile	50.58	49.42
Upper Middle Quartile	44.19	55.81
Lower Middle Quartile	37.12	62.79
Lower Quartile	34.88	65.12

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# Appendix 2

## Oxford City Council Gender Pay Gap Report (as at 31 March 2018 and 31 March 2017)

**Note:** figures in the tables below in **red** are where the reporting indices are in favour of female staff

31 March 2018	
Mean gender pay gap (basic pay)	- 0.7%
Median gender pay gap (basic pay)	0%
Mean gender bonus gap	-6.3%
Median gender bonus gap	0%
Proportion males receiving a bonus	84.6%
Proportion females receiving a bonus	82.7%

31 March 2017	
Mean gender pay gap (basic pay)	0.1%
Median gender pay gap (basic pay)	0%
Mean gender bonus gap	-6.3
Median gender bonus gap	19.5%
Proportion males receiving a bonus	45.5%
Proportion females receiving a bonus	42.3%

Quartile	Males %	Females %
Top Quartile	73.8	26.2
Upper Middle Quartile	58.2	41.8
Lower Middle Quartile	61.9	38.1
Lower Quartile	66.6	33.4

Quartile	Males %	Females %
Top Quartile	67.6	32.4
Upper Middle Quartile	63.2	36.8
Lower Middle Quartile	59.6	40.4
Lower Quartile	71.3	28.7

The financial year 2017/18 was **not** an increment year, so a higher proportion of staff were eligible for a Partnership Payment.

The financial year 2016/17 was an increment year, so the number of staff eligible for a Partnership Payment was reduced.

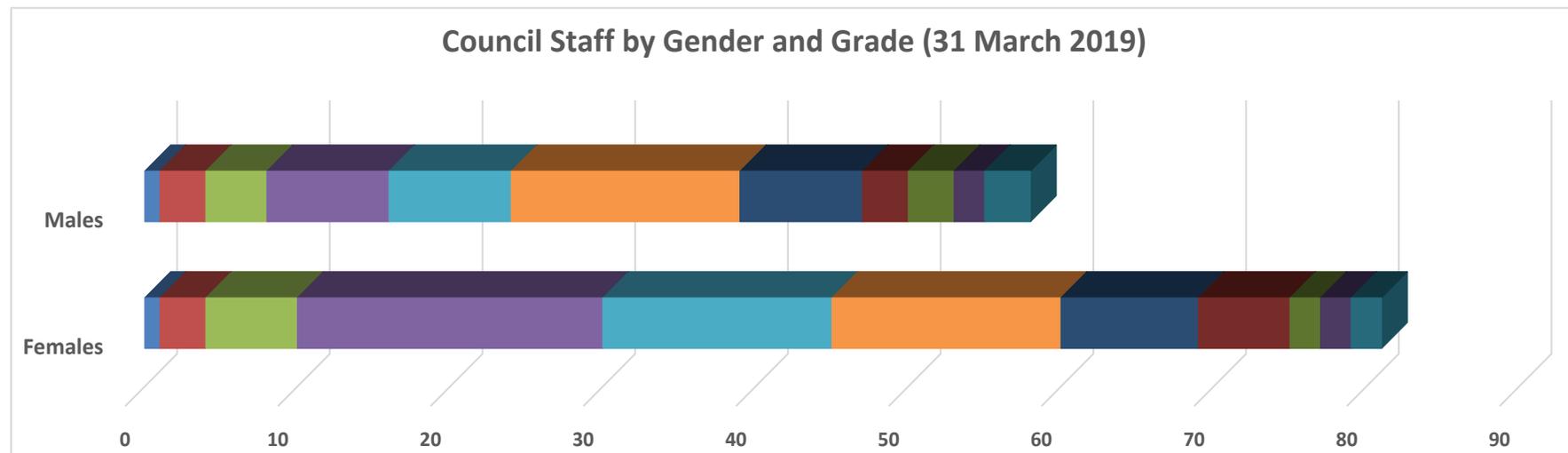
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# Appendix 4 A

## APPENDIX 4 A

### DISTRIBUTION OF COUNCIL STAFF BY GENDER & GRADE (STACKED DIAGRAM)

In the stacked diagram below all Council staff (males and females) are shown by grade (expressed as an hourly rate) from Apprentice through to Senior Manager (left to right): -



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The *mean basic pay* for the 287 male staff is £ 18.57 per hour (i.e. Grade 7 equivalent) and for the 401 females £ 16.68 per hour (i.e. Grade 6 equivalent). The **mean basic pay gap** is the percentage difference between the two mean basic (hourly) pay rates, i.e. £ 18.57 (for males) and £ 16.68 (for females) which is in favour of males by 10.2%.

The *median basic pay* for the 287 males is the average of the 143rd and 144th values in the hourly pay of all males (i.e. £ 17.51 per hour or between the top of Grade 6 and bottom of Grade 7) and for the 401 females the average of the 200th and 201st values in the hourly pay of all females, i.e. £ 15.39 per hour (i.e. between the top of Grade 5 and bottom of Grade 6). The **median basic pay gap** is the percentage difference between the two median basic (hourly) pay rates, i.e. £ 17.51 (for males) and £ 15.39 (for females) which in favour of males by 12.1%.

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# Appendix 5

## APPENDIX 5

### Comparison of 2019 gender pay gap reports (i.e. data as at the 'snapshot' date of 31 March 2018)

REPORTING INDICES	OCC	ODS	Cambridge CC	Reading BC
Mean gender pay gap (basic pay)	10.2%	1.6%	2.4%	2.9%
Median gender pay gap (basic pay)	12.1%	-2.4%	5.5%	4.9%
Mean gender bonus gap	11.6%	-86.4%	No bonus paid	-46.6%
Median gender bonus gap	9.3%	-23.0%	No bonus paid	-75.5%
Proportion male employees receiving a bonus	83.7%	88.4%	0%	1.4%
Proportion female employees receiving a bonus	84.2%	79.5%	0%	1.1%

#### Pay Quartiles by Gender

Quartile	OCC		ODS		Cambridge CC		Reading BC	
	Male %	Female %						
Top Quartile	50.58%	49.42%	91.36%	8.64%	52%	48%	35%	65%
Upper Middle Quartile	44.19%	55.81%	84.47%	15.53%	58%	42%	38%	62%
Lower Middle Quartile	37.12%	62.79%	86.34%	13.66%	47%	43%	29%	71%
Lower Quartile	34.88%	65.12%	91.30%	8.70%	45%	55%	34%	66%
<b>Workforce Composition:</b>	<b>41.0%</b>	<b>59.0%</b>	<b>87.5%</b>	<b>12.5%</b>	<b>50.5%</b>	<b>49.5%</b>	<b>34.1%</b>	<b>65.9%</b>

# Appendix 5

## APPENDIX 5 (Continued)

### Comparison of 2019 gender pay gap reports (i.e. data as at the 'snapshot' date of 31 March 2018)

REPORTING INDICES	West Oxford DC	Oxford NHS Trust	South & Vale DC	Oxford Brookes	Oxfordshire CC	(2018 Data)
						Cherwell DC
Mean gender pay gap (basic pay)	27.9%	22.0%	12.4%	11.3%	3.9%	3.3%
Median gender pay gap (basic pay)	26.2%	5.4%	0.6%	5.8%	3.0%	6.9%
Mean gender bonus gap	No bonus paid	61.5%	No bonus paid	-7.5%	No bonus paid	No bonus paid
Median gender bonus gap	No bonus paid	68.8%	No bonus paid	-12.5%	No bonus paid	No bonus paid
Proportion male employees receiving a bonus	0.0%	47.4%	0.0%	16.7%	0.0%	0.0%
Proportion female employees receiving a bonus	0.0%	52.6%	0.0%	83.3%	0.0%	0.0%

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### Pay Quartiles by Gender

Quartile	West Oxford DC		Oxford NHS Trust		South & Vale DC		Oxford Brookes		Oxfordshire CC		Cherwell DC	
	Male %	Female %	Male %	Female %	Male %	Female %	Male %	Female %	Male %	Female %	Male %	Female %
Top Quartile	58.93%	41.07%	24.10%	75.90%	46.00%	54.00%	49.70%	50.30%	32.90%	67.10%	51.60%	48.40%
Upper Middle Quartile	30.40%	69.60%	15.60%	84.40%	32.00%	68.00%	42.50%	57.50%	38.90%	61.10%	55.50%	44.50%
Lower Middle Quartile	23.20%	76.80%	22.40%	77.60%	35.00%	65.00%	32.20%	67.80%	35.70%	64.30%	48.40%	51.60%
Lower Quartile	21.40%	78.60%	18.30%	81.70%	34.00%	66.00%	33.30%	66.70%	30.10%	69.90%	47.70%	52.30%
<b>Workforce Composition:</b>	<b>32.6%</b>	<b>67.4%</b>	<b>19.90%</b>	<b>80.10%</b>	<b>No Data Supplied</b>	<b>39.40%</b>	<b>60.60%</b>	<b>34.40%</b>	<b>65.60%</b>	<b>51.0%</b>	<b>49.0%</b>	

### Note to Table

The gender pay gap data shown above for 'Oxford NHS Trust' relates to **Oxford Health NHS Foundation Trust**. (Source Oxford Health NHS Foundation Trust web site).

# Appendix 6

Employment Policies and Procedures: Annual Gender Pay Report - Risk Register

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Employment Policies and Procedures	Damage to Council's reputation	T	Failure to comply with legislative requirements	Required Statement not published	11.2.2020	Helen Bishop	3	3	3	2	2	2	Reviewing and maintaining current employment policies and practices is a continual process	Reviewing and maintaining current employment policies and practices is a continual process	ongoing	open	80	Helen Bishop

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**To:** Cabinet  
**Date:** 11 March 2020  
**Report of:** Executive Director Development  
**Title of Report:** Allocation of Growth Deal Funding to Oxford City Council

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To accept capital infrastructure funds and delegate authority to officers to enter in contractual Funding Agreements with Oxfordshire County Council, in order to deliver two city infrastructure schemes set out within the Oxfordshire Housing and Growth Deal.
<b>Key decision:</b>	Yes
<b>Cabinet Member:</b>	Cllr Alex Hollingsworth (Planning and Sustainable Transport Portfolio).
<b>Corporate Priority:</b>	Availability and Affordability of Housing, Vibrant and Sustainable Economy
<b>Policy Framework:</b>	Corporate Plan 2016-2020
<b>Recommendations:</b> That Cabinet resolves to:	
<b>1.Recommend to Council to:</b>	
<ul style="list-style-type: none"> <li>i)<b>Accept</b> £7m in the Oxfordshire Housing and Growth Deal Funds from Oxfordshire County Council for the delivery of city-based infrastructure schemes;</li> <li>ii)<b>Approve</b> an initial £300,000 feasibility study allocation from the capital programme for 2020-21, for Osney Mead to Oxpens Bridge, financed by available external funds; and</li> <li>iii)<b>Approve</b> the £1m capital budget for city cycling schemes at Cuckoo Lane, Marsh Lane, Marston Road &amp; Boundary Brook, Oxford, financed by Oxfordshire Housing and Growth Deal Funding.</li> </ul>	
<b>2.Delegate</b> authority to the Executive Director Development, in consultation with the Council's Section 151 Officer, the Head of Law and Governance and Cabinet Member for Planning & Sustainable Transport, to agree and enter into grant funding arrangements and contractual terms with Oxfordshire County Council before the funds are transferred from Oxfordshire County Council to Oxford City Council to enable the City Council to deliver a £7m programme of infrastructure projects, financed through the Oxfordshire Housing and Growth Deal. This funding will include £6m towards the Osney Mead to Oxpens Bridge and £1M for defined city cycling schemes.	

<b>Appendices</b>	
Appendix 1	Risk Assessment

## **Introduction and background**

1. Members will be aware of the Oxfordshire Housing and Growth Deal (the Growth Deal) agreed between HM Government, Oxfordshire local authorities and the Oxfordshire Local Enterprise Partnership (OxLEP). Through the Growth Deal, Oxfordshire partners have committed to delivering a plan for the delivery of 100,000 new homes to 2031. In turn, HM Government has committed to provide Oxfordshire with up to £215m funding, of which £150m is for infrastructure over a five-year period to March 2023.
2. Whilst Oxfordshire County Council is the lead body for infrastructure delivery in support of the Growth Deal, there is recognition that in certain circumstances, the City Council is well placed to deliver certain aspects of the programme. This is particularly the case where the infrastructure is linked to developments in the West End, where the City Council is involved in delivering or enabling with partners, or where the capability of the City Council and its companies exists to deliver certain types of cycling infrastructure.

## **Details of the schemes to be funded**

3. Based on an assessment of the schemes the City Council may be best placed to progress at this stage, the following infrastructure schemes have been identified;
  - a. The Osney Mead to Oxpens pedestrian bridge – £6m (subject to Growth Deal change control agreement).
  - b. Cycle improvement schemes at Cuckoo Lane, Marsh Lane, Marston Road & Boundary Brook, Oxford - £1m.
4. These schemes are intended to help fast-track delivery of homes and employment space in the West End and connectivity within and to the city centre. They are in-line with the aim for a low carbon transport system, and will deliver significant economic and social benefits to the city.
5. In order to progress these schemes, the City County will enter into Grant Funding Agreements (the funding agreements) with Oxfordshire County, Council as the accountable body for the funds, provided by Government. Apportionment of legal and financial risks are clarified through this agreement and will need to be carefully managed in taking on this commitment, whilst ensuring the best possible outcome from the funds. The Heads of Terms of the funding agreement have been agreed.
6. The two schemes are at different stages of development, with the cycling schemes being defined and costed. The bridge is at feasibility stage. In terms of funding requirements to be observed, the key issue is that funds need to be spent and outputs delivered by March 2023. Therefore, there is a risk that more detailed design and feasibility work reveals new constraints or requirements that alter timescales or costings. The impact of this will be assessed as part of the gateway process set out within the funding agreement and also through the City Council's

own staged gateway process for managing its capital programme through to delivery.

7. Should it not be possible to meet, or agree, gateway conditions set out in the funding agreement, the contractual terms entered into will protect the City Council from any financial exposure should the project not then move forward. As highlighted above, this will be achieved by ensuring that any incurred or committed expenditure to that point cannot be clawed back by the County Council.
8. Initially, Oxford City Council will commence feasibility for the bridge project. Once early stage design, timings and costings are clearer, the City Council will decide how to progress the project with the input of partners. This is to ensure best use of the funds available, and to avoid a risk of clawback of funds. The agreement ensures funds spent appropriately at agreed gateway stages will not be clawed back in any circumstances.
9. Linked to this, it is agreed that the County Council will identify a suitably qualified officer to be part of the required project team and provide any input required. As and when the bridge project is ready to be brought forward for delivery following the feasibility stage, a further City Council decision will be required to proceed for each project. These decisions will be taken in line with the City Council's Scheme of Delegation.
10. The Growth Deal Funds are designed, where practicable, as revolving funds that can be, in full or in part, replaced at the stage when development partners are required to make Community Infrastructure Levy Payments or enter into S106 planning obligation agreements. As such, some funding may be secured at a later date to repay or supplement project funds. The mechanism for this will be set out in the funding agreements.

### **Financial implications**

11. £7m will need to be put in place from the Capital Programme for the delivery of the identified projects in line with City Council's financial rules including £6m (subject to Growth Deal change control agreement) for the Osney to Oxpens Bridge and £1m for the city cycling schemes. These sums will be financed in full through the Housing and Growth Deal Funds. In agreeing to take on the funds, responsibility for delivering the aforementioned infrastructure schemes will sit with the City Council, but with ongoing input from the County Council as part of the project team and Growth Deal partner.
12. Cost and programme overruns risks will be tested throughout the project feasibility stages. Should the feasibility work demonstrate that it is not possible to deliver the scheme within the budget envelope, or timeframes agreed with the County Council, the City Council will, through the funding agreement, retain the option not to move forward with the project, and return the remaining funding. As such, the contractual terms entered into will protect the City Council from any financial exposure should the project not then move forward. This will be achieved by ensuring that any incurred or committed expenditure to that point cannot be clawed back by the County Council.
13. The County Council has confirmed that in the instance of negligence (as defined in the funding agreement) on behalf of the City Council, the County Council would seek to claim back funding. If however there are unforeseen cost/ time increase implications that emerge through development or delivery of the project, then the

County Council would be willing to collaboratively discuss and work through these with the city council – this is an approach consistent with delivery of other strategic infrastructure projects.

14. In order to mitigate this risk the parties will instigate a project management team to oversee the project. A shared gateway process and joint sign off procedure on spending drawdown will further be implemented to mitigate the risk of any county clawback of funds. On this basis, it is expected that whilst the responsibility for delivery will be with the City Council, the county will act reasonably, as defined in the funding agreement.
15. The projects will create additional resource pressures in the City Council and it will be necessary to use an element of the funds to support internal staff resource costs, already recruited to the Development Directorate.

**Legal issues**

16. The County Council is the accountable body for receipt of Housing and Growth Deal infrastructure funding from the Government. In accepting such funding from the County Council, the City Council must ensure that the conditions upon which the funding was provided are met in full to ensure that there is no risk of clawback by either the Government or the County Council. Where it is not possible to eliminate all risk of clawback the funding agreement will state the terms on which funds may be clawed back. These details will be set out in the Funding Agreement between the County and City Councils.
17. The principles underpinning the contractual arrangement between Oxford City Council and Oxfordshire County Council will be flexible enough to allow for any changes in programmed activity. This is in recognition that projects are at a concept stage, and that changes may arise from a greater understanding of project constraints and costings developed through feasibility and design stages. This greater certainty will occur after entering into the funding agreement. Therefore, the milestones, timings and outputs the City Council is obliged to meet will need to allow for change in timings and approach as well as to manage any further funding requirements.
18. Updated state aid assessments will need to be undertaken and compliant procurement arrangements will need to be put in place.

**Level of risk**

Risk Register attached as Appendix 1.

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**Background Papers:** None

# Appendix 1

## Appendix 1: Risk Register Growth Deal Funds Allocation

					Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
Title	Risk description	Opp/ threat	Cause	Consequence			I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Funding clawback	Obligated to Spend on an aborted project	Threat	Contract requirements or project failure	loss of funds	04/02/2020		4	2	4	2	4	1		Contract to protect againstst clawback and	31-03-20		60	
Budget shortfall 65	Increased costs identified during design phase	Threat	Unknowns on constraints and design at this stage	need to find funds/shelve project	04/02/2020		4	3	4	3	4	2		Gateways jointly reviewed with Oxon CC and through PM process. Discuss with wider funders	31-03-21		10	
Cost overruns	increased costs identified during construction	Threat	Unforeseen issues identified	need to cover share cost risk with the county council	04/02/2020		4	3	4	3	4	2		Contractual arrangements with contractor to provide cost certainty, sharing of risk with Oxon CC	31-03-22		0	
Delays beyond Growth Deal output timelines	Programme timelines known including all constraints	Threat/ Opp	Unknowns on constraints and design at this stage	Need to work with funders on funding timelines	04/02/2020		3	3	3	3	3	3		Early discussions with funders when risks clearly known to put in place new milestones	31-03-21		10	



**To:** Cabinet  
**Date:** 11 March 2020  
**Report of:** Head of Planning Services  
**Title of Report:** CIL Charging Schedule Review- withdrawal from examination

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To consider withdrawal of the CIL Draft Charging Schedule Review from examination.
<b>Key decision:</b>	Yes
<b>Cabinet Member:</b>	Councillor Alex Hollingsworth, Planning and Regulatory Services
<b>Corporate Priority:</b>	A Vibrant and Sustainable Economy Meeting Housing Needs Strong and Active Communities A Clean and Green Oxford An Efficient and Effective Council
<b>Policy Framework:</b>	Corporate Plan 2016-2020
<b>Recommendations:</b> That Cabinet resolves to:	
<ol style="list-style-type: none"> <li>1. <b>Withdraw</b> the CIL Charging Schedule review from examination; and</li> <li>2. <b>Continue</b> to apply the existing CIL Charging Schedule whilst the process to review it is re-started in the context of the CIL Regulations as updated in September 2019.</li> </ol>	

<b>Appendices</b>	
Appendix 1	Risk Assessment
Appendix 2	Cabinet Report 29 May 2019
Appendix 3	Response to initial Examiner's Questions

## Introduction and background

1. The Community Infrastructure Levy (CIL) is a planning charge on new development to help the funding of infrastructure. The City Council is the charging authority for CIL in Oxford and the levy is set in the CIL Charging Schedule adopted on 21<sup>st</sup> October 2013. It sets the level of charge and the types of developments that are

liable for CIL. The principle behind CIL is that most development has some impact on infrastructure and should contribute to the cost of providing or improving infrastructure. The Charging Schedule is informed by viability testing.

2. At a Cabinet meeting on 23<sup>rd</sup> January 2018 the City Council undertook to review the CIL Charging Schedule. A consultation took place on the preliminary draft charging schedule beginning on 2<sup>nd</sup> October 2018, and on the draft charging schedule beginning on 1<sup>st</sup> November 2018. Following agreement from Cabinet on 29<sup>th</sup> May 2019 the Draft Charging Schedule was submitted to the Secretary of State on 3<sup>rd</sup> June 2019, which marks the start of the examination process. The hearing had been scheduled to begin on 10<sup>th</sup> March 2020 for 1 or 2 days, which follows on from the Local Plan Inquiry as is normal practice.
3. It must be noted that during the period after consultation and submitting the review of the charging schedule for examination the CIL regulations had further amendments made to them (September 2019). Significant implications of these changes to the regulations were becoming clearer. Internal discussions were taking place regarding the possibility of withdrawing from the examination.
4. An initial set of questions from the Examiner was sent to the Council on 8<sup>th</sup> January 2020 and the City Council response is published on the website (Appendix 3). Responding to these questions, which are asked in the context of the amended CIL Regulations that came in to force after submission of the Schedule, prompted officers to further consider that it would be appropriate to withdraw from examination of the CIL Charging Schedule to allow time to reflect on the best approach in the context of the new regulations. The existing CIL Charging Schedule would remain in place and continue to be applied during this period of reflection.
5. Officers wrote to the Examiner on 31<sup>st</sup> January 2020, following an initial call to the programme officer earlier that week. This letter explained that officers were to take a report to Cabinet to recommend withdrawal from the CIL examination. On the 29<sup>th</sup> January 2020 the Examiner sent his formal Matters, Issues and Questions (MIQs), which would form the basis of matters to be discussed at the hearing session, this was after internal discussions had already taken place regarding possible withdrawal from the CIL examination.
6. Officers requested in their letter to the Examiner that the examination and associated hearing session (scheduled for 10<sup>th</sup> March) be postponed to allow time for Cabinet to consider this report, The Examiner has agreed to postpone the examination until 3<sup>rd</sup> April 2020.

## **Key considerations in withdrawal of the CIL Charging Schedule Review from Examination**

### Revision of the CIL Regulations

7. Amended CIL regulations came into force in September 2019, subsequent to the submission of the CIL Charging Schedule to the Secretary of State for examination. Withdrawing this review from examination (under Regulation 18 of the CIL Regulations 2010 as amended) would allow the City Council time to take account of recent regulatory changes comprehensively, working with key stakeholders.
8. The amendments to the former CIL regulations lift some of the previous restrictions relating to the use of section 106 of the Town and Country Planning Act 1990 (S106) that existed if CIL was in place. The revised regulations (and in particular the

deletion of regulation 123) now allows local planning authorities to collect more than five contributions through planning obligations to fund the same infrastructure project or type of infrastructure. Prior to the amendment in the regulations local planning authorities could not use more than five S106 contributions to fund a single infrastructure project. The revised regulations also now allow contributions from CIL and S106 planning obligations to be used on the same piece of infrastructure or infrastructure type, which was not allowed previously (where the infrastructure was identified by the charging authority to be funded or partly funded by CIL on a list published under reg. 123). These revisions accordingly remove what can be a barrier to delivery of infrastructure. This is pertinent in Oxford where multiple large developments often directly relate to the same infrastructure project

9. For example, the changes in regulations present different opportunities for the delivery of infrastructure projects, particularly those needed to support larger developments. The differing infrastructure needs of large sites has been something that the Council has been alert to when preparing the CIL review, as set out in the Cabinet paper from May 2019 and in the officer response to the Examiner’s initial questions. However, the limited information on site specific costs for these sites, alongside the previous restrictions on use of S106 planning obligations under the previous regulations, acted as a constraint on what could be justified in terms of how the larger sites were provided for in the revised CIL schedule. The amended CIL regulations provide a greater opportunity to explore different ways of funding infrastructure need from large sites.

Options for the CIL draft Charging Schedule review

10. Officers consider that the two realistic options are to continue with the examination or to withdraw from the examination to give time to re-consider the CIL Charging Schedule review. The pros and cons of both of these options are shown in the table below. Withdrawing from the examination is the recommended option.

Option	Pros	Cons
Continue with examination on Revised CIL Charging Schedule	A revised CIL will be put in place more quickly.	<p>It would not allow time to comprehensively consider the implications of the new CIL regulations including the</p> <p>removal of pooling restrictions on strategic schemes and thus the most appropriate way forward for Oxford in terms of funding infrastructure required to deliver development.</p> <p>Would not allow any changes to CIL rates with regard to small residential developments in light of the changes to the Local Plan that remove the requirement for them to contribute to affordable housing.</p>

<p>Withdraw from examination and re-start review</p>	<p>There would be time for proper consideration of the best way to deliver infrastructure schemes to support strategic sites and development generally in light of the amendments to the Regulations.</p> <p>It would offer the opportunity to consider alternative approaches which would give more certainty to infrastructure delivery.</p> <p>The adopted CIL charging schedule would remain in place so there would be no impact as business as usual will continue in the meantime.</p>	<p>Further evidence on infrastructure and sites would need to be gathered and tested in the context of the new regulations.</p> <p>Another period of consultation would be required in respect of a new revised charging schedule.</p>
--	---	--

### Recommendation

11. Cabinet is asked to consider the officer recommendation to withdraw the CIL Charging Schedule Review from Examination. The reason for this recommendation is to allow time to take into account the implications of the revised CIL Regulations which is a material change in circumstances that occurred after the Draft Charging Schedule was developed and submitted for examination.

### **Environmental Impact**

12. There are no environmental implications arising from this report.

### **Financial implications**

13. There are limited financial implications from this report. Withdrawal of the CIL Charging Schedule review from Examination would negate the impending costs involved with the examination. The City Council will be liable for some payments to the Planning Inspectorate for the Examination, even after withdrawal of the schedule. It is considered that the benefits of taking account of the material change in national regulations outweighs the minimal short term costs.

14. The recommended approach involves continuing to apply the existing adopted CIL Charging Schedule, so there are no financial implications at this as we have not forecast the new CIL for expenditure in the capital programme and all commitments are based on receipts to date and not reliant on any future money from a revised rate.

15. Following proper consideration by officers a recommendation will be brought back to Cabinet for consideration about progression of a new CIL review. The financial implications of a future revised schedule will be clearly set out as part of that report.

### **Legal issues**

16. The Community Infrastructure Levy (“CIL”) is a charge which can be levied by local authorities on new development in their area. CIL only applies in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website.
17. The Community Infrastructure Levy Regulations 2010 set out the procedure for implementing CIL in a local authority’s area. These Regulations have been amended by the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 as referred to in paragraph 3 of the report.
18. There are considered to be no legal issues with the recommended approach because it involves continuing with the status quo in terms of CIL.

### **Level of risk**

19. A risk assessment has been undertaken and the risk register is attached (Appendix 1). All risks have been mitigated to an acceptable level.

### **Equalities impact**

20. There are no equalities impacts arising from this report.

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**Background Papers:** None

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Local Development Scheme 2016-19 Risk Assessment

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls					
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner	
Changes to the Community Infrastructure Regulations (CIL)	Further changes to the CIL regulations may have an impact on the development that will be liable for CIL under the adopted schedule or could affect a new review of the schedule	Threat	Changes to the CIL Regulations	Could have an impact on the funds received from the levy. This will have an impact on the amount of infrastructure we can deliver	06.02.20	Head of Planning and Regulatory Services	4	2						Maintain awareness of potential changes in the Regulations so that appropriate responses to any consultations can be submitted in order to minimise negative impacts.	Ongoing throughout the lifetime of the Community Infrastructure Regulations				
Team resources	If the team loses resources (for funding of studies or staff resources) then it will affect how quickly or even if it is possible to review the Schedule.	Threat	changes in resourcing	Could prevent us reviewing CIL and finding the best way to fund infrastructure in light of the amended regulations.	06.02.20	Head of Planning and Regulatory Services	2	2						Monitor team and staff resources and programme in other work carefully.	Ongoing throughout the re-starting of the CIL review				

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**To:** Cabinet  
**Date:** 29 May 2019  
**Report of:** Head of Planning Services  
**Title of Report:** Community Infrastructure Levy (CIL) – Draft Charging Schedule for Submission

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To seek approval for the Draft CIL Charging Schedule and revised CIL 123 list to be submitted to the Secretary of State for examination, approve the statement of modification and approve the policy for Exceptional Circumstances.
<b>Key decision:</b>	Yes
<b>Cabinet Member:</b>	Planning & Transport
<b>Corporate Priority:</b>	A Vibrant and Sustainable Economy; Meeting Housing Needs; Strong and Active Communities; A Clean and Green Oxford.
<b>Policy Framework:</b>	The CIL Charging Schedule sets out a tariff in the form of a standard charge on new development to help the funding of infrastructure in Oxford. It is to supplement or top up other sources of infrastructure funding.
<b>Recommendations:</b> That Cabinet resolves to:	
<ol style="list-style-type: none"> <li>1. <b>Approve</b> the Statement of Modification (Appendix 5) the Community Infrastructure Levy (CIL) Draft Charging Schedule (Appendix 4) and the revised CIL Regulation 123 list (Appendix 7) and Authorise the Head of Planning (or any officer acting in that capacity), to make any typographical changes to the document deemed necessary and then to formally submit to the Secretary of State for examination;</li> <li>2. <b>Approve</b> the discretionary Exceptional Circumstances Relief Policy (as per Regulation 56 of the Community Infrastructure Levy Regulations 2010 (as amended) (Appendix 6); and</li> <li>3. <b>Authorise</b> that future decisions under the discretionary Exceptional Circumstances Relief Policy will be delegated to the Head of Planning after consultation with the Planning and Transport portfolio holder.</li> </ol>	

<b>Appendices</b>	
Appendix 1	Previous CEB Report – January 2018
Appendix 2	Summary of responses to consultation
Appendix 3	Further Viability Report (addendum to previous report September 2018 )
Appendix 4	
Appendix 5	Draft Charging Schedule – November 2018 Statement of Modification
Appendix 6	Proposed Exceptional Circumstances Relief Policy
Appendix 7	Revised Regulation 123 list

### **Introduction**

1. This report follows on from the previous report to the City Executive Board (CEB) on 23<sup>rd</sup> January 2018 (included as Appendix 1) in which approval was given to consult on a new Community Infrastructure Levy (CIL).
2. The purpose of this report is to request approval for the Draft Charging Schedule and revised CIL Regulation 123 list (infrastructure projects or types of infrastructure that the City Council intends to wholly or partly fund through CIL), consulted upon in November 2018, to be submitted to the Secretary of State for examination with some modifications. Following the consultation and subsequent further viability testing, some amendments to the Charging Schedule are proposed, and Cabinet is asked for approval of these changes being incorporated into the CIL Charging Schedule ahead of submission to the Secretary of State. The proposed modifications relate to B2 and B8 (industrial) uses.
3. If Cabinet approves the changes to the Draft Charging Schedule a ‘statement of modification’, will be submitted alongside the draft CIL Charging Schedule as per regulation 15 of the CIL Regulations 2010 (as amended) (the Regulations). The Council will notify all of the CIL consultation bodies of the proposed modifications on submission of the Charging Schedule.
4. The report also asks for the approval for the introduction of a discretionary Exceptional Circumstances Policy.

### **Responding to issues raised in previous Draft Charging Schedule consultation**

5. The Council carried out a consultation on the Draft Charging Schedule between 1st November and 13th December 2018. A summary of the 14 responses received to this consultation can be found in Appendix 2.

### ***B1, B2/B8 Industrial***

6. The main issues raised in the responses related to the CIL rates for B1 (office) and B2/B8 (Industrial) being unviable not only at the new rate of £50 per sqm, but also at the Council's adopted charging schedule rate of £20 per sqm (currently £28.83 per sqm with indexation).
7. As a result of the consultation responses received the Council instructed its consultants to carry out further viability testing for B1 and B2/B8 (see report at Appendix 3). The outcome of these further tests shows that B1 is viable at the new rate of £50 per sqm; however, B2 and B8 are unviable even at a rate of zero. The clear evidence from the further, rigorous viability testing as well as the strong opposition to the approach suggests that it would be unlikely that the Council could argue for applying a CIL charge to B2 and B8 uses. The Council intends to submit a 'statement of modification' to amend the rate for B2/B8 to zero (Appendix 5) alongside the draft CIL Charging Schedule (Appendix 4) to the Secretary of State for examination.

### ***Strategic Sites***

8. The Council received representations to the CIL Charging Schedule consultation requesting that strategic sites should be "zero rated" within the CIL charging schedule as allowed for by the regulations. These representations were received specifically in relation to the Osney Mead and Oxford North sites. The reasons given were there was a likelihood that the costs of providing the onsite infrastructure or mitigation necessary were such that an additional levy may threaten the economic viability of the development.
9. Officers acknowledge that there are a few complex mixed use brownfield strategic sites in the plan that could have abnormal circumstances not picked up by the plan wide viability assessment upon which the CIL rate is based. Therefore, officers requested that further viability testing be carried out on these strategic sites by the viability consultants. The sites investigated were:
  - Osney Mead;
  - Blackbird Leys Central Area regeneration; and
  - Oxpens.
10. Oxford North was also considered but it was decided that given this is an existing allocation with a live planning application, which is at an advanced stage, it would not be considered for zero rating as part of this process. This is particularly relevant as the new CIL schedule will need to be examined after the emerging Local Plan so by the time the new schedule is adopted this site would already have been determined.
11. Following a review of the information available from the promoters of the sites being considered, it was found that there was not enough information available at this point in time for robust testing on a specific site basis to be carried out. This was for several reasons that were site specific. However, one of the main reasons was that the sites did not yet have schemes worked up to be able to confirm unit numbers or employment floorspace for testing. Also, linked to this, they did not have certainty over abnormal costs that may be above those factored into the viability work.

## Updated CIL Rates

12. The amended CIL rates will be as follows

<b>The CIL rates</b>	
<b>Development type</b>	<b>CIL Rate/m<sup>2</sup></b>
<b>A1 Shops</b>	£200
<b>A2 Financial and professional services</b>	£200
<b>A3 Restaurants and cafés</b>	£200
<b>A4 Drinking establishments</b>	£200
<b>A5 Hot food takeaways</b>	£200
<b>B1 Business</b>	£50
<b>B2 General industrial</b>	<del>£50</del> £0
<b>B8 Storage or distribution</b>	<del>£50</del> £0
<b>C1 Hotels</b>	£50
<b>C2 and C2A Residential institutions and Secure Residential Institution</b>	£50
<b>C3 Dwellinghouses*</b>	£200
<b>C4 Houses in multiple occupation</b>	£200
<b>Student accommodation</b>	£200
<b>D1 Non-residential institutions</b>	£50
<b>D2 Assembly and leisure</b>	£50
<b>All development types unless stated otherwise in this table</b>	£50 standard charge

**C3** includes self contained sheltered accommodation and self-contained graduate accommodation

## Exceptional Circumstances Relief

13. The regulations allow for charging authorities to have an Exceptional Circumstances Relief Policy so that they may offer relief from the levy in exceptional circumstances where a specific scheme cannot afford to pay the levy. A charging authority can then consider claims for relief on chargeable developments from landowners on a case by case basis, provided the conditions set out in regulation 55 (as amended) are met:

- a section 106 agreement must exist on the planning permission permitting the chargeable development and
- the charging authority must consider that paying the full levy would have an unacceptable impact on the development's economic viability and
- the relief must not constitute a notifiable state aid

14. It is proposed to introduce this policy now so that it can apply under the current and future charging schedules.
15. Therefore, if in the future the exceptional circumstances set out above are met by a site the council could use this discretionary policy. The current charging schedule includes use classes that have been identified by the emerging schedule not to be viable to have a CIL charge and therefore it is appropriate to introduce the discretionary exceptional circumstances relief immediately.
16. It is important to note that the Council's viability evidence for the new CIL Charging Schedule indicates that the majority of sites will be viable and therefore the Council does not expect many, if any, sites to be able to demonstrate the requirements of the policy. However, on the complex brownfield strategic sites in the city, there may be exceptional mitigation measures or infrastructure costs which may result in the sites not being viable. These sites would be dealt with on a case by case basis.
17. The draft policy is set out at Appendix 6 of this report. Decisions under this policy will be delegated to the Head of Planning after consultation with the Planning and Transport portfolio holder. It is important to note that, as set out in the constitution, while Cabinet may delegate some of its responsibilities to committees, single members and officers Cabinet can at any time take back any responsibilities it has delegated and officers do not have to use their delegated powers: they can ask the body that delegated to them to take the decision. Therefore, if there was a situation where after the consultation with the portfolio holder it was felt that it should be decided by Cabinet it could be referred to Cabinet for decision.
18. In order to introduce this policy the Council will be required to publish a statement on its website and make it available for inspection at its principal office and such other places within its area it considers appropriate (as per regulations 56 of the Regulations).

### **Financial implications**

19. The rate at which the CIL tariff is ultimately set will determine the amount of income received by the Council from new development to be spent on infrastructure, which could include capital projects.
20. Over the previous years the Council has not had applications for B2/B8 units; therefore, the zero rates suggested for these developments will not have a detrimental effect on CIL funds.
21. The financial implications of the exceptional circumstances relief will be considered as part of the implementation of the policy on a case by case basis as part of the viability considerations.

### **Legal issues**

22. The government has recently carried out a consultation relating to amendments to the CIL regulations. At the time of finalising this report it is unknown what changes will be made in the approach to contributions and CIL. The outcome of the consultation should be published shortly and officers will update Cabinet when the results are known.

### **Equalities impact**

23. There are no equalities impacts arising from this report.

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<b>Background Papers:</b>
---------------------------

- |   |                                       |
|---|---------------------------------------|
| 1 | CIL Charging Schedule                 |
| 2 | Viability Report dated September 2018 |

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**Oxford City Council's response  
to Initial Questions to the CIL  
Charging Schedule  
Examination**

*CIL IC1A*

January 2019

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## Legal and Procedural Compliance

### Question 1

**One of the issues to be tested by the examination is whether the Council, as the charging authority, has complied with the procedural and legal requirements of Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended) in preparing the DCS. I have been unable to find any evidence in the submission documents confirming compliance with the Act and the Regulations. Will the Council be producing a statement to evidence that in preparing the DCS it has complied with all of the legal and procedural requirements in the Act and the CIL Regulations (as amended)?**

### CIL Draft Charging Schedule - Statement of Compliance January 2020

#### Background

- 1.1 This statement has been produced to demonstrate Oxford City Council's compliance with the requirements set out in the Planning Act 2008, the CIL Regulations 2010 (as amended).

#### Compliance

- 1.2 Oxford City Council hereby declares that:
- a. As the charging authority, it has complied with the Requirements of Section 212(4) of the Planning Act 2008 and the CIL Regulation 2010 (as amended);
  - b. That the charging authority has used appropriate available evidence to inform the draft charging schedule; and,
  - c. That any other matters prescribed in the CIL Regulations 2010 (as amended) have been dealt with.
- 1.3 Legislation relating to the introduction of CIL is set out in Part 11 of the Planning Act (2008) as amended by the Localism Act (2011). The provisions relating to the examination of a CIL Draft Charging Schedule are set out in the following sections. The table below demonstrates that the Council has complied with these provisions.

Planning Act 2008	
<b>Section 211 - Amount</b>	<p>In setting the rates and preparing the Draft Charging Schedule Oxford City Council has had regard to the actual and expected costs of infrastructure; the economic viability of development; other actual or expected sources of funding for infrastructure; the actual or expected administrative expenses in connection with CIL and the Statutory Guidance.</p> <p>With regards to this, Oxford City Council have published on our website:</p> <ul style="list-style-type: none"> <li>• An infrastructure delivery plan (IDP)</li> <li>• An economic viability assessment (EVA)</li> <li>• An addendum to the EVA</li> </ul> <p>In addition, Oxford City Council has also consulted with a range of stakeholders in preparing the Draft Charging Schedule, with formal consultations on the following dates:</p> <ul style="list-style-type: none"> <li>• Preliminary Draft Charging Schedule: From the 2nd October 2018 to the 30th October 2018. (4 weeks)</li> <li>• Draft Charging Schedule: From the 1st November to the 13th December 2018 (6 weeks)</li> </ul>
<b>Section 212 – charging schedule examination</b>	<p>The Council has submitted the CIL Draft Charging Schedule and accompanying evidence to the Planning Inspectorate who will provide an independent inspector to examine the Draft CIL Charging Schedule for approval. The planning inspectorate are independent of the Council and have appropriate experience and expertise.</p> <p>All persons who have submitted representations to the consultation on the Draft CIL Charging Schedule stating that they would like to be heard by the examiner, will be given this opportunity.</p>

1.4 The regulations that apply to the processes involved in progressing a CIL Draft Charging Schedule to examination are as follows:

- Regulation 12 - Format and content of charging schedules
- Regulation 13 - Differential rates
- Regulation 14 - Setting rates
- Regulation 15 - Consultation on a preliminary draft charging schedule
- Regulation 16 - Publication of a draft charging schedule
- Regulation 17 - Representations relating to a draft charging schedule
- Regulation 18 - Withdrawal of a draft charging schedule
- Regulation 19 - Submission of documents and information to the examiner
- Regulation 20 - Consideration of representations by examiner
- Regulation 21 - CIL examination: right to be heard

1.5 The table below demonstrates that the Council has complied with these Regulations:

<b>The Community Infrastructure Levy Regulations 2010 (as amended)</b>	
<b>Reg 12 – Format and content of charging schedules</b>	<p>Oxford City Council’s Draft CIL Charging Schedule contains the information required by the Regulation 12, part 2 including:</p> <p>(a) The name of the Charging Authority;</p> <p>(b) The rates in pounds per square metre at which CIL is to be charged in the authority’s area; and,</p> <p>(d) An explanation of how the chargeable amount will be calculated.</p>
<b>Reg 13 – Differential Rates</b>	<p>This regulation applies to differential rates.</p> <p>1b) Oxford City Council proposes to set differential rates with a higher £200 rate for A1-A5 class, C3, C4 and Student accommodation; and a lower £50 rate for all other use classes. This is set out in the Council’s Draft CIL Charging Schedule.</p>
<b>Reg 14 – Setting Rates</b>	<p>In setting its levy rates, Oxford City Council has complied with Regulation 14(1), which requires that it, <i>“must aim to strike what appears to the charging authority to be an appropriate balance between (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area. (2) In setting rates in a charging schedule, a charging authority may also have regard to actual and expected administrative expenses in connection with CIL to the extent that those expenses can be funded from CIL in accordance with regulation 61...”</i></p> <p>This is set out in the following documents:</p> <ul style="list-style-type: none"> <li>• OCC Draft CIL Charging Schedule;</li> <li>• Oxford City Council Infrastructure Delivery Plan</li> <li>• Oxford City Council Infrastructure Funding Gap</li> <li>• Oxford City Council Economic Viability Assessment (EVA)</li> <li>• The Oxford City Council EVA Addendum</li> </ul> <p>Other evidence base documents submitted as part of the examination. These documents are available to view and download on the Council’s website.</p>

<p><b>Reg 15 – Consultation on a Preliminary Draft Charging Schedule</b></p>	<p>Oxford City Council issued a CIL Preliminary Draft Charging Schedule for consultation between 2<sup>nd</sup> October 2018 and 30<sup>th</sup> October 2018 (4 weeks).</p> <p>The Council complied with Regulation 15 of the CIL Regulations in terms of the requirements for consultation on the PDCS. Regulation 15 sets out that a charging authority must send a copy of the PDCS to each of the consultation bodies, and invite them to make representations on it.</p> <p>The following methods of consultation were used on the 2<sup>nd</sup> of October:</p> <ul style="list-style-type: none"> <li>• Letter/e-mail notification to the consultees, which included local planning authorities; Oxfordshire County Council; Parish Councils within the City and Persons exercising the function of the local planning authority. (Reg. 15(1-3))</li> <li>• The Council also invited Representations via Letter/email on the preliminary draft from persons who are resident or carrying on business; voluntary bodies and bodies which represent the interests of persons carrying on business in Oxford City.(Reg. 15(5))</li> <li>• Information about the consultation, including documents and how to respond, on the Council’s public website.</li> </ul>
<p><b>Reg 16 – Publication of a draft charging schedule &amp; Reg 17 – Representations relating to a charging schedule</b></p>	<p>The Draft Charging Schedule and Preliminary Draft Charging Consultations Document was published on the Council website and available in the Council’s offices and Oxford City Libraries on the 31<sup>th</sup> of October 2018. Published alongside it were: the CIL Regulation 123 list; a Statement of Representation Procedure; relevant evidence base documents and a statement of the fact that hardcopies were available for inspection at the Council’s Offices and on the Council’s website.</p> <p>A copy of the draft charging schedule and a statement of the representations procedure were sent to the consultation bodies <b>(as listed above in Reg 15)</b> via email and post on the 1<sup>st</sup> of November for comment.</p> <p>A local advertisement which set out the Regulation 16 Statement of Representations Procedure, and a statement of the fact that hardcopies of the Draft Charging Schedule, statement of representations and relevant evidence were available for inspection at the Council’s Offices was published in the Oxford Times on the 1<sup>st</sup> of November (see below):</p> <p>The period for representations on the Draft Charging Schedule was 1<sup>st</sup> November 2018 to 13<sup>th</sup> December 2018 (6 weeks). A total of 14 representations were received.</p> <p>Full copies of representations can be found in the Regulation 19 Statement of Representations Received- including a summary of all representations as well as individual responses to those representations these documents have been available to view on the Council’s website. All representations were taken into account before the submission of the DCS for examination. This is further addressed in our response to question 3.</p>

# 8 PUBLIC NOTICES

## Announcements - Public Notices

### PLANNING APPLICATIONS

#### THE TOWN AND COUNTRY PLANNING ACT REQUIRES THE FOLLOWING TO BE ADVERTISED:

(DEL = Delegated Applications • COMM = To be decided by Committee)



#### Conservation Area

**18/02706/FUL DEL 94A BANBURY ROAD** Erection of a single storey office studio to the rear of the property.

**18/02716/FUL DEL GROUND FLOOR AND BASEMENT, 28 - 31 ST EBBE'S STREET** Change of use of basement and ground floor from (Use Class A4) to mixed Use Class B1(a) and Use Class D1.

**18/02809/POM COMM MILLBANK, MILL STREET** Variation of legal agreement attached to planning permission 94/00413/NFZ (Erection of 2 buildings, part 3/part 4 storey, to provide 30 x2 bedroom flats. Alterations to existing access off Mill St to serve 30 parking spaces. Provision of riverside walk, landscaping & pedestrian/cycle access from Gibbs Crescent (Millbank, Mill Street) to discharge clauses 3(3) and 3(4) from the S106 Agreement.

**18/02811/FUL DEL 10 SOUTH STREET** Erection of a single storey side infill extension. Formation of 1no. dormer in association with loft conversion. Insertion of 2no. windows to north elevation. Insertion of 1no. patio doors to south elevation.

**18/02842/VAR DEL 4 ST ANDREW'S LANE** Variation of condition 2 (compliance with details) and 5 (rear doors quoins) of planning permission 95/00575/NFH (Three dormers at first floor rear) to allow minor alterations to the rear door and the single storey rear extension.

**Major Development that are also EIA Development and affect the setting of a Conservation Area**

**18/02587/FUL COMM SITE OF BLOCKS C F G H J K L AND M, CLIVE BOOTH HALL, JOHN GARNEWAY** Proposed demolition of Blocks C, F, G, H, J, K, L and M of the Clive Booth Student Village and erection of 1,077 student bedrooms with associated communal and social facilities.

#### Major Development

This application requires re-advertisement

**18/02303/RES COMM LITTLEMORE PARK, ARMSTRONG ROAD** Details of reserved matters (layout, scale, appearance, landscaping and access) pursuant to planning application 18/02231/VAR (variation of condition 3 (approved plans and documents) to revise indicative parameters plans and condition 18 (noise levels) to revise residential noise levels of planning permission 14/02940/OUT as varied by 14/02940/NMA and 14/02940/NMA2 (Outline planning application (with all matters reserved) seeking permission for up to 270 residential dwellings to incorporate a maximum of 92 houses on 2 to 3 floors of 1 to 4 bedrooms with one dwelling being a house with 5 bedrooms and 178 flats of 1 to 4 bedrooms on 2 to 5 floors. Provision of car parking, cycle and bin storage, landscaping and ancillary works. (Amended plans and additional information).

## Announcements - Public Notices

Part 11 of the Planning Act 2008 (as amended by the Localism Act 2011)  
The Community Infrastructure Levy Regulations 2010 (as amended)  
Notice of publication of a Community Infrastructure Levy (CIL) Draft Charging Schedule Review



Oxford City Council has published a CIL Draft Charging Schedule Review for consultation (Regulations 16 and 17).

The City Council is inviting comments on this document. The period for representations to be made will run from 1st November to 13th December 2018. All comments must be received by 4.00 pm on the 13th December 2018.

A copy of the draft charging schedule and the relevant evidence are available to view on the City Council's website: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL) and are available for inspection, free of charge, during the consultation period at the following locations:

- Oxford City Council Offices, St Aldate's Chambers, 109-113 St Aldate's, Oxford, OX1 1DS
- All libraries within Oxford City

A representations form can be obtained by emailing Planning Policy. Representations should be sent by the deadline to the email or postal addresses below or submitted online by registering at <http://www.oxford.gov.uk/consultation>. The representations form will provide you with the option to request the right to be heard by the examiner. Please note that your representation will be publicly available and a copy will be published on the Council's website. You may ask for your personal details to be withheld before publication, but representations cannot be anonymous.

The documents have been published in order for representations to be made prior to submission of the Draft Charging Schedule for examination. Representations received during the period will be considered alongside the submitted documents, which will be examined by an independent examiner.

The City Council will, upon written request, notify you when the Draft Charging Schedule has been submitted to the examiner; when the examiner has published his/her recommendations and the reasons for those recommendations, and that the Charging Schedule has been approved by the Council. On making such a request please provide full contact details.

Printed copies of the Draft Charging Schedule are available for purchase from St Aldate's Customer Services Centre, or by post from the address below. The price of the document is £15. Cheques should be made payable to Oxford City Council, and marked for the attention of Planning Policy.

Planning Policy, City Development, Oxford City Council,  
St Aldate's Chambers, 109-113 St Aldate's, Oxford, OX1 1DS  
Telephone: 01865 252847 Email: [planningpolicy@oxford.gov.uk](mailto:planningpolicy@oxford.gov.uk)  
Adrian Arnold, Interim Head of Planning 1st November 2018

**Reg 18 –  
Withdrawal of a  
draft charging  
schedule**

The Council has not withdrawn its Draft Charging Schedule therefore this regulation does not apply.

**Reg 19 –  
Submission of  
documents and  
information to the  
examiner**

Oxford City Council submitted the following documents, in both paper and electronic form, to the Planning Inspectorate on 3<sup>rd</sup> of June 2019:

	<ul style="list-style-type: none"> <li>• the Draft CIL Charging Schedule;</li> <li>• The CIL Regulation 123 list</li> <li>• A Regulation 19(1)(b) Statement of Representations;</li> <li>• Copies of representations made under Regulation 17</li> <li>• Statement of modifications</li> <li>• Copies of the relevant evidence (including the EVA and addendum; Council cabinet report for approval of DCS to be submitted for examination; the PDCS, schedule of comments for the PDCS and the council approval for consultation on the PDCS and the Adopted charging schedule 2013)</li> <li>• Discretionary Exceptional Circumstances relief policy</li> <li>• Current CIL rates, January 2019</li> </ul> <p>Copies of the submitted Draft Charging Schedule and supporting documents were made available at the Council’s Customer Services Centre on 3<sup>rd</sup> of June 2019 (in compliance with (19(3) “<i>as soon as practicable after a charging authority submits</i>”). All documents were published on the Council’s website on the same date together with a statement of the fact that the documents were available for inspection and where they could be inspected.</p> <p>All persons who submitted responses to the CIL Draft Charging Schedule were notified of its submission and modifications (in compliance with Reg. 19(4-5)) on the 3<sup>rd</sup> of June 2019 at via email.</p>
<p><b>Reg 21 – CIL Examination: right to be heard</b></p>	<p>The Council received 4 requests to be heard by the Examiner within the period for making representations to the Draft CIL Charging Schedule.</p> <p>The Council has appointed a Programme Officer, who will support the Planning Inspector in their work during the examinations. The Programme Officer can be contacted at</p> <p><a href="mailto:idxkemp@icloud.com">idxkemp@icloud.com</a></p> <p>The Council will publish the time and place of the CIL examination and the name of the Examiner on its website and notify all persons who made representations in accordance with Regulation 17.</p> <p>This statement will be updated to included additional information on compliance with Regulation 21.</p>

## Question 2

As you know on 1 September 2019 the CIL (Amendment) Regulations came into force and the Government published revised Planning Practice Guidance (PPG) on CIL and Viability. Although the DCS was prepared and submitted in advance of the amendments to the Regulations, the changes apply to this examination and DCS, except in respect of the revised consultation procedures. Accordingly, please advise what bearing, if any, the amended Regulations and PPG have on the submitted DCS and evidence base. In particular, I draw your attention to:

**2a) The deletion of Regulation 123 which removes the requirement for a Regulation 123 list and allows charging authorities to use both CIL and S106 obligations to fund the same infrastructure projects. The Regulation 123 list is referred to in a number of places in the DCS and informs evidence on the infrastructure funding gap and any allowances for residual S106 costs included in the Economic Viability Assessment;**

- 2.1 References to the 123 list will need to be removed from the DCS, however this will not have an effect on the evidence base used in the viability assessments. The 123 list is drawn up from the Infrastructure Development plan and the 123 list is only a guide to infrastructure that could be funded from CIL.
- 2.2 The lifting of the 'pooling restriction', arises from the deletion of Regulation 123. With the removal of this requirement, local planning authorities are permitted to collect more than five contributions to fund the same infrastructure, by using s.106 planning agreements. It also means that contributions from CIL and S106 can now be used on the same piece of infrastructure that was not allowed for previously. However, this does not mean that LPAs are obligated to switch to the use of S106 agreements. It is important to note that the tests in Regulation 122 will continue to apply, and so the s.106 agreement will still need to be (a) necessary to make the development acceptable in planning terms, (b) directly related to the development, and (c) fairly and reasonably related in scale and kind to the development. Our understanding is that the intended effect of this is to allow CIL and planning obligations to fund the same piece of infrastructure and accordingly remove what can be a barrier to development. However, we have not found this to be a specific issue in Oxford under the previous regulations.
- 2.3 Generally, sites in Oxford are relatively small redevelopment or greenfield sites that do not trigger large off site infrastructure items. Indeed, city centre redevelopments often seek to reduce traffic movements in line with local policies so often significant highway infrastructure is not required. Often works are to public realm, cycle improvements, controlled parking zones to support the low car or car free developments, enhancements to community facilities and health centres as populations grow. The council has been able to appropriately manage improvements in these areas through CIL funding to date. When preparing the Local Plan it was identified that one secondary school was needed and that the rest of the growth could be accommodated in existing schools or through expansion of schools that will be monitored over time and provided as required using CIL funding alongside other funding sources. The secondary school has now been provided at Swan School. Infrastructure Funding Statements (IFSs)

required annually from 31 December 2020 will keep an appropriate audit trail of all contributions to receiving authorities and how they are spent, whether s106 or CIL and provide transparency as to how CIL is being spent and monitor its alignment to infrastructure needs.

- 2.4 As set out in response to question 8 we have not been able to gather the evidence to zero rate some complex strategic sites at this time but have tried to put in place other mechanisms to try and mitigate for this if it arises. For example, the changes mean that if the council did consider there to be exceptional circumstances on any of the complex strategic sites in the future we could revert to S106 for site specific reasons and would no longer be prevented to combine S106 and CIL funds under the discretionary exceptional circumstances policy.
- 2.5 The change in Regulations also means that if the Inspector was minded to recommend the zero rating of specific sites or zones, S106 could be utilised in combination with CIL where it could not have done before without the potential for pooling restrictions being reached.

**2b) The replacement of the RICS BCIS ‘All-in Tender Price Index’ with the RICS CIL Index from 2020 onwards and other changes to the method for calculating the chargeable amount in Schedule 1 of the CIL (Amendment) Regulations, which are referred to in paragraph 28 and Annex 2 of the DCS; and**

- 2.6 The replacement of RICS BCIS ‘All-in Tender Price Index’ with the RICS CIL Index from 2020 will have little or no impact as the only difference is that rather than using a figure for a single quarter it will now be based on an annual average and CIL rates were only updated annually under the previous method in any event.
- 2.7 The changes to the indexation will have no impact on the viability assessment as the testing is all done at the newly proposed rate. This is standard practice and would not be appropriate to test sites based on potential future indexed rates. The testing is all current day costs, values and CIL rates, hence the indexation does not have any effect.
- 2.8 Since we introduced CIL in 2013 the rates have increased by the following percentages:

Year	Rate (A1-A5, C3,C4 Student Accommodation)	Rate (B1-B8, C1-C2A, D1, D2, Other)	% increase
Oct 2013	£100	£20	
Jan 2015	£106.30	£21.26	6.3 %
Jan 2016	£115.65	£23.13	8.8 %
Jan 2017	£120.97	£24.19	4.6 %
Jan 2018	£125.93	£25.18	4.10%
Jan 2019	£144.19	£28.83	14.5%
Jan 2020 (using RICS CIL Index)	£148.64	£29.72	3.09%

- 2.9 References to the RICS BCIS 'All-in Tender Price Index' in the DCS will be updated with the 'RICS CIL Index' as per Schedule 1 Part 1 of the CIL regulations (as amended September 2019).

**2c) Amendments to the Regulations in respect of Section 73 applications referred to in paragraph 29 of the DCS.**

- 2.10 The amendment to the regulations in respect of s73 applications mean that where a planning permission benefits from exemption or relief or the right to pay by instalments this can now be carried over into an amended planning permission.
- 2.11 The regulations also provide further clarification regarding any increase in floor area. They ensure that any increases in liability resulting from a section 73 application are charged at the latest rate, while previously permissioned floorspace continues to be charged at the rate/rates in place when those elements of the development were first permitted. Oxford City Council have advised of this in para 29 in the DCS.
- 2.12 The amendments also include provisions relating to similar situations where permissions are changed or phased across a period of the adoption or updating of CIL charging schedules.
- 2.13 These amendments do not affect the viability assessments as they are carried out on whole schemes and using the proposed new rates, assuming those rates apply to the whole scheme. We have not sought to assess viability of scheme amendments over time or of any transition from the previous to the new CIL rates, and it would not be appropriate to do so in testing the viability in general terms of the new rates. We note that the new provisions will allow for application of the old CIL rates for a proportion of any scheme amended over the course of introduction of new rates. That will have the effect of reducing the CIL liability and improving viability of those schemes compared to the application of new rates over the whole of the scheme, as applied in the modeling.

### Question 3

**Regulation 15(7) of the CIL Regulations requires charging authorities to take into account representations on the Preliminary DCS before publishing a DCS. As the DCS was published before the CIL Amendment Regulations came into effect, this requirement still applies. I note the summary of responses to the Preliminary DCS consultation (CD1.10), but where can I find in the submitted documents evidence to show that the Council has taken these into account before publishing the DCS?**

- 3.1 The City Council published the Preliminary Draft Charging Schedule (PDCS) for consultation on 2 October 2018 which lasted until the 31 October 2018.
- 3.2 A Summary of Comments was subsequently published following this consultation. That consultation was undertaken while the Community Infrastructure Levy Regulations (2010) were extant. This is no longer the case as they have been superseded by the 2019 Regulations, but at that time – Regulation 15 (7) of the 2010 Regulations stated that:
- 3.3 ‘The charging authority must take into account any representations made to it under this regulation before it publishes a draft of the charging schedule for examination in accordance with section 212 of PA 2008.’
- 3.4 It did not however require the charging authority to publish an audit trail of how the City Council had taken into account the responses submitted during the consultation. This does not mean the City Council did not consider the responses received following both consultations.
- 3.5 The City Council had ongoing discussions with our viability consultants during the course of the PDCS consultation as representations were submitted. This allowed us to consider the detail of the representations and to challenge our consultants as to whether any changes would be necessary.
- 3.6 General approach to considering responses to Preliminary Draft Charging Schedule (PDCS) consultation before publishing the Draft Charging Schedule(DCS)
- 3.7 During the consultation on the PDCS in October 2018 the City Council received a total of 30 responses, the timeline and volume of responses were as follows:
  - 02 October – 1 response
  - 03 October – 1 response
  - 04 October – 2 responses
  - 05 October – 2 responses
  - 06 October – 1 response
  - 08 October – 1 response
  - 15 October – 1 response
  - 17 October – 1 response
  - 18 October – 2 responses
  - 22 October – 1 response
  - 23 October – 1 response

24 October – 2 responses  
25 October – 1 response  
29 October – 6 responses  
30 October – 7 responses

- 3.8 The responses came through evenly across the four week consultation period. Nearly a third of the overall responses were received in the first two weeks of the consultation, but the rate of return for responses was easily manageable for officers to review as they were submitted, and therefore take into account comments, and consider what changes, if any, were needed to the charging schedule while the consultation was underway. The response rate averaged two responses per day.
- 3.9 The process of receipt allowed officers ample time to review and consider each response as they were received before the consultation period had finished.
- 3.10 Officers also held internal meetings and met with the Council's consultants, before the end of the consultation period to discuss the responses, viability, etc. on the following dates:
- 15 October  
16 October  
29 October  
30 October
- 3.11 There were also a range of other conversations by phone and email at the time between officers and the consultants considering the responses.
- 3.12 The Regulations do not stipulate that consideration of representations cannot take place while the consultation is still open. Furthermore, the Regulations do not require the Council to make changes between the two consultation stages, and is not the only outcome that can follow consideration of responses. Having said that, in this case it is relevant that there was a decision to make a change in relation to strategic sites from the approach consulted upon in the PDCS before publishing the draft charging schedule for consultation. This is explained below under strategic sites.
- 3.13 There were other comments on the PDCS where the council made no change. This was either because the comments were supportive, or the council believed the evidence presented by the respondent did not justify a change.
- 3.14 As can be seen from the summary of representations received, the majority of the comments made during the PDCS consultation (66%) were either comments relating to items on the Regulation 123 list or the future spending of CIL (i.e. not relevant to the charging rate or viability evidence). In addition, there were several very high level responses raising general in-principle concerns about increasing the rate, particularly for housing, but not supported by specific evidence to explain why the viability evidence of the council was flawed. The council considered these concerns but felt it had taken an evidence led approach and had considered carefully the principle of increasing the rate against the evidence.

3.15 The main substantive issues raised at the time related to the approach to B2/B8 and strategic sites. Below we have sought to set out the key points raised relating to these issues at the time and how they were taken into account in the draft schedule and the evidence base.

### **Strategic Sites**

3.16 The PDCS proposed that all strategic sites over a certain threshold (to be confirmed) would have a CIL rate of £0/m<sup>2</sup>. After the close of the consultation, and in the subsequent draft charging schedule, the Council removed the reference to the CIL rate of £0/m<sup>2</sup> for strategic sites.

3.17 The City Council consider that the points raised in relation to strategic sites were adequately taken into account before publishing the DCS based on the available evidence from the responses and the council's own evidence.

3.18 Five responses/ comments were received in relation to this matter. These were from BMW Group, Oxford Bus Company, Thomas White Oxford, South Oxfordshire and Vale of White Horse District Councils regarding the application of the levy on strategic sites.

3.19 Their responses, summarised below, outlined the following concerns with the inclusion of strategic sites:

### **BMW Group**

3.20 'We request that the following modifications are incorporated in the Draft Charging Schedule prior to the next stage of consultation: identify the MINI Plant Oxford site, which included adjoining land allocated for industrial uses linked to car manufacturing, as a "Strategic Site";

### **Oxford Bus Company**

3.21 'Introducing S106 to such sites (Northern Gateway) instead of CIL will only cause more delays. Such strategic sites would generate a large CIL income which would then help deliver key infrastructure for Oxford at the earliest opportunity'

### **South Oxfordshire & Vale of White Horse District Council**

3.22 'The Charging Schedule will need to take into account of all new strategic sites allocated within [the Local Plan 2036], as these sites are expected to be exempted from CIL. The examination in public of the Local Plan 2036 may result in additional strategic sites being included within the plan. It is therefore important that the infrastructure requirements of such sites are fully considered within the Charging Schedule and accompanying Regulation 123 list.'

### **Thomas White Oxford**

- 3.23 'TWO supports the position set out in the Preliminary Draft Charging Schedule that the site at Northern Gateway should be zero rated for CIL.'
- 3.24 All responses were considered and it was decided that zero rating of strategic sites would not be continued into the DCS as there was no clear evidence presented to support the decision for the differential rate as required by the Planning Practice Guidance and further evidence had not come forward through the consultation. The viability evidence of the council also did not support it as a blanket exemption, particularly for greenfield sites. Officers were also concerned, on reflection and having considered the responses, that it could lead to issues with pooling restrictions on S106 given the number of sites affected and the CIL Regulations in effect at the time. Emails and phone calls were made to all those that had commented on strategic sites to discuss this decision. Examples of the correspondence can be provided if necessary.

### **B2/ B8 CIL Rates**

- 3.25 The preliminary charging schedule proposed a CIL rate of £20/m<sup>2</sup> for B2 and B8 uses. This was criticised by BMW Group, Mini Plant Oxford, c/o David Lock Associates in their response to the PDCS and they pointed to the Council's evidence showing such a proposal was unviable.
- 3.26 Officers reviewed and considered the representation. The response did not provide specific additional evidence but simply referred to the City Council's evidence base. The City Council were aware that the viability evidence supporting the PDCS showed the rate to be unviable when they proposed it but did not consider this to be the only consideration, particularly in the context of the 2013 Examiner's report.
- 3.27 The BMW Group had made a similar representation with regards to the B2/B8 CIL rate, c/o Higham & Co in the 2013 consultation of the CIL Charging Schedule, however the Examiner's report did not agree with this representation.
- 3.28 The Examiner's July 2013 report preceding the publication of the CIL Charging Schedule accepted the setting of the relatively low rate of £20 per sqm for all commercial uses, despite the concerns around viability and limited evidence to support the charge.
- 3.29 In the report the Examiner stated that: 'The non-residential appraisal indicated that a notional industrial development of 1,625 per sqm would not be viable, based on the assumptions in the model.'
- 3.30 However, the Examiner also stated that: '[the Council's] consultants found evidence that industrial plots are often sold at a premium, particularly to prospective owner/ occupiers who do not account for developer's profit in their calculations of land bid value.'
- 3.31 The Inspector concluded that: 'On balance, a CIL rate of £20 per sqm, which is likely to be a small proportion of overall costs, would be unlikely to threaten development at BMW, given the Council's commitment to supporting such a major employer.'
- 3.32 As a rate for B2/B8 use classes was already in place since 2013, the limited representations received and the lack of evidence being put forward in the response

received during the PDCS consultation it wasn't considered sufficient to justify a change or removal of the rate. For example, there had been no specific examples given in the representation of how it had caused developments within these use classes to be unviable up to 2013. The concern was considered by officers in discussion with the viability consultants but at the time it was still considered justified for similar reasons to those in 2013. This was in line with planning practice guidance that sets out that proposed rate or rates should be reasonable, given the available evidence, but there is no requirement for a proposed rate to exactly mirror the evidence.

- 3.33 However, the City Council did keep their position under review following the DCS consultation where further information was put forward by BMW Group. Officers spoke with and met with BMW representatives to better understand the qualitative concerns that were being presented and how they related to the emerging Local Plan.
- 3.34 Following the DCS consultation, which received 14 responses, the council undertook an addendum to the viability appraisal to ensure it was up to date both for CIL and the Local Plan.
- 3.35 Officers also held meetings with BMW in January and February 2019 to feedback on further viability testing the Council had undertaken and better understand issues in relation to B2 and B8 uses within the City and the challenges the rates posed. This reduced the CIL charge rate on B2 and B8 uses to £0. This culminated in the Council publishing a statement of modification in March 2019 (CD1.5). This is explained in the Cabinet report from May 2019 (CD1.8)
- 3.36 The decision was not simply based on the viability appraisal. It was wider consideration against the emerging plan and balancing the risk raised by this Category 1 protected employment site that is important to the strategy of the plan and the economy versus the benefits of the charge.

## **Conclusions**

- 3.37 Documents were not submitted to show how the City Council has taken representations on the PDCS into account before publishing the DCS because Regulation 15 (7) did not require the City Council to do so. The absence of an evidence document does not mean that the representations were not taken into consideration.
- 3.38 It would be incorrect to assume that the short time between the closing the PDCS and DCS was not enough time for the Council to fully consider the representations received. The response provided above shows that small amount of representations that were being received during the PDCS were being considered by officers as they were received and indeed changes were made before publishing the Draft Charging Schedule on strategic sites but having taken into account the available evidence on other issues raised changes were not felt justified at that point in time.

## Statement of Modifications

### Question 4

**Please confirm whether any requests to be heard on the modifications were submitted to the Council by the closing date of 1 July 2019 and if so supply copies.**

- 4.1 An email was sent on 3 June 2019 from our planning policy inbox to all neighbouring authorities, Oxfordshire County Council, all respondents to the draft charging schedule, parish councils and the 2 neighbourhood forums within Oxford, notifying them that Statement of Modification had been published. It explained that anyone wishing to comment on the statement of modifications may ask to be heard by the examiner, within 4 weeks of the statement being published. The email explained to send any requests to the Programme Officer.
- 4.2 In response to the Statement of Modification, the City Council received one response, via the Programme Officer. This was received on 24 June 2019 from BMW Group, Mini Plant Oxford, c/o David Lock Associates.
- 4.3 Requests to be heard at examination hearings were received on the CIL Draft Charging Schedule Consultation from:
  - 12 December 2018 – Vale of White Horse District Council
  - 12 December 2018 – South Oxfordshire District Council
  - 12 December 2018 – Department for Education

## Infrastructure Planning Evidence

### Question 5

**Are you anticipating any main modifications to the OLP which may affect the development or infrastructure requirements for Oxford City, including any of the allocated development sites, as set out in the submission version of the OLP and the Infrastructure Delivery Plan (IDP)? If so please advise when these will be available.**

- 5.1 Consultation on the Main modifications to the Oxford Local Plan 2036 is scheduled to begin in February. The modifications are currently being finalised with the Local Plan Inspectors. A schedule of modifications agreed as at 18th December is available in the OLP examination library as OCC.3A.  
[https://www.oxford.gov.uk/downloads/file/6702/occ3a - councils draft schedule of proposed main modifications - dec 19](https://www.oxford.gov.uk/downloads/file/6702/occ3a_-_councils_draft_schedule_of_proposed_main_modifications_-_dec_19)
- 5.2 Because of the nature of development in Oxford, i.e. that there are a large proportion of small sites, infrastructure requirements are generally assessed based on cumulative anticipated development and impacts across the city. Few sites generate a need for a whole piece of infrastructure alone. Need is generated cumulatively from developments across the city and associated population increases. Therefore, changes to individual site policies are unlikely to have a significant impact alone on infrastructure requirements. In any event, the OLP Inspectors have not so far suggested any sites be added as site allocations or that any allocated sites be removed from allocation. Furthermore, no significant changes to the types of uses provided for by the site allocation policies have been suggested.
- 5.3 The most significant changes to the site allocations policies are that the phrase previously included in all policies 'planning permission will not be granted for any other uses' has been changed to 'other complementary uses will be considered on their merits', and in tandem with this minimum housing capacity figures have been added to many of the policies. This is to ensure that, even with the possible addition of other uses, housing that is required to meet the Plan's housing requirement will still be delivered on suitable sites. The minimum housing capacities included in the policies are those assumed in the housing trajectory. Therefore, these do not have implications for the level of housing delivery, and therefore infrastructure requirements, beyond the setting of the housing requirement set in Policy H1 of the OLP, as informed by the housing trajectory.
- 5.4 A main modification is proposed to OLP Policy H1 which changes the housing requirement for the Plan period from 8,620 new homes (included in the submission plan) to 10,884 new homes. The Inspectors' interim conclusion letter says that their preliminary view, subject to consultation on these modifications, is that the housing requirement figure modification is required for soundness and the stepped trajectory is realistic.
- 5.5 The change to the housing requirement was first proposed alongside submission of an

updated HELAA in June 2019 (see PSD.2-PSD.5). Discussions with the County Council, as key infrastructure provider, have taken place since, including about the Infrastructure Development Plan. However, the change in housing requirement does not result in a significant change to infrastructure requirements across the city. PSD.3 [https://www.oxford.gov.uk/downloads/file/6399/psd3 - note to accompany the updated housing trajectory](https://www.oxford.gov.uk/downloads/file/6399/psd3_-_note_to_accompany_the_updated_housing_trajectory) is a note to accompany the updated housing trajectory. It explains the reasons for the change to the assessed housing capacity. One of the key reasons for the change in the assessed capacity is the different ratio used to calculate the equivalent number of homes from communal accommodation, in particular student accommodation. The ratio has change from 5 student rooms being equivalent to a new home to 2.5 student rooms being equivalent. This change will not have any impact on infrastructure need. The other key reasons for the change in capacity were the inclusion of commitments and the change in calculation of a windfall rate, which has increased because of the inclusion of garden land in the assessment. The commitments added are sites with planning permission and thus already in the pipeline, so these will not impact on future infrastructure requirements. Likewise the technical change to the calculation of windfalls is not expected to impact on infrastructure need.

- 5.6 Outside of the site allocation policies, only one modification is considered to have a significant impact on infrastructure requirements in the city, which is that housing sites of under 10 units will not be required to make an affordable housing contribution, as would have been required by Policy H2 in the submission version of the Plan. The viability report for CIL (CD1.6 and CD1.7) made the assumption for these sites that affordable housing contributions would be required for sites of 4-9 units. Therefore, the impact on affordability of the CIL rates for sites of this size would be positive.

## Economic Viability Assessment (EVA)

### Question 6

To assist my examination of the viability evidence and to ensure the assessments are transparent and the proposed rates informed by 'appropriate available evidence' in accordance with the expectations of the PPG, please supply the following:

**6a) Copies of the appraisal spreadsheets underpinning the residential and non-residential appraisal outputs and viability results found in both the September 2018 EVA (CD1.6) and the May 2019 Addendum (CD1.7);**

6.1 Please see the Model Sheets folder enclosed which provides copies of all the inputs, main calculation and results modelling sheets for both the EVA 2018 ('EVA 18') and the Addendum 2019 ('Adden 19').

**6b) The transactional data and market evidence on which the residential sales values and commercial values used in the EVA and its Addendum are based;**

6.2 Please see the Transactional Data and Evidence folder enclosed which provides copies of the evidence considered in arriving at the residential and commercial value inputs in the modelling.

**6c) The relevant BCIS comparison data sheets on which the build cost assumptions for residential and commercial development types in the EVA and its Addendum are based;**

6.3 Please find the BCIS sheets used for the build costs within the modelling in the BCIS folder enclosed.

**6d) An explanation for the use of a 15% developer profit for student accommodation and care home development, compared to the figure of 20% used for residential and all other commercial development;**

6.4 Both student accommodation and care home developments are most commonly delivered on a different basis than typical speculative residential and commercial development.

6.5 Student accommodation is usually de-risked through some form of agreement for the occupation and operation of the asset secured prior to delivery of the scheme. For example, a student accommodation developer may secure an agreement for nomination rights to a University or other educational institution, or agree a lease to a student operator, prior to delivery. This elimination of letting risk reduces the return typically required by the developer.

6.6 Risk may be reduced further through forward sale or forward funding agreements, where the asset is agreed to be sold to an institutional investor either following completion and stabilisation of lettings, or during construction with build costs funded by the purchaser. Both secure an exit, again reducing risk and the return required.

- 6.7 All these approaches are typical in student accommodation development.
- 6.8 Commercial student accommodation can also be built directly by the operator, where the intention is to hold and manage the asset following completion. In this instance, return to the developer will be based more on the revenue to be generated by the asset and the overall return on investment across the whole lifecycle of the building. This is a different model and measure of profit, though the adopted profit is considered to be closely similar in absolute terms to alternative measures that may apply in such cases, such as Return on Capital Employed.
- 6.9 The rate of 15% on cost is adopted to reflect the above typical reduced or alternative return requirements prevalent in the sector. This is a conservative assumption. Developers may typically seek lower returns than this in the event risk is significantly reduced, especially in the case of forward funding, and our advisers Avison Young are aware of this assumption currently being used in such cases within the context of competitive bidding for sites and consider this to be a reasonable assumption reflective of the current development market in forward sale and forward funding contexts.
- 6.10 Much of the above reasoning also applies to care homes. Care home assets are also typically built either with pre-secured agreements for the disposal and/or operation of the asset, or built directly by operators for their own holding and management. The only difference would be that the operators are care home providers rather than educational institutions or private student operators. A reduced return requirement is therefore also considered appropriate in this instance, and again the adopted rate is considered conservative.

**6e) The evidence on which the assumption of £500,000 per hectare for S278 costs is based;**

- 6.11 The assumption of £500,000 per hectare for S278 costs is incorrectly stated in the EVA 2018. This is acknowledged and corrected in the Addendum 2019 paragraph 4.7. For avoidance of doubt, the assumptions applied for S278 costs within the model, consistently at both the EVA 2018 and Addendum 2019 stages, are £500 per residential unit and 1% of build costs for commercial uses.

**6f) The justification for excluding from the appraisals an allowance for residual S106 costs for on-site mitigation.**

- 6.12 Allowance has been made for S106 costs at a rate of £1,000 per residential units. This was listed in the EVA 2018 Appendix 2, though it was excluded from the assumptions list at paragraph 7.30 in error, which may have caused the confusion.
- 6.13 This is in addition to the allowances for S278 costs. In total, allowances for residual planning obligations are therefore £1,500 per residential unit and 1% of build costs for commercial.

## Question 7

**Paragraph 7.14 of the EVA refers to the differential economics of build to rent schemes but offers no further analysis of this tenure type. To what extent is residential development in Oxford over the lifetime of the OLP expected to rely on the build to rent sector?**

- 7.1 The Oxford Local Plan 2036 places no specific reliance on this sector. The Oxford Local Plan 2036 makes no policy provision to specifically seek private residential properties for rent.
- 7.2 This is not a delivery model that has been experienced in Oxford to date. The only related type of housing that will be similar to build to rent is Employer Linked Affordable Housing (Policy H3). This is subject to a specific policy in the Local Plan that has a different approach to affordable housing. This is different to build to rent and an approach developed in consultation with the universities, Oxfordshire County Council and NHS Trust in Oxford to meet their needs. This type of housing will not be subject to the general affordable housing requirements under Policy H2. We understand from the representations made by the University of Oxford that they have concerns about the viability of the approach if CIL is charged and would like this zero rated.
- 7.3 We do not consider this to be justified. We would also note that where these tenures are to be delivered by institutions on their own land, there will be no land transaction and no 'hurdle' for the schemes to exceed in order to incentivise the landowner to develop. In that sense there is no benchmark land value in those cases, and this serves to further increase viability. In addition, Employer Linked Affordable Housing under Policy H3 may be subject to exemption if the requirements of Regulation 49(7A) are met.
- 7.4 We would also repeat comments made in response to 6d concerning student development and the varied models for delivery. These comments will also apply for institutions delivering other tenures on their own land, where the return they will seek may be significantly diminished below normal market requirements as the purpose of development is to provide accommodation for the on-going operation of the institution, rather than to drive commercial return. Though investment decisions will still need to be made, these will be with reference to long time horizons and different return measures, likely to result in lower returns and greater viability compared to the commercial development appraisal approach taken in the testing.
- 7.5 There has been extensive work with landowners in Oxford through the Local Plan process and to date we are not aware of any schemes that are coming for private build to rent. There have been no representations made to the Local Plan or this CIL examination to indicate a concern about the Local Plan or CIL causing challenges to the build to rent sector if it were to emerge in Oxford.
- 7.6 It is often stated that build to rent products trade at a lower value than open market sales; c 15% is often quoted as a typical value differential. However this is a very broad

generalisation more reflective of the market a number of years ago, and the extent to which there is any differential is highly dependent on the level of affordable housing.

- 7.7 The value of build to rent is also highly sensitive to the yield applied in a capital valuation of the asset. Where yields are low, built to rent assets can often trade at values comparable to open market sales. Build to rent yields are currently low in general terms due to the low macro-economic interest rate environment and the ability for build to rent to deliver reliable revenue returns, often with significant growth potential. For these reasons we would anticipate the viability of any built to rent schemes to closely follow that of general market housing.
- 7.8 It is also important to note that the majority of residential typologies tested in the Addendum 2019 were not only viable but had significant headroom over assumed benchmark land values. The table at paragraph 5.8 demonstrate the extent of headroom. This suggests that even if built to rent schemes are less valuable than general housing; they are likely to still be viable.
- 7.9 We note that build to rent is not a separate use class and that even if it were necessary or desirable to charge for this residential model separately it may be difficult in practice.

## Question 8

**Q8: The delivery of the housing requirement in the OLP relies on a number of strategic sites including Oxpens (SP1), Osney (SP2), Cowley Centre (SP3), Blackbird Leys Central Area (SP4), Littlemore Park (SP45) and Neilsen (SP48), which are likely to require significant site preparation, infrastructure and on-site S106 costs. Whilst I note that further viability testing of such sites was considered following the DCS consultation, none appears to have been undertaken. What evidence is there in the EVA that the ability of such sites to viably support the proposed residential and commercial CIL charges has been adequately tested?**

8.1 The Planning Practice Guidance at the time and indeed the current guidance both require differential rates for sites to be demonstrated in terms of viability evidence. In order to undertake further work we identified that as a minimum we needed to know for each site was:

- Outline of scheme including number of residential units and proposed floor area of non-residential uses
- Any planning reason we should deviate from the assumed residential unit mix already adopted in the modelling
- Floor area of non-residential uses
- Cost associated with abnormal items
- Nature of abnormal items e.g. land area or infrastructure scheme involved
- Ideally there would also be information on phasing/timing assumptions.

8.2 Further viability testing was considered for sites that were not adequately covered by the existing typologies and would be affected by the new schedule. This does not affect all the sites listed in the question. The sites identified in the question above split down into four main categories.

- a) Sites with full planning permission
- b) Sites with resolution to grant planning permission
- c) Greenfield sites with no identified abnormal costs through plan making process
- d) Complex mixed use brownfield sites that enable or unlock other development sites or sites within priority regeneration areas

8.3 The sites considered for further viability testing were Oxpens, Osney and Blackbird Leys Central Area. This was because they in category d and could have abnormals that are not covered by the viability assessment. We contacted the promoters for each site where we had identified through the plan making exercise or raised at consultation on the CIL charging schedule that there could be potential site specific reasons for further consideration. However, following this exercise we were unable to gather the minimum needed to undertake further modelling. This is reflected in the Cabinet report from May 2019 (CD1.8).

8.4 The other sites in this question fall within (a) to (c). We do not consider that sites within (a) or (b) will be affected by the CIL charging schedule review. We also do not

consider there is any evidence from the Local Plan, Infrastructure Delivery Plan or viability work to warrant further consideration of the predominantly greenfield site particularly given the further testing of greenfield sites undertaken in the Addendum to the viability report. We acknowledge that the situation is less certain for category (d) and we have explained the circumstances for each site and the other mitigating actions the council have taken due to this uncertainty as allowed for in the CIL regulations.

#### **Sites with full planning permission**

- 8.5 Littlemore Park (SP45) – Reserved Matters application determined and decision issued. This site will not be affected therefore by the new charging schedule.

#### **Sites with resolution to grant planning permission**

- 8.6 Cowley Centre (SP3) – decision notice on full application expected to be issued ahead of a new CIL charging schedule coming into effect. This site is therefore highly unlikely to be affected by the new charging schedule.

#### **Greenfield sites with no identified abnormal costs through plan making process**

- 8.7 Neilson (SP48) - The Local Plan requires a minimum of 400 homes on the undeveloped part of the site (134 have already been completed through conversion of existing building under prior approval), some employment (undefined amount) and retention of the playing field unless its loss can be otherwise compensated for in line with the requirements of Policy G5. The remainder of the homes are on greenfield land.
- 8.8 The council has not identified any abnormal site preparation costs of significant infrastructure costs on this greenfield site.
- 8.9 To re-confirm this, Avison Young in support of answering this question, have run this site through the testing based on the 400 homes and up to 3,000sqm of B1 office space, which would in the council's view be enough to meet the policy requirement. The rates per acre are the same as used for the other greenfield sites tested. The office assumptions are the same as those used for Zone 5, which is adjacent and considered comparable (no office schemes were previously tested for Zone 3). The colour coding reflects whether the site comes to more than 30% above EUV (green), below the EUV (red) or in between (orange) as per the original testing. The surplus in the tables above effectively tells you the approximate headroom or the additional cost that could be levied on the scheme and it still exceed the EUV.
- 8.10 This shows that using the Planning Practice Guidance requirement of EUV only there is significant headroom for additional costs. In fact it shows that the applied land value needs to get very high as a greenfield value before the scheme starts to struggle in viability terms.

## Results for Nielson (SP48)

Site Ref	Gross Site Area (Ha)	Zone	EUV per ac	EUV	Benchmark	Net Residual Land Value	Surplus/Deficit	Surplus Above EUV
35	3.88	Zone 3	£7,500	£278,996	£362,694	£10,695,448	£10,416,452	3734%
35	3.88	Zone 3	£50,000	£1,859,971	£2,417,962	£10,695,448	£8,835,477	475%
35	3.88	Zone 3	£100,000	£3,719,942	£4,835,925	£10,695,448	£6,975,506	188%
35	3.88	Zone 3	£150,000	£5,579,913	£7,253,887	£10,695,448	£5,115,535	92%
35	3.88	Zone 3	£200,000	£7,439,884	£9,671,850	£10,695,448	£3,255,564	44%
35	3.88	Zone 3	£250,000	£9,299,856	£12,089,812	£10,695,448	£1,395,593	15%
35	3.88	Zone 3	£300,000	£11,159,827	£14,507,775	£10,695,448	£-464,379	-4%

## Complex mixed use brownfield sites without a specifically identified mix or scheme for testing

### Oxpens (SP1)

- 8.11 Policy SP1 covers several sites in the West End of Oxford. Oxpens is one of these sites. The West End is identified and covered by an area of change policy in the Local Plan. The Oxpens site is being brought forward by a joint venture partnership between Oxford City Council and Nuffield College called OxWed. A development partner for the scheme is being appointed at present. The Local Plan Housing Trajectory included in OCC.8 Appendix 1 anticipates first completions on this site in 2026.
- 8.12 Although the emerging plan has included an assumed capacity of 450 homes on the site the other uses are left to be determined through a masterplanning exercise. The floorspace for these non-residential uses remains unknown.
- 8.13 The Local Plan has not identified or required specific abnormal infrastructure for this site specifically. Infrastructure improvements in this area are likely not to be triggered in whole by a single site but by several covered by policy SP1 and potentially SP2. It is therefore likely that CIL funds from this and other sites in the area could be used alongside other funding to deliver the infrastructure that is collectively triggered. Redevelopments of this nature under the Local Plan policies should seek to reduce traffic movements and minimise the private car and even be car free. Therefore, significant highway infrastructure is unlikely to be required. Works are more likely to be to public realm, cycle and pedestrian route improvements and controlled parking zones to support the low car or car free developments.
- 8.14 We have not at this point in time been able to specifically identify and cost any abnormal site preparation for this site. The site promoters have not been able to provide to date information of site abnormal costs. We believe this is due to the early stage of scheme development. We have therefore been unable to undertake more detailed viability testing to check whether the CIL rate will not compromise the viability of the scheme. As a result, in accordance with the PPG the council have been unable to justify a differential rate for the site.
- 8.15 The council have acknowledged that this leaves residual risks. This was set out in the Cabinet report ahead of submission in May 2019 (CD1.8). As a result, the council have put in place other measures to try and mitigate this risk. These are set out in the summary section of this answer.

## **Osney (SP2)**

- 8.16 Osney is an existing operational industrial estate in multiple ownerships. The Local Plan policy allows for mixed use redevelopment that includes employment uses, academic uses, student accommodation, employer-linked affordable housing and market housing. The development of an innovation quarter is encouraged by the policy. Policy SP2 sets out that the site is expected to deliver around 247 homes. It is not anticipated that redevelopment of this site will come forward as a single scheme given the various ownerships but Policy SP2 sets out that a comprehensive masterplan will be developed in the future through an SPD. Zero rating this site would have posed issues under the previous regulations due to pooling restrictions on S106 although this is no longer an issue under the 2019 revisions. The Local Plan Housing Trajectory included in OCC.8 Appendix 1 anticipates first completions on this site in 2026.
- 8.17 The University of Oxford own a proportion of the site and are likely to bring forward a scheme on their land that could deliver the minimum dwelling numbers. Discussions with the University of Oxford have been ongoing and in 2019 the council contacted them to ask for the information set out in bullet points at paragraph 8.1 to allow for some further testing to be undertaken. Unfortunately, they were unable to gather sufficient information due to the early stage of site assembly and project development. We have therefore been unable to undertake more detailed viability testing to check whether the CIL rate will not compromise the viability of the scheme. As a result, in accordance with the PPG the council have been unable to justify a differential rate for the site.
- 8.18 The council have acknowledged that this leaves residual risks. This was set out in the Cabinet report ahead of submission in May 2019 (CD1.8). As a result, the council have put in place other measures to try and mitigate this risk. These are set out in the summary section of this answer.

## **Blackbird Leys Central Area (SP4)**

- 8.19 Policy SP4 sets out that planning permission will be granted for a mixed use development that includes retail, start-up employment units, residential homes and community facilities at the Blackbird Leys Central Area site. The minimum number of homes to be delivered is 200. This is a City Council regeneration project in partnership with Catalyst.
- 8.20 Again, given its regeneration nature the council acknowledges there are risks around viability for this scheme that requires elements of estate renewal. Given the regeneration nature of the scheme it will be supported by other subsidy from the council and also has Homes from Infrastructure Funding to support the social and transport infrastructure. The regeneration project may also include new infrastructure that may benefit from CIL from other developments too as they are to improve the area rather than simply mitigate the impact of the development and therefore this is a not a straight forward testing of viability.

8.21 The council have acknowledged that this leaves residual risks. This was set out in the Cabinet report ahead of submission in May 2019 (CD1.8). As a result, the council have put in place other measures to try and mitigate this risk. These are set out in the summary section of this answer. For example, the CIL receipts could be allocated to support the infrastructure elements of this scheme to ensure delivery and as a City Council led project we think the danger of the CIL Charging Schedule itself putting the development here at risk is minimal.

## **Summary**

8.22 We consider therefore that there is insufficient evidence at this time to justify a conclusion that the sites cannot support the proposed CIL charges. The council consider that there are only 3 of the sites listed in this question where the council consider there to be risks due to unknown site circumstances. The council has made concerted efforts to get evidence to allow them to undertake further viability but it is not available. We consider the testing undertaken to date to be sufficient and adequate to support the proposed CIL charge given the information available. The council has made proactive and concerted efforts to get this information throughout the preparation of the CIL review but it is not available.

8.23 The council have taken other steps to mitigate risk and ensure that schemes will not be undermined in the future if it is demonstrated that significant site preparation, infrastructure and on-site S106 costs exist that were not accounted for in setting the CIL charge and are substantial enough to threaten development. These are:

- Discretionary Exceptional Circumstances Relief Policy (CD1.12)
- CIL spending agreements with developers and key infrastructure providers linked to planning applications, where necessary to give appropriate certainty to infrastructure delivery

## **Discretionary Exceptional Circumstances Relief Policy (CD1.12)**

8.24 Oxford City Council has determined to make relief for exceptional circumstances available, in accordance with Regulations 55 and 56 of the Community Infrastructure Levy Regulations 2010 (as amended). This was introduced on 1 June 2019 and can be used in circumstances where requiring payment of the Community Infrastructure Levy charged by the Council would have an unacceptable impact on the economic viability of the chargeable development, and granting relief would not constitute state aid. The May 2019 Cabinet report (CSD1.8) explicitly sets out that these complex brownfield sites are part of the reasoning to introduce this policy given that more detailed testing has not been possible on them (paragraph 16).

## **CIL spending agreements with developers and key infrastructure providers for on-site infrastructure linked to planning applications**

8.25 Although the regulations now allow S106 to be used on items also funded from CIL this does not mean that charging authorities must use S106s instead as set out in response

to question 2a. There are ways for the authority to use CIL for on-site S106 costs above those factored into the viability utilising CIL fund from the scheme.

- 8.26 If viability issues arise on these sites and infrastructure is part of that issue we have demonstrated through the Oxford North planning application that the CIL funding can appropriately be tied to the scheme and directing CIL to certain infrastructure which is related to a development proposal. Certain items of infrastructure relating to the Oxford North planning application – both on-site and off-site – were identified as appropriate to be funded by CIL. This approach could be used if necessary again to help mitigate risk of significant S106 infrastructure emerging as necessary on top of CIL, which could cause viability issues. In order to provide certainty for delivery of this infrastructure, the City Council resolved to “apply CIL receipts generated from future strategic scale development at Northern Gateway/Oxford North in order to fund investment in highways/transport infrastructure provision to support the delivery of the Northern Gateway strategic site allocation”. This could be done for other strategic sites in the future if evidence emerges that it is necessary.

## Question 9

**The Northern Gateway (Oxford North) strategic site also has not been viability assessed for CIL purposes, due to a live planning application expected to be determined before the new CIL schedule is adopted. What is the current status of the planning application for this site?**

9.1 This application has a resolution to grant permission (16 December 2019) subject to the completion of a Section 106 legal agreement. This is a hybrid application which is liable for £456,955.50 of CIL at the current rates (decision expected to be issued April/May 2020) with further CIL payable on each of the reserved matters applications. This was subject to a detailed viability assessment as part of the planning application that took account of current and future CIL rates included in the emerging draft charging schedule. Please see attached committee reports and minutes for further information.

**Question 10**

The results of the residential appraisals for sites 1 and 11 suggest that residential development in Zone 1 would not be viably able to support the proposed CIL charge of £200 per square metre (psm). Paragraph 6.14 of the Addendum justifies this on the basis that relatively less residential development is proposed in Zone 1. However, from an analysis of the sites allocated in the OLP, it appears almost 1,400 dwellings are proposed on sites in Zone 1. This amounts to 16% of the overall housing requirement of the OLP, which could be put at risk. I would be grateful for the Council’s explanation of this position.

- 10.1 Though the EVA 2018 provides that site 1 is not viable, this is on the basis of applying the small sites financial contribution to affordable housing at a rate of 15% of GDV. Site 1 is a typology for a single house. Extant policy (Affordable Housing and Planning Obligations SPD policy HP4) does not require the payment of this contribution for schemes of less than 4 units. The analysis was nevertheless run for all sites of less than 10 units in order to re-test this threshold. Proposed Local Plan 2016-2036 policy H2 (NB now a modification is now proposed, at the instruction of the Local Plan Inspectors, to delete this policy in any event) also does not apply to sites of less than 4 units. If the contribution is removed from the EVA 2018 modelling, site 1 is viable. Site 1 is therefore viable when viewed in the context of Local Plan policy as it is likely to be adopted.
- 10.2 This result is also the case within the Addendum 2019 modelling, and is addressed at paragraph 6.6.
- 10.3 To assist the Inspector in assessing the impact of the charging schedule on the housing trajectory we have provided a breakdown of the number of homes within each of the five proposed charging zones. To assess the impact of the proposed charging schedule it is necessary to determine the likelihood of sites being affected by the new charge. We have therefore graded each of the sites in the housing trajectory based on the likely “risk” of a detailed planning application being determined after the adoption of the schedule. These are shown on Table 10.1 below.

<b>Table 10.1: Categorisation of sites by relationship to revised CIL Charging Schedule</b>	
Category	Explanation
A – subject to revised CIL	These sites are not subject to a live planning application, or have outline consent, but are waiting for subsequent reserved matters applications to be submitted (where a Section 106 agreement is not in place). They are likely to be affected by the new charging schedule.
B – Potentially subject to revised CIL depending on adoption	These sites are subject to a live detailed planning application. If they are not determined prior to the adoption of the new schedule, they will be covered by the new rates.

timescale	
C- Unlikely to be affected by revised CIL	These sites have detailed planning permission in place but have not yet implemented their consent. The category also includes major outline consent where a Section 106 agreement is in place in lieu of CIL e.g. Barton Park. These sites are unlikely to be affected by the change in CIL, unless the applicant resubmits the application.
D – unaffected by revised CIL	These sites have built out or are under construction. Also includes prior approval sites that are not CIL liable as no increase in floor area. There is almost no risk these sites will be affected by a change in the CIL rate.

10.4 We have provided a full breakdown of all sites in the housing trajectory along with their individual categories (from A to E) and the CIL zone that they fall in. Table 10.2 provides the breakdown of the number of homes in each zone that fall into each of the risk categories. It only includes major housing sites that are yet to build out – i.e. it ignores completions, minor sites, and the windfall allowance.

<b>Table 10.2: Number of homes in each category by CIL zone</b>						
Category	Number of homes per CIL charging zone					
	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>	<b>Total</b>
A – subject to revised CIL	1,064	491	1,359	1,623	673	<b>5,210</b>
B – Potentially subject to revised CIL depending on adoption timescale	496	57	195	0	0	<b>748</b>
C- Unlikely to be affected by revised CIL	1,027	0	37	59	30	<b>1,153</b>
D – unaffected by revised CIL	516	94	150	232	335	<b>1,183</b>
<b>Total</b>	<b>3,103</b>	<b>642</b>	<b>1,741</b>	<b>1,914</b>	<b>1,038</b>	<b>8,438</b>

10.5 Of the 10,884 housing requirement in the Local Plan 2036, 1,064 homes fall under the category A for CIL zone 1. This represents 9.8% of the total housing requirement for Oxford in the emerging Local Plan. If category B sites are included, this number rises to 1,560 homes – or 14% of the housing requirement for the plan.

10.6 There are however 1,543 homes that already benefit from a planning permission or are under construction in Zone 1. The zone is therefore viable in principle for development. This includes the following major developments:

- a) Former BT Site at Hollow Way / James Wolfe Road. This was a redevelopment scheme proposing a net additional 19,361m<sup>2</sup> of floor student accommodation floorspace in Zone 1.

Planning reference: [17/02140/FUL](#) // Category D Site

- b) Land north of Littlemore Healthcare Trust. A major development that is currently under construction comprising 14,412m<sup>2</sup> of additional residential floorspace.

Planning reference: [17/03050/FUL](#) // Category D Site

- c) Former Murco Garage, Between Towns Road. A major development with detailed planning permission for 38 residential dwellings. The proposed development involves the demolition of an existing service station, and the erection of a 2,514m<sup>2</sup> net additional floorspace.

Planning reference: [18/03287/FUL](#) // Category C Site

- d) Rose Hill Community Centre. A major development of 1,563m<sup>2</sup> net additional residential floorspace.

Planning reference: [18/02817/FUL](#) // Category C Site

- e) Rose Hill Scout Hut and Advice Centre. A major development of 707m<sup>2</sup> net additional residential floorspace.

Planning reference: [18/02818/FUL](#) // Category C Site

10.7 This is evidence of schemes being viably promoted within Site 1.

10.8 There are a number of reasons why the typology approach to modelling may show development in zone 1 as unviable, but this not necessarily be reflective of development conditions on specific sites.

10.9 Firstly, the Addendum modelling assumes no existing floor area and allows for no offset from CIL, i.e. all typologies pay a full CIL charge as if promoted on bare land. Proposals likely to come forwards for residential in Zone 1 are generally unlikely to have no existing floor area to be demolished and will typically therefore have significant offsets applied that will reduce the CIL charged and improve viability.

10.10 Secondly, it is perhaps telling that the sites described above which have come forwards in Zone 1 are generally on sites with very low existing value. They generally comprise former community uses, spare land existing to existing uses or obsolete uses. These may be of lower value than the benchmark land values assumed in the Addendum modelling. If the above sites are typical, then it follows that development which does come forwards is generally on lower value sites and is therefore more viable than the modelling assumes.

- 10.11 The benchmark land values in the modelling were set at conservative (i.e. high) levels purposely in order to be robust. Analysis of sites underlying the values included a school valued at the prevailing rate assuming viable on-going use, and for a building with large site coverage and high density. This may have skewed the analysis and resulted in the adoption of too high a value in the case of zone 1. The evidence of the sites above where development has viable come forwards is generally where existing uses have become obsolete and where community uses were provided which are of low commercial value in any event.
- 10.12 Thirdly, it is important to note that there was very limited comparable evidence of residential sales in Zone 1 at the time of undertaking the study. Land Registry only recorded two new build sales of flats in all of 2018, and at the time only one new build property was found on the market. These data were extrapolated to infer values for all flat sizes adopted in the modelling, but there is the potential that this process undervalued the units, and that developers are anticipating greater value growth potential above prevailing second hand values, particularly for flats, which are the time of the assessment was a relatively untested market. As more development is delivered, there is the potential for a general tone of new build values to be established, and for values to rise generally as the new schemes improve the perception of the area. Currently there are new build houses on the market in Zone one asking c £400,000 - £470,000. The modelling has adopted £400,000. Though it is accepted that the modelling was undertaken at a point in time, this nevertheless demonstrates the potential for value growth beyond the current assumptions.
- 10.13 Site 11 was not unviable in terms of not meeting the benchmark in the Addendum testing, it was unviable irrespective of benchmark land value given it generated a negative residual sum. This conclusion is clearly contrary to evidence of schemes nevertheless being advanced through planning, and may suggest that a reassessment based on the latest values could yield a different result.
- 10.14 As set out in our response to question 2b, the current charging schedule, index-linked, represents a CIL rate of £148/m<sup>2</sup>. In Zone 1, the rate will increase to £200/m<sup>2</sup>, representing an increase of £52/m<sup>2</sup>. This is a relatively marginal increase and is very unlikely in itself to be the difference in determining the viability of a site. Site 11 would remain unviable at the £148/m<sup>2</sup> rate and is not therefore the determining factor.

## Question 11

**A number of the proposed CIL rates do not appear to be supported by evidence of viability testing within the EVA. This includes C2A secure residential institutions, C4 houses in multiple occupation, D1 non-residential institutions and D2 assembly and leisure uses, all of which would be subject to a rate of £50psm. Whilst extra care homes have been tested as a D1 use class, they are a residential use and do not fall within Class D1. Please supply the viability evidence on which the proposed CIL rate of £50psm for Classes C2A, C4, D1 and D2 development types is based.**

### Introduction

- 11.1 The C2A, C4, D1 and D2 use classes have been considered by our consultants GVA/Avison Young in the preparation of the EVA and the nominal rate of £50/m<sup>2</sup> was adopted. This has been based on our knowledge that developments in these use classes do not form a significant proportion of anticipated developments and consist primarily of replacements and extensions, resulting in relatively minor changes in GIA. Furthermore, many of the developments in these use classes are subject to CIL exemptions. The application of levy is thus likely to be applied only in relatively few cases where there are private commercial uses within these classes which generate revenue and can absorb contributions to infrastructure.
- 11.2 These reasons have meant that developments in these use classes have not been generally rendered unviable due to the application of a CIL charge. We note that the £50/m<sup>2</sup> rate is a marginal increase from our previous rate of £28/m<sup>2</sup> and there has been no indication of viability issues arising in relation to the application of the current rate, with developments consistently coming forth in these use classes. The relatively low frequency of such cases and their site-specific nature makes these classes difficult to test which is why such cases were not presented in the EVA. Our consultants have noted that in their professional expertise working across other local authorities, these use classes are typically not tested in viability assessments for the above reasons.
- 11.3 Our consultants further note that in the recent examination of the Chiltern and South Bucks CIL (5th November 2019) a CIL rate for these use classes was accepted despite a lack of appraisal testing within the evidence base, given that the rate was set at a marginal level. It was accepted in this examination that many of these uses come forwards as part of wider mixed use proposals where the primary driver of value is residential or retail, which is capable of making CIL contributions to infrastructure. This is also the case for Oxford, as can be found in the discussion of D-class sites in 11.8 and 11.10 and the table below.
- 11.4 We list below the following examples, where D-class developments come forward only as part of larger mixed-use developments (only as 5% or less of the overall development floorspace proposed):

Use Class	Application No.	Site/ Address	Development Description	Total CIL Charge	D-class floor space in relation to overall development
D1	18/02065/OUTFUL	Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout Northern By-Pass Road	<p>Hybrid planning application comprising:</p> <p>(i) Outline application (with all matters reserved save for "access"), for the erection of up to 87,300 m2 (GIA) of employment space (Use Class B1), up to 550 m2 (GIA) of community space (Use Class D1), up to 2,500 m2 (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace, up to a 180 bedroom hotel (Use Class C1) and up to 480 residential units (Use Class C3), installation of an energy sharing loop, main vehicle access points from A40 and A44, link road between A40 and A44 through the site, pedestrian and cycle access points and routes, car and cycle parking, open space, landscaping and associated infrastructure works. Works to the A40 and A44 in the vicinity of the site.</p> <p>(ii) Full application for part of Phase 1A comprising 15,850 m2 (GIA) of employment space (Use Class B1), installation of an energy sharing loop, access junctions from the A40 and A44 (temporary junction design on A44), construction of a link road between the A40 and A44, open space, landscaping, temporary car parking (for limited period), installation of cycle parking (some temporary for limited period), foul and surface water drainage, pedestrian and cycle links (some temporary for limited period) along with associated infrastructure works. Works to the A40 and A44 in the vicinity of the site.</p>	£399,103.00	<p>Up to 550m<sup>2</sup> D1 part of outline for 87,300m<sup>2</sup> mixed-use development</p> <p><b>(0.6% of overall development)</b></p>

D1	16/02687/FUL	265 - 279 Iffley Road And Garages	Re-development of the application site to include the demolition of existing buildings, erection of buildings to provide student accommodation (117 student rooms) and ancillary facilities, 11 x self-contained flats, a single storey garden room accommodating flexible space for use as student common room/teaching/lecturing space, 150sqm GIA for employment uses (Use Class B1), and associated landscaping and infrastructure.	£276,115.92	271m <sup>2</sup> D1 part of 5431m <sup>2</sup> mixed class development  <b>(5% of overall development)</b>
D1	18/00966/RES	Wolvercote Paper Mill Mill Road Oxford Oxfordshire OX2 8PR	Reserved matters of outline planning permission 13/01861/OUT seeking permission for the appearance, landscaping, layout and scale of 190 residential units, employment space, community facilities, public open space and facilities.	£2,895,960.93	662m <sup>2</sup> D2 part of 24,567m <sup>2</sup> proposed GIA mixed development  <b>(3% of overall development)</b>
D2	14/02402/RES	Westgate Centre And Adjacent Land Encompassing CARFAX 20/11/14 The Existing Westgate Centre And Land Bounded By Thames St, Castle Mill Stream, Abbey Place, Norfolk St, Castle St, Bonn Square, St Ebbes St, Turn Again Lane And Old Greyfriars St.	Demolition of southern part of Westgate Centre, 1-14 Abbey Place and multi-storey car park, retention of library, refurbishment of remainder of the existing Westgate Centre and construction of a retail-led mixed use development together providing A1 (retail), A2 (finance and professional services) and/or A3 (restaurants and cafes) and/or A4 (public house, etc.) and/or A5 (hot food takeaways) uses, C3 (residential) use and D2 (assembly and leisure) uses, public toilets, associated car and cycle parking, shopmobility facility, servicing and access arrangements together with alterations to the public highway (Reserved matters of outline planning permission 13/02557/OUT seeking permission for details of appearance, landscaping, layout and scale).	£4,554,843.25	Up to 5986m <sup>2</sup> D2 development part of 123,120m <sup>2</sup> development  <b>(5% of overall development)</b>

D2	18/01206/VAR (16/02945/FUL)	Oxford Business Centre, Osney Lane	Variation of condition 2 (Development in accordance with approved plans) of planning permission 16/02945/FUL (Demolition of units 1-15 Oxford Business Centre and redevelopment including erection of purpose built student accommodation with small-scale A1, A3, A4 and B1 units, with associated landscaping.) to allow reductions in the size of the fitness centre, studio, commercial start up area and the community hub layout. Increase in size of cafe area and proposed store room changed to 1no. bedroom.	£1,263,904.00	164 m <sup>2</sup> Part of 15822m <sup>2</sup> mixed use development  <b>(1% of overall development)</b>
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11.5 We note that when our CIL charging schedule was first adopted in 2013 – we had already put a lot of consideration into introducing a CIL charge for the above use classes. The council also took into consideration a representation which was raised by Oxfordshire County Council, which expressed concern about the charging of CIL on D-class educational facilities which come primarily from public funds. In the Examiner’s Report, the examiner agreed with the Council’s considerations in paragraph 18: “However, in practice the additional costs on the small amount of development likely to come forward in this way could be funded through use of the levy itself or through other grant funding. More significantly, the charge would be appropriately levied on a number of private developments falling within Use Class D1, such as private colleges and language schools. Other institutions may have charitable status and would be exempt from CIL. In these circumstances I consider that the proposed rate for all other uses is reasonable and would be most unlikely to pose a significant threat to the development of the city area as a whole.”

**Specific context of the C2A, C4, D1 and D2 use classes in Oxford:**

11.6 C2A class developments, (primarily care homes) have already been considered in the original EVA as the ‘Standard Care Home’ (deemed viable) and ‘Extra Care Home’ (which was previously listed as D1 class in error). In general, developments in this class are uncommon in Oxford (the Council is not aware of any currently in the pipeline) and previous care home developments have also been CIL exempt under charitable relief. Such schemes are also often either promoted as conversions/redevelopments of existing buildings where significant offsets for existing floor area will apply, or on greenfield sites where existing land values will be very low.

11.7 C4 class (HMOs) are typically not purpose-built developments, but are often change of use or extensions from existing C3 developments. Thus, in practice this charge will only be applied very rarely, or with significant offsets for existing floor area where there would therefore not be any significant viability risks which would arise from charging at the nominal rate. Many HMO developments (for 6+ people) would be classified within the ‘Sui Generis’ use class.

- 11.8 For D1 class developments – typically, public sector organisations, charities and Universities which deliver these would apply for CIL exemption under charitable relief. This is especially the case where D1 uses are proposed on a standalone basis, and often historically such schemes have consisted of small extensions, for example: nurseries and additional study rooms, where the impact of CIL rates had minimal impact on viability risk. In general, developments in the D1 class consistently come forth for educational uses from the Universities, which are exempt from CIL. Otherwise, D1 uses are often proposed as small parts of larger mixed use developments, for example nursery space in residential schemes. In such cases, the D1 use is relatively incidental to the primary purpose of the development and the driver of return for the developer. Any CIL charge for the D1 use will typically be relatively minor in the context of overall scheme cost and capable of being afforded by private developers.
- 11.9 For our current Draft Charging Schedule, we did receive a representation from the department of education around the D1 use class, which was related to a specific scheme, the Swan School. The DfE was eligible for charitable relief for the development, but proceeded to develop without the exemption. For this case, the City Council would be investing the CIL into the delivery school and thus the application of CIL has not posed a risk to viability. More broadly, we have not received wider representations which raise a concern about viability for the highlighted use classes in relation to CIL. We would note that imposition of a marginal charge for D1 uses is desirable in order to capture payments from for example private schools, language schools or private health facilities which utilise private rather than public funds and should be capable of providing contributions.
- 11.10 D2 use classes such as leisure centres are often replacements or extensions of existing facilities and thus do not incur significant CIL charges which may put the viability of such development at risk, due to offsetting for existing floorspace. D2 uses are also often promoted as part of wider mixed use schemes as discussed above. Viability of specific D2 proposals is heavily site and sector specific and a function of existing competing uses. This makes testing such uses on a typology basis in a robust manner very difficult. There is an extant CIL charge for D2 uses and the Council is not aware of any D2 proposals that have been stalled due to CIL. We would reiterate that in the context of overall development costs the proposed charge is marginal. We note that there have been no representations made to the Local Plan or this CIL Examination in objection to this proposed rate.

## **Conclusion**

- 11.11 To conclude, CIL will generally only be applied in a small number of cases to the aforementioned use classes, usually with offsets. The rate has been set at a relatively marginal level, which is very unlikely to render unviable what would otherwise have been a viable commercial proposition (as we have seen since the application of rates to these uses classes since 2013). The proposed rates are considered reasonable, given the available evidence. The council is seeking to address the cumulative impacts on infrastructure of such developments as part of sustainable development, whilst having a minimal impact on viability. We furthermore do not intend to incentivise

developments in these use classes over any other use classes, which might happen if we were not to apply a CIL charge.

**To:** Cabinet

**Date:** 11 March 2020

**Report of:** Head of Financial Services  
Head of Business Improvement

**Title of Report:** Integrated Performance Report for Quarter 3 2019/20

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To update Cabinet on Finance, Risk and Corporate Performance matters as at 31 December 2019.
<b>Key decision:</b>	No
<b>Cabinet Member:</b>	Councillor Ed Turner, Finance and Asset Management
<b>Corporate Priority:</b>	Efficient and Effective Council.
<b>Policy Framework:</b>	Corporate Plan 2016-2020
<b>Recommendation:</b> That Cabinet resolves to:	
1.	<b>Note</b> the projected financial outturn as well as the current position on risk and performance as at 31 December 2019.

<b>Appendices</b>	
Appendix A	General Fund - Dec 2019 Forecast Outturn
Appendix B	HRA - Dec 2019 Forecast Outturn
Appendix C	Capital Programme – Dec 2019

## **Introduction and background**

1. This report updates the Cabinet on the financial, corporate performance and corporate risk positions of the Council as at 31st December 2019. A brief summary is as follows:

## Financial Position

- **General Fund** – the outturn position is forecast to be a favourable variance of £0.039 million against the latest net budget of £23.205 million (0.17%), and £0.609 million against the service area expenditure (2.03%);
  - **Housing Revenue Account** – The budgeted surplus agreed by the Council in February 2019 was £0.492 million. A revision to the Housing Revenue Account (“HRA”) budget and Business Plan was reported to Cabinet on 20 May 2019 which outlined the reason for and requested approval of the change in budget to reflect the impact of the dwellings to be acquired for Oxford City Housing Ltd (“OCHL”). The revised budget resulted in a surplus of £1.205 million and the outturn position is forecasting a favourable variance of £280k against this;
  - **Capital Programme** – The budget, as approved at Council in February 2019, was set at £101.526 million. This area has been subject to a major review, to get to a deliverable and well-timetabled programme. A revised budget was approved at Cabinet on the 19 December 2019, and it now stands at £59.962 million. The latest forecast outturn is £47.100 million, this represents a favourable variance of £13.035 million against the revised budget;
2. **Performance** – 46% (6) of the Council’s corporate performance targets are being delivered as planned, 23% (3) are showing as below target but within acceptable tolerance limits, 8% (1) is currently at risk. However there are 23% (3) that are showing as no data available, as described in paragraphs 13 to 16;
  3. **Corporate Risk Management** – There is one red corporate risk at the end of quarter three, which relates to actions taken to ensuring housing delivery and supply for the city and enabling sufficient house building and investment. There are nine amber risks and two green risks, more details of risks can be found in paragraphs 17 to 18;

## Financial Position

### General Fund Revenue

4. The overall Net Budget Requirement agreed by the Council in February 2019 was £23.205 million. Since setting the budget, service area expenditure has increased by a net total of £1.541 million, this is a combination of virements within service areas and release from reserves. The Net Budget Requirement remains unchanged.
5. Virements between service areas, were authorised under delegated powers by the Council’s Head of Financial Services totalling £0.170 million, the most notable of which relates to the realignment of the training budget and release of contingency to cover Non-Domestic Rates pressures.
6. The release from reserves totals a net movement of £0.638 million, made up of the release from Transformation Funds for ongoing projects, such as the Rent Guarantee model; Team Oxford Communications; the Corporate Scanning project; Idox upgrade; Business Process Automation pilot, release of grant funding into the service areas for ongoing expenditure, and release of budgets carried forward into the current year.

7. At 31<sup>st</sup> December 2019 the General Fund Service Area expenditure is projecting an adverse variance of £0.609 million against the latest budget of £29.957 million, this is in part offset by a release from the General Fund Repairs and Maintenance reserve and capital financing reserve, of £0.335 million and a revised forecast on net interest of £0.393 million, resulting in an overall favourable variance of £0.039 million against the latest Net Budget Requirement of £23.205 million. The key variances are:

- **Housing Services** - £0.485 million – £335k of this adverse variance is due to unbudgeted expenditure relating to surveys for the Town Hall, Asbestos and Health and Safety and works to the Town hall ceilings, these costs have been mitigated by use of reserves in year and therefore have no net impact on the overall budget, with £150k of the adverse variance relating to a pressure on the reactive maintenance budget, to mitigate this pressure there has been a pause on non-essential reactive maintenance in the last quarter of the year.
- **Business Improvement** – whilst there is no overall variance, ICT currently has a c£100k favourable variance, in the main due to a refund on telephony charges and establishment savings, this is offset by an adverse variance of a similar level due to additional spend on equalities and additional consultancy work.
- **Law & Governance** - £0.064 million - adverse variance due to a pressure in the Directors salary budget and within Electoral registration budget these are offset by unbudgeted SLA income due to be received from work undertaken for the Housing Company.
- **Oxford Direct Services** - £0.060 million – adverse variance due to savings predicated on the development of the Recycling Transfer Station not materialising in year due to the scheme not yet being implemented which is partly offset by additional car parking income.
- **Transfer to /from Earmarked Reserves** - £0.335 million – use of the General Fund Repairs and Maintenance reserve to cover the expenditure relating to Town Hall surveys and works.
- **Interest Payable/Receivable** - £0.393 million – favourable variance due to increased returns on investments and less interest payable on external borrowing arising from slippage in the Councils capital programme.

### **Housing Revenue Account**

8. The updated budgeted surplus agreed by the Council in July 2019 was £1.250 million, this was following a revision to the HRA budget and Business plan to include the financial impact of dwellings acquired by the HRA from the Councils housing company in terms of rental income, maintenance spend, interest payments and debt redemption. The Housing Revenue Account is currently forecasting a favourable variance of £0.280 million against this surplus, the most notable variations include:

- Dwelling Rent - £340k favourable variance due to lower than expected RTB sales and more properties than expected moving to formulae rents since the budget was set;
- Service Charges - £650k favourable variance due to tenant service charge income continuing to be higher than that budgeted (£270k), and leaseholder service charge income which is due to more leaseholders and recharges for major works, which are a one off increase in income (£380k);
- Garage income - £30k favourable variance due to an increase in the charge which had not been reflected in the budget;
- Miscellaneous income – £90k favourable variance due to higher than anticipated income for telecommunications;
- Management & Services - £176k adverse variance due to increase caretaking costs and some additional temporary staff to cover long term absences within the team;
- Other revenue spend - £512 adverse variance due to a pressure caused by increased legal costs , feasibility costs for phase 2 of the OCHL development programme, decant costs associated with the ongoing developments and consultancy fees relating to the implementation of a new QL Housing system;
- Responsive & cyclical repairs – £203k adverse variance due to security at the Tower blocks that was put in place until the beginning of June;

## Capital

9. The budget, as approved at Council in February 2019, was set at £101.526 million. This area has been subject to a major review, to get to a deliverable and well-timetabled programme. A revised budget was approved at Cabinet on the 19 December 2019, and it now stands at £59.962 million. The latest forecast outturn is £47.100 million, this represents a favourable variance of £13.035 million. The main items which are being re-timetabled or where there are over/underspends are:

### General Fund

- Windows 2008 Server Replacement - £0.030 million re-timetabled as work continues into 2020/21 financial year;
- 1-5 George Street - £0.036 million overspend. This project was reviewed by Development Board and following consideration it was decided that the revised cost/benefit ratio did not justify a full redevelopment solution and that as a result this approach should be dis-continued. Pursuant to this decision, Willmott Dixon's account has been determined. Attention is now being given to alternative uses for 1-3 George Street, including various levels of refurbishment and meanwhile uses. A further report to Cabinet will come forward approve any subsequent budget required;
- Seacourt Park and Ride Extension - £2.049 million re-timetabled into next year due to the project being at standstill due to adverse weather. It is expected that contractors will be back on site in March;
- Feasibility was only agreed in December and procurement will take place by the end of the financial year, therefore spend will be in 2020/21;
- Floyds Row Refurbishment - £0.928 million – work on remaining two wings will be completed in Spring 2020;

- Gloucester street car park ventilation (H&S) - £0.191 million re-timetabled – pre-site meeting completed but issues with design and siting of the residential car park air handling unit that need to be resolved;
- Major Capital works at Covered Market - £0.114 million re-timetabled – Internal redecoration, external redecoration, refurbishment of gents toilets and decoration of brickwork undertaken. Orders have been raised for the redecoration of High Street Avenues and Ladies traders toilets and work will be started in February but continue into 2020/21;
- Housing Company loans - £5.231 million re-timetabled – Three of the largest development schemes that began this year have experienced delays due to ongoing re-profiling issues following contractor appointment. Seven of the nine extension/new build schemes planned to start at the end of the current financial year have been deferred to 2020/21 (£1.731 million) due to resourcing issues that have now been resolved, as has the Elsfield/Cumberlege new build scheme (£1.678 million). There is also slippage in schemes at Rosehill of £0.778 million (groundworks have taken longer than anticipated due to poor local ground conditions), £0.325 million associated with the Harts Close scheme has been deferred due to requiring a revised planning application as a result of costing enquiries and Bracegirdle is experiencing £0.719 million of re-profiling following the appointment of ODS. There is still the possibility of bringing forward some spend amounting to c.£2.1 million into the current financial year associated with land acquisitions on development sites at Elsfield and Between Towns Road. For prudent reasons as this is not as yet confirmed it has been excluded from the current projected outturn for the year. Furthermore OCHL has recently appointed two Non-Executive Directors as well as a permanent Managing Director and two new developments which will improve capacity within the company to enhance delivery. In addition providing cash flow requirements to the Council should improve the alignment of borrowing by the Council with forecast spend of the company;
- Oxford and Abingdon Flood Alleviation Scheme - £0.250 million re-timetabled, the contribution is delayed until Kennington Bridge is replaced, therefore the spend is unlikely to be prior to 2021/22 financial year;
- OxPops (Electric Vehicle Charging) - £0.087 million re-timetabled – the project is approaching completion and the trial is complete and the prototypes will be removed;
- Clean Bus Technology Grants - £0.499 million re-timetabled, the project is on track to be delivered by end of Sept, this is grant funded work where the Council is the accountable body. Progress dependent on the bus companies completing their retrofits and making their claims;
- Motor Transport – Vehicle/Plant Replacement Programme - £1.854 million re-timetabled due to lead in times for vehicles, particularly Electrical Vehicles, having increased with delivery being in 2020/21;
- Car Park resurfacing - £0.112 million re-timetabled into 20/21; the works on Gloucester Green car park have been re scheduled to be undertaken in next financial year when the weather will be more suitable for the works to be carried out;

- Depot Rationalisation - £0.396 million re-timetabled, the feasibility work has been completed, ODS is now drafting the Outline Business Case which will be submitted to Development Board, now expected to be Summer 2020;

## HRA

- Structural - £0.180 million re-timetabled into 2020/21 – works are progressing and Stowford Path will be completed and paid for April 2020;
  - Doors and Windows - £0.110 million underspend – Programme has been rescheduled to allow for a virement into the Fire Doors budget;
  - Communal Areas - £0.200 million underspend – Programme has been rescheduled to allow for a virement into the Fire Doors budget;
  - Fire Doors – £0.310 million overspend with funding to be vired from Doors and Windows and Communal Areas budgets;
  - Energy Efficiency Initiatives - £0.100 million re-timetabled – Delays to the insulation programme have been encountered due to low resident take up. The balance of the budget will be proposed to be carried forward to 2020/21 to continue the EPC validation and upgrade of efficiency measures;
  - Extensions & Major Adaptations - £0.305 million re-timetabled – underspend to be carried forward to 2020/21. Delays have been experienced due to the need for revised design for the adaptations to meet changing client needs and then the need to reschedule ODS resources to accommodate.;
  - Lift Replacement Programme - £0.210 million re-timetabled – procurement has delivered a framework of suppliers during 2019/20 with the delivery now moved to 2020/21;
  - HRA Stock condition survey - £0.140 million re-timetabled – There has been good progress with the survey and the balance of the budget is to be carried forward into the structural budget for 2020/21 to address serious structural issues identified as part of the SCS exercise;
10. The Council's current capital programme assigns a status to each capital scheme, in line with the Council's Capital Gateway. The programme is split into:
- a. **One off projects** – These are split into idea, feasibility, design, delivery and completion
  - b. **Rolling programme** – These items relate to schemes which are ongoing in nature ie HRA planned maintenance; vehicle replacements and ICT software and hardware
  - c. **Other Capital Spend** – This largely consists of the General Fund Loans to the housing company

11. Of the one off projects approx 47% are in the delivery stage with a further 4% being in design & technical specification.

Status of capital project/scheme	2019/20 Budget Book	Latest Budget	Spend to 30/12/2019	Forecast Outturn	Forecast Variance	Variance due to Slippage	Variance due to Over/ Under spend
Idea	1,779,599	1,779,599	217,813	1,438,461	-341,138	-378,000	36,862
Feasibility	1,066,280	1,240,280	175,939	743,009	-497,271	-497,271	
Design & Technical Specification	945,675	945,675	127,496	697,326	-248,349	-248,349	
Pipeline	339,440	339,440	129,348	339,440	0	0	
Delivery	12,055,712	12,205,712	3,456,060	8,836,402	-3,369,310	-3,422,677	53,367
Completed	6,737,353	6,737,353	6,277,493	6,815,872	78,519		78,519
Sub Total	22,924,059	23,248,059	10,384,149	18,870,510	-4,377,549	-4,546,297	168,748
Rolling Programme	17,755,952	17,605,952	8,233,465	14,678,390	-2,927,562	-2,913,137	-14,425
Other Capital Spend	19,281,596	19,281,596	7,747,614	13,551,535	-5,730,061	-5,730,061	
Sub Total	37,037,548	36,887,548	15,981,079	28,229,925	-8,657,623	-8,643,198	-14,425
Total Capital Programme	59,961,607	60,135,607	26,365,228	47,100,435	-13,035,172	-13,189,495	154,323

12. In line with new processes that are now in place as previously reported, there are several projects that have been allocated money from the approved feasibility budget by the Development board and in order to keep Cabinet members sighted on such schemes a summary is given as an exempt appendix. When and if the business cases for each of these projects are approved these will be brought forward for formal budget approval in the normal way.

### Performance Management

13. There are thirteen corporate performance measures that are monitored during the financial year. 46% (6) of the Council's corporate performance targets are being delivered as planned, 23% (3) are showing as below target but within acceptable tolerance limits, 8% (1) is currently at risk.
14. However there are 3 (23%) of the measures that are currently showing no data available, as they have not been updated this quarter.
15. Of the six measures that are being delivered as planned, one relates to Cleaner Greener Oxford, one to Meeting Housing Needs, one relates to Strong and Active Communities and three to an Efficient and Effective Council.
16. The measures that is not meeting its targets is as follows:
- **Number of people from our target groups using our leisure facilities –** Target of 599,200 and an actual of 550,040 up to the end of December. Visits are consistent with where they were 2 years ago. Targets set for the reporting year were ambitious. The leisure market remains highly competitive with budget and boutique gyms. The Council is working closely with Fusion Lifestyle to continuously improve their targeted outreach work across the city's communities. This includes the introduction of additional partnership work and Marketing and Communications Steering Groups.

## Corporate Risk

17. There is one red risk on the current Corporate Risk Register, which is as follows:

- **Housing** – the Council has key priorities around housing which include ensuring housing delivery and supply for the City of Oxford and enabling sufficient house building and investment. Insufficient housing in Oxford leads to an increase in homelessness which has an impact on residents. There are also health and quality of life issues. The Council is implementing delivery methods for temporary accommodation and accommodation for homelessness prevention which include a rent guarantee scheme, a growth deal to facilitate additional affordable housing and a tranche of property purchases to be delivered via real lettings. In addition the Council's housing companies are in the process of constructing new affordable homes and the Cabinet has approved plans which will result in the Council's Housing Revenue Account ("HRA") purchasing the social housing using its new borrowing headroom, following the removal of the HRA borrowing cap by central government.

18. The table below shows the level of Red, Amber and Green current risks over the last 12 months:

<b>Current Risk</b>	<b>Q4 201/19</b>	<b>Q1 2019/20</b>	<b>Q2 2019/20</b>	<b>Q3 2019/20</b>
Red	1	1	1	1
Amber	9	10	8	9
Green	2	1	3	2
<b>Total Risks</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>

### Financial implications

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

### Legal issues

20. There are no legal implications arising directly from this report.

### Level of risk

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

### Equalities impact

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

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# Appendix A

<b>GF Outturn Report 19/20 @ 31st December 2019</b>	Approved Budget (per Budget book)	Previous Months Budget	Virements & Ear Marked Reserve Transfers in November	Latest Budget	Projected Outturn against Latest Budget @ 31st December 2019	PO Variance	PO Variance (Prev Month)	PO Variance Mvt from Previous Month
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
<b>Directorates</b>								
S03 Business Improvement	8,865	9,446	150	9,596	9,596			
S15 Regulatory Services & Community Safety	1,316	1,382		1,382	1,382			
S22 Community Services	5,029	4,881	(100)	4,781	4,781			
<b>Communities &amp; Customers</b>	<b>15,209</b>	<b>15,709</b>	<b>50</b>	<b>15,759</b>	<b>15,759</b>			
S10 Regeneration & Economy	(9,378)	(9,333)		(9,333)	(9,333)			
S16 Planning Services	545	536		536	536			
<b>Development</b>	<b>(8,832)</b>	<b>(8,797)</b>		<b>(8,797)</b>	<b>(8,797)</b>			
S01 Assistant Chief Executive	783	1006		1006	1,006			
S13 Housing Services	5,227	4,650	270	4,921	5,406	485	975	(490)
<b>Assistant Chief Executive</b>	<b>6,010</b>	<b>5,656</b>	<b>270</b>	<b>5,926</b>	<b>6,411</b>	<b>485</b>	<b>975</b>	<b>(490)</b>
S20 Environmental Sustainability	897	890		890	890			
S26 Oxford Direct Services	9,142	9,511		9,511	9,571	60	60	
<b>ODS Development Director</b>	<b>10,038</b>	<b>10,401</b>		<b>10,401</b>	<b>10,461</b>	<b>60</b>	<b>60</b>	
S32A Accountancy	1,320	1,226		1,226	1,226			
S32D Corporate Finance	216	280		280	292	12	12	
S32E Investigations	97	129		129	129			
S32F Procurement & Payments	494	499		499	451	(48)	(48)	
S32G Revenues & Benefits	871	861		861	881	20	20	
S32H Incomes	112	112		112	152	40	40	
S32I Welfare Reform Team	136	262		262	238	(24)	(24)	
S32 Financial Services	3,246	3,369		3,369	3,369			
S34 Law & Governance	2,745	2,689		2,689	2,753	64	84	(20)
<b>Corporate Services</b>	<b>5,991</b>	<b>6,058</b>		<b>6,058</b>	<b>6,122</b>	<b>64</b>	<b>84</b>	<b>(20)</b>
<b>Directorate Total Excl SLA's &amp; Capital Charges</b>	<b>28,416</b>	<b>29,028</b>	<b>320</b>	<b>29,348</b>	<b>29,957</b>	<b>609</b>	<b>1,119</b>	<b>(510)</b>
<b>SLA's &amp; Capital Charges</b>	<b>(3,722)</b>	<b>(4,804)</b>		<b>(4,804)</b>	<b>(4,804)</b>			
<b>Corporate Accounts</b>	<b>(2,103)</b>	<b>(958)</b>		<b>(958)</b>	<b>(1,231)</b>	<b>(393)</b>		<b>(393)</b>
<b>Contingencies</b>	<b>382</b>	<b>111</b>		<b>111</b>	<b>191</b>	<b>80</b>	<b>80</b>	
<b>Total Corporate Accounts &amp; Contingencies</b>	<b>(1,722)</b>	<b>(847)</b>		<b>(847)</b>	<b>(1,040)</b>	<b>(313)</b>	<b>80</b>	<b>(393)</b>
<b>Net Expenditure Budget</b>	<b>22,971</b>	<b>23,377</b>	<b>320</b>	<b>23,698</b>	<b>24,113</b>	<b>296</b>	<b>1,199</b>	<b>(903)</b>
Transfer to / (from) Ear Marked Reserves	234	(171)	(320)	(492)	(492)	(335)	(975)	640
<b>Net Budget Requirement</b>	<b>23,205</b>	<b>23,206</b>		<b>23,206</b>	<b>23,622</b>	<b>(39)</b>	<b>224</b>	<b>(263)</b>
<b>Funding</b>								
External Funding (RSG)								
External Funding (NDR Retention)	9,263	9,263		9,263	9,263			
Council tax	14,202	14,202		14,202	14,202			
Less Parish Precepts	(260)	(260)		(260)	(260)			
Collection Fund Surplus								
Section 31 Grants								
<b>Total Funding Available</b>	<b>23,205</b>	<b>23,205</b>		<b>23,205</b>	<b>23,205</b>			
<b>(Surplus) / Deficit for year</b>		<b>1</b>		<b>1</b>	<b>417</b>	<b>(39)</b>	<b>224</b>	<b>(263)</b>

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# Appendix B

HRA Report 19/20 @ December 2019	Approved Budget (per Budget book)	Latest Budget @ 31st December 2019	% Budget Spent to 31st December, 2019	Projected Outturn against Latest Budget @ 31st December 2019	Project Outturn Variance	Project Outturn Variance Mvt from Previous Month
	£000's	£'000's	%	£'000's	£000's	£'000's
Dwelling Rent	(41,342)	(41,682)	76%	(41,682)	(340)	
Service Charges	(1,467)	(1,867)	93%	(2,117)	(650)	(250)
Garage Income	(215)	(215)	87%	(245)	(30)	(30)
Miscellaneous Income	(783)	(764)	99%	(878)	(95)	
<b>Net Income</b>	<b>(43,807)</b>	<b>(44,528)</b>		<b>(44,922)</b>	<b>(1,115)</b>	<b>(280)</b>
Management & Services (Stock Related)	9,529	9,238	71%	9,705	176	
Other Revenue Spend (Stock Related)	2,246	2,641	26%	2,758	512	
Misc Expenditure (Not Stock Related)	329	285	33%	285	(44)	
Bad Debt Provision	646	565	74%	646		
Responsive & Cyclical Repairs	12,728	10,568	79%	12,930	203	
Interest Paid	7,957	7,957	75%	7,957		
Depreciation	8,721	8,721	75%	8,721		
<b>Total Expenditure</b>	<b>42,155</b>	<b>39,974</b>		<b>43,001</b>	<b>846</b>	
<b>Net Operating Expenditure/(Income)</b>	<b>(1,652)</b>	<b>(4,554)</b>		<b>(1,921)</b>	<b>(269)</b>	<b>(280)</b>
Investment Income	(153)	(153)	75%	(153)		
Other HRA Reserve Adjustment	(250)	(261)	(15%)	(261)	(11)	
Transfer (to)/from MR/OR	850	850	(4%)	850		
<b>Total Appropriations</b>	<b>447</b>	<b>436</b>		<b>436</b>	<b>(11)</b>	
<b>Total HRA (Surplus)/Deficit</b>	<b>(1,205)</b>	<b>(4,118)</b>		<b>(1,485)</b>	<b>(280)</b>	<b>(280)</b>

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# Appendix C

Capital Budget and Spend as at 31st December 2019													
Cost Centre	Capital Scheme	Director Responsible	Progress Update Provider	Project Status	2019/20 Agreed Budget	Latest Budget	Spend to 31/12/2019	% Budget Spent	Variance to Profile Budget	19/20 Forecast Position			
					£	£	£	£	£	£	£	£	£
C3039	ICT Infrastructure - minor costs	Gordon Mitchell	Rocco Labellarte	8. Rolling Programme	55,582	55,582	8,899	16%	(32,787)	(14,425)	-	(14,425)	41,157
C3044	ICT Software and Licences	Gordon Mitchell	Rocco Labellarte	8. Rolling Programme	220,000	220,000	218,296	99%	(1,704)	-	-	-	220,000
C3058	CRM Lagan Replacement	Gordon Mitchell	Neil Lawrence	2. Feasibility	-	-	7,994	∞	7,994	7,994	7,994	-	7,994
C3060	End-Point Devices (Desktops/Laptops)	Gordon Mitchell	Purnima Gore	5. Delivery	590,546	590,546	558,939	95%	(31,607)	39,942	-	39,942	630,488
C3065	ODS Network Upgrade	Gordon Mitchell	Kevin Wigham	5. Delivery	88,000	88,000	23,100	26%	(20,909)	14,425	-	14,425	102,425
C3066	Telephony Device Refresh	Gordon Mitchell	Rocco Labellarte	8. Rolling Programme	127,320	127,320	124,390	98%	51,614	-	-	-	127,320
C3067	Paris Payment System, Replacement / PCI DSS	Gordon Mitchell	Niall Barker	5. Delivery	78,705	78,705	30,145	38%	(14,842)	(8,000)	(8,000)	-	70,705
C3068	Windows 2008 Server Replacement	Gordon Mitchell	Kevin Wigham	3. Design & Technical	110,450	110,450	52,870	48%	(2,366)	(30,450)	(30,450)	-	80,000
C3070	Business Process Automation Full Rollout	Gordon Mitchell	Purnima Gore	3. Design & Technical	35,225	35,225	-	-	(8,806)	(24,725)	(24,725)	-	10,500
C3072	Council Internet Accessibility Compliance	Gordon Mitchell	Neil Lawrence	5. Delivery	22,375	22,375	15,870	71%	(911)	-	-	-	22,375
C3075	Netcall	Gordon Mitchell	Rocco Labellarte	1. Idea	-	-	-	-	0	-	-	-	0
C3077	Info@Work Enterprise Upgrade Rollout	Gordon Mitchell	Rocco Labellarte	1. Idea	17,000	17,000	17,734	104%	4,984	734	-	734	17,734
G6013	Superconnected Cities	Gordon Mitchell	N/A	6. Completed	-	-	-	-	-	-	-	-	0
A4845	CCTV Suite Upgrade	Nadeem Murtuja	Richard Adams	2. Feasibility	-	-	-	-	-	-	-	-	0
E3511	Renovation Grants	Nadeem Murtuja	Ian Wright	5. Delivery	30,000	30,000	8,636	29%	(13,864)	(7,000)	(7,000)	-	23,000
E3521	Disabled Facilities Grants	Nadeem Murtuja	Ian Wright	9. Other Capital Spend	1,481,529	1,481,529	946,498	64%	(164,648)	-	-	-	1,481,529
A3129	Donnington Recreation Ground Improvements	Nadeem Murtuja	Paul Backman	7. Closed	-	-	-	-	-	-	-	-	0
A4820	Upgrade Existing Tennis Courts	Nadeem Murtuja	Hagan Lewisman	8. Rolling Programme	-	-	-	-	-	-	-	-	0
A4833	Horspath Sports Park	Nadeem Murtuja	Hagan Lewisman	5. Delivery	619,116	619,116	461,707	75%	(157,409)	-	-	-	619,116
A4841	Skate Parks (Manzil Way Gardens)	Nadeem Murtuja	Chris Bell	5. Delivery	52,860	52,860	41,336	78%	1,691	-	-	-	52,860
A4842	Florence Park Tennis Courts	Nadeem Murtuja	Hagan Lewisman	7. Closed	-	-	-	-	-	-	-	-	0
A4843	Barton Fit Trail	Nadeem Murtuja	Hagan Lewisman	6. Completed	-	-	-	-	-	-	-	-	0
A4865	Five Mile Drive Pavilion	Nadeem Murtuja	Paul Backman	6. Completed	70,000	70,000	89,422	128%	19,422	19,422	-	19,422	89,422
B0075	Stage 2 Museum of Oxford Development	Nadeem Murtuja	David Hunt	5. Delivery	1,700,000	1,700,000	237,654	14%	(1,037,346)	-	-	-	1,700,000
B0083	East Oxford Community Centre	Nadeem Murtuja	Hagan Lewisman	2. Feasibility	250,000	250,000	93,069	37%	(94,431)	-	-	-	250,000
B0084	Jericho Community Centre	Nadeem Murtuja	Steven Clews	4. Pipeline	-	-	-	-	-	-	-	-	0
B0095	Barton Community Centre	Nadeem Murtuja	Julia Castle	6. Completed	70,859	70,859	102,653	145%	49,509	31,794	-	31,794	102,653
B0096	Bullingdon Community Centre	Nadeem Murtuja	Hagan Lewisman	3. Design & Technical	50,000	50,000	59,826	120%	22,326	20,826	20,826	-	70,826
C3071	Idox / Uniform Improvement Project	Nadeem Murtuja	Niall Barker	5. Delivery	70,000	70,000	42,435	61%	7,428	-	-	-	70,000
T2305	Parks Paths	Nadeem Murtuja	vacant	1. Idea	90,690	90,690	-	-	(90,690)	-	-	-	90,690
A4847	Rose Hill Community Centre - Parking	Nadeem Murtuja	Dave Morrell	2. Feasibility	10,000	10,000	-	-	(7,500)	-	-	-	10,000
<b>Communities and Customers Directorate Total</b>					<b>5,840,257</b>	<b>5,840,257</b>	<b>3,141,473</b>	<b>54%</b>	<b>(1,514,854)</b>	<b>50,537</b>	<b>(41,355)</b>	<b>91,891</b>	<b>5,890,794</b>
A4853	Cycling Infrastructure Matched Funding	Tom Bridgman	Ian Nicholson	9. Other Capital Spend	30,000	30,000	-	-	(22,500)	-	-	-	30,000
B0098	1-5 George Street	Tom Bridgman	Nick Twigg	1. Idea	151,909	151,909	188,037	124%	74,105	36,128	-	36,128	188,037
B0099	Ship Street & New Road	Tom Bridgman	Julia Castle	6. Completed	494	494	494	100%	124	-	-	-	494
B0110	Covered Market Vacant Unit Works	Tom Bridgman	Julia Castle	5. Delivery	170,000	170,000	34,585	20%	(101,347)	-	-	-	170,000
B0111	Town Hall Dry Risers	Tom Bridgman	Keith Reynolds	3. Design & Technical	-	-	14,800	∞	14,800	36,000	36,000	-	36,000
B0081	Car Parking Oxpens	Tom Bridgman	Steven Clews	2. Feasibility	-	-	-	-	-	-	-	-	0
B0086	Seacourt Park & Ride Extension	Tom Bridgman	Douglas Kerrigan	5. Delivery	2,987,000	2,987,000	606,865	20%	(1,633,385)	(2,049,200)	(2,049,200)	-	937,800
B0074	R & D Feasibility Fund	Tom Bridgman	Steve Clews	2. Feasibility	111,000	-	9,734	∞	9,734	9,734	9,734	-	9,734
B0112	ODEON Redevelopment	Tom Bridgman	Nick Twigg	2. Feasibility	-	-	-	-	-	-	-	-	0
B0112-5	Feasibility Funding (various schemes)	Tom Bridgman	Gavin Cumberland	2. Feasibility	-	285,000	-	-	-	(285,000)	(285,000)	-	0
B0113	New Theatre Refurbishment	Tom Bridgman	Jenny Barker	2. Feasibility	-	-	-	-	-	-	-	-	0
B0114	Diamond Place Redevelopment	Tom Bridgman	Trudy Godfrey	2. Feasibility	-	-	-	-	-	-	-	-	0
B0115	Covered Market Redevelopment	Tom Bridgman	Ted Maxwell	2. Feasibility	-	-	-	-	-	-	-	-	0
F0026	Pedestrianisation of Queen Street	Tom Bridgman	vacant	1. Idea	-	-	-	-	-	-	-	-	0
F7020	Work of Art Littlemore	Tom Bridgman	vacant	6. Completed	-	-	-	-	-	-	-	-	0
F7024	St Clements Environmental Improvements	Tom Bridgman	Lorraine Freeman	1. Idea	-	-	-	-	-	-	-	-	0
<b>Development Directorate Total</b>					<b>3,450,403</b>	<b>3,624,403</b>	<b>854,516</b>	<b>24%</b>	<b>(1,658,468)</b>	<b>(2,252,338)</b>	<b>(2,288,466)</b>	<b>36,128</b>	<b>1,372,065</b>
B0108	Floyds Row Refurbishment	Paul Leo	Polly McKinlay/ Dave	5. Delivery	1,845,000	1,845,000	362,084	20%	(604,511)	(928,200)	(928,200)	-	916,800

Cost Centre	Capital Scheme	Director Responsible	Progress Update Provider	Project Status	2019/20 Agreed Budget	Latest Budget	Spend to 31/12/2019	% Budget Spent	Variance to Profile Budget	2019/20 Forecast Variance	Variance due to Slippage	Variance due to Over/ Under spend	2019/20 Forecast Outturn
					£	£	£		£	£	£	£	£
C3057	Housing System Replacement	Paul Leo	Dave Shaw	5. Delivery	718,045	718,045	478,555	67%	(59,979)	-	-	-	718,045
B0100	Gloucester Green Car Park (H&S)	Paul Leo	Keith Reynolds	5. Delivery	230,000	230,000	2,307	1%	(227,693)	(191,000)	(191,000)	-	39,000
B0101	Major capital works at Covered Market	Paul Leo	Katharine Gould	5. Delivery	314,000	314,000	87,333	28%	(148,167)	(114,000)	(114,000)	-	200,000
B0102	Replace or refurbish Lifts	Paul Leo	Jonathan Gould	8. Rolling Programme	154,000	154,000	34,516	22%	(80,984)	(54,000)	(54,000)	-	100,000
B0103	6 Queen Street works	Paul Leo	Richard Davison	6. Completed	-	-	35,194	∞	35,194	35,194	-	35,194	35,194
B0104	Old Gas Works Bridges	Paul Leo	James Axford	2. Feasibility	30,000	30,000	22,992	77%	492	-	-	-	30,000
B0106	Covered Market Roof Works (Capitalised)	Paul Leo	Jonathan Gould	8. Rolling Programme	555,623	555,623	445,526	80%	28,809	-	-	-	555,623
F7007	Woodfarm / Headington Community Centre	Paul Leo	Katharine Gould	1. Idea	-	-	-		-	-	-	-	0
F7011	Headington Environmental Improvements	Paul Leo	James Axford	5. Delivery	59,004	59,004	-		(44,253)	(30,579)	(30,579)	-	28,425
M5019	Purchase of Homeless Properties	Paul Leo	Dave Scholes	9. Other Capital Spend	238,494	238,494	171,627	72%	(7,244)	-	-	-	238,494
M5021	Equity Loan Scheme for Teachers	Paul Leo	Steve Northey	9. Other Capital Spend	32,813	32,813	32,813	100%	8,203	-	-	-	32,813
M5025	Barton Park - purchase by Council	Paul Leo	Alan Wylde	7. Closed	6,561,000	6,561,000	6,029,744	92%	1,108,994	-	-	-	6,561,000
M5026	Housing Company Loans (excl Barton Park)	Paul Leo	David Watt	9. Other Capital Spend	9,423,000	9,423,000	0	0%	(7,067,250)	(5,231,000)	(5,231,000)	-	4,192,000
M5032	Barton Park - loan to OCHL	Paul Leo	David Watt	9. Other Capital Spend	6,561,000	6,561,000	5,773,156	88%	852,406	-	-	-	6,561,000
<b>Director of Housing (General Fund Projects)</b>					<b>26,721,979</b>	<b>26,721,979</b>	<b>13,475,847</b>	<b>50%</b>	<b>(5,601,471)</b>	<b>(6,513,585)</b>	<b>(6,548,779)</b>	<b>35,194</b>	<b>20,208,394</b>
E3557	Oxford and Abingdon Flood Alleviation Scheme	Tim Sadler	Tina Mould	3. Design & Technical	250,000	250,000	-		-	(250,000)	(250,000)	-	0
E3558	Go Ultra Low Oxford - On Street	Tim Sadler	Tina Mould	5. Delivery	53,175	53,175	11,237	21%	(28,644)	(12,955)	(12,955)	-	40,220
E3560	Go Ultra Low Oxford - Taxis	Tim Sadler	Tina Mould	4. Pipeline	339,440	339,440	129,348	38%	(25,804)	-	-	-	339,440
E3562	OxPops (Electric Vehicle Charging)	Tim Sadler	Tina Mould	5. Delivery	116,743	116,743	61,770	53%	(46,275)	(86,743)	(86,743)	-	30,000
E3563	Clean Bus Technology Grants	Tim Sadler	Mai Jarvis	9. Other Capital Spend	731,760	731,760	232,699	32%	(499,061)	(499,061)	(499,061)	-	232,699
E3564	Energy Superhub Oxford	Tim Sadler	Tina Mould	3. Design & Technical	-	-	-		-	-	-	-	0
C3055	Waste Management System	Tim Sadler	Tim Sadler	5. Delivery	8,400	8,400	13,400	160%	13,400	5,000	5,000	-	13,400
M5028	Property Rationalisation (Depot Project)	Tim Sadler	Oliver Hearn	2. Feasibility	215,280	215,280	-		-	-	-	-	215,280
R0005	MT Vehicles/Plant Replacement Programme.	Tim Sadler	Owain Pearce	8. Rolling Programme	4,044,185	4,044,185	908,332	22%	(2,124,806)	(1,854,250)	(1,854,250)	-	2,189,935
R0010	Electric Vehicles	Tim Sadler	Owain Pearce	8. Rolling Programme	293,000	293,000	-		-	-	-	-	293,000
R0011	Grey Fleet	Tim Sadler	Owain Pearce	8. Rolling Programme	-	-	-		-	-	-	-	0
T2273	Car Parks Resurfacing	Tim Sadler	Tim Sadler	8. Rolling Programme	416,707	416,707	304,820	73%	21,459	(111,887)	(111,887)	-	304,820
T2277	Recycling Transfer Station	Tim Sadler	Oliver Hearn	1. Idea	100,000	-	-		-	18,000	18,000	-	18,000
T2279	Pest Control Equipment	Tim Sadler	Ian Henwood	6. Completed	35,000	35,000	27,110	77%	860	(7,890)	-	(7,890)	27,110
T2299	Controlled Parking Zones	Tim Sadler	Shaun Hatton	5. Delivery	200,000	200,000	-		-	-	-	-	200,000
T2301	Depot Rationalisation	Tim Sadler	Oliver Hearn	1. Idea	486,000	586,000	3,820	1%	(435,680)	(396,000)	(396,000)	-	190,000
T2302	Redbridge Parking	Tim Sadler	Steven Clews	1. Idea	-	-	-		-	-	-	-	0
T2303	Cuttesslowe Compactor	Tim Sadler	Bruce Thompson	5. Delivery	39,000	39,000	29,831	76%	581	(500)	-	(500)	38,500
T2304	Redbridge Compactor	Tim Sadler	Bruce Thompson	5. Delivery	23,000	23,000	17,848	78%	598	(500)	-	(500)	22,500
T2306	Mobile Working and Handhelds	Tim Sadler	Rocco Labellarte	1. Idea	134,000	134,000	8,222	6%	(92,278)	-	-	-	134,000
T2307	Transformation Funding	Tim Sadler	vacant	1. Idea	800,000	800,000	-		(600,000)	-	-	-	800,000
T2308	Additional Technology Requirements	Tim Sadler	Rocco Labellarte	1. Idea	-	-	-		-	-	-	-	0
<b>Transition Director Total</b>					<b>8,285,690</b>	<b>8,285,690</b>	<b>1,748,438</b>	<b>21%</b>	<b>(3,815,650)</b>	<b>(3,196,786)</b>	<b>(3,187,896)</b>	<b>(8,890)</b>	<b>5,088,904</b>
<b>General Fund Total</b>					<b>44,298,329</b>	<b>44,472,329</b>	<b>19,220,275</b>	<b>43%</b>	<b>(12,590,444)</b>	<b>(11,912,173)</b>	<b>(12,066,496)</b>	<b>154,323</b>	<b>32,560,156</b>
<b>Housing Revenue Account Capital Programme</b>													
N6384	Tower Blocks	Paul Leo	Darowen Jones	5. Delivery	1,530,000	1,680,000	163,165	10%	(4,835)	-	-	-	1,680,000
N6385	Adaptations for disabled	Paul Leo	Jonathan Gould	9. Other Capital Spend	783,000	783,000	590,821	75%	16,491	-	-	-	783,000
N6386	Structural	Paul Leo	Bill Chamberlain	8. Rolling Programme	450,000	450,000	186,647	41%	(11,353)	(180,000)	(180,000)	-	270,000
N6387	Controlled Entry	Paul Leo	Bill Chamberlain	8. Rolling Programme	-	-	-		-	-	-	-	0
N6388	Major Voids	Paul Leo	Steve Carter	8. Rolling Programme	409,000	259,000	108,464	42%	34,649	-	-	-	259,000
N6389	Damp-proof works (K&B)	Paul Leo	Chris Scott	8. Rolling Programme	107,000	107,000	104,571	98%	24,321	-	-	-	107,000
N6390	Kitchens & Bathrooms	Paul Leo	Jonathan Gould	8. Rolling Programme	2,423,000	2,423,000	1,651,630	68%	(102,622)	-	-	-	2,423,000
N6391	Heating	Paul Leo	Jonathan Gould	8. Rolling Programme	2,160,000	2,160,000	1,563,173	72%	42,277	-	-	-	2,160,000
N6392	Roofing	Paul Leo	Gary Long	8. Rolling Programme	278,000	278,000	56,038	20%	(2,342)	(98,000)	(98,000)	-	180,000
N6395	Electrics	Paul Leo	Jonathan Gould	8. Rolling Programme	593,000	593,000	517,327	87%	(38,314)	-	-	-	593,000
N6434	Doors and Windows	Paul Leo	Gary Long	8. Rolling Programme	280,000	280,000	78,026	28%	(3,174)	(110,000)	-	(110,000)	170,000
N7020	Extensions & Major Adaptions	Paul Leo	Jonathan Gould	8. Rolling Programme	1,005,000	1,005,000	328,646	33%	(3,004)	(305,000)	(305,000)	-	700,000
N7026	Communal Areas	Paul Leo	Jonathan Stone	8. Rolling Programme	358,000	358,000	45,610	13%	(133,318)	(200,000)	-	(200,000)	158,000
N7032	Great Estates Programme	Paul Leo	Sue Briscoe	8. Rolling Programme	850,000	850,000	402,689	47%	(353,811)	-	-	-	850,000
N7033	Energy Efficiency Initiatives	Paul Leo	Jonathan Gould	8. Rolling Programme	300,000	300,000	70,657	24%	(64,343)	(100,000)	(100,000)	-	200,000

Cost Centre	Capital Scheme	Director Responsible	Progress Update Provider	Project Status	2019/20 Agreed Budget	Latest Budget	Spend to 31/12/2019	% Budget Spent	Variance to Profile Budget	2019/20 Forecast Variance	Variance due to Slippage	Variance due to Over/ Under spend	2019/20 Forecast Outturn
					£	£	£		£	£	£	£	£
N7041	Electric Heating Conversion to Gas	Paul Leo	n/a	7. Closed	-	-	-		-	-	-	-	0
N7042	Barton Regeneration	Paul Leo	Sue Briscoe	8. Rolling Programme	1,986,535	1,986,535	543,358	27%	(628,698)	-	-	-	1,986,535
N7044	Lift Replacement Programme	Paul Leo	Jonathan Gould	8. Rolling Programme	240,000	240,000	-		-	(210,000)	(210,000)	-	30,000
N7046	Development at Mortimer Drive	Paul Leo	n/a	7. Closed	-	-	(7,124)	#DIV/0!	(7,124)	-	-	-	0
N7047	Social Rented Housing Acquisitions	Paul Leo	Dave Scholes	5. Delivery	398,629	398,629	163,744	41%	306	-	-	-	398,629
N7048	Fire doors	Paul Leo	Chris Scott	8. Rolling Programme	450,000	450,000	531,849	118%	216,849	310,000	-	310,000	760,000
N7049	Compulsory purchase of property	Paul Leo	Dave Scholes	5. Delivery	112,114	112,114	3,513	3%	2,392	-	-	-	112,114
N7050	East Oxford development	Paul Leo	Alan Wylde	2. Feasibility	-	-	-		-	-	-	-	0
N7051	Acquisition of Additional Units	Paul Leo	Dave Scholes	3. Design & Technical	500,000	500,000	-		-	-	-	-	500,000
N7052	HRA Stock Condition Survey	Paul Leo	Jonathan Gould	2. Feasibility	250,000	250,000	42,150	17%	(82,875)	(140,000)	(140,000)	-	110,000
N7053	Development Schemes	Paul Leo	Stephen Clarke	9. Other Capital Spend	-	-	-		-	-	-	-	0
N7040	Blackbird Leys Regeneration	Tom Bridgman	Roo Humpherson	2. Feasibility	200,000	200,000	-		-	(90,000)	(90,000)	-	110,000
<b>Housing Revenue Account</b>					<b>15,663,278</b>	<b>15,663,278</b>	<b>7,144,953</b>	<b>46%</b>	<b>(1,098,530)</b>	<b>(1,123,000)</b>	<b>(1,123,000)</b>	<b>-</b>	<b>14,540,278</b>
<b>Grand Total</b>					<b>59,961,607</b>	<b>60,135,607</b>	<b>26,365,228</b>	<b>44%</b>	<b>(13,688,973)</b>	<b>(13,035,173)</b>	<b>(13,189,496)</b>	<b>154,323</b>	<b>47,100,434</b>

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**To:** Cabinet  
**Date:** 11 March 2020  
**Report of:** Head of Regulatory Services and Community Safety  
**Title of Report:** Update of Housing Assistance and Disabled Adaptation Policy

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	Minor changes to allow clarification around discretionary grant and joint custody arrangements.
<b>Key decision:</b>	No
<b>Cabinet Member:</b>	Councillor Mike Rowley, Board Member for Housing
<b>Corporate Priority:</b>	Meeting housing needs, Strong and active communities, An effective and efficient council.
<b>Policy Framework:</b>	Housing and Homelessness Strategy 2018-2021
<b>Recommendation:</b> That Cabinet resolves to:	
1. <b>Approve</b> the proposed changes to the current Housing Assistance and Disabled Adaptation Policy attached at Appendix 2.	
<b>Appendices</b>	
Appendix 1	Current - Housing Assistance and Disabled Adaptation Policy 2019
Appendix 2	Proposed - Housing Assistance and Disabled Adaptation Policy 2020
Appendix 3	Risk register
Appendix 4	Equalities Impact Assessment

## Introduction and background

1. The Housing Assistance and Disabled Adaptation Policy was introduced on 24th January 2018, after being agreed by the then City Executive Board in January 2018. Minor changes were made to this policy by Executive decision in January 2019. The policy is made under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which gives general power to introduce policies for assisting individuals with renewals, repairs and adaptations in their homes through grants or loans.

2. The main funding for Disabled Facilities Grants (DFGs) now comes from pooled budget arrangements between top tier local authorities and Clinical Commissioning Groups (CCGs) via the Better Care Fund (BCF). The County Council holds the budget and provides DFG funding to each district council. As funding is now received from the BCF, the policy reflects the BCF's aims of achieving better health and wellbeing outcomes and helping with the prevention agenda.
3. The Council's Housing Assistance and Disabled Adaptation Policy has been held up nationally as an example of good practice. The Council's in house Home Improvement Agency (HIA) ran sessions at the Better Care Fund Thematic National Workshop Events in Bristol and Birmingham in February 2019. The idea of which was to share the Council's learnings and best practice with other local areas that might be facing similar challenges. Other District Councils in Oxfordshire are using Oxford City Council's Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) policy to develop similar policies in their areas.
4. The Council's national mandatory DFG programme has been considerably expanded from £220m in 2015/16 to £431m in 2017/18. Oxford City Council's DFG Budget allocation from the government has increased from £501,000 in 2015/16 to £1,252,746 in 2019/20.
5. The policy is delivered by the Council through its HIA who are also contracted by the Oxfordshire County Council and Oxfordshire Clinical Commissioning Group to deliver additional services that enable people to remain in their home. These services include the handyman service that provides low cost small repairs for elderly people and a Caseworker who advises vulnerable people on the best options for remaining at home and how to access funding. The new 3 year contract HIA contract with Oxfordshire County Council started on 1<sup>st</sup> April 2019.

### **Proposed Changes to Policy**

6. The proposed policy is attached as Appendix 2 and the main changes that are highlighted in the draft are to include the following:

#### ***Disabled Facilities Grants (DFGs)***

7. Mandatory DFG's are provided to disabled children at their main residence and clarification is needed what would happen in the case of joint custody arrangements. After discussion with the County all the districts have agreed to add the following clarification to the DFG policy:

*"Both carers will be allowed to apply for Disabled Facilities Grants for Adaptations for Disabled children who have formal joint custody arrangements, confirmed by the Occupational therapist referral"*

#### ***Discretionary DFGs***

8. DFGs are funded by the Better Care Fund (BCF) which is a crucial part of delivering the aims of the Care Act 2014, especially on the prevention agenda and reducing hospital discharge delays. DFGs are provided as an essential part of meeting this criteria as they are a proven method of reducing falls and hospital admissions. However sometimes the Council encounters problems with extremely vulnerable, low income clients where they either cannot use their adaptation provided under a DFG as they need repairing or they need repairs carrying out initially in order to facilitate the adaptation.

9. This can already be achieved using this section in the policy:  
*“Other works to provide a solution for vulnerable and disabled applicant’s needs. This would be subject to authorisation by the Head of Service”*
10. However to clarify this, the Council is proposing to expand the section by including the following two sentences:  
*Essential repair of adaptations fitted under a DFG in order to keep a disabled person safe after the warranty period.*  
*Essential Repairs/Works to the client’s property in order to either enable a DFG to take place or to enable Hospital Discharge.*
11. The HIA is also proposing to amend the Discretionary DFG so instead of only being able to award one Discretionary DFG every year, there is a maximum amount of £10,000 per year. This would allow greater flexibility for clients should their personal circumstances change.

### **Other implications**

12. The works carried out under this policy often result in property improvements which contribute to carbon reduction.

### **Financial implications**

13. By approving the policy all the additional spend will be funded using BCF money so there will be no direct cost to the Council. Any additional funds for the HIA contract, once agreed, will be additional income for the service.

### **Legal issues**

14. As set out in the Policy the Council has a duty to approve applications made under section 23(1) of the Housing Grants, Construction and Regeneration Act 1996 that satisfy the requirements of that Act. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) provides freedom and opportunities for the Council to address housing issues. The Council has discretionary powers under the RRO to provide assistance in any form for the purpose of improving living conditions.
15. No legal issues have been identified from the proposed amendments to the Housing Assistance and Disabled Adaptation Policy.

### **Level of risk**

16. A risk register is attached as Appendix 3.

### **Equalities impact**

17. An EIA has been completed and attached as Appendix 4. The impacts are positive as the policy directly relates to assisting vulnerable and disadvantaged members of the community.

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**Background Papers:** None



# OXFORD CITY HOME

IMPROVEMENT AGENCY



## HOUSING ASSISTANCE AND DISABLED ADAPTATIONS POLICY

The Regulatory Reform (Housing Assistance)  
(England and Wales) Order 2002

January 2019



## 1. Introduction

1.1 The Council aims to be as helpful to potential applicants for financial assistance as resources will allow. It is happy to give guidance and advice to Older, Disabled and vulnerable clients regardless of whether they are eligible for financial assistance. At times of heavy demand it will be obliged to prioritise the workload and it may have to operate waiting lists.

1.2. The Council is duty bound to approve applications made under section 23(1) of the Housing Grants, Construction and Regeneration Act 1996 that satisfy the requirements of that Act, for example mandatory Disabled Facilities Grants (DFG).

1.3 In 2002 the government brought in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which provide freedom and opportunities for the Local Authority to address housing issues. In 2008-9 the government extended the scope of the RRO to include use of the DFG money. This enables the authorities to use specific DFG funding for wider purposes. The Council has discretionary powers under “the Order” to provide assistance in any form for the purpose of improving living conditions.

1.4 DFG funds are not permitted to be used for Local Authority owned properties, so this policy does not apply to Oxford City Council tenants.



1.5 In 2016-17, the Better Care Fund was increased to a mandated minimum of £3.9 billion to be deployed locally on health and social care through pooled budget arrangements between local authorities and Clinical Commissioning Groups (CCGs). Part of the fund is the £394 million allocation for the Disabled Facilities Grant, which is paid directly from the Government to local authorities. The Better Care Fund (BCF) brings together money from a number of health and social care budgets in order to find better ways of delivering health and care services, and make a person's health pathway easier to navigate. It is a crucial part of delivering the aims of the Care Act, especially on the prevention agenda and reducing hospital discharge delays.

1.6 The assistance provided must allow for at least the same level of assistance as that offered by the existing Mandatory DFG. Crucially the assistance available from Oxford City Council under this policy enables the provision of more flexible, wide ranging financial assistance, to better meet some of these needs.

1.7 This policy will remain in force until such time as it is reviewed and amended. It is intended that there will be a management review of this new policy no later than the end of the 2019/20 financial year so that demand any further funding changes in 2019/20 can be assessed and the policy amended accordingly to account for this.

1.8 All our advice leaflets and marketing information has been refreshed to reflect the new policy. We will do a proactive awareness raising campaign as part of the implementation of the new policy.



## **2. Summary of Types of Assistance**

2.1 In brief, assistance will be provided for the following purposes, details of which are provided later in this document:-

### **Disabled Facility Grant Funding**

- Disabled Facility Grants – Mandatory Grant
- The Adapted Homes Grant
- Relocation Assistance
- Discretionary Disabled Facilities Grants
- Safe and Secure Grant
- Oxfordshire County Council – Lift Service and Maintenance Contract

### **Discretionary Housing Assistance Grants**

2.2 The following forms of assistance are discretionary grants and therefore such assistance only remains available while funds permit. Funding may be withdrawn with immediate effect for grants yet to be approved.

- Essential Repairs Assistance
- Flexible Home Improvement Loans
- Empty Homes Loans
- Small Repairs Scheme
- Property MOT - free for those qualifying for financial assistance.
- Residential House Boats - measures to meet minimum safety standards under the Boat Safety Scheme - subject to test of financial resources.
- Mobile Homes - essential repairs - subject to a test of financial resources.

### 3. Disabled Facilities Grants

3.1 The Council has a statutory obligation to administer mandatory Disabled Facilities Grants (DFGs) to provide aids and adaptations to enable disabled residents to live independently within their own homes.

3.2 The eligibility requirements, scope of works, and the general requirements governing mandatory DFGs are prescribed and the Council is unable to deviate from these requirements.

3.3 The Council is required to administer Disabled Facilities Grants to all eligible applicants irrespective of their tenure, and the Council aims to work collaboratively with housing associations to fund aids and adaptations within social housing wherever possible to share the cost between the Council and the housing association that owns the property being adapted.



## 4. Adapted Homes Grant

4.1 The Adapted Homes Grant is intended to help Oxford City residents to adapt their current home. The maximum grant available under this scheme is £8,000 (including any fees and VAT).

4.2 The Oxford City Adapted Homes Grant is similar to the eligibility criteria for the national Disabled Facilities Grant scheme with some exceptions, which are intended to make this assistance easier to approve and more flexible.

4.3 The Oxford City Adapted Homes Grant will only be available whilst funds permit as it is a discretionary grant. Funding may be withdrawn with immediate effect, however in such instances Mandatory DFG will continue to be available.

### Who can apply for an Adapted Homes grant?

4.4 Those persons eligible for a Disabled Facilities Grant or Minor Works Grant are also eligible for an Adapted Homes Grant including any person who is, or is applying on behalf of someone who is:

- registered or registerable as disabled \*

\* registerable - the person is eligible under the definition of disabled as defined under section 6(1) of the Equality Act

4.5 A person over the age of 18 is eligible to apply for an Adapted Homes Grant under the same criteria as a Disabled Facilities Grant, this can be for themselves or on behalf of the disabled person if they:

- own their own home as a freeholder or leaseholder (with at least 5 years left to run),
- are a tenant or life tenant,
- or have a license to occupy a park home on a licensed site and live in the Oxford City.

### What other criteria is there?

4.6 Only one application a year per person can be made for an Adapted Homes Grant.

4.7 The person applying for the grant will normally need to confirm that the disabled person (this could be themselves or somebody that they are applying for *intends* to live at the property subject to the Oxford City Adapted Homes Grant for the next five years, as their main residence.

4.8 If the property is jointly owned, the applicant will need to get the written consent from any joint owners (who do not live at the property as their main residence), that they confirm the eligible works can be completed to the property.

4.9 If the applicant is a tenant, the applicant will need to obtain the written consent of the property owner agreeing that the eligible works can be completed to the property.



## **Test of Financial Resources**

4.10 Any grant eligible works paid under this grant will not be subject to a 'means test' of the financial resources of the disabled occupant. Therefore in such cases the disabled occupant will be entitled to receive a full grant to cover the cost of the eligible works up to £8,000 (including any fees and VAT).

4.11 Unless otherwise stated in this document all other aspects of the provision of Disabled Facilities Grant under the Housing Grants Construction and Regeneration Act 1996 and associated regulations and guidance shall apply including the list of eligible works.

## **What works are eligible?**

4.12 In considering the eligible works Oxford City consult a suitably qualified professional which includes an Occupational Therapist.

4.13 The cost of the eligible works shall be determined so as to provide 'best value' and maybe decided by an appropriate schedule of rates, a 'mini tender' process or in exceptional circumstances, a single quotation for the eligible works.

4.14 Minor Works up to £1,000 are referred by Social Services, and undertaken by Oxford Direct Services adaptation team. For works that exceed the £1,000 limit the Adapted homes grant can be used to top-up funding for these works. In this case the existing Direct Services single quote will be used to expedite these urgent works.

4.15 The eligible works shall be 'necessary and appropriate' to meet the needs of the disabled occupant and it must be 'reasonable and practicable' to carry out the relevant works having regard to the age and condition of the dwelling.

4.16 Regard shall be had to the associated guidance and good practice in determining these factors.

4.17 The maximum grant payable for eligible works is £8,000, including the cost of any associated 'preliminary and ancillary charges' associated with the eligible works.

## 5. Relocation Grant

5.1 The Oxford City Relocation Grant can provide financial assistance to help disabled persons move to a more appropriate home.

5.2 An applicant may also apply for assistance for expenses incurred in moving to a more appropriate home outside of the local housing authority area where they live, which may be within or outside of Oxford City.

### Eligibility

5.3 To qualify for this type of assistance the applicant must be:

- a person who would otherwise qualify for a mandatory Disabled Facilities Grant, were it possible to carry out the works; and
- whose contribution towards the cost of the works would, using the test of resources prescribed by the Government for determining mandatory Disabled Facilities Grants, be less than £5,000; and
- is an owner-occupier whose principal or only residence is within the City of Oxford.

5.4 To qualify, the Council must be satisfied that either:

- (a) it is not practicable to carry out works that would be considered “necessary”, “appropriate” and “reasonable” under section 24 of the Housing Grants, Construction and Regeneration Act 1996, or
- (b) The ‘new’ property shall in the opinion of the Oxford City HIA provide a long term, sustainable home for the person for whose benefit the works are required so that either an adaptation is not necessary or the new adaptation is significantly smaller than the original DFG request. The total cost incurred in the eligible relocation expenses at the ‘new’ property should not be greater than the cost of adapting the applicant’s current home.
- (c) the works cannot be carried out without the permission of a third party and that permission has not been forthcoming.

5.5 The Council will not provide this type of assistance retrospectively. The Council will only consider an application for this type of assistance where it has notified the applicant in writing that one of the three criteria listed above apply.

5.6 In exceptional circumstances, the Council will consider providing assistance to enable a private tenant to move to more suitable accommodation.

## **Eligible Costs**

5.7 The Council will pay any of the following reasonable costs subject to satisfactory evidence that the expenditure has been incurred:-

- (a) Stamp duty;
- (b) Mortgage arrangement fees;
- (c) Estate agents' fees;
- (d) Furniture removal costs;
- (e) Utility connection costs;
- (f) Conveyancing costs and/or;
- (g) Any other costs that are deemed by the Council to be essential to effect the move;

5.8 This is subject to a maximum total level of assistance of £15,000 per applicant.

## **Application**

5.9 An application shall be made in a format prescribed by the Council. Application Forms are available on request.

## **Conditions**

5.10 A person who receives relocation assistance shall not be entitled to claim similar assistance for a period of 10 years. However, the provision of this type of assistance does not remove the right of any person to apply for a mandatory Disabled Facilities Grant at any time.

## **Payment**

5.11 A single payment will be made to the applicant upon completion of the move and upon receipt of satisfactory copies of any receipts, demands or other evidence of payment.

## 6. Discretionary Disabled Facilities Grants

6.1 The Council will consider applications for discretionary Disabled Facilities Grants in exceptional cases. These grants may be applied for either on their own or in addition to a mandatory Disabled Facilities Grant.

6.2 These grants will be subject to the client having a “nil contribution” from the mandatory DFG prescribed test of resources and will be subject of a maximum of £10,000 per application.

6.3 Assistance is limited to properties within the City of Oxford and applications will be considered for:

- Helping to pay towards a mandatory Disabled Facilities Grants which has exceeded the £30,000 limit.
- Adapting or providing a room for the use of a housebound person with a disability for the purpose of receiving specialised care or medical treatment, which on expert medical or other advice, is best delivered at home.
- The provision of a safe play area for a child, with disabilities, under the age of 10 at the date of application for a grant.
- Other works to provide a solution for vulnerable and disabled applicant’s needs. This would be subject to authorisation by the Head of Service.
- Where applicants have a contribution to make according to the outcome of the prescribed test of resources, they may provide written evidence to the Council, from an Independent Financial Advisor of their inability to raise sufficient funds to cover their own contribution. In these circumstances the City Council will consider approving discretionary grant aid if that is the only option for enabling the agreed works to proceed. The City Council may seek further advice before determining the application.
- Only one application a year per person can be made for a Discretionary Disabled Facilities Grant.
- The maximum grant is £10,000. The grant may include the cost of the eligible works plus an agency fee which is charged at the current rate (a minimum £10 agency fee applies).

## 7. Safe and Secure Grant

7.1 The Safe and Secure Grant is designed to enable home owners and tenants\* to quickly access financial assistance to carry out a wide range of minor adaptations and small repairs to reduce risks and accidents around the home, promote independent living and assist with hospital discharge or prevent hospital admission.

7.2 This is a discretionary grant and therefore such assistance only remains available while funds permit. Funding maybe withdrawn with immediate effect for grants yet to be approved.

### Who can apply for a Safe and Secure Grant

7.3 A person is eligible to apply for a Safe and Secure Grant if they are over 18 years old, live in the local authority area of Oxford City and:

- The applicant must be registered as disabled (or able to be registered) or over 60 years of age.
- own their own home as a freeholder or leaseholder (with at least 5 years left to run),
- are a tenant\* or life tenant,
- or have a license to occupy a park home on a licensed site and;

**\*this grant assistance will not be provided for tenanted properties where the eligible works are the normal, legal responsibility of the landlord.**

7.4 At the Oxford City HIA discretion, a grant will be considered for the reasonable cost of the work necessary to:

- carry out minor works to enable independent living
- works to prevent falls in and around the home
- reduce hazards or risks that are likely to cause serious harm or injury
- works to enable hospital discharge or prevent hospital admission.
- examples of eligible works may include:
  - water supply, drainage and heating issues
  - electrical and gas safety
  - small adaptations to support for Dementia
  - repairs or modifications to stairs, floors and steps
  - safety and security repairs
  - adaptations to enable independence and safety

### **Amount of Assistance**

7.5 The maximum grant is £1,000. The grant may include the cost of the eligible works plus an agency fee which is charged at the current rate (a minimum £10 agency fee applies).



## **What conditions are attached to the grant?**

7.6 For statutory minor works (referred by Social services on a minor works form) no quote is required. The work will be undertaken by Oxford Direct Services.

7.7 For works carried out by the Oxford City Council Handyperson, no quote is required. The Handyperson will complete the works on-site with the client.

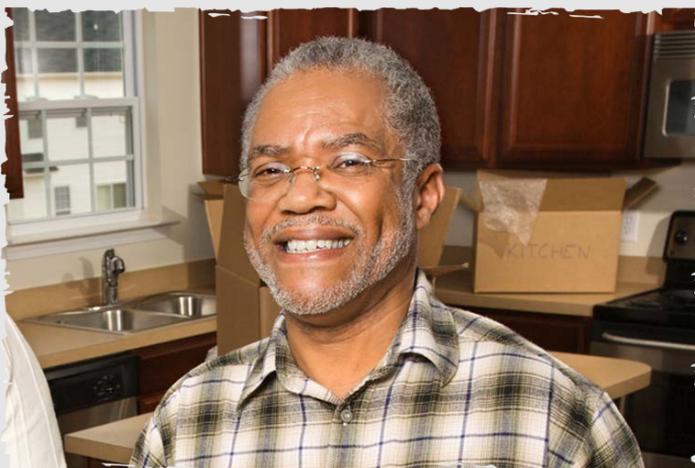
7.8 For all other works one quotation from an Oxford City HIA contractor shall be submitted for the cost of the eligible approved works. No works shall be carried out without formal grant approval.

7.9 Once all the above paperwork is received or obtained by the Oxford City HIA service to their satisfaction, then the application will be considered complete.

7.10 Once an application is considered complete, the Oxford City HIA service will in eligible cases approve a grant in accordance with any agreed response time.

7.11 The grant will only be paid upon the successful completion of the works to the satisfaction of the Oxford City HIA service and upon receipt of suitable invoice(s).

7.12 Grant monies will only normally be paid directly to the contractor who performed the eligible works.



## **8. Oxfordshire County Council – Lift Service and Maintenance Contract**

Historically there are some lifts under a service and maintenance contract with Oxfordshire County Council.

Children’s lifts fitted under a mandatory DFG are also added to this list once the warranty has expired.

8.1 The assistance below will only apply to lifts on Oxfordshire County Council’s service and maintenance contract within Oxford City.

8.2 Funding will be made available for an annual service and inspection visit for those lifts on the list with an approved OCHIA contractor.

8.3 Small repairs to lifts on the list also will be funded. If the lift becomes uneconomic to repair it will be referred back to Oxfordshire County Council to re-assess the client to make sure it still meets their needs.

8.4 Once a suitable referral is received from an OT the replacement lift can be considered under Mandatory DFG.

8.5 Repairs can still be considered to keep the old lift functional until a new one can be sourced.

8.6 The grant may include the cost of the eligible works plus an agency fee which is charged at the current rate (a minimum £10 agency fee applies).



## 9. Essential Repairs Assistance (ERA)

### Eligibility

9.1 Applications will be considered where the applicant(s):

- Are over 18 years of age;
- These grants will be subject to the client having a “nil contribution” from the mandatory DFG prescribed test of resources and will be subject of a maximum of £5,000 per application.
- Occupies the property, within the City of Oxford, as their sole or principal residence in the United Kingdom.
- Has repairing liability in law; and
- Other than in exceptional circumstances, has lived in his/her home for a minimum of three years.

9.2 If an applicant meets these criteria, then under any of the following circumstances financial assistance may be available.

- (a) Where a risk to the security of the occupier exists e.g. insecure windows or doors.
- (b) Where a breakdown of the primary source of heating or hot water has arisen or where it is so defective that a breakdown is inevitable.
- (c) Where a major defect exists that puts the health and safety of the occupier at an unacceptable level of risk e.g. an unsafe gas or electrical system.
- (d) Where there is a significant risk to public safety e.g. from an unsafe chimney or loose roof coverings.
- (e) Where internal works that pose an immediate risk to the occupier, their carer or other visitors to the property exist e.g. rotten flooring or a dangerous staircase.
- (f) Where a major structural element is so defective that significant further damage to the structure of the property or an adjoining property, will arise if remedial action is not taken e.g. a badly leaking roof or leaking gutters or downspouts.
- (g) Where there is a serious risk to health that is directly attributed to the repairs or adaptations required. In some cases medical evidence of need may be required e.g. from a GP or Hospital Consultant.
- (h) Where a notice requiring repair would otherwise be served or where a higher level of enforcement action would be necessary e.g. making a Closing Order and re-housing the occupier.
- (i) Where properties have a low Standard Assessment Procedure Rating (SAP 60 or below), grant assistance to meet the Decent Homes Standards will be available.

## Amount of Assistance

9.3 A maximum of £5,000, per property, is payable to execute repairs in any three year period where the works fall within the above list. The grant may include the cost of the eligible works plus an agency fee which is charged at the current rate (a minimum £10 agency fee applies).

### **TARGET STANDARD OF REPAIR**

The target standard of repair to be achieved is one which will remedy the defect and which will remove the associated health risks. Renewal of a failed element will take place when this is the most cost effective remedy. For example, a leaking roof may require either repairs or renewal of one or more roof slopes; or the whole roof may need to be stripped and re-laid. If the roof is generally sound and is judged to have at least 10 years further life, it will be repaired. Replacement windows will have to meet the Building Regulation standards and other standards, e.g. in conservation areas or if the property is a Listed Building.

## Conditions

9.4 All Financial Assistance over £1,000 is subject to the following conditions:

- Sale or transfer of a property within a 10 year period from the date of completion of any works will result in the money being repayable in full.
- Any financial assistance paid will be based on a specification for works that has been either provided by, or approved by, the Council. Specifications that are not approved by the Council will not be accepted. Quotations based on unapproved specifications will not be acceptable.
- The contract for any works undertaken is between the applicant and the contractor
- In general, at least two quotations are required for works that will cost over £1,000, unless prior agreement has been given by the Council (or its agent), the case is one of emergency, or the work is of a specialist nature not normally carried out by building contractors. All quotations must be itemised (to assist with settlement of any variation in cost or dispute that may subsequently arise), be on proper letter heading and be dated.

## 10. Flexible Home Improvement Loans (FHIL)

10.1 Oxford City Council is part of a consortium of 17 local authorities who have been awarded funding from the South East Regional Housing Board for a not-for-profit Flexible Home Improvement Loan Scheme. The local authorities have created Flexible Home Improvement Loans Limited, which is a not-for-profit company, limited by guarantee and wholly owned by local authorities across Berkshire, Buckinghamshire, Oxfordshire and Surrey.

10.2 The eligibility requirements, scope of works, and the general requirements governing FHIL's are prescribed and the Council is unable to deviate from these requirements.

### Eligibility

10.3 To qualify for this type of assistance the applicant must be an owner-occupier aged 60 or over, and living in the City of Oxford. In the case of joint owners, each must be at least 60 years of age.

### Eligible works

10.4 We will consider improvements that will make the home safer, warmer, healthier or more comfortable for the occupants. Examples of work that may be acceptable include essential repairs and maintenance, central heating or improvements to heating, replacement doors and windows, home security and the installation of adaptations such as level access showers.



## **Amount of Assistance**

10.5 The minimum amount of assistance is £1,000 and the maximum is based on the property value.

## **Conditions**

10.6 Loans are subject to conditions which are set by FHIL and agreed by the client in writing.

- The loan will be secured by a charge on the property.
- The interest rate is fixed for the term of the loan.
- During the term of the loan the recipient can choose to make regular monthly payments, occasional payments or no payments at all. The repayment arrangements can be varied at any time by the loan recipient.
- The loan plus outstanding interest must be repaid if the home is sold, or if the owners cease to occupy it.

## **Fees and charges**

10.7 There will be the following fees and charges associated with the loan:

- There will be a fee of £30 for the loan documentation and legal charge, plus a fee to the land registry, which will be quoted at the time of the application.
- There is an annual charge of £15 to cover the cost of loan administration and statements.
- If Oxford City council HIA team manage the works on behalf of the client an agency fee will be charged at the current rate.
- Any fees incurred by the applicant may be added to the loan.

## **11. Empty Homes Loans**

### **How does the scheme work?**

11.1 Flexible Home Improvement Loans Limited offer Empty Homes Loans. Empty Homes Loans may be regarded as 5 year, flexible, bridging finance secured by a first charge or, in some circumstances, a second charge on the property.

11.2 After the work has been completed you may let the property or use it as your own residence. During the term of the loan you can choose to make regular monthly payments, occasional payments or no payments at all. Furthermore, you are free to vary the arrangement at any time.

11.3 The loan, plus outstanding interest, must be repaid on the fifth anniversary of making the loan, or if the property is sold, whichever occurs first. The borrower will normally need to remortgage, or sell, the property to repay the loan. Interest will be charged at 2% above Bank of England rate, subject to minimum and maximum rates (please contact us for a quotation). Your account will also be debited with an annual charge of £15 to cover the cost of loan administration and statements.

11.4 The loan may be repaid, in whole or part, at any time before the end of the five years, without penalty. When the loan is completely repaid there is a flat fee of £50.00 for cancellation of our registered charge

### **Who is eligible?**

11.5 Empty Homes Loans are available to owners of empty properties and anybody wishing to purchase an empty property.

11.6 Applications are processed on a non-status basis, although a credit check is carried out. A very poor credit history may result in the application being declined and bankruptcy will automatically prevent us from making a loan.

### **Are there any setting-up costs?**

11.7 There will be a fee for loan documentation and registration of the legal charge. The fee will be added to the loan and is currently £80.00 for loans up to £100,000. In certain circumstances the Council may need to obtain a valuation of the property to confirm the equity is sufficient to cover the loan. This is unlikely to be needed in the majority of cases.

11.8 If you decide to engage a solicitor to act for you, they will almost certainly charge for their service. Any fees incurred may, if you wish, be added to the loan.

## 12. Small Repairs Scheme

### Handyperson Services

12.1 A handyperson service provides a range of practical support services for older and disabled people with the aim of helping them maintain independent living. Oxford City Council currently provides a chargeable Handyperson Service for a wide range of jobs which can include:

- Small building repairs
- Minor adaptations
- Odd jobs such as putting up curtains, shelves, replacing light bulbs.
- General home safety checks and remedial actions
- Falls and accident prevention checks and remedial actions such as repairing floor coverings
- Security checks – installing locks, chains and spyholes
- Fitting handrails and fitting “keysafes”
- Installing smoke detectors (including special smoke alarms for the deaf)

12.2 This list is not exhaustive but generally work should be considered as ‘small repairs’ that can be completed quickly.

### Who can use the scheme?

- Disabled people over 18 years old.
- Older vulnerable people (over 55 years of age). Priority will be given to those households and individuals who are disabled or in receipt of income support or other means tested benefits.
- Homeowners and private tenants (but not for works that are the responsibility of the landlord).
- Residents of Oxford City.

### Charging

12.3 The costs are based on an hourly charge (this is currently £20 per hour) plus the cost of materials. Costs will vary from job to job and free quotations are given.

## **13. Property MOT**

13.1 Home owners who are eligible for ERA or the Small Repairs Scheme can contact the Council to request a 'Property MOT'. This will take the form of an assessment covering the major elements and identifying both existing and anticipated repairs/replacements and any other significant shortcomings within the dwelling. The 'Property MOT' will help owners to prioritise works; have a better understanding of the condition of their homes and, for those who are able, to investigate loan options. Having a better understanding of the overall condition of their property will allow owners to consider the total cost of any works and evaluate their property and options.

## **14. House Boats**

14.1 Financial assistance is available to qualifying households (Based on ERA criteria) to cover essential repairs required to meet the minimum standards required by Canal & River trust under the Boat Safety Scheme and appropriate energy efficiency measures.

14.2 A maximum of £5,000, in any three year period is payable.

## **15. Mobile Homes**

15.1 Financial Assistance is available to qualifying households (based on ERA criteria) to cover essential repairs and appropriate energy efficiency measures.

15.2 It should be noted that both residential houseboats and mobile homes have a limited life and that an assessment of the anticipated future life of the structure will be undertaken before grant aid is approved. A minimum anticipated future life of 4 years is required. Owners of structures with a shorter anticipated life will receive assistance to carry out temporary or emergency repairs sufficient to enable other housing options to be explored.

15.3 A maximum of £5,000 in any three year period is payable.

## 16. Paying for Staff

16.1 Some local authorities have engaged in-house Occupational Therapists where extended waiting lists occur and covered the costs using the Better Care Fund (BCF) funding. Oxford City Council may use BCF funding to engage an Occupational Therapists or other similar support posts in order to help meet the directives of the BCF funding. This will be referred and approved by the Head of Service

## 17. Administration

### How to Apply for Assistance

17.1 Assistance will be provided through the Councils' Home Improvement Agency (HIA). Enquiries can be made in person at St Aldates, by telephone (01865 252887), in writing (HIA Team, St Aldate's Chambers, 109 St Aldate's, Oxford OX1 1DS, by e-mail, [hia@oxford.gov.uk](mailto:hia@oxford.gov.uk) or via the Council's Website ([www.oxford.gov.uk/hia](http://www.oxford.gov.uk/hia)).

17.2 A preliminary enquiry system will allow enquiries to be routed quickly to the most appropriate form of assistance. Enquirers will be advised wherever delays are likely, including the likely length and the reason for a delay.

17.3 The preliminary enquiry system will help to ensure that higher risk cases are dealt with first if delays are likely. For low priority cases a waiting list will be kept.



## Grant Conditions

17.4 All works for which discretionary grants and assistance are awarded must be completed within 6 months, or such longer period of time that has been agreed in writing by the Council. Applicants will not normally be able to reapply for a grant or other assistance within 12 months of the expiry of a previous approval. No retrospective applications will be considered.

17.5 All works must be completed in accordance with a specification of works agreed by the council. The agreed works must be carried out to a satisfactory standard of workmanship.

17.6 The payment of any form of financial assistance will be subject to bona fide invoices being provided by the approved contractor or in exceptional circumstances, with the approval of the casework officer, an alternative contractor. For example if the original contractor is unable to carry out the works.

17.7 The Council may give a qualified financial assistance approval in certain circumstances. For example, approval may be given for a scheme of works with payment not being guaranteed until the following financial year. This will allow some payments to be made for preliminary or ancillary fees. For example fees for drawings and legal costs.

17.8 Any Essential Repairs Assistance totalling over £1,000 will be repayable on the sale or transfer of a property within a 10 year period commencing with the completion of the works.

17.9 The HIA agency fee at date of publication was 15%, however this is reviewed annually. The current rate can be checked on our website;  
<https://www.oxford.gov.uk>

17.10 The HIA Handyperson rate at date of publication was £20/hr, however this is reviewed annually. The current rate can be checked on our website;  
<https://www.oxford.gov.uk>

## **18. Applications outside of the Policy**

18.1 The Council will consider applications for assistance that are exceptional or fall outside of the policy. In order to make such an application the service below should be contacted in the first instance:

Home Improvement Agency,  
Oxford City Council  
St Aldate's Chambers,  
109 St Aldate's,  
Oxford  
OX1 1DS  
Tel: 01865 252887  
hia@oxford.gov.uk

18.2 Applications should preferably be made in writing, however in some instances you may wish to seek verbal advice in the first instance.

18.3 Exceptional cases, which fall outside the criteria laid down in the policy, will be approved or referred to the Head of Service.

## **19. Policy Implementation**

19.1 This policy shall come into effect on 14th January 2019. The policy shall subsist until the City Council approves any amendments or a successor policy is approved.

19.2 It is intended that the policy will be reviewed annually and any proposed changes will be evaluated and implemented as soon as practically possible, if adopted.

19.3 Circumstances that might necessitate an earlier review might include changes in the available financial resources or changes to the Councils' wider corporate strategies.

## HOW TO CONTACT US

Oxford City Council  
Home Improvement Agency  
St Aldate's Chambers  
109 St Aldate's  
Oxford, OX1 1DS

**Direct Line:** 01865 252788

**Email:** [hia@oxford.gov.uk](mailto:hia@oxford.gov.uk)

**Website:** [www.oxford.gov.uk/hia](http://www.oxford.gov.uk/hia)

If you need this in large print or another format please call 01865 252788

January 2019



# OXFORD CITY HOME

IMPROVEMENT AGENCY



## HOUSING ASSISTANCE AND DISABLED ADAPTATIONS POLICY

The Regulatory Reform (Housing Assistance)  
(England and Wales) Order 2002

February 2020



## 1. Introduction

1.1 The Council aims to be as helpful to potential applicants for financial assistance as resources will allow. It is happy to give guidance and advice to Older, Disabled and vulnerable clients regardless of whether they are eligible for financial assistance. At times of heavy demand it will be obliged to prioritise the workload and it may have to operate waiting lists.

1.2. The Council is duty bound to approve applications made under section 23(1) of the Housing Grants, Construction and Regeneration Act 1996 that satisfy the requirements of that Act, for example mandatory Disabled Facilities Grants (DFG).

1.3 In 2002 the government brought in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which provide freedom and opportunities for the Local Authority to address housing issues. In 2008-9 the government extended the scope of the RRO to include use of the DFG money. This enables the authorities to use specific DFG funding for wider purposes. The Council has discretionary powers under “the Order” to provide assistance in any form for the purpose of improving living conditions.

1.4 DFG funds are not permitted to be used for Local Authority owned properties, so this policy does not apply to Oxford City Council tenants.



1.5 In 2016-17, the Better Care Fund was increased to a mandated minimum of £3.9 billion to be deployed locally on health and social care through pooled budget arrangements between local authorities and Clinical Commissioning Groups (CCGs). Part of the fund is the £394 million allocation for the Disabled Facilities Grant, which is paid directly from the Government to local authorities. The Better Care Fund (BCF) brings together money from a number of health and social care budgets in order to find better ways of delivering health and care services, and make a person's health pathway easier to navigate. It is a crucial part of delivering the aims of the Care Act, especially on the prevention agenda and reducing hospital discharge delays.

1.6 The assistance provided must allow for at least the same level of assistance as that offered by the existing Mandatory DFG. Crucially the assistance available from Oxford City Council under this policy enables the provision of more flexible, wide ranging financial assistance, to better meet some of these needs.

1.7 This policy will remain in force until such time as it is reviewed and amended. It is intended that there will be a management review of this new policy no later than the end of the 2020/21 financial year so that demand any further funding changes in 2020/21 can be assessed and the policy amended accordingly to account for this.

1.8 All our advice leaflets and marketing information has been refreshed to reflect the new policy. We will do a proactive awareness raising campaign as part of the implementation of the new policy.



## **2. Summary of Types of Assistance**

2.1 In brief, assistance will be provided for the following purposes, details of which are provided later in this document:-

### **Disabled Facility Grant Funding**

- Disabled Facility Grants – Mandatory Grant
- The Adapted Homes Grant
- Relocation Assistance
- Discretionary Disabled Facilities Grants
- Safe and Secure Grant
- Oxfordshire County Council – Lift Service and Maintenance Contract

### **Discretionary Housing Assistance Grants**

2.2 The following forms of assistance are discretionary grants and therefore such assistance only remains available while funds permit. Funding may be withdrawn with immediate effect for grants yet to be approved.

- Essential Repairs Assistance
- Flexible Home Improvement Loans
- Empty Homes Loans
- Small Repairs Scheme
- Property MOT - free for those qualifying for financial assistance.
- Residential House Boats - measures to meet minimum safety standards under the Boat Safety Scheme - subject to test of financial resources.
- Mobile Homes - essential repairs - subject to a test of financial resources.

### 3. Disabled Facilities Grants

3.1 The Council has a statutory obligation to administer mandatory Disabled Facilities Grants (DFGs) to provide aids and adaptations to enable disabled residents to live independently within their own homes.

3.2 The eligibility requirements, scope of works, and the general requirements governing mandatory DFGs are prescribed and the Council is unable to deviate from these requirements.

3.3 Both carers will be allowed to apply for Disabled Facilities Grants for Adaptations for disabled children who have formal joint custody arrangements, confirmed by the Occupational Therapist referral.

3.4 The Council is required to administer Disabled Facilities Grants to all eligible applicants irrespective of their tenure, and the Council aims to work collaboratively with housing associations to fund aids and adaptations within social housing wherever possible to share the cost between the Council and the housing association that owns the property being adapted



## 4. Adapted Homes Grant

4.1 The Adapted Homes Grant is intended to help Oxford City residents to adapt their current home. The maximum grant available under this scheme is £8,000 (including any fees and VAT).

4.2 The Oxford City Adapted Homes Grant is similar to the eligibility criteria for the national Disabled Facilities Grant scheme with some exceptions, which are intended to make this assistance easier to approve and more flexible.

4.3 The Oxford City Adapted Homes Grant will be only be available whilst funds permit as it is a discretionary grant. Funding may be withdrawn with immediate effect, however in such instances Mandatory DFG will continue to be available.

### Who can apply for an Adapted Homes grant?

4.4 Those persons eligible for a Disabled Facilities Grant or Minor Works Grant are also eligible for an Adapted Homes Grant including any person who is, or is applying on behalf of someone who is:

- registered or registerable as disabled \*

\* registerable - the person is eligible under the definition of disabled as defined under section 6(1) of the Equality Act

4.5 A person over the age of 18 is eligible to apply for an Adapted Homes Grant under the same criteria as a Disabled Facilities Grant, this can be for themselves or on behalf of the disabled person if they:

- own their own home as a freeholder or leaseholder (with at least 5 years left to run),
- are a tenant or life tenant,
- or have a license to occupy a park home on a licensed site and live in the Oxford City.

## What other criteria is there?

4.6 Only one application a year per person can be made for an Adapted Homes Grant.

4.7 The person applying for the grant will normally need to confirm that the disabled person (this could be themselves or somebody that they are applying for *intends* to live at the property subject to the Oxford City Adapted Homes Grant for the next five years, as their main residence.

4.8 If the property is jointly owned, the applicant will need to get the written consent from any joint owners (who do not live at the property as their main residence), that they confirm the eligible works can be completed to the property.

4.9 If the applicant is a tenant, the applicant will need to obtain the written consent of the property owner agreeing that the eligible works can be completed to the property.



## **Test of Financial Resources**

4.10 Any grant eligible works paid under this grant will not be subject to a 'means test' of the financial resources of the disabled occupant. Therefore in such cases the disabled occupant will be entitled to receive a full grant to cover the cost of the eligible works up to £8,000 (including any fees and VAT).

4.11 Unless otherwise stated in this document all other aspects of the provision of Disabled Facilities Grant under the Housing Grants Construction and Regeneration Act 1996 and associated regulations and guidance shall apply including the list of eligible works.

### **What works are eligible?**

4.12 In considering the eligible works Oxford City consult a suitably qualified professional which includes an Occupational Therapist.

4.13 The cost of the eligible works shall be determined so as to provide 'best value' and maybe decided by an appropriate schedule of rates, a 'mini tender' process or in exceptional circumstances, a single quotation for the eligible works.

4.14 Minor Works up to £1,000 are referred by Social Services, and undertaken by Oxford Direct Services adaptation team. For works that exceed the £1,000 limit the Adapted homes grant can be used to top-up funding for these works. In this case the existing Direct Services single quote will be used to expedite these urgent works.

4.15 The eligible works shall be 'necessary and appropriate' to meet the needs of the disabled occupant and it must be 'reasonable and practicable' to carry out the relevant works having regard to the age and condition of the dwelling.

4.16 Regard shall be had to the associated guidance and good practice in determining these factors.

4.17 The maximum grant payable for eligible works is £8,000, including the cost of any associated 'preliminary and ancillary charges' associated with the eligible works.

## 5. Relocation Grant

5.1 The Oxford City Relocation Grant can provide financial assistance to help disabled persons move to a more appropriate home.

5.2 An applicant may also apply for assistance for expenses incurred in moving to a more appropriate home outside of the local housing authority area where they live, which maybe within or outside of Oxford City.

### Eligibility

5.3 To qualify for this type of assistance the applicant must be:

- a person who would otherwise qualify for a mandatory Disabled Facilities Grant, were it possible to carry out the works; and
- whose contribution towards the cost of the works would, using the test of resources prescribed by the Government for determining mandatory Disabled Facilities Grants, be less than £5,000; and
- is an owner-occupier whose principal or only residence is within the City of Oxford.

5.4 To qualify, the Council must be satisfied that either:

- (a) it is not practicable to carry out works that would be considered “necessary”, “appropriate” and “reasonable” under section 24 of the Housing Grants, Construction and Regeneration Act 1996, or
- (b) The ‘new’ property shall in the opinion of the Oxford City HIA provide a long term, sustainable home for the person for whose benefit the works are required so that either an adaptation is not necessary or the new adaptation is significantly smaller than the original DFG request. The total cost incurred in the eligible relocation expenses at the ‘new’ property should not be greater than the cost of adapting the applicant’s current home.
- (c) the works cannot be carried out without the permission of a third party and that permission has not been forthcoming.

5.5 The Council will not provide this type of assistance retrospectively. The Council will only consider an application for this type of assistance where it has notified the applicant in writing that one of the three criteria listed above apply.

5.6 In exceptional circumstances, the Council will consider providing assistance to enable a private tenant to move to more suitable accommodation.

## **Eligible Costs**

5.7 The Council will pay any of the following reasonable costs subject to satisfactory evidence that the expenditure has been incurred:-

- (a) Stamp duty;
- (b) Mortgage arrangement fees;
- (c) Estate agents' fees;
- (d) Furniture removal costs;
- (e) Utility connection costs;
- (f) Conveyancing costs and/or;
- (g) Any other costs that are deemed by the Council to be essential to effect the move;

5.8 This is subject to a maximum total level of assistance of £15,000 per applicant.

## **Application**

5.9 An application shall be made in a format prescribed by the Council. Application Forms are available on request.

## **Conditions**

5.10 A person who receives relocation assistance shall not be entitled to claim similar assistance for a period of 10 years. However, the provision of this type of assistance does not remove the right of any person to apply for a mandatory Disabled Facilities Grant at any time.

## **Payment**

5.11 A single payment will be made to the applicant upon completion of the move and upon receipt of satisfactory copies of any receipts, demands or other evidence of payment.

## 6. Discretionary Disabled Facilities Grants

6.1 The Council will consider applications for discretionary Disabled Facilities Grants in exceptional cases. These grants may be applied for either on their own or in addition to a mandatory Disabled Facilities Grant (DFG).

6.2 These grants will be subject to the client having a “nil contribution” from the mandatory DFG prescribed test of resources and will be subject of a **maximum of £10,000 each year.**

6.3 Assistance is limited to properties within the City of Oxford and applications will be considered for:

- Helping to pay towards a mandatory DFGs which has exceeded the £30,000 limit.
- Adapting or providing a room for the use of a housebound person with a disability for the purpose of receiving specialised care or medical treatment, which on expert medical or other advice, is best delivered at home.
- The provision of a safe play area for a child, with disabilities, under the age of 10 at the date of application for a grant.
- **Essential repair of adaptations fitted under a DFG in order to keep a disabled person safe after the warranty period.**
- **Essential repairs/works to the client’s property in order to either enable a DFG to take place or to enable hospital discharge.**
- Other works to provide a solution for vulnerable and disabled applicant’s needs. This would be subject to authorisation by the Head of Service.
- Where applicants have a contribution to make according to the outcome of the prescribed test of resources, they may provide written evidence to the Council, from an Independent Financial Advisor of their inability to raise sufficient funds to cover their own contribution. In these circumstances the City Council will consider approving discretionary grant aid if that is the only option for enabling the agreed works to proceed. The City Council may seek further advice before determining the application.
- The maximum grant is £10,000. The grant may include the cost of the eligible works plus an agency fee which is charged at the current rate (a minimum £10 agency fee applies).

## 7. Safe and Secure Grant

7.1 The Safe and Secure Grant is designed to enable home owners and tenants\* to quickly access financial assistance to carry out a wide range of minor adaptations and small repairs to reduce risks and accidents around the home, promote independent living and assist with hospital discharge or prevent hospital admission.

7.2 This is a discretionary grant and therefore such assistance only remains available while funds permit. Funding maybe withdrawn with immediate effect for grants yet to be approved.

### Who can apply for a Safe and Secure Grant

7.3 A person is eligible to apply for a Safe and Secure Grant if they are over 18 years old, live in the local authority area of Oxford City and:

- The applicant must be registered as disabled (or able to be registered) or over 60 years of age.
- own their own home as a freeholder or leaseholder (with at least 5 years left to run),
- are a tenant\* or life tenant,
- or have a license to occupy a park home on a licensed site and;

**\*this grant assistance will not be provided for tenanted properties where the eligible works are the normal, legal responsibility of the landlord.**

7.4 At the Oxford City HIA discretion, a grant will be considered for the reasonable cost of the work necessary to:

- carry out minor works to enable independent living
- works to prevent falls in and around the home
- reduce hazards or risks that are likely to cause serious harm or injury
- works to enable hospital discharge or prevent hospital admission.
- examples of eligible works may include:
  - water supply, drainage and heating issues
  - electrical and gas safety
  - small adaptations to support for Dementia
  - repairs or modifications to stairs, floors and steps
  - safety and security repairs
  - adaptations to enable independence and safety

### **Amount of Assistance**

7.5 The maximum grant is £1,000. The grant may include the cost of the eligible works plus an agency fee which is charged at the current rate (a minimum £10 agency fee applies).



## **What conditions are attached to the grant?**

7.6 For statutory minor works (referred by Social services on a minor works form) no quote is required. The work will be undertaken by Oxford Direct Services.

7.7 For works carried out by the Oxford City Council Handyperson, no quote is required. The Handyperson will complete the works on-site with the client.

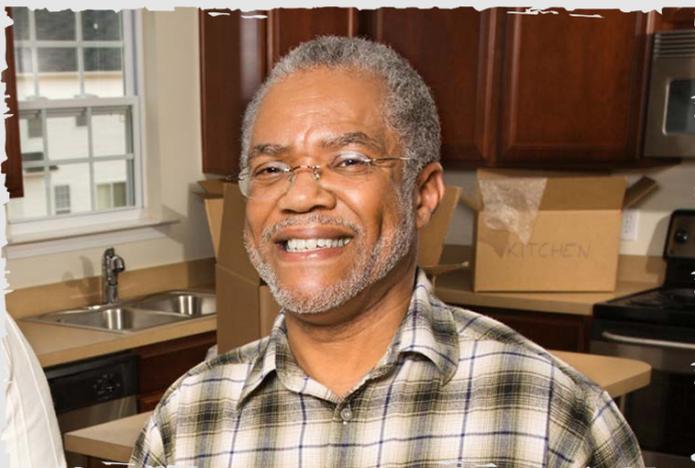
7.8 For all other works one quotation from an Oxford City HIA contractor shall be submitted for the cost of the eligible approved works. No works shall be carried out without formal grant approval.

7.9 Once all the above paperwork is received or obtained by the Oxford City HIA service to their satisfaction, then the application will be considered complete.

7.10 Once an application is considered complete, the Oxford City HIA service will in eligible cases approve a grant in accordance with any agreed response time.

7.11 The grant will only be paid upon the successful completion of the works to the satisfaction of the Oxford City HIA service and upon receipt of suitable invoice(s).

7.12 Grant monies will only normally be paid directly to the contractor who performed the eligible works.



## **8. Oxfordshire County Council – Lift Service and Maintenance Contract**

Historically there are some lifts under a service and maintenance contract with Oxfordshire County Council.

Children's lifts fitted under a mandatory DFG are also added to this list once the warranty has expired.

8.1 The assistance below will only apply to lifts on Oxfordshire County Council's service and maintenance contract within Oxford City.

8.2 Funding will be made available for an annual service and inspection visit for those lifts on the list with an approved OCHIA contractor.

8.3 Small repairs to lifts on the list also will be funded. If the lift becomes uneconomic to repair it will be referred back to Oxfordshire County Council to re-assess the client to make sure it still meets their needs.

8.4 Once a suitable referral is received from an OT the replacement lift can be considered under Mandatory DFG.

8.5 Repairs can still be considered to keep the old lift functional until a new one can be sourced.

8.6 The grant may include the cost of the eligible works plus an agency fee which is charged at the current rate (a minimum £10 agency fee applies).



## 9. Essential Repairs Assistance (ERA)

### Eligibility

9.1 Applications will be considered where the applicant(s):

- Are over 18 years of age;
- These grants will be subject to the client having a “nil contribution” from the mandatory DFG prescribed test of resources and will be subject of a maximum of £5,000 per application.
- Occupies the property, within the City of Oxford, as their sole or principal residence in the United Kingdom.
- Has repairing liability in law; and
- Other than in exceptional circumstances, has lived in his/her home for a minimum of three years.

9.2 If an applicant meets these criteria, then under any of the following circumstances financial assistance may be available.

- (a) Where a risk to the security of the occupier exists e.g. insecure windows or doors.
- (b) Where a breakdown of the primary source of heating or hot water has arisen or where it is so defective that a breakdown is inevitable.
- (c) Where a major defect exists that puts the health and safety of the occupier at an unacceptable level of risk e.g. an unsafe gas or electrical system.
- (d) Where there is a significant risk to public safety e.g. from an unsafe chimney or loose roof coverings.
- (e) Where internal works that pose an immediate risk to the occupier, their carer or other visitors to the property exist e.g. rotten flooring or a dangerous staircase.
- (f) Where a major structural element is so defective that significant further damage to the structure of the property or an adjoining property, will arise if remedial action is not taken e.g. a badly leaking roof or leaking gutters or downspouts.
- (g) Where there is a serious risk to health that is directly attributed to the repairs or adaptations required. In some cases medical evidence of need may be required e.g. from a GP or Hospital Consultant.
- (h) Where a notice requiring repair would otherwise be served or where a higher level of enforcement action would be necessary e.g. making a Closing Order and re-housing the occupier.
- (i) Where properties have a low Standard Assessment Procedure Rating (SAP 60 or below), grant assistance to meet the Decent Homes Standards will be available.

## Amount of Assistance

9.3 A maximum of £5,000, per property, is payable to execute repairs in any three year period where the works fall within the above list. The grant may include the cost of the eligible works plus an agency fee which is charged at the current rate (a minimum £10 agency fee applies).

### **TARGET STANDARD OF REPAIR**

The target standard of repair to be achieved is one which will remedy the defect and which will remove the associated health risks. Renewal of a failed element will take place when this is the most cost effective remedy. For example, a leaking roof may require either repairs or renewal of one or more roof slopes; or the whole roof may need to be stripped and re-laid. If the roof is generally sound and is judged to have at least 10 years further life, it will be repaired. Replacement windows will have to meet the Building Regulation standards and other standards, e.g. in conservation areas or if the property is a Listed Building.

## Conditions

9.4 All Financial Assistance over £1,000 is subject to the following conditions:

- Sale or transfer of a property within a 10 year period from the date of completion of any works will result in the money being repayable in full.
- Any financial assistance paid will be based on a specification for works that has been either provided by, or approved by, the Council. Specifications that are not approved by the Council will not be accepted. Quotations based on unapproved specifications will not be acceptable.
- The contract for any works undertaken is between the applicant and the contractor
- In general, at least two quotations are required for works that will cost over £1,000, unless prior agreement has been given by the Council (or its agent), the case is one of emergency, or the work is of a specialist nature not normally carried out by building contractors. All quotations must be itemised (to assist with settlement of any variation in cost or dispute that may subsequently arise), be on proper letter heading and be dated.

## 10. Flexible Home Improvement Loans (FHIL)

10.1 Oxford City Council is part of a consortium of 17 local authorities who have been awarded funding from the South East Regional Housing Board for a not-for-profit Flexible Home Improvement Loan Scheme. The local authorities have created Flexible Home Improvement Loans Limited, which is a not-for-profit company, limited by guarantee and wholly owned by local authorities across Berkshire, Buckinghamshire, Oxfordshire and Surrey.

10.2 The eligibility requirements, scope of works, and the general requirements governing FHIL's are prescribed and the Council is unable to deviate from these requirements.

### Eligibility

10.3 To qualify for this type of assistance the applicant must be an owner-occupier aged 60 or over, and living in the City of Oxford. In the case of joint owners, each must be at least 60 years of age.

### Eligible works

10.4 We will consider improvements that will make the home safer, warmer, healthier or more comfortable for the occupants. Examples of work that may be acceptable include essential repairs and maintenance, central heating or improvements to heating, replacement doors and windows, home security and the installation of adaptations such as level access showers.



## **Amount of Assistance**

10.5 The minimum amount of assistance is £1,000 and the maximum is based on the property value.

## **Conditions**

10.6 Loans are subject to conditions which are set by FHIL and agreed by the client in writing.

- The loan will be secured by a charge on the property.
- The interest rate is fixed for the term of the loan.
- During the term of the loan the recipient can choose to make regular monthly payments, occasional payments or no payments at all. The repayment arrangements can be varied at any time by the loan recipient.
- The loan plus outstanding interest must be repaid if the home is sold, or if the owners cease to occupy it.

## **Fees and charges**

10.7 There will be the following fees and charges associated with the loan:

- There will be a fee of £30 for the loan documentation and legal charge, plus a fee to the land registry, which will be quoted at the time of the application.
- There is an annual charge of £15 to cover the cost of loan administration and statements.
- If Oxford City council HIA team manage the works on behalf of the client an agency fee will be charged at the current rate.
- Any fees incurred by the applicant may be added to the loan.

## **11. Empty Homes Loans**

### **How does the scheme work?**

11.1 Flexible Home Improvement Loans Limited offer Empty Homes Loans. Empty Homes Loans may be regarded as 5 year, flexible, bridging finance secured by a first charge or, in some circumstances, a second charge on the property.

11.2 After the work has been completed you may let the property or use it as your own residence. During the term of the loan you can choose to make regular monthly payments, occasional payments or no payments at all. Furthermore, you are free to vary the arrangement at any time.

11.3 The loan, plus outstanding interest, must be repaid on the fifth anniversary of making the loan, or if the property is sold, whichever occurs first. The borrower will normally need to remortgage, or sell, the property to repay the loan. Interest will be charged at 2% above Bank of England rate, subject to minimum and maximum rates (please contact us for a quotation). Your account will also be debited with an annual charge of £15 to cover the cost of loan administration and statements.

11.4 The loan may be repaid, in whole or part, at any time before the end of the five years, without penalty. When the loan is completely repaid there is a flat fee of £50.00 for cancellation of our registered charge

### **Who is eligible?**

11.5 Empty Homes Loans are available to owners of empty properties and anybody wishing to purchase an empty property.

11.6 Applications are processed on a non-status basis, although a credit check is carried out. A very poor credit history may result in the application being declined and bankruptcy will automatically prevent us from making a loan.

### **Are there any setting-up costs?**

11.7 There will be a fee for loan documentation and registration of the legal charge. The fee will be added to the loan and is currently £80.00 for loans up to £100,000. In certain circumstances the Council may need to obtain a valuation of the property to confirm the equity is sufficient to cover the loan. This is unlikely to be needed in the majority of cases.

11.8 If you decide to engage a solicitor to act for you, they will almost certainly charge for their service. Any fees incurred may, if you wish, be added to the loan.

## 12. Small Repairs Scheme

### Handyperson Services

12.1 A handyperson service provides a range of practical support services for older and disabled people with the aim of helping them maintain independent living. Oxford City Council currently provides a chargeable Handyperson Service for a wide range of jobs which can include:

- Small building repairs
- Minor adaptations
- Odd jobs such as putting up curtains, shelves, replacing light bulbs.
- General home safety checks and remedial actions
- Falls and accident prevention checks and remedial actions such as repairing floor coverings
- Security checks – installing locks, chains and spyholes
- Fitting handrails and fitting “keysafes”
- Installing smoke detectors (including special smoke alarms for the deaf)

12.2 This list is not exhaustive but generally work should be considered as ‘small repairs’ that can be completed quickly.

### Who can use the scheme?

- Disabled people over 18 years old.
- Older vulnerable people (over 55 years of age). Priority will be given to those households and individuals who are disabled or in receipt of income support or other means tested benefits.
- Homeowners and private tenants (but not for works that are the responsibility of the landlord).
- Residents of Oxford City.

### Charging

12.3 The costs are based on an hourly charge (this is currently £20 per hour) plus the cost of materials. Costs will vary from job to job and free quotations are given.

## **13. Property MOT**

13.1 Home owners who are eligible for ERA or the Small Repairs Scheme can contact the Council to request a 'Property MOT'. This will take the form of an assessment covering the major elements and identifying both existing and anticipated repairs/replacements and any other significant shortcomings within the dwelling. The 'Property MOT' will help owners to prioritise works; have a better understanding of the condition of their homes and, for those who are able, to investigate loan options. Having a better understanding of the overall condition of their property will allow owners to consider the total cost of any works and evaluate their property and options.

## **14. House Boats**

14.1 Financial assistance is available to qualifying households (Based on ERA criteria) to cover essential repairs required to meet the minimum standards required by Canal & River trust under the Boat Safety Scheme and appropriate energy efficiency measures.

14.2 A maximum of £5,000, in any three year period is payable.

## **15. Mobile Homes**

15.1 Financial Assistance is available to qualifying households (based on ERA criteria) to cover essential repairs and appropriate energy efficiency measures.

15.2 It should be noted that both residential houseboats and mobile homes have a limited life and that an assessment of the anticipated future life of the structure will be undertaken before grant aid is approved. A minimum anticipated future life of 4 years is required. Owners of structures with a shorter anticipated life will receive assistance to carry out temporary or emergency repairs sufficient to enable other housing options to be explored.

15.3 A maximum of £5,000 in any three year period is payable.

## 16. Paying for Staff

16.1 Some local authorities have engaged in-house Occupational Therapists where extended waiting lists occur and covered the costs using the Better Care Fund (BCF) funding. Oxford City Council may use BCF funding to engage an Occupational Therapists or other similar support posts in order to help meet the directives of the BCF funding. This will be referred and approved by the Head of Service

## 17. Administration

### How to Apply for Assistance

17.1 Assistance will be provided through the Councils' Home Improvement Agency (HIA). Enquiries can be made in person at St Aldates, by telephone (01865 252887), in writing (HIA Team, St Aldate's Chambers, 109 St Aldate's, Oxford OX1 1DS, by e-mail, [hia@oxford.gov.uk](mailto:hia@oxford.gov.uk) or via the Council's Website ([www.oxford.gov.uk/hia](http://www.oxford.gov.uk/hia)).

17.2 A preliminary enquiry system will allow enquiries to be routed quickly to the most appropriate form of assistance. Enquirers will be advised wherever delays are likely, including the likely length and the reason for a delay.

17.3 The preliminary enquiry system will help to ensure that higher risk cases are dealt with first if delays are likely. For low priority cases a waiting list will be kept.



## Grant Conditions

17.4 All works for which discretionary grants and assistance are awarded must be completed within 6 months, or such longer period of time that has been agreed in writing by the Council. No retrospective applications will be considered.

17.5 All works must be completed in accordance with a specification of works agreed by the council. The agreed works must be carried out to a satisfactory standard of workmanship.

17.6 The payment of any form of financial assistance will be subject to bona fide invoices being provided by the approved contractor or in exceptional circumstances, with the approval of the casework officer, an alternative contractor. For example if the original contractor is unable to carry out the works.

17.7 The Council may give a qualified financial assistance approval in certain circumstances. For example, approval may be given for a scheme of works with payment not being guaranteed until the following financial year. This will allow some payments to be made for preliminary or ancillary fees. For example fees for drawings and legal costs.

17.8 Any Essential Repairs Assistance totalling over £1,000 will be repayable on the sale or transfer of a property within a 10 year period commencing with the completion of the works.

17.9 The HIA agency fee at date of publication was 15%, however this is reviewed annually. The current rate can be checked on our website;  
<https://www.oxford.gov.uk>

17.10 The HIA Handyperson rate at date of publication was £20/hr, however this is reviewed annually. The current rate can be checked on our website;  
<https://www.oxford.gov.uk>

## 18. Applications outside of the Policy

18.1 The Council will consider applications for assistance that are exceptional or fall outside of the policy. In order to make such an application the service below should be contacted in the first instance:

Home Improvement Agency,  
Oxford City Council  
St Aldate's Chambers,  
109 St Aldate's,  
Oxford  
OX1 1DS  
Tel: 01865 252887  
hia@oxford.gov.uk

18.2 Applications should preferably be made in writing, however in some instances you may wish to seek verbal advice in the first instance.

18.3 Exceptional cases, which fall outside the criteria laid down in the policy, will be approved or referred to the Head of Service.

## 19. Policy Implementation

19.1 This policy shall come into effect on 11th March 2020. The policy shall subsist until the City Council approves any amendments or a successor policy is approved.

19.2 It is intended that the policy will be reviewed annually and any proposed changes will be evaluated and implemented as soon as practically possible, if adopted.

19.3 Circumstances that might necessitate an earlier review might include changes in the available financial resources or changes to the Councils' wider corporate strategies.

## HOW TO CONTACT US

Oxford City Council  
Home Improvement Agency  
St Aldate's Chambers  
109 St Aldate's  
Oxford, OX1 1DS

**Direct Line:** 01865 252788

**Email:** [hia@oxford.gov.uk](mailto:hia@oxford.gov.uk)

**Website:** [www.oxford.gov.uk/hia](http://www.oxford.gov.uk/hia)

If you need this in large print or another  
format please call 01865 252788

February 2020

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# Appendix 3

Appendix 3: Risk Register

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Decline in income	Not spending BCF funds	Threat	Not amending the existing policy to reflect current needs	Required spending levels not achieved so that external funding may be reduced.	16/12/19	BW	4	4	2	2	2	2	Current policy in place	Keep BCF and County Council informed on progress. Implement amended policy.	12/02/20			
Reduced funding	Not spending BCF funds	Threat	Funding reduced	Oxford City still has a statutory duty to approve DFG and may have to review budget provision for funding DFG works.	16/12/19	BW	4	4	2	2	2	2	Current policy in place	Implement amended policy. Review budget provision for DFG works	12/02/20			
Waiting Lists	Capacity of contractors to undertake additional works	Threat	Lack of suitably qualified contractors	Waiting lists and back-up of workload.	16/12/19	BW	2	2	2	2	2	2	Subject to availability of local contractors	Work with procurement to implement Framework for contractors.	12/02/20			

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## Initial Equalities Impact Assessment screening form – Appendix 4

*Prior to making the decision, the Council's decision makers considered the following: guide to decision making under the Equality Act 2010:*

*The Council is a public authority. All public authorities when exercising public functions are caught by the Equality Act 2010 which became law in December 2011. In making any decisions and proposals, the Council - specifically members and officers - are required to have **due regard** to the 9 protected characteristics defined under the Act. These protected characteristics are: **age, disability, race, gender reassignment, pregnancy and maternity, religion or belief, sex, sexual orientation and marriage & civil partnership***

*The decision maker(s) must specifically consider those protected by the above characteristics:*

- (a) To seek to ensure equality of treatment towards service users and employees;*
- (b) To identify the potential impact of the proposal or decision upon them.*

*The Council will also ask that officers specifically consider whether:*

- (A) The policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults*
- (B) The proposed policy / service is likely to have any significant impact on mental wellbeing / community resilience (staff or residents)*

*If the Council fails to give 'due regard', the Council is likely to face a Court challenge. This will either be through a judicial review of its decision making, the decision may be quashed and/or returned for it to have to be made again, which can be costly and time-consuming diversion for the Council. When considering 'due regard', decision makers must consider the following principles:*

- 1. **The decision maker is responsible for identifying whether there is an issue and discharging it.** The threshold for one of the duties to be triggered is low and will be triggered where there is any issue which needs at least to be addressed.*
- 2. **The duties arise before the decision or proposal is made, and not after and are ongoing.** They require **advance** consideration by the policy decision maker with conscientiousness, rigour and an open mind. The duty is similar to an open consultation process.*
- 3. The decision maker must be **aware of the needs of the duty.***
- 4. The **impact of the proposal or decision must be properly understood first.** The amount of regard due will depend on the individual circumstances of each case. The greater the potential impact, the greater the regard.*
- 5. **Get your facts straight first!** There will be no due regard at all if the decision maker or those advising it make a fundamental error of fact (e.g. because of failing to properly inform yourself about the impact of a particular decision).*
- 6. What does 'due regard' entail?
  - a. **Collection and consideration of data and information;***
  - b. **Ensuring data is sufficient to assess the decision/any potential discrimination/ensure equality of opportunity;***
  - c. **Proper appreciation of the extent, nature and duration of the proposal or decision.****

# Appendix 4

7. **Responsibility** for discharging can't be delegated or sub-contracted (although an equality impact assessment ("EIA") can be undertaken by officers, decision makers must be sufficiently aware of the outcome).
  8. **Document the process** of having due regard! Keep records and make it transparent! If in any doubt carry out an equality impact assessment ("EIA"), to test whether a policy will impact differentially or not. Evidentially an EIA will be the best way of defending a legal challenge. See hyperlink for the questions you should consider <http://occweb/files/seealsodocs/93561/Equalities%20-%20Initial%20Equality%20Impact%20Assessment%20screening%20template.doc>
1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

None of the groups will be disadvantaged.  
The updated policy will have a positive impact on age, disability, race and gender.  
The updated policy will improve housing conditions, especially those which have a direct health and safety impact on occupiers.  
It will target financially vulnerable occupiers; disabled people, single parent families and pensioners those more likely to be in receipt of benefits.  
The policy continues to target assistance towards disabled persons, especially with regard to Disabled Facilities Grants and loans. General housing improvement may be more desirable where there is vulnerability, and the policy recognises this.

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

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

No adverse impacts were identified. Only positive impacts.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

# Appendix 4

Consultation for the original policy adopted in January was extensive and included all groups affected by the policy, which was all vulnerable residents of Oxford City and key stakeholders such as the County Council. The proposed amendments are minor and the main policy aims and objectives are unaffected. As such there is no need to consult again.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

No adverse impacts were identified. Only positive impacts.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

The Policy will create workstreams that will be reported upon annually at a service and corporate level.

Lead officer responsible for signing off the EqIA: Becky Walker

Role: HIA Manager

Date: 16/12/2019

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## **Minutes of a meeting of the CABINET on Wednesday 12 February 2020**

www.oxford.gov.uk



### **Committee members:**

Councillor Brown (Chair)

Councillor Turner

Councillor Clarkson

Councillor Hollingsworth

Councillor Tidball

Councillor Linda Smith (Deputy Leader)

Councillor Chapman

Councillor Hayes

Councillor Rowley

Councillor Upton

### **Also present:**

Councillor James Fry

### **Officers:**

Gordon Mitchell, Chief Executive

Tom Bridgman, Executive Director (Development)

Paul Leo, Interim Director of Housing

Nadeem Murtuja, Interim Executive Director for Communities

Anita Bradley, Monitoring Officer

Nigel Kennedy, Head of Financial Services

Mish Tullar, Corporate Policy, Partnership and Communications Manager

Rocco Labellarte, Chief Technology and Information Officer

Rachel Lawrence, Rough Sleeping and Single Homelessness Manager

Richard Wyatt, Senior Planner

Tom Hudson, Scrutiny Officer

John Mitchell, Committee and Member Services Officer

### **Also present:**

Councillor James Fry

### **Apologies:**

None.

### **132. Declarations of Interest**

None.

### **133. Addresses and Questions by Members of the Public**

A question had been posed by a member of the public. The question and the response to it are attached to these minutes.

### **134. Councillor Addresses on any item for decision on the Board's agenda**

None.

### **135. Councillor Addresses on Neighbourhood Issues**

None.

### **136. Items raised by Board Members**

None.

### **137. Scrutiny Committee Reports**

Tom Hudson, Scrutiny Officer, addressed Cabinet, noting apologies from Cllrs Gant and McManners in their capacities as Chair and Vice Chair of the Scrutiny Committee.

Council Strategy (item 11 on the Agenda). The Committee had seen the pre-consultation iteration of the strategy. Timetabling constraints had, regrettably, meant that the Committee was unable to see the version of the strategy which was now before Cabinet. The Committee's response was therefore limited to some general observations with no specific recommendations. The Committee had been particularly pleased to note the increase in the number of people who had engaged with the consultation compared with previous consultation exercises and the general support shown by the consultation for the individual proposals.

The Chair repeated the apology she had given to the Scrutiny Committee for the timetabling difficulties associated with the production of this report occasioned by the recent General Election. She noted that it had been a very effective consultation exercise and had included the opportunity for an early sight of the pre-consultation draft by a number of groups.

Plans for Zero Emissions Zone (ZEZ) The Committee had considered the Council's plans for the introduction of the ZEZ at some length and concluded with 5 recommendations. The Committee was generally supportive of the proposals and, indeed, was advocating that the zone should be expanded and that the move to it should be swifter. The Committee had some concerns however about the nomenclature of the ZEZ and about the efficacy of the proposals for enforcement using handheld ANPR devices.

Tom Hayes, Cabinet Member for Zero Carbon, said that while there had been a very full discussion at the Committee he had to register his concern that aspects of the Committee's report did not accurately reflect the views or position of the Council. He drew particular attention to paragraph 9 (nomenclature of the ZEZ – there is no evidence of ambiguity about the use of ZEZ); paragraph 11 (potential use of geofencing – the technology is not yet available); and paragraph 16 (use of ANPR – there is no evidence to support the concern that the current proposal for its use will be ineffective).

Customer Experience (item 12 on the Agenda). The Committee had been very supportive of the principles behind the proposals and its recommendations came from an enthusiasm for the topic. The Committee had been particularly keen to advocate a

greater understanding of the Council's customers so as inform the development of services for them. It was also keen that similar strategies should be adopted by Oxford Direct Services. The Committee's discussion had strayed into a wider consideration of the desirability of a citizen's engagement strategy, while recognising that this was outside the scope of the Customer Experience Strategy.

Performance Monitoring The Committee's approach to Performance Monitoring was much improved. Councillor Fry was now undertaking preparatory work with relevant officers, on a regular basis, before Committee meetings so as to facilitate more effective discussion at them.

Commentary on the recommendations from Scrutiny was not available at the time of publication. They are, however, attached to these minutes.

Councillor Fry spoke in his capacity as Chair of the Budget Review Group, to the Scrutiny reports on the budget and Capital Strategy in a confidential session at the end of the meeting.

### **138. Budget 2020-21 and Medium Term Financial Plan 2021-22 to 2023-24**

The Head of Financial Services had submitted a report to present the outcome of the budget consultation and agree the Council's Medium Term Financial Strategy for 2021-22 to 2023-24 and 2020-21 Budget for recommendation to Council.

Councillor Ed Turner, Cabinet Member for Finance and Asset Management, gave a brief introduction to the report which would be subject to wider discussion and debate at the following day's Council meeting. The proposals now before Cabinet included very few changes from the pre-consultation version. He drew attention however to the Government's recent decision to combine two major rough sleeping programmes: the Rough Sleeping Initiative and the Rapid Rehousing Initiative and the consequential addition of a further recommendation to those given in the report. The background to this recommendation is attached to these minutes and the new recommendation is included in those given below.

Nigel Kennedy, Head of Financial Services, noted that the Government had now published its final Local Government Finance Settlement with no significant changes from the provisional settlement.

Cabinet resolved to:

#### **Recommend that Council resolves to:**

1. **Approve** the 2020-21 General Fund and Housing Revenue Account budgets and the General Fund and Housing Revenue Account Medium Term Financial Plan as set out in Appendices 1-10 of the report, noting:

- (a) the Council's General Fund Budget Requirement of £24.183 million for 2020/21 and an increase in the Band D Council Tax of 1.99% or £6.13 per annum representing a Band D Council Tax of £313.92 per annum subject to confirmation of the referendum levels contained in paragraph 5 of the report
- (b) the Housing Revenue Account budget for 2020/21 of £44.455 million and an increase of 2.70% (£3.06/wk) in social dwelling rents from 1 April 2020 giving a revised weekly average social rent of £105.32 as set out in Appendix 5 of the report
- (c) the General Fund and Housing Revenue Account Capital Programme as shown in Appendix 6 of the report
2. **Agree** the fees and charges shown in Appendix 7 of the report;
3. **Delegate** to the Section 151 Officer in consultation with the Cabinet Member for Finance and Assets the decision to determine whether it is financially advantageous for the Council to enter into a Business Rates Distribution Agreement as referred to in paragraphs 13- 15 of the report;
4. **Approve** a loan facility of up to £500k for working capital to the Council's Joint Venture, Oxford West End Development (Oxwed) at terms to be agreed by the Council's Section 151 Officer as referred to in paragraph 38 of the report;
5. **Approve** the payment into the County Council Pension Fund of £5 million as referred to in the Consultation Budget and paragraph 23 of the report; and
6. **Note** the changes to Business Rates reliefs and discounts for 2020-21 as referred to in paragraph 12 of the report.
7. **Agree** the additional unbudgeted amount of RSI grant of £840k for 2020-21 is added to the Council's Homelessness earmarked reserve.

### **139. Treasury Management Strategy 2020/21**

The Head of Financial Services had submitted a report to present the Council's Treasury Management Strategy for 2020/21 together with the Prudential Indicators for 2020/21 to 2024/25.

Councillor Ed Turner, Cabinet Member for Finance and Asset Management introduced the report. The strategy was not materially different from that for the current year.

In response to a question he said there was no evidence of a major impact from the Corona virus, noting that the Council held a good level of reserves/balances to mitigate any unexpected demands.

Cabinet resolved to:

**Recommend that Council approves:**

1. The Treasury Management Strategy 2020/21 as set out in paragraphs 18 to 64 of the report and the Prudential Indicators for 2020/21 – 2024/25 as set out in Appendix 2 of the report;
2. The Borrowing Strategy at paragraphs 26 to 38 of the report;
3. The Minimum Revenue Provision (MRP) Statement at paragraphs 39 to 41 of the report which sets out the Council's policy on charging borrowing to the revenue account; and
4. The Investment Strategy for 2020/21 and investment criteria as set out in paragraphs 42 to 63 and Appendix 1 of the report.

**140. Corporate Strategy 20-24 - final draft for approval**

The Assistant Chief Executive had submitted a report to seek approval for the Council Strategy 2020-2024.

The Chair introduced the report by noting that the strategy had been referred to by a number of titles and that it would be helpful to be clear that it was the Council's Corporate Strategy and that it should simply be referred to as the Council Strategy. The strategy had been written in a way to be as meaningful and accessible to as many people as possible. Early engagement had ensured something which was properly representative of the Council's visions and values.

Mish Tullar, Corporate Policy, Partnership and Communications Manager, said the input from Scrutiny Committee had been helpful. The strategy would be underpinned by the Annual Business Plan and associated KPIs, which would come to the next meeting of the Cabinet.

The Chief Executive confirmed that the objectives of the strategy would, in turn, inform Council employees' personal work objectives.

The Chair thanked all those who had contributed to this important piece of work.

Cabinet resolved to:

1. **Note** the report on the public and stakeholder consultation on the draft Council Strategy 2020-24;
2. **Agree** revisions made to the draft Council Strategy in response to the consultation;
3. **Delegate** authority to the Head of Corporate Policy, Partnerships and Communications in consultation with the Council Leader to make further minor amendments before adoption by Council;
4. **Recommend Council to**
  - A) **adopt** the Council Strategy attached as Appendix 1 to the report;
  - B) **delegate** authority to the Head of Corporate Policy, Partnerships and Communications in consultation with the Council Leader to make further minor amendments as required prior to its publication in March 2020;
  - C) **note** that Key Performance Indicators agreed by Cabinet will be inserted as a schedule in the Council Strategy.

## 141. Customer Experience Strategy

The Head of Business Improvement had submitted a report to seek approval of the Customer Experience Strategy which provides the Council with a clear vision for the future state of customer and digital engagement and the technology required to support achieving the vision.

Nigel Chapman, Cabinet Member for Safer Communities and Customer Facing Services, introduced the report. Customers have increasingly high expectations of their engagement with the Council. The strategy represented an important step to becoming more “slick and professional” and included important elements to build staff skills and capabilities. It was important to recognise that digital technology was an enabler and not an end in itself as was the importance of ensuring that those without access to digital technology were not disenfranchised.

Rocco Labellarte, Chief Technology and Information Officer, said the strategy would replace three, separate, previous strategies. As the effectiveness and efficiency of day to day engagement with the Council improves through application of the strategy, so it would release the capacity of staff to deal with more complex and challenging cases. The last two years had seen a great improvement in the basic IT infrastructure of the Council and it was well placed to proceed with this strategy.

In response to a question about the quality of the digitisation of some planning material, he said that where large quantities of material had to be digitised a balance had to be struck between the pace and quality. Poor quality would be addressed as part of an iterative improvement process over time.

Cabinet resolved to:

1. **Approve** the Customer Experience Strategy and Action Plan 2019/22 at appendix 1 of the report; and
2. **Note** and approve the Public Customer Experience Strategy 2019/22 Summary at appendix 2 of the report.

## 142. Allocation of Homelessness Prevention Funds for 2020/21

The Interim Director of Housing had submitted a report to approve the allocation of homelessness prevention funds for 2020/21 with the purpose of helping to meet the objectives of the Housing and Homelessness Strategy 2018/21.

Linda Smith, Cabinet Member for Leisure and Housing, introduced the report, which set out the proposed allocation of Homelessness Prevention Funding for the coming year. The report detailed the many and various purpose to which this funding was put such as initial engagement and assessment; preventing homelessness; and supported accommodation. In relation to the latter she was pleased to be able to report an increase in the number of beds compared with previous year (from 234 to 256). She was also pleased to report that the latest snapshot of the number of people sleeping on the street (25, measured on one night in January) was encouraging. While the objective remained of ensuring that no one should have to sleep on the City’s streets,

this latest figure represented a considerable improvement on the November 2019 figure of 43 and was the lowest since 2015.

The Chair thanked Rachel Lawrence and members of her team for their work in this important area.

Cabinet resolved to:

1. **Approve** the allocation of Homelessness Prevention funds to commission homelessness services in 2020/21 as outlined in paragraph 36 to 48 and in Appendix D of the report; and
2. **Delegate** to the Interim Director of Housing in consultation with the portfolio holder for Housing the discretion to revise the intended programme within the overall budget if required.

### **143. Headington Neighbourhood Forum (re) Designation**

The Head of Planning Services had submitted a report to approve the re-designation of Headington Neighbourhood Form in respect of the original designated neighbourhood area.

Councillor Hollingsworth, Cabinet Member for Planning and Sustainable Transport said the report fulfilled the necessary function of re-designating the Headington Neighbourhood Forum given that the original designation expired after a period of 5 years.

Cabinet resolved to:

**Approve** the re-designation of Headington Neighbourhood Form in respect of the original designated neighbourhood area.

### **144. Minutes**

Cabinet resolved to APPROVE the minutes of the meeting held on 22 January as a true and accurate record.

### **145. Dates of Future Meetings**

Meetings are scheduled for the following dates:

- 11 March
- 15 April
- 10 June
- 15 July
- 12 August

All meetings start at 6pm.

**146. Matters Exempt from Publication**

Cabinet passed a resolution in accordance with the provisions of Paragraph 4(2)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 on the grounds that the presence of the press or public could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

**147. Appendix to Scrutiny Budget Review Group Report**

**148. Capital Strategy 2020/21 – 2024/25**

The meeting started at 6.00 pm and ended at 7.25 pm

Chair .....

Date: Wednesday 11 March 2020

## Oxford City Council Cabinet Meeting 12 February 2020

### Agenda item 3

Public question to Cabinet with reference to recommendation 2 of Agenda Item 13 (Allocation of Homelessness Prevention Funds for 2020/21)

“Delegate to the Interim Director of Housing in consultation with the portfolio holder for Housing the discretion to revise the intended programme within the overall budget if required.”

**Q.** *“This is a major alteration changing how Oxford City Council discharges its obligation for Housing Services. Why is Oxford City Council **“delegating”** this **obligation** without a specific **mandate** from the **Electorate** who are **ignorant** of this measure and its future **implications?**”*

**A.** Council reports on financial plans commonly contain a recommendation to delegate to a Senior Manager the discretion to revise the intended programme within the overall budget if required, in consultation with the portfolio holder for Housing.

This is because financial plans can and do change, making it necessary to review the original plan and allocations, including to avoid significant over or underspending of the budget. For example, in 2019/20 a slight delay in the opening of the new facility at Rymer’s Lane led to an overspend in the forecast allocation for spending on services at Simon House and an underspend on the forecast spending on services at Matilda House, leading to a net underspend of £4,166 for these allocations. The portfolio holder for Housing, Councillor Linda Smith, was aware of this development and in agreement with the decision to adjust the allocations in year.

Changes to the original allocations are reported in detail in this annual report on proposed funding allocations for services for rough sleepers and single homeless people.

Ends

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12 February 2020

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