

Agenda

Council

Summons

A meeting of the City Council will be held to transact the business set out below on

Date: **Monday 21 March 2022**

Time: **5.00 pm**

Place: **Council Chamber - Oxford Town Hall**



Proper Officer

Members of the public can attend to observe this meeting and:

- may register in advance to speak to the meeting in accordance with the [public speaking rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

This meeting can be viewed live or afterwards on the council's [YouTube channel](#).

For further information please contact:

Andrew Brown, Committee and Member Services Manager

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All public papers are available from the calendar link to this meeting once published

Membership of Council

Councillors: Membership 48: Quorum 12.

Lord Mayor Councillor Mark Lygo

Deputy Lord Mayor Councillor Stephen Goddard

Sheriff Councillor Dick Wolff

Members	Councillor Evin Abrishami	Councillor Jemima Hunt
	Councillor Mohammed Altaf-Khan	Councillor Chris Jarvis
	Councillor Lubna Arshad	Councillor Tom Landell Mills
	Councillor Shaista Aziz	Councillor Dr Amar Latif
	Councillor Nadine Bely-Summers	Councillor Sajjad Malik
	Councillor Diko Walcott	Councillor Katherine Miles
	Councillor Susan Brown	Councillor Edward Mundy
	Councillor Nigel Chapman	Councillor Chewe Munkonge
	Councillor Mary Clarkson	Councillor Jabu Nala-Hartley
	Councillor Colin Cook	Councillor Lucy Pegg
	Councillor Tiago Corais	Councillor Susanna Pressel
	Councillor Barbara Coyne	Councillor Ajaz Rehman
	Councillor Lizzy Diggins	Councillor Mike Rowley
	Councillor Dr Hosnieh Djafari-Marbini	Councillor Linda Smith
	Councillor Paula Dunne	Councillor Roz Smith
	Councillor Laurence Fouweather	Councillor Dr Christopher Smowton
	Councillor James Fry	Councillor Imogen Thomas
	Councillor Andrew Gant	Councillor Marie Tidball
	Councillor Mick Haines	Councillor Ed Turner
	Councillor Duncan Hall	Councillor Louise Upton
	Councillor Tom Hayes	Councillor Elizabeth Wade
	Councillor Alex Hollingsworth	Councillor Naomi Waite
	Councillor Rae Humberstone	

Apologies will be reported at the meeting.

Agenda

The business to be transacted is set out below

	Pages
PART 1 - PUBLIC BUSINESS	
1 Apologies for absence	
2 Declarations of interest	
3 Minutes	21 - 44
Minutes of the ordinary meeting of Council held on 31 January 2022 and of the budget meeting of Council held on 16 February 2022. Council is asked to approve the minutes as a correct record.	
4 Appointment to Committees	
Any proposed changes will be circulated with the briefing note or notified at the meeting.	
5 Announcements	
Announcements by: <ol style="list-style-type: none"> 1. The Lord Mayor 2. The Sheriff 3. The Leader of the Council (who may with the permission of the Lord Mayor invite other councillors to make announcements) 4. The Chief Executive, Chief Finance Officer, Monitoring Officer 	
6 Public addresses and questions that relate to matters for decision at this meeting	
Public addresses and questions to the Leader or other Cabinet member received in accordance with Council Procedure Rules in the Constitution relating to matters for decision in Part 1 of this agenda. Up to five minutes is available for each public address and up to three minutes for each question. Questions must be less than 200 words. The request to speak accompanied by the full text of the address or question must be received by the Head of Law and Governance by 5.00 pm on Tuesday 15 March 2022. The briefing note will contain the text of addresses and questions submitted by the deadline, and written responses where available.	

*A total of 45 minutes is available for both public speaking items.
Responses are included in this time.*

CABINET RECOMMENDATIONS

7 Development of land at South Oxford Science Village (Land South of Grenoble Road)

45-58

The Executive Director for Development submitted a report to Cabinet on 9 February 2022 seeking agreement for the Council to enter into a joint venture Limited Liability Partnership with Thames Water and Magdalen College, as the three land owners of the land allocated for redevelopment off Grenoble Road known as the South Oxford Science Village site, and in doing so, to commit the land for development.

The Cabinet minutes are available at item 15b.

Councillor Ed Turner, Cabinet Member for Finance and Asset Management or Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery will present the report and present Cabinet's recommendations.

Recommendation: Cabinet recommends that Council resolves to:

1. **Approve** the establishment of a revenue budget of £556k to enable the work to bring the site forward for development, and for internal and external resources its business. Where appropriate and agreed with the Head of Financial Services the costs will be capitalised and the appropriate budget vired from revenue to capital in line with the capitalisation;
2. **Approve** a loan of up to £500k to be made to the LLP to cover the council's share of running the LLP (% share based on % land ownership within the allocation) to be repaid with interest on terms agreed with the Head of Financial Services. The appropriate capital and revenue budgets to be established, to be agreed with the Head of Financial Services, based on the LLP Business Plan and Budget.

8 Integrated Performance Report for Q3

59 - 86

The Head of Financial Services and the Head of Business Improvement have submitted a report to Cabinet on 16 March which seeks approval of a project into the capital programme.

The Cabinet decision will be reported in the Briefing Note. The draft minutes of the meeting will be available on the [Cabinet meetings webpage](#).

Councillor Brown, the Leader of the Council, will propose Cabinet's recommendation.

Recommendation: Cabinet recommends subject to decisions

taken at the Cabinet meeting on 16 March 2022 that Council resolves to approve the addition of £0.110 million into the Capital Programme for the purchase of Hybrid AV meeting equipment as set out at paragraph 13.

9 Decisions taken under Part 9.3(b) of the Constitution

87 - 90

The Head of Paid Service (Chief Executive) has submitted a report to Cabinet on 16 March 2022 to note a decision taken by the Head of Paid Service (Chief Executive) using the urgency powers delegated in Part 9.3(b) of the Constitution and recommend that Council note the decision.

The draft minutes of the Cabinet meeting will be available on the [meetings webpage](#).

Councillor Brown the Leader of the Council will propose the recommendation.

Recommendation: That Council resolves to note the decision as set out in the report.

COMMITTEE RECOMMENDATIONS

10 Statement of Licensing Policy (Licensing Act 2003)

91 - 206

The Head of Regulatory Services and Community Safety has submitted a report to the Licensing and Gambling Acts Committee on 17 March 2022 requesting the Committee agree and recommend the updated Statement of Licensing Policy and Cumulative Impact Assessment.

The decision of the Committee meeting will be reported in the briefing note. The draft minutes will be available on the [meeting webpage](#).

Councillor Cook, Chair of the Licensing and Gambling Acts Committee, will present the report and propose the Committee's recommendations.

Recommendation: That subject to the decision of the Licensing and Gambling Acts Committee on 17 March 2022 Council resolves to adopt the Statement of Licensing Policy and Cumulative Impact Assessment.

11 Policy on the relevance of warnings, offences, cautions and convictions

207 -
272

The Head of Regulatory Services and Community Safety has submitted a report to the General Purposes Licensing Committee on 17 March 2022 seeking agreement and a recommendation to Council of the Policy on the Relevance of Warnings, Offences, Cautions and Convictions (Taxi Licensing).

The Committee's decision will be reported in the Briefing Note. The

draft minutes will be available on the [meeting webpage](#).

Councillor Clarkson, Chair of the General Purposes Licensing Committee will present the report and propose the Committee's recommendation.

Recommendation: That subject to the decision of the General Purposes Licensing Committee Council resolves to adopt the final Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

12 Members' Code of Conduct

273 -
292

The Head of Law and Governance submitted a report to the Standards Committee on 2 March 2022 recommending the adoption of a new Members' Code of Conduct. The recommendation in the report was approved by the Standards Committee.

The Chair of the Standards Committee Cllr Pressel will present the report and propose the Standards Committee's recommendation.

Recommendation: That Council resolves to adopt revised Councillors' Code of Conduct for implementation from May 2022

OFFICER REPORTS

13 Constitution Review 2021/22

293 -
320

The Head of Law and Governance has submitted a report recommending changes to the Council's Constitution following an annual review process overseen by a cross-party group of councillors.

Recommendation: Council is recommended to

1. **Approve** the list of proposed amendments to governance arrangements in the Council's Constitution listed in Appendix 1 with effect from 18 May 2022;
2. **Approve** the list of proposed amendments to clarify existing governance arrangements in the Council's Constitution as detailed in Appendix 2 with effect from 18 May 2022;
3. **Approve** the dispensations in Part 22.5(e) granted under section 33 of the Localism Act 2011 for a further four years from 1 October 2022;
4. **Note** that Council will be recommended to adopt a new Members Code of Conduct under a separate agenda item, following consideration by the Standards Committee; and
5. **Delegate authority** to the Head of Law and Governance to make minor and consequential amendments to the Constitution including to wording and/or numbering that is identified as being

inconsistent with the changes approved by Council.

6. **Note** that the Monitoring Officer has delegated authority to change Part 4 (who carries out executive responsibilities) and Part 6 (roles of Cabinet members) to reflect the wishes of the Leader. This would include amending Cabinet Member portfolio titles in the Constitution to reflect any changes announced by the Leader.

14 Pay Policy Statement 2022

321 -
332

The Head of Business Improvement has submitted a report recommending approval of the Annual Pay Policy Statement, as required by legislation.

Recommendation: That Council resolves to:

1. **Approve** the Annual Pay Policy Statement 2022/23 as attached at Appendix 1
2. **Note** and approve the elements of the Collective Agreement on Pay as referenced in this report.
3. **Authorise** the Head of Business Improvement and any staff delegated by the Head of Business Improvement to make any changes to the Council's employment policies in accordance with the Collective Agreement.

QUESTIONS

15 Questions on Cabinet minutes

This item has a time limit of 15 minutes.

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

15a Minutes of the Cabinet meeting held on 26 January 2022

333 –
336

15b Draft minutes of the Cabinet meeting held on 9 February 2022

337 -
344

16 Questions on Notice from Members of Council

Questions on notice from councillors received in accordance with Council Procedure Rule 11.11(b).

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

The full text of questions must have been received by the Head of Law

and Governance by no later than 1.00pm on Wednesday 9 March 2022. These, and written responses where available, will be published in the briefing note.

PART 2 - PUBLIC INVOLVEMENT AND SCRUTINY

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

This item will be taken at or shortly after 7.00pm

Public addresses and questions to the Leader or other Cabinet member received in accordance with Council Procedure Rules in the Constitution and not relating to matters for decision in Part 1 of this agenda.

Up to five minutes is available for each public address and up to three minutes for each question. Questions must be less than 200 words.

The request to speak accompanied by the full text of the address or question must be received by the [Head of Law and Governance](#) by 5.00 pm on Tuesday 15 March 2022.

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

*A total of 45 minutes is available for both public speaking items.
Responses*

18 Outside organisation/Committee Chair reports and questions

A report will be submitted in the briefing note on behalf of the Cabinet Member for A Safer, Healthy Oxford on the Children's Trust Board.

Council is invited to comment on and note the report.

As set out in the Constitution at procedure rule 11.16, Members who are Council representatives on external bodies or Chairs of Council Committees who consider that a significant decision or event has taken place, may give notice to the Head of Law and Governance by 1.00 pm on Thursday 17 March 2022 that they will present a written or oral report on the event or the significant decision and how it may influence future events. Written reports will be circulated with the briefing note.

18a Partnership report: Children's Trust Board

Report to follow in the briefing note.

19 Scrutiny Committee update report

345 -
348

The Chair of the Scrutiny Committee has submitted a report which updates Council on the activities of scrutiny and the implementation of recommendations since the last meeting of Council.

Council is invited to comment on and note the report.

PART 3 - MOTIONS REPRESENTING THE CITY

20 Motions on notice 21 March 2022

This item has a time limit of 60 minutes.

Motions received by the Head of Law and Governance in accordance with the rules in Section 11 of the Constitution by the deadline of 1.00pm on Wednesday 9 March 2022 are listed below.

Cross party motions are taken first. Motions will then be taken in turn from the *Labour Group, Liberal Democrat Group, Green Group, Independent Group*, in that order.

Substantive amendments to these motions must be sent by councillors to the Head of Law and Governance by no later than 10.00am on Friday 18 March 2022 so that they may be circulated with the briefing note.

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

Council is asked to consider the following motions:

- a) End Fire and Rehire (proposed by Cllr Mundy, seconded by Cllr Dunne)
- b) No Greyhound Racing in Oxford (proposed by Cllr Wade, seconded by Cllr Fouweather)
- c) Opposition to the privatisation of the Vaccine Manufacturing and Innovation Centre (proposed by Cllr Jarvis, seconded by Cllr Pegg)
- d) A Sanctuary Strategy for Oxford (proposed by Cllr Gant, seconded by Cllr Miles)
- e) Using Doughnut Economics (proposed by Cllr Pegg, seconded by Cllr Wolff)
- f) Set up a Drug Consumption Room (proposed by Cllr Wade)

20a End Fire and Rehire (proposed by Cllr Mundy, seconded by Cllr Dunne)

Labour Group member motion

This Council notes that:

The practice of Fire and Rehire, or dismissal and reengagement, has come to public attention in recent years. This involves an employer dismissing staff and reoffering their roles under inferior conditions, usually to effectively change the contract of employment. The currently legal practice has been increasingly threatened by employers. The prevalence and impact of Fire and Rehire has been researched by the Advisory, Conciliation and Arbitration Service (Acas).¹ Though not new, there is suggestion that the impact of the COVID-19 pandemic has spurred an increase in its use. Others have told Acas that the pandemic is being used “opportunistically as a smokescreen to diminish workers’ terms and conditions”. This has impacted a range of employees, many of whom have been key workers such as factory, utilities, and retail workers. These are people who have kept working and kept our country going during the pandemic and lockdowns.

According to TUC research² nearly 1 in 10 workers have been told to re-apply for their jobs on worse terms and conditions or face the sack. Working-class people (12%) are nearly twice as likely than those from higher socio-economic groups (7%) to face Fire and Rehire. For black and ethnic minority workers (15%) the rate is nearly twice the rate of white workers (8%).

Here, and across the country, Fire and Rehire is increasing the precariousness of work and financially and mentally compromising people who work hard to put food on the table and pay their bills. It is shackling our trade unions and making it impossible for them to fight for a fair deal for their members.

According to the National Union of Journalists (NUJ), our city’s own newspapers The Oxford Mail and The Oxford Times threatened to Fire and Rehire NUJ members over bank holiday pay. In August the NUJ agreed a deal to end the dispute, but they could not get Fire and Rehire taken off the table in negotiations with the newspapers’ owners Newsquest Media Group.³

In Oxfordshire, workers at the Jacob Douwe Egberts coffee factory in Banbury were threatened with Fire and Rehire in early 2020. The profitable factory succeeded in settling an agreement with Unite the

¹ <https://www.acas.org.uk/fire-and-rehire-report/html>

² “Fire and rehire” tactics have become widespread during pandemic – warns TUC January 2021
<https://www.tuc.org.uk/news/fire-and-rehire-tactics-have-become-widespread-during-pandemic-warns-tuc>

³ <https://www.nuj.org.uk/resource/oxford-mail-and-times-use-fire-and-rehire-tactic-to-end-bank-holiday-working-payments.html>

<https://www.holdthefrontpage.co.uk/2021/news/daily-journalists-facing-fire-and-rehire-after-rejecting-pay-change-union-says/>

Union in August 2021.⁴

Council resolves:

- To publicly oppose any future use or threat of Fire and Rehire by employers in our City.
- For the review of future contracts, contract renewals and procurement to seek to include a commitment for employers to not use or threaten Fire and Rehire, as part of their social clause.
- For our City Council Leader to add her voice to that of our MPs Anneliese Dodds and Layla Moran in supporting national legislation to ban Fire and Rehire.
- For our City Council Leader to write to the Business Secretary on behalf of Council, urging him to reverse the current government position, support a ban of Fire and Rehire, and back the workers of our country.

20b No Greyhound Racing in Oxford (proposed by Cllr Wade, seconded by Cllr Fouweather)

Liberal Democrat Group member motion

Council notes:

The reopening of the stadium in Sandy Lane is a welcome addition to the leisure activities available to Oxford people.

The stadium has had a chequered history since the mid-1970s and decreasing interest in greyhound racing directly contributed to its decline.

In 2005 Risk Capital Partners with Galliard Homes purchased the failing stadium. Plans for 150 houses and 75 flats were mooted but the Council's statement in favour of keeping the land for leisure use stalled the development, and greyhound racing and speedway continued until 2012 when the Greyhound Racing Association closed the stadium down.

After a decade of disuse, Mr Boothby 'stadium director' announced⁵ he had bought the lease and planned to bring back greyhound racing.

This is a concern for the following reasons:

- The number of injuries caused to dogs on the racetrack (In 2019, the last full year of racing, the Greyhound Board of Great Britain recorded 4,970 injuries on registered tracks, in 2020: 3,575). Their welfare is poorly regulated on and off the

⁴ <https://www.bbc.co.uk/news/uk-england-oxfordshire-58078221>

⁵ <https://www.oxfordmail.co.uk/news/19764740.oxford-stadium-managing-director-reveals-plans-insists-greyhound-racing-safe/>

track⁶. Often these dogs cannot race again and rehoming is far from guaranteed. The Government has failed to back up the Welfare of Racing Greyhounds Regs 2010 with stronger legislation⁷.

- The 2014 Appraisal which led to the Oxford Stadium being listed as a Conservation Area refers to the stadium's heritage significance – the 'physical evidence that represents the collective memory of those working communities and their leisure pursuits.' But these communities have moved on since the 1930s when the stadium was built and, while it should remain as evidence of an earlier era, people should be consulted about the future of this valuable space. British Cycling has informally suggested it would work as a velodrome combined with a BMX track and ancillary activities. Peckham BMX has revolutionised a Southwark neighbourhood⁸
- Inevitably greyhound-racing is focused on gambling. There has been considerable research about the effect of gambling on individuals and communities, recently by Dr N. Muggleton (Brasenose College): "gambling is associated with addiction and harmful outcomes for others."⁹
- The Local Plan designates the site for leisure purposes with the implication that in these times the activities provided will facilitate active participation.
- Galliard Homes bills itself as 'the capital's largest privately-owned residential property developer.' If the greyhound-racing venture fails, the way will be open for Galliard to revive its estate development plan, which will be difficult for city planners to contest.

This Council calls on the Leader to:

- Issue a press release publicly opposing the return of greyhound racing to Oxford.
- Write to the UK Government calling for the introduction of legislation incorporating the recommendations of the 2016 Greyhound Welfare EFRA Report.

This Council resolves to:

- Support consultation with Oxford residents on their preferred options for leisure activities at the stadium as a part of the Local Plan Review and the Oxfordshire Plan 2050 Reg 19

⁶ The State of Greyhound Racing in Great Britain: a mandate for change: (2014) League against Cruel Sports.

⁷ <https://www.parliament.uk/globalassets/documents/commons-committees/environment-food-rural-affairs/2nd-report-greyhound-welfare.pdf>

https://www.league.org.uk/media/filer_public/2d/19/2d19e03c-909f-449c-bccc-cf97287347bf/greyhound_report_2014_league_against_cruel_sports.pdf

⁸ <https://www.bbc.co.uk/news/resources/1dt-sh/parklife>

⁹ <https://www.nature.com/articles/s41562-020-01045-w542>

20c Opposition to the privatisation of the Vaccine Manufacturing and Innovation Centre (proposed by Cllr Jarvis, seconded by Cllr Pegg)

Green Group member motion

Council notes

- The Vaccine Manufacturing and Innovation Centre (VMIC), based at the Harwell Campus in Oxfordshire was established in 2018 as an institution that would develop vaccines and prepare for future pandemics.
- The VMIC was established by a consortium of universities - the University of Oxford, Imperial College and the London School of Hygiene and Tropical Medicine. It now operates as a non-profit company in which the founding universities are shareholders.
- The VMIC is set to become operational in 2022, and would be the UK's first strategy vaccine development and advanced manufacturing facility.
- Reports from the *Financial Times*, *Observer* and *Independent* among others have indicated that government officials are currently reviewing bids from the private sector to manage the centre - including multinational biotechnology firms and healthcare manufacturers.
- Civil society groups including Keep Our NHS Public Oxfordshire and We Own It have publicly opposed any move to place the VMIC in the hands of the private sector.

Council believes

- Throughout the Covid-19 pandemic, private involvement in the health sector has been hugely damaging, with companies prioritising profit above public health.
- Allowing the VMIC to pass into the hands of profit-driven private companies will reduce the efficacy of the centre, inhibit its ability to deliver proper preparedness for future pandemics and reduce the innovation in vaccine manufacturing the centre was designed to achieve.

Council resolves

To oppose the privatisation of the VMIC.

- To request the Leader write to the Secretary of State for Business, Energy and Industrial Strategy expressing the Council's view that the VMIC should not be privatised.
- To request the Leader write to the three founding universities expressing the Council's view that the VMIC should not be privatised.

¹⁰ <https://oxfordshireplan.org/wp-content/uploads/2021/12/OX2050-PLAN-FULL-TEXT-V30-23-July-2021-with-para-nos.pdf> (paragraph 297)

20d A Sanctuary Strategy for Oxford (proposed by Cllr Gant, seconded by Cllr Miles)

Liberal Democrat Group member motion

Council notes:

The contribution that refugees and migrants seeking sanctuary have made to the city throughout recent history, and has played its part through past and existing programmes.

We understand that Afghan refugees have been housed in hotels since their arrival. This is not a sustainable solution as it prevents these refugees from beginning to rebuild their new lives. It is also very costly to the public purse.

The rapid displacement of Ukrainian civilians calls for decisive action to provide safe routes. But the government's response is completely out of step with both the need for protection, as well as public opinion.

Whilst other countries are waiving visas, government have announced two pathways for people to get to the UK - but both are bureaucratic, and in practice make it very difficult for people to reach safety and family in the UK.

When someone is fleeing for their life, it is simply not practical or possible to wait for months, even years. We as a council need to be ready to make the best of schemes that are announced.

At the same time, the UK government is pushing through the damaging and reactionary Nationality and Borders Bill, the biggest roll-back of refugee rights that this country has ever seen.

The Council recognises that a comprehensive, co-ordinated, cross-council and forward-looking approach is needed.

We recognise that 'welcome' needs a whole community approach that engages with local refugee organisations, third sector partners, and other local stakeholders.

The Council resolves to:

1. Request that the Executive Director for Communities and People submits a report to Cabinet with options to:
 - a) Develop a **Sanctuary Strategy** to ensure that the council can respond quickly and efficiently to humanitarian crises such as the two (Afghanistan and Ukraine) we have seen unfold in just 6 short months.
 - b) Undertake a review of service areas to ensure they are accessible to people fleeing war and persecution.
 - c) Undertake a review which explores an approach that incentivises private landlords to come forward with offers of housing.

- d) Mark Refugee Week (End of June) (e.g. St Helens Refugee week 2021 featured a football match between sanctuary seekers and Cllrs).
 - e) Ensure the council plays its part resettling Ukrainian refugees, when details of the Humanitarian Sponsorship scheme become available.
 - f) Engage proactively with local and national third sector partners and stakeholders to ensure we can mitigate against 'hostile environment' policies within the limits of the current legal framework.
2. Ask the leader to write to the Home Secretary Priti Patel to highlight the challenges with the current way resettlement works, such as, but not limited to:
- South East and the challenges around finding housing limited by benefit cap.
 - The difficulty with having many different schemes (7 in total) which creates confusion and delay in welcoming people of sanctuary seeking background (unable to plan).
 - Scrap the Nationality and Borders bill, a bill predicted to add an additional £2.7bn a year, and is likely to be unworkable and dehumanising.

20e Using Doughnut Economics (proposed by Cllr Pegg, seconded by Cllr Wolff)

Green Group member motion

This council notes:

1. That Doughnut Economics offers a vision of what it means for humanity to thrive in the 21st century. It identifies a safe and just space for human society, supported by a strong social foundation of life's essentials but sitting below the ecological ceiling, beyond which lies climate collapse.
2. Doughnut Economics can guide local authorities to provide for a thriving city whilst keeping their activities within our social and planetary boundaries.
3. The work done by Oxford University and Oxfam's Kate Raworth and Oxford's Doughnut Economics Action Lab (DEAL) to develop city-scale iterations of Doughnut Economics
4. The adoption of the Doughnut Economics model globally, including in Cornwall, Amsterdam, Portland and Philadelphia.

This council resolves to:

1. Request that the Executive Director for Development submits a report to Cabinet with options to:
 - a) Run a series of workshops with the DEAL, the public, local organisations, council officers and members, and businesses to assess what Doughnut Economics means for Oxford. From this the Council will develop an “Oxford City Doughnut” to guide decision making.
 - b) Use the Oxford City Doughnut to inform its decision making and achieve balance between social needs and ecological boundaries in the creation of its policies. This will include all cabinet decisions and procurement decisions, as well as the Oxford Economic Growth Strategy and the next iteration of the Local Plan.
 - c) Ask its wholly-owned companies to also adopt the Oxford City Doughnut in its decision making.
 - d) Use the Oxford City Doughnut to inform its responses to consultations and inquiries from external bodies, including those from national Government and other local authorities with which it works.
2. Request that the Scrutiny Committee evaluates its success after twelve months of the Council using the Oxford City Doughnut.

20f Set up a Drug Consumption Room (proposed by Cllr Wade)

Liberal Democrat Group member motion

One in five Local Authorities in England have cut budgets for addiction services and for support for drug users by more than half since 2015/16 and, with drug-related deaths at a record high, this Council believes that there needs to be greater commitment to setting up drug consumption rooms (DCRs).

These are units where drug users can take street drugs in a safe and clean environment, where antidotes are available for overdoses, and where users ready to move away from their drug habit can find support. The street homeless population is particularly vulnerable, so this Council seeks to give them the protection of a DCR.

Drugs policy is currently the province of the Home Office, which since June 2018 has been resisting calls from the Scottish Government and Glasgow City Council for leave to open the first heroin assisted-treatment facility in the city, which would allow addicts to use drugs in a regulated environment.

In 2006 the Joseph Rowntree Independent Working Group on DCRs concluded that ‘well-designed and well-implemented DCRs would have an impact on some of the serious drug-related problems experienced in the UK’ and proposed the setting up of pilot DCRs.

Its recommendations have not been taken forward.

- This Council regrets the 2020 Home Office statement that it would not be decriminalising drug use.
- This Council proposes a public health evidence-based approach to drug use. Reliance on the criminal justice system has been at best ineffective, and at worst has driven drug dealers and users underground.
- Oxford City Council calls on the UK Government:
 1. To seek an explicit statement from the Home Office that the operation of DCRs is a matter for Local Authorities; specific rules can then be agreed by Police Forces, the CPS, Health Bodies and Local Authorities
 2. To make a ministerial commitment through the Home Secretary to protect the budgets of alcohol and drug partnerships
 3. To fund drug-testing services to be deployed at localities where there is a need, allowing 'at risk' users to find out what is in a substance and to offer advice on harm reduction.
 4. To allow the setting up of a pilot drug consumption room in Oxford City under an exemption from the 1971 UK Misuse of Drugs Act.

Oxford City Council asks the Leader of the Council to write to the Home Office and to Oxford's MPs to inform them of this Resolution and urge them to take appropriate action.

References:

1. Independent Working Group on DCRs (Joseph Rowntree Foundation 2006)
<https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/9781859354711.pdf>
2. Volteface: Are DCRs viable in the UK? (28.11.17)
<https://volteface.me/drug-consumption-rooms-viable-uk/>
3. Room for Improvement: How Drug Consumption Rooms save lives (01.04.19)
<https://www.adamsmith.org/research/room-for-improvement-how-drug-consumption-rooms-save-lives>
4. HIV Scotland 'Charity backs plans for unofficial DCRs' (07.03.20)
<https://www.bbc.co.uk/news/uk-scotland-51782882>
5. British Medical Journal (5.08.21)
Scotland intends to set up safe spaces for drug users in defiance of UK Govt.
<https://www.bmj.com/content/374/bmj.n1957>
6. Safer drug consumption facilities: Glasgow Health & Social Care Partnership
<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=38604&p=0>
7. Mobilizing DCRs
<http://www.sfu.ca/~emccann/HealthPlace%20DCRs.pdf>
8. A critical analysis of UK news media representations of proposals (Liverpool John Moores University)
<http://researchonline.ljmu.ac.uk/id/eprint/10656/>
9. Review of Drugs Pt 2: prevention, treatment and recovery (Dame Carol Black, 2.08.21)
<https://www.gov.uk/government/publications/review-of-drugs-phase-two-report/review-of-drugs-part-two-prevention-treatment-and-recovery#contents>

21 Matters exempt from publication and exclusion of the public

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

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

22 Exempt Appendix 3 for item 7: Development of Land at South Oxford Science Village

349 -
360

Updates and additional information to supplement this agenda are published in the Council Briefing Note.

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

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

Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee and Member Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks Councillors and members of the press and public recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recordings may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors 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; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". 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 member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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Minutes of a meeting of Council on Monday 31 January 2022

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Council members present:

Councillor Goddard (Deputy Lord Mayor)
Councillor Abrishami
Councillor Arshad
Councillor Brown
Councillor Clarkson
Councillor Corais
Councillor Diggins
Councillor Fouweather
Councillor Gant
Councillor Hayes
Councillor Humberstone
Councillor Jarvis
Councillor Latif
Councillor Miles
Councillor Munkonge
Councillor Pegg
Councillor Rehman
Councillor Linda Smith
Councillor Snowton
Councillor Tidball
Councillor Wade
Councillor Walcott

Councillor Wolff (Sheriff)
Councillor Altaf-Khan
Councillor Aziz
Councillor Chapman
Councillor Cook
Councillor Coyne
Councillor Djafari-Marbini
Councillor Fry
Councillor Haines
Councillor Hollingsworth
Councillor Hunt
Councillor Landell Mills
Councillor Malik
Councillor Mundy
Councillor Nala-Hartley
Councillor Pressel
Councillor Rowley
Councillor Roz Smith
Councillor Thomas
Councillor Upton
Councillor Waite

Also present for all or part of the meeting:

Caroline Green, Chief Executive
Stephen Gabriel, Executive Director for Communities and People
Mish Tullar, Head of Corporate Strategy
Nigel Kennedy, Head of Financial Services

Susan Sale, Monitoring Officer and Head of Law & Governance
Andrew Brown, Committee and Member Services Manager

Apologies:

Councillor(s) Lygo, Bely-Summers, Dunne, Hall and Turner sent apologies.

The minutes show when Councillors who were absent for part of the meeting arrived and left.

78. Declarations of interest

Item 15a) Motion: John Radcliffe Hospital parking

Cllr Brown: stated that she was employed at John Radcliffe Hospital but did not have a staff parking permit or the right to a staff parking permit; she made the declaration for reasons of transparency; it was not a pecuniary interest but she indicated that she would not take part in the consideration of that item.

79. Minutes

Council agreed to approve the minutes of the special and ordinary meetings held on 29 November 2021 as a true and correct record.

80. Appointment to Committees

There was no discussion under this item.

81. Announcements

The Deputy Lord Mayor advised the Council that it had been a relatively quiet period over Christmas and the New Year but he had attended a number of pre-Christmas events, including a Crisis Service in the University Church.

Cllr Corais joined the meeting.

The Sheriff announced that he had recently attended an End Sewage Pollution demonstration at Port Meadow. He said the event was well-attended but noted there were no speakers from the City Council and given the Council passed a Motion related to the subject in October 2020 he briefly spoke in his capacity as Sheriff and made clear that the Council was well represented – with at least twelve City Councillors in attendance. Cllr Clarkson added that it was good to see cross-party support for putting pressure on Thames Water to resolve the issues and hoped the support would long continue.

At the invitation of the Deputy Lord Mayor, the City Rector Rev Buckley spoke to the meeting and highlighted the Queen would be celebrating the 70th anniversary of her accession. He shared a quote from the Queen related to leadership.

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

There were no addresses or questions.

83. Strategic Grants Review

Council considered the report from the Head of Community Services seeking approval for the recommendations and approach to implementation contained in the Communities Grants Strategic Review to ensure grants remained fit for purpose.

Cllr Abrishami and Cllr Waite joined the meeting.

Cllr Aziz, Cabinet Member for Inclusive Communities introduced the report, proposed the recommendations and answered questions. Council was advised that, following constructive conversations with Councillors and Advice Centres, the proposed £25,000 saving contained in table one of the report was under review and work was underway to identify alternative options before Budget Council to make the required savings that would not impact Advice Centres.

The recommendations were agreed on being seconded and put to the vote.

Council resolved to:

1. **Approve** the establishment of a Community Impact Fund totalling £558,000.
2. **Approve** the establishment of a commissioning fund totalling £475,000 for domestic abuse, and advice services.
3. **Approve** the continued use of the £442,000 homelessness monies alongside the Government grant (paragraph 22 of the report).
4. **Agree** to the savings shown in table one (paragraph 79 of the report).

84. Integrated Performance Report for Q2

Council considered the report from the Head of Financial Services and Head of Business Improvement seeking approval for the addition of £2m into the Homelessness budget.

Cllr Latif joined the meeting.

Cllr Brown, Leader and Cabinet Member for Inclusive Growth, Economic Recovery and Partnerships introduced the report on Cllr Turner's behalf, proposed the recommendations and answered questions.

The recommendations were agreed on being seconded and put to the vote.

Council resolved to:

Agree the addition of £2 million into the Homelessness budget, which would be fully funded by grant, as per paragraphs 9 and 10 of the report.

85. Decisions taken under Part 9.3(b) of the Constitution

Council considered a report of the Head of Paid Service (Chief Executive) asking it to note a decision taken using the urgency powers delegated in Part 9.3(b) of the Constitution. The decision related to a restructure of the Council's joint venture with Nuffield College.

Cllr Brown, Leader and Cabinet Member for Inclusive Growth, Economic Recovery and Partnerships introduced the report and proposed the recommendations.

The recommendations were agreed on being seconded and put to the vote.

Council resolved to:

Note the decision as set out in the report.

86. Questions on Cabinet minutes: Draft minutes of the 15 December 2021 Cabinet meeting

There were no questions on the draft minutes of the 15 December 2021 Cabinet meeting.

87. Questions on Notice from Members of Council

Cllr Djafari-Marbini joined the meeting.

39 written questions were asked of the Cabinet Members and the Leader, and these and written responses were published before the meeting.

These along with summaries of the 20 supplementary questions and responses asked and given at the meeting are set out in the minutes pack.

Council agreed to consider items 13 and 14 next on the agenda before the 30min break and then return to the agenda as listed.

88. Outside organisation/Committee Chair reports and questions

There was no discussion under this item.

89. Scrutiny Committee update report

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

Cllr Chapman moved the report on Cllr Wade's behalf.

Cllr Gant highlighted that the officer recommendations on the Oxfordshire Plan 2050 due to be considered by the Scrutiny Committee on 01 February 2022 were about noting the public consultation rather than substantively engaging with it. In response to a question, Cllr Chapman confirmed that he would seek advice from the Scrutiny Officer about whether the item would come back to the Committee after that and provide a written response after the meeting.

Council noted the report.

The meeting broke for 30min at the conclusion of this item.

Cllr Tidball left the meeting and did not return.

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

Council heard two addresses and one question. Cabinet Members read or summarised their written responses.

Both addresses, the question and responses are set out in full in the minutes pack.

1. Address by Colin Aldridge – Drug Consumption Rooms
2. Address by Chaka Artwell, Secretary of Oxford African Caribbean Conversation (OACC) – Public Safety Women
3. Question from Chaka Artwell – Concentrated Wealth

The Deputy Lord Mayor thanked all the speakers for their contributions.

91. Motions on notice 31 January 2022

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

Motions agreed as set out below:

- a) John Radcliffe Hospital parking, as amended (proposer Cllr Haines, seconder Cllr Malik, amendment proposer Cllr Hollingsworth)
- b) Elections Bill, as amended by the proposer (proposer Cllr Djafari-Marbini, seconder Cllr Arshad)
- c) Lift the Ban for Asylum Seekers (proposer Cllr Gant, seconder Cllr R Smith)

Motions not taken as the time allocated for debate had finished:

- d) Opposition to the privatisation of the Vaccine Manufacturing and Innovation Centre (proposer Cllr Jarvis, seconder Cllr Pegg)
- e) End Fire and Rehire (proposer Cllr Mundy, seconder Cllr Dunne)

- f) Setting up a Drug Consumption Room (proposer Cllr Wade, seconder Cllr Miles) [amendment, proposer Cllr L Smith, seconder Cllr Mundy]
- g) EU Nationals deserve to be treated with respect (proposer Cllr Corais, seconder Cllr Bely-Summers)

a) Motion: John Radcliffe Hospital parking (proposed by Cllr Haines, seconded by Cllr Malik)

Cllr Haines, seconded by Cllr Malik, proposed the submitted motion as set out in the agenda and briefing note.

Cllr Hollingsworth, seconded by Cllr Hayes, proposed the amendment as set out in the briefing note.

Council debated the motion and amendment. Following debate, Cllr Haines accepted the amendment put forward by Cllr Hollingsworth. On being put to the vote, the amendment was agreed.

On being put to the vote the amended motion was then agreed.

Council resolved to adopt the following motion:

Council reaffirms its decision on 7 October 2019 where it agreed:

Council resolves to continue to work with the management of Oxford University Hospitals Trust as a matter of urgency to help them to undertake a review of the approach to sustainable transport at all the Trust's sites including the John Radcliffe hospital, including a review of the Trust's approach to the allocation of car parking capacity so as to allow for an increased proportion of parking at the sites for the disabled, patients and visitors, and for the operational needs of critical medical staff as part of a comprehensive master plan for all the Trust's sites in Headington including the John Radcliffe hospital, to promote a sustainable approach to transport to those sites as part of the Local Transport Strategy 5.

Reason:

It is grossly unfair on people who are sick and the friends and family of those wanting to urgently visit people in hospital to allow the current situation to continue. A comprehensive shift to more sustainable transport approaches would:

- Reduce the congestion on local roads, freeing up the road network to other traffic including buses and ambulances;
- Reduce the pollution inhaled by cyclists, pedestrians and local residents from vehicles queuing with engines running;
- Reduce lost time and missed appointments which cost the health service a fortune;
- Make it easier for staff to access the hospital, helping to reduce staff shortages;
- Currently there are 743 parking spaces, 832 beds and the hospital serves roughly 655,000 people.

While this Council notes that a petition: 'To build a multi-storey car park at the John Radcliffe hospital' circulating has now received nearly 5000 signatures on [change.org](https://www.change.org), with around 1300 on paper, this Council believes that evidence shows that increasing car parking makes traffic congestion worse rather than improving it, and urges the Trust to explore genuinely sustainable solutions to its transport challenges, such as improving the range of direct bus links to the site and introducing shuttle buses from remote parking sites for those able to use them, rather than schemes that can only make the situation worse.

This Council urges that the Trust works with the City and County Councils to resolve this long standing issue for now and in to the future, and to alleviate some of the problems that the public so clearly and desperately need resolving.

b) Elections Bill (proposer: Cllr Djafari-Marbini)

Cllr Djafari Marbini, seconded by Cllr Arshad, accepted her own amendment and proposed her revised motion with the amendment as set out in the briefing note.

Cllr Wade joined the meeting.

After debate and on being put to the vote the motion was agreed.

Council resolved to adopt the following motion:

This Council notes that current bills going through Parliament are taking the UK down a worryingly authoritarian path which would have the effect of silencing dissent, rolling back access to justice, and further disenfranchising the most vulnerable in society; those from poorer communities, asylum seekers, and those from minoritised communities. These bills include the Election Bill, the Policing Bill, the Nationality and Borders Bill, and the Judicial Review and Courts Bill.

This raft of oppressive legislation has been introduced at pace during an unprecedented pandemic and, if passed, would severely reduce our rights to hold the government and public institutions accountable, cut off public access to information, make it harder to challenge injustice in court, and create dangerous new powers to deprive people of citizenship without notice and criminalise those seeking sanctuary.

The Election Bill uses the pretext of voter fraud (despite a near total absence of evidence) to further silence those who suffer most, whilst the Policing Bill criminalises GRT communities, threatens the freedoms of assembly, association and expression, and shuts down routes for us all to hold the government to account (routes that the Chartists and the Suffragettes used to win us our right to universal suffrage, which was fiercely opposed by the Establishment for many decades).

These hard-won rights and freedoms form the bedrock of our democracy and must be defended.

In particular, Oxford City Council recognises the supreme importance of ensuring that elections are fair and accessible for all voters.

The Council notes with concern that the Elections Bill is set to bring in major changes to national elections, including the introduction of compulsory and expensive photographic ID. It is estimated that these changes will cost the taxpayer £180 million and will create unnecessary bureaucracy for Councils and people wishing to vote.

Oxford City Council believes that this change will function as a barrier to people voting and increase inequality in the electoral process. There are currently an estimated 3.5

million people in the UK who do not have any form of photographic ID. This includes at least two million people struggling in poverty. By contrast, out of 32 million votes cast in the last general election, there was just one person convicted of voter impersonation.

This Council believes that, at a time when voter turnout is declining, we should be doing all we can to make it easier not harder for people to vote.

Oxford City Council doesn't want to see people being turned away at the ballot box because of these changes and resolves to support the #HandsOffOurVote campaign by:

1. Requesting that the Leader writes to Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities.
2. Requesting that the Leader writes to Anneliese Dodds MP and Layla Moran MP asking them to raise these concerns in Parliament.
3. Working with affected communities to amplify voices of protest and to mitigate, where possible, the effects of pernicious legislation.

c) Lift the Ban for Asylum Seekers (proposer: Cllr Gant, seconder: Cllr R Smith)

Cllr Gant, seconded by Cllr R Smith, proposed the submitted motion as set out in the agenda and briefing note.

After debate and being put to the vote the motion was agreed.

Council resolved to adopt the following motion:

Oxford City is rightly proud to welcome asylum seekers but currently those seeking asylum in the UK can only apply for the right to work only if they have been waiting for over a year – and even then only in a limited number of professions.

Allowing Asylum Seekers the right to work much sooner in their application process would generate over £100 million a year for the UK economy and allow Asylum Seekers to support themselves far more effectively than they currently can on £5.66 a day allowance.

Polling has shown that 71% of people are in favour of allowing Asylum Seekers the right to work.

This Council:

(a) notes that:

- (i) since 2002, people seeking asylum are only able to apply for the right to work after they have been waiting for a decision on their asylum claim for over a year, and only if they can be employed into one of the narrow, highly-skilled professions included on the Government's Shortage Occupation List;
- (ii) people seeking asylum are left to live on £5.66 per day, struggling to support themselves and their families, and left vulnerable to destitution, isolation, and exploitation;
- (iii) the potential foregone economic gain for the UK economy of allowing people to work is estimated to be £108.8 million a year via increased taxable income and reduced payments of accommodation/subsistence support;

(iv) 71% of people polled agreed with the statement: “when people come to the UK seeking asylum it is important they integrate, learn English and get to know people. It would help integration if asylum-seekers were allowed to work if their claim takes more than six months to process”;

(b) believes that:

(i) people seeking asylum want to be able to work so that they can use their skills and make the most of their potential, integrate into their communities, and provide for themselves and their families;

(ii) restrictions on right to work can lead to extremely poor mental health outcomes, and a waste of potentially invaluable talents and skills both for the economy of and the UK;

(iii) allowing people seeking asylum the right to work would therefore lead to positive outcomes for those seeking asylum in and for the local and national economy;

(c) resolves to:

(i) Join the *Lift the Ban Coalition*, which is campaigning to restore the right to work for everyone waiting for more than 6 months for a decision on their asylum claim.

(ii) Call on the UK Government to give people seeking asylum the right to work unconstrained by the shortage occupation list after they have waited six months for a decision on their initial asylum claim or further submission.

(iii) Request the Leader writes to the Minister of Immigration with the Council's resolution.

Background:

[Lift the Ban – Refugee Action \(refugee-action.org.uk\)](https://refugee-action.org.uk)

d) Opposition to the privatisation of the Vaccine Manufacturing and Innovation Centre (proposer: Cllr Jarvis, seconder: Cllr Pegg)

This motion was not taken as the time allocated for debate had finished.

e) End Fire and Rehire (proposer Cllr Mundy, seconder Cllr Dunne)

This motion was not taken as the time allocated for debate had finished.

f) Setting up a Drug Consumption Room (proposer: Cllr Wade, seconder: Cllr Miles)

This motion was not taken as the time allocated for debate had finished.

g) EU Nationals deserves to be treated with respect (proposer: Cllr Corais, seconder: Cllr Bely-Summers)

This motion was not taken as the time allocated for debate had finished.

The meeting started at 5.00 pm and ended at 8.25 pm

**Lord Mayor
2022**

Date: Wednesday 16 February

Decisions on items of business take effect immediately:

Motions may be implemented immediately or may require further budget provision and/or reports to Cabinet before implementation.

Details are in the Council's Constitution.

Minutes of a meeting of Council on Wednesday 16 February 2022

www.oxford.gov.uk



Council members present:

Councillor Lygo (Lord Mayor)	Councillor Goddard (Deputy Lord Mayor)
Councillor Wolff (Sheriff)	Councillor Abrishami
Councillor Arshad	Councillor Aziz
Councillor Bely-Summers	Councillor Walcott
Councillor Brown	Councillor Chapman
Councillor Clarkson	Councillor Cook
Councillor Corais	Councillor Coyne
Councillor Diggins	Councillor Djafari-Marbini
Councillor Dunne	Councillor Fouweather
Councillor Fry	Councillor Gant
Councillor Hayes	Councillor Hollingsworth
Councillor Humberstone	Councillor Jarvis
Councillor Landell Mills	Councillor Latif
Councillor Malik	Councillor Miles
Councillor Mundy	Councillor Munkonge
Councillor Pegg	Councillor Pressel
Councillor Rehman	Councillor Linda Smith
Councillor Roz Smith	Councillor Snowton
Councillor Thomas	Councillor Tidball
Councillor Turner	Councillor Upton
Councillor Wade	Councillor Waite

Also present for all or part of the meeting:

Caroline Green, Chief Executive
Susan Sale, Monitoring Officer and Head of Law & Governance
Nigel Kennedy, Head of Financial Services
Andrew Brown, Committee and Member Services Manager
Mish Tullar, Head of Corporate Strategy

Apologies:

Councillor(s) Altaf-Khan, Haines, Hunt, Nala-Hartley and Rowley sent apologies.

The minutes show when Councillors who were absent for part of the meeting arrived and left.

92. Declarations of interest

Cllr Malik declared that the decisions at agenda item 6 related to Licensing fees and charges for 2022/23 affected his declared disclosable pecuniary interest (DPI) and he would leave the meeting and take no part in the debate on this item.

93. Announcements

The Lord Mayor noted that:

- This was the last meeting he would attend as Lord Mayor as the March Council meeting clashed with his planned visit to the Council's twinned city, Grenoble which he would report back to Council on.
- He had recently agreed to attend a series of events in the Council's twinned city, Ramallah and would report back to Council on the visit.
- He had recently attended a tree planting and community lunch organised by the High Sheriff of Oxfordshire to celebrate Her Majesty's Platinum Jubilee, which was attended by Lord Mayors from around the county and the Leader of Oxford City Council, Cllr Susan Brown. He added that it was great to see the community, volunteers and organisations come together for the celebration.

The Leader announced the following nominations for Civic Office-holders in the 2022/23 municipal year:

- Cllr James Fry – Lord Mayor
- Cllr Mark Lygo – Deputy Lord Mayor
- Cllr Mike Rowley – Sheriff

94. Budget debate procedure

Council noted the procedure and times permitted for each stage in the budget debate.

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

Council heard an address from Adam Powell-Davies, Oxford Trade Unionist and Socialist Coalition (TUSC).

Cllr Turner, Deputy Leader and Cabinet Member for Finance and Asset Management read the written response.

The address and response are set out in full in the minutes pack.

96. Licensing and Gambling Acts and General Purposes Licensing Committees - recommendations on fees and charges 2022/23

Cllr Malik having declared this item related to his disclosable pecuniary interest, left the meeting for the duration of this item and returned to the meeting at the start of the next item.

Council considered the Licensing & Gambling Acts and General Purposes Licensing Committees' recommendations to approve fees and charges for the licensing functions falling within their remits as set out in agenda items 6a, 6b and 6c and repeated in the budget papers at item 9 Appendix 7.

Cllr Cook and Cllr Clarkson, Chairs of the Licensing & Gambling Acts Committee and the General Purposes Licensing Committee, moved and seconded the recommendations from the two committees.

On being put to the vote these were agreed.

Council resolved to approve the fees and charges included in items 6a, 6b and 6c and repeated in the budget papers at item 9 Appendix 7.

97. Report of the Council's Chief Finance Officer on the robustness of the 2022/23 budget

Council considered a report from the Head of Financial Services on the robustness of the estimates made for the purposes of the calculations of the budget; and the adequacy of the proposed financial reserves. The Head of Financial Services acknowledged the work of Scrutiny and officers in challenging assumptions and estimates and highlighted that the Government's one-year settlement did little to address areas of uncertainty, such as Business Rates. He confirmed that the previously estimated £29 million budget deficit over the four year MTFP period as a result of reduced income streams still held true. He highlighted the impact on the levels of the Council's reserves to balance the deficit and that an £11 million draw on reserves remained a key mitigation.

Council noted the report and its implications in setting its budget for 2022/23 and the indicative budgets for 2023/24 – 2025/26.

98. Report of the Scrutiny Budget Review Group

Council considered the report and recommendations of the Budget Review Group of the Scrutiny Committee to the Cabinet meeting on 09 February and the Cabinet's response.

Cllr Fry, Chair of the Budget Review Group, outlined the key findings and recommendations in the report and Cllr Turner outlined Cabinet's responses.

Both thanked all the officers involved in the budget scrutiny process.

Cllr Landell Mills commented on the report, raising a number of concerns related to the Council-owned companies.

Council resolved to note the report and Cabinet's responses to the recommendations.

99. Budget 2022/23

Council had before it and considered:

- The report of the Head of Finance to Cabinet on 09 February 2022 setting out the outcome of the budget consultation and seeking agreement of the Council's Budget for 2022-23 and the Medium Term Financial Strategy for 2023-24 to 2025-26.
- Cabinet's recommendations as set out in the minutes of its meeting on 09 February 2021.
- The Liberal Democrat group's submitted amendments published with the briefing note.
- The Green group's submitted amendments published with the briefing note.

Cllr Turner, seconded by Cllr Brown, proposed agreement of the Budget and the Medium Term Financial Strategy and the recommendations from Cabinet

a) Additional recommendations from Cabinet and corrections to the published budget

There were no additional recommendations or corrections.

b) Alternative budget proposals - Liberal Democrat Group amendments

Cllr Smowton, seconded by Cllr Roz Smith, moved the Liberal Democrat group amendments. After debate these were put to the vote.

With more councillors voting against (30) than for (8), the Liberal Democrat amendments were not carried.

Cllr Djafari-Marbini arrived during this item.

c) Alternative budget proposals - Green Group amendments

Cllr Jarvis, seconded by Cllr Pegg, moved the Green group amendments. After debate these were put to the vote.

With more councillors voting against (30) than for (3) and 9 abstentions, the Green amendments were not carried.

The meeting broke for 30 minutes at the conclusion of this item.

Cllrs Gant and Tidball left the meeting and did not return.

d) Alternative budget proposals - Independent Group amendments

There were no alternative budget proposals from the Independent Group.

e) Individual amendments to the budget

There were no individual amendments to the budget.

f) Decision on the Cabinet Budget

After debate, the recommendations of the Cabinet as agreed at its meeting on 09 February including the details of the budget for 2022-23, Medium Term Financial Strategy, Housing Revenue Account, Capital Programme and other matters as set out in the published agenda and briefing note for this meeting were put to the vote.

In accordance with legislative requirements, a recorded vote was then taken:

For the Cabinet recommendations to Council as set out in the minutes of that meeting:

Councillors Abrishami, Arshad, Aziz, Bely-Summers, Brown, Chapman, Clarkson, Cook, Corais, Coyne, Diggins, Djafari-Marbini, Dunne, Fry, Hayes, Hollingsworth, Humberstone, Latif, Lygo, Mundy, Munkonge, Pressel, Rehman, Linda Smith, Thomas, Turner, Upton, Waite, Walcott (29)

Against the Cabinet recommendations to Council:

None (0)

Abstentions:

Councillors Fouweather, Goddard, Jarvis, Landell Mills, Miles, Pegg, Roz Smith, Smowton, Wade, Wolff (10)

With more councillors voting for than against, the resolution to approve the Cabinet recommendations was carried.

Council resolved in accordance with the recorded vote to:

1. Approve the 2022-23 General Fund and Housing Revenue Account budgets and the General Fund and Housing Revenue Account Medium Term Financial Strategy as set out in Appendices 1-10, noting:

- a. the Council's General Fund Budget Requirement of £22.382 million for 2022/23 and an increase in the Band D Council Tax of 1.99% or £6.37 per annum representing a Band D Council Tax of £326.54 per annum;
- b. the Housing Revenue Account budget for 2022/23 of £47.882 million and an increase of 4.10% (£4.51 per week) in social dwelling rents from 1 April 2022 giving a revised weekly average social rent of £112.00 as set out in Appendix 5;

- c. the increase in shared ownership rental in accordance with the lease as shown in paragraph 44 and the discretion used by the Head of Housing in setting the initial rent for the unsold share of 2% and giving delegated approval to the Head of Housing to set this for future shared ownership rents up to 2.75%;
- d. the General Fund and Housing Revenue Account Capital Programme as shown in Appendix 6.

2. Approve the appropriation of Alice Smith House from the HRA to the General Fund in accordance with paragraph 44 subject to any consents which are required.

100. Council Tax 2022/23

Council considered the report of the Head of Financial Services setting out the necessary calculations to enable Council to set the 2022/23 Council Tax for Oxford City.

Cllr Turner, Cabinet Member for Finance and Asset Management, proposed and Cllr Brown seconded the recommendations in the report.

Cllr Roz Smith stated that she was not happy about Council Tax as she saw it as a regressive tax and those on less income paid more than those on a much higher income or those in a much better financial position – which she noted was to be regretted.

In accordance with legislative requirements, a recorded vote was then taken:

For the resolution set out below:

Councillors Abrishami, Arshad, Aziz, Bely-Summers, Brown, Chapman, Clarkson, Cook, Corais, Coyne, Diggins, Djafari-Marbini, Dunne, Fouweather, Goddard, Fry, Hayes, Hollingsworth, Humberstone, Jarvis, Landell Mills, Latif, Lygo, Miles, Mundy, Munkonge, Pegg, Pressel, Rehman, Linda Smith, Roz Smith, Smowton, Thomas, Turner, Upton, Wade, Waite, Walcott, Wolff (39)

Against the resolution:

None (0)

Abstentions:

None (0)

With all councillors present voting for, the resolution was carried.

Council resolved in accordance with the recorded vote to approve for the financial year 2022/23 recommendations 1 to 5 and to note points 6 to 8:

1. The City Council's precept and Council Tax requirement of £15,028,571 including Parish precepts and £14,757,529 excluding Parish precepts.
2. The average Band D Council Tax figure (excluding Parish Precepts) of £326.54 a 1.99% increase on the 2021/2022 figure of £320.17. Including Parish Precepts the figure is £332.54, a 1.9% increase (see paragraphs 2 to 6).

3. A contribution of £10,000 to Old Marston Parish Council in recognition of the additional expenditure that the Parish incurs as a consequence of maintaining the cemetery (see paragraphs 9 and 10).
4. The amount of £638,036 to be treated as Special Expenses (see paragraph 13).
5. The Band D Council Taxes for the various areas of the City (excluding the Police and County Council's precepts) as follows:

Littlemore £366.94

Old Marston £360.32

Risinghurst and Sandhills £349.98

Blackbird Leys £331.59

Unparished Area £329.30

These figures include Parish Precepts and special expensing amounts as appropriate; in addition to the City-wide Council Tax of £312.43.

Council noted:

6. Oxfordshire County Council's precept and Band D Council Tax as set out in paragraph 17.
7. The Police and Crime Commissioner for the Thames Valley's precept and Band D Council Tax as set out in paragraph 18, and
8. The overall average Band D equivalent Council Tax of £2,225.43 including Parish Precepts (subject to confirmation of the Band D figures for the County Council and Police and Crime Commissioner).

101. Council Tax Reduction Scheme for 2022/23

Council considered the report of the Head of Financial Services, submitted to Cabinet on 26 January 2022 to consider the feedback from the recent consultation on the proposed changes to the 2022/23 Council Tax Reduction Scheme and to agree the principles of the new scheme for approval by Council.

Cllr Aziz, Cabinet Member for Inclusive Communities, presented the report and moved the recommendations, which were agreed on being seconded, debated and put to the vote.

Council resolved to adopt the new Local Council Tax Reduction Scheme for 2022/23 taking into account the following:

- To increase the Income Bands in line with paragraph 8 Table 1 using CPI for the Benefit Cap uprating;
- To continue to support a 100% CTR entitlement;

- To continue with a Banded Scheme based on Income rather than family composition;
- To leave non dependant deductions as they are currently.

102. Treasury Management Strategy 2022/23

Council considered the report of the Head of Financial Services, submitted to Cabinet on 09 February 2022, presenting the proposed Treasury Management Strategy for 2022/23 together with the Prudential Indicators for 2022/23 to 2025/26.

Cllr Turner, Cabinet Member for Finance and Asset Management, presented the report and moved the recommendations, which were agreed on being seconded and put to the vote.

Council resolved to approve:

1. The Treasury Management Strategy 2022/23 as set out in paragraphs 22 to 63 of this report and the Prudential Indicators for 2022/23 – 2025/26 as set out in Appendix 2;
2. The Borrowing Strategy 2022/23 at paragraphs 38 to 40 of this report;
3. The Minimum Revenue Provision (MRP) Statement at paragraphs 41 to 43 which sets out the Council's policy on charging borrowing to the revenue account; and
4. The Investment Strategy for 2022/23 and the investment criteria as set out in paragraphs 44 to 62 of this report and in Appendix 1.

103. Capital Strategy 2022/23

Council considered the report of the Head of Financial Services, submitted to Cabinet on 09 February 2022, presenting the Capital Strategy 2022/23 – 2025/26 for approval.

Cllr Turner, Cabinet Member for Finance and Asset Management, presented the report and moved the recommendations, which were agreed on being seconded and put to the vote.

Council resolved to approve the Capital Strategy 2022/23 – 2025/26.

104. Report of the Scrutiny Budget Review Group - exempt Appendix 1

There was no discussion under this item.

105. Announcements

The Lord Mayor asked Council to save the date for 'The Lord Mayor's Quiz Night' which was scheduled for Friday 8 April 2022 at Oxford Town Hall.

The meeting started at 5.00 pm and ended at 8.20 pm

Lord Mayor

Date: Monday 21 March 2022

Decisions on items of business take effect immediately:

Motions may be implemented immediately or may require further budget provision and/or reports to Cabinet before implementation.

Details are in the Council's Constitution.

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To: Council

Date: 16 February 2022

Report of: Head of Law and Governance

Title of Report: Public addresses and questions that relate to matters for decision at this meeting

Introduction

1. Addresses made by members of the public to the Council about matters for decision at this meeting, are below. Any available written responses provided by Cabinet Members are also included.
2. The text reproduces that sent in by the speakers and represents the views of the speakers. Their addresses are not to be taken as statements by or on behalf of the Council.
3. This report will be republished after the Council meeting as part of the minutes pack. This will list the full text of speeches delivered as submitted, summaries of speeches delivered which differ significantly from those submitted, and any further responses.

Addresses and questions to be taken in Part 1 of the agenda

1. Address by Adam Powell-Davies, Oxford Trade Unionist and Socialist Coalition (TUSC) – Council Budget

Addresses and questions to be taken in Part 1 of the agenda

1. Address by Adam Powell-Davies, Oxford Trade Unionist and Socialist Coalition (TUSC) – Council Budget

My name is Adam Powell-Davies, and I'm a hospitality worker currently living in Headington. I'm also the branch secretary for the Oxford branch of the Trade Unionist and Socialist Coalition (or TUSC), and it is in this capacity – as a young, working-class socialist – that I am speaking this evening.

Later in this meeting, we'll hear alternative budget proposals from the Liberal Democrat, Green, and Independent council groups. Given that TUSC has no councillors in Oxford, I would like to use this address as an opportunity to formally present some of our alternative budget proposals, as outlined in our 'People's Budget' document, which we submitted as part of the budget consultation last month.

Oxford TUSC understands that government financial support has only partially compensated the cost of keeping our city running during the COVID-19 pandemic, and we recognise that the Council has suffered from a similar lack of government funding in the years prior to the pandemic. We condemn the austerity-driven attacks to council budgets seen over the past decade, which have been implemented by consecutive Conservative governments. But we also reject the idea that Labour-led councils like Oxford have no option but to accept these vicious funding cuts, which are aimed at making the working-class majority pay for the economic crises of a Capitalist system that defends the interests of a super-rich minority.

Concerning this year's proposed budget, Oxford TUSC welcomes proposals to use Council reserves to maintain the provision of services despite the funding shortfall. We also welcome the Council's emphasis on building sustainable, green council housing.

Nonetheless, the proposed budget does not go far enough in providing what our city desperately needs. For example, plans to build 1,114 council homes over the next decade go nowhere near meeting actual housing need. We also oppose proposals to raise social housing rents by 4.1%, as well as plans to again raise council tax by the maximum rate of 1.99%. These rises are attempts by the Council to make local residents pay for the ongoing crisis in local authority funding – in effect passing on Tory austerity to those who can least afford it. We also ask why £200k is being cut from the community funding grant, when the Council still has over £10 million in reserves.

Oxford TUSC demands that the Council's not insignificant reserves be used now to first prevent all cuts; and that they then be used, together with the Council's borrowing powers, to meet the needs of local people.

Adopting this tactic, we would make the following proposals:

- Begin a mass building programme – one that actually meets housing demand – of eco-friendly affordable council homes, while ensuring the local community is consulted throughout.
- Upgrade the Landlord Accreditation Scheme into a compulsory housing register for private landlords and set up council-run lettings agencies, as the means to tackle repair standards, high rents, over-occupancy, extortionate letting fees, and unfair evictions for private homes.
- Use empty business space to tackle homelessness.
- End rises to council tax and council housing rents; demand the Government provides the funding Oxford needs, instead of passing the bill onto those who can least afford it.
- Publicly oppose academisation and demand the County Council bring schools under local authority control.
- Launch a public campaign encouraging the city's vast body of students to get active in the movement for free education.
- Publicly back council unions' campaigns for a 10% pay rise from Local Government Employers, as a first step to winning back the 25% decrease in pay suffered by council workers over the last decade.
- Set a lead in tackling the cost-of-living crisis by paying all workers employed by the Council a £15-an-hour minimum wage. Launch a campaign encouraging

workers in Oxford to join their trade union and fight for a £15-an-hour minimum wage in their own workplace.

- Bring all council services under council control, restoring them to an even better standard of service than before.
- Reverse the planned cuts to the community fund grant.
- Ensure full democratic community involvement in council budgeting and all aspects of decision-making; for communities to be empowered, not merely informed.

By implementing these kinds of policies in its budget – policies which would radically improve the lives of local people – Oxford Council could buy time to launch a mass campaign that unites local trade union branches, student groups, community campaigns, and others – including other councils nationally – to resist austerity and win adequate, long-term funding from the Government.

Should Oxford win the funding it actually needs, the Council would no longer have to rely on its ‘Oxford Model’, which we view as a ‘clever’ work-around to avoid the need for genuine mass struggle. We can have no trust in council-owned companies and commercial premises to deliver the funding Oxford needs, and this much has been shown by dwindling council revenues over the pandemic.

To finish: TUSC seeks to provide a fighting, political alternative to the pro-big business, anti-working-class policies of the Tories and Starmer’s New Labour. We will be standing as widely as possible in the May elections, both in Oxford and nationally. Oxford TUSC warmly invites any councillors who agree with our approach to join us in building an anti-austerity, working-class, community fightback in Oxford. But to any councillors who will not stand up to win the funding our communities need, we say: step aside for someone who will.

Thank you.

Written Response from the Deputy Leader and Cabinet Member for Finance and Asset Management, Councillor Ed Turner

Thank you for taking the time to address us. Obviously you mention that you represent a political party without any councillors in Oxford – it is your good right to stand in elections and make whatever points you wish in your manifesto for voters. Nonetheless, I would like to address a few points of principle that you raise.

First, our Council has been clear that Government funding for local government was inadequate before the pandemic and has got substantially worse since. We lose no opportunity to raise this with Ministers – as both Elected Members and officers – and while we sometimes make progress, this has been insufficient. It is my view that under-funding of local authorities represents a conscious choice, underpinned by ideology, from the current Government, and the only long-term solution is for there to be a different Government. I am happy to be campaigning every week for there to be that different Government, and believe the best way to achieve it is with support for the Labour Party, not splinter groups on the far left.

Secondly, it seems quite wrong for our Oxford Model to be criticised. It works like this: rather than cutting services, instead we try to raise income by in-sourcing work which would otherwise be done by others. That way profits from the work can be retained and

reinvested in front-line Council services (rather than paying a profit to private shareholders), we can be confident that the Oxford Living Wage applies, and that workers are fairly treated. We are proud of what this model – with excellent support from our two staff trade unions, Unison and Unite, has achieved.

On some of the points of detail: the address refers to remaining reserves. To be clear, these are reserves earmarked for a purpose, and I would encourage you to read the report of our Chief Financial Officer on the adequacy of our reserves. What you are encouraging us to do is run down reserves further, in order to meet ongoing costs. I think you can be clear from the report of the Section 151 Officer that such a move would put us at serious risk of seeing a statutory notice issued stopping discretionary spending, and take us close to having commissioners put in by Government to run our services. That is where the road of spending money in local government that you don't have takes you.

You urge a Council Tax and council rent freeze. In the case of Council Tax, we are one of relatively few local authorities to continue to provide full Council Tax relief to those on the lowest incomes, and the effect of such a freeze would simply be less money for the Council each and every year to provide services. In the case of council house rents (which are supported by housing benefit when they cannot be afforded), it would mean we would need to scale back our council house building programme. These are choices we have to make, and I think we owe it to people who rely on our services, on those who need our support, on those who will benefit from new council housing, not to run away from them.

We appreciate your comments about our new council house building programme. I am happy to reassure you we do not think that this represents the full scale of genuinely affordable housing that is needed: other affordable housing will be delivered through routes such as contributions from the planning system.

You imply that there are lots of services that we have outsourced that should be brought back in-house. I am puzzled by this, because at Oxford City Council we are not in the business of outsourcing services, instead we choose to retain services in-house and deliver them ourselves. I am surprised this approach is not being acknowledged and praised in the address.

It strikes me that what is being said here is really that we ought to avoid taking any difficult decisions in our budget. We ought to rip up our successful Oxford Model (which would have the effect of passing more work to private, for-profit companies). We ought to hammer our sources of income that enable us to fund our front-line services and build new council houses. We ought to make our budget balance by speculating that continued lobbying of Government will lead the Conservatives suddenly to release millions of pounds to us to fund services properly. If – or more likely when – that does not happen, then we would have no reserves left, we would be barred from discretionary spending, we'd be laying staff off left, right and centre, and we'd be letting down precisely the people we were elected to serve. I, for one, have no interest in being part of such an atrocious betrayal of my community.

To: Cabinet
Date: 9 February 2022
Report of: Executive Director for Development
Title of Report: Development Of Land At South Oxford Science Village (Land South Of Grenoble Road) - Delivery Vehicle and Land Option

Summary and recommendations	
Purpose of report:	This report seeks agreement for the Council to enter into a joint venture Limited Liability Partnership with Thames Water and Magdalen College, as the three land owners of the land allocated for redevelopment off Grenoble Road, known as the South Oxford Science Village site, and in doing so, to commit the land for development.
Key decision:	Yes
Cabinet Member:	Councillor Ed Turner, Deputy Leader, Statutory - Finance and Asset Management and Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery.
Corporate Priority:	Enable an inclusive economy; Deliver more, affordable housing; Support thriving communities; and Pursue a zero carbon Oxford.
Policy Framework:	Council Strategy 2020-24

Recommendation(s): That Cabinet resolves:
<ol style="list-style-type: none"> 1. To delegate to the Director for Development, in consultation with the Cabinet Members for Finance and Asset Management and Planning and Housing Delivery, the Head of Law and Governance and Head of Financial Services, the agreement to create a limited liability partnership with Magdalen College, Oxford, and Thames Water, its incorporation, and the agreement of the detailed drafting of the LLP agreement and any ancillary documents, and entering into it and any ancillary documents on behalf of the Council. 2. To delegate to the Director for Development, in consultation with the Cabinet Members for Finance and Asset Management and Planning and Housing Delivery, the Head of Law and Governance and Head of Financial Services, the decision, following the receipt of advice, whether to pursue an option or conditional contract, the final drafting of any such option or contract, the granting of any such option or contract, or the entering into agreement on any

such option or contract which commits the Council's land, within the SOSV allocation, to be available to be drawn down by the LLP when the land is needed for development. This will include ensuring the requirements of S123 of the Local Government Act 1972 are met and that any disposal is for the best consideration that can reasonably be obtained or otherwise in compliance with the requirements of section 123.

3. To recommend to Council the establishment of a revenue budget of £556k, to enable the work to bring the site forward for development, and for internal and external resources its business. Where appropriate and agreed with the Head of Financial Services the costs will be capitalised and the appropriate budget vired from revenue to capital in line with the capitalisation.
4. To recommend to Council a loan of up to £500k to be made to the LLP to cover the council's share of running the LLP (% share based on % land ownership within the allocation) to be repaid with interest on terms agreed with the Head of Financial Services. The appropriate capital and revenue budgets to be established, to be agreed with the Head of Financial Services, based on the LLP Business Plan and Budget.

Appendices	
Appendix 1	Risk Register (confidential)
Appendix 2	Delivery Vehicle Table (confidential)
Appendix 3	Collaboration Key Principles (confidential)

Introduction and background

1. The Council owns land south of Grenoble Road, to the west of Sandford Brake substation, which has long been identified as within an area with potential for development. The promotion of the land has been pursued, latterly through the South Oxfordshire Local Plan (SODC LP). The land, together with adjacent land in the ownership of Thames Water (TW) and Magdalen College Oxford (MDC) (together Landowners), has now been allocated in the adopted SODC LP for a mixed use development including approximately 3000 homes (2480 within the local plan period of 2020 to 2035, expansion of the Oxford Science Park, site for a park and ride and supporting infrastructure.
2. The Council's ownership of part of the allocated site, currently in agricultural use, enables it to participate in a development that will deliver housing that will contribute to meeting the City's housing needs as well as providing employment and job opportunities and facilities accessible to residents of Oxford. The SODC LP also identified the opportunity for the development to contribute to the regeneration of Blackbird Leys. The development of the land would therefore be consistent with the objectives of the Council and in addition provides the potential for a return to the Council.
3. In October 2021 the Cabinet considered a report regarding the options for bringing forward development for the site and agreed to seek a master developer to develop the land in partnership with the other Landowners. The key principles of collaboration

with the other Landowners were also agreed with the details delegated to the Director for Development in consultation with the Cabinet Members for Finance and Asset Management and Planning and Housing Delivery, the Head of Law and Governance and Head of Financial Services for final agreement.

4. Following on from the October report further work has been done on identifying the form of delivery vehicle that is most appropriate and the approach that is needed to ensure the development opportunity meets the regeneration aims of the Council and is attractive to the market. This report sets out the options considered and recommends the approach to formalising the arrangements with the other Landowners. This would enable the procurement of a master developer who would be responsible for taking forward the SOSV site to development.

Delivery Vehicle

5. The SODC LP seeks 'an agreed comprehensive masterplan' for the allocated site and as such there is a need to work with the other Landowners to bring forward a comprehensive development. The Cabinet report in October 2021 set out the options for delivering the development of the site and it was agreed to seek a master developer partner as providing the best approach for the development of the site.
6. The advice from commercial advisors is that the Landowners should work together and formalise their arrangements so there is a single joint venture vehicle for potential master developers to negotiate and deal with. To continue with three separate Landowners is likely to be less attractive to the market because of the risk of differing priorities and timescales.
7. A review of potential options for the delivery vehicle was undertaken by the Council's legal advisors. This has been undertaken on the basis that the landowners will form a special purpose vehicle (SPV)/joint venture (JV) on a commercial basis (although the development would also deliver regeneration benefits) that will then be responsible for contracting with a master developer to secure the development of the site. In considering the options the requirements of the other Landowners, as well as those of the Council, need to be taken into account.
8. The following options were identified;
 - Company limited by Shares
 - Company limited by Guarantee
 - Cooperative or Community Benefit Society
 - Limited Liability Partnership
9. A table summarising some of the key elements of each approach is attached at appendix B (confidential).
10. Following discussions with the other Landowners a Limited Liability Partnership (LLP) was identified as the preferred vehicle. The benefit of this option is that the Members of an LLP can own and operate the LLP with flexibility and it is tax transparent (meaning that the Members of an LLP which carries on its business with a view to profit are subject to tax on their shares of any profits generated by the LLP, instead of the LLP being taxed. For these reasons it is commonly used in similar circumstances. An LLP structure is therefore recommended for the SOSV joint venture between the Landowners.

11. The Council's legal advisers have identified that the relevant powers on which the Council will be relying in participating in the LLP and the development and regeneration of the site are:
- the Investment Power under section 12 of the Local Government Act 2003;
 - the Incidental power under section 111 of the Local Government Act 1972; and
 - the general power of competence under section 1 of the Localism Act 2011.

LLP agreement principles and Heads of Terms

12. There is high level agreement between the Landowners regarding the principles of the collaboration and the LLP agreement, which are now set out in draft Heads of Terms. Subject to formal approval by each organisation, these will inform the detailed drafting of the final LLP agreement.
13. The collaboration principles previously agreed between the Landowners (see appendix 3 and/or Cabinet report October 2021) are proposed to be incorporated into the LLP agreement. This will be central in guiding the future development and the activity of the LLP.
14. It is proposed that the LLP has a Board with 2 representatives from each of the Landowners, 6 in total. The Board would be responsible for key strategic decisions, whilst a working group would be formed to carry out day to day roles. These details will be embedded in the LLP agreement.
15. Some key decisions will be reserved for the Member Landowners i.e. the Cabinet or Shareholder Committee in the case of the Council. These will need to be set out in the LLP agreement. It has already been agreed that the appointment of the master developer will be reserved to the Landowners, and the business plan, budget and the submission of the initial site-wide planning application have been proposed. The final list of the matters reserved for the Landowners' decisions will be agreed and set out in the LLP agreement.
16. All formal LLP decisions are proposed to be made on a unanimous basis i.e. all three Landowners must agree. As such, it will be necessary to have a dispute resolution mechanism should there be any decisions that the Board or Members cannot resolve. Ultimately, this will probably include a mechanism for one or more organisations exiting the LLP should agreement not be possible. This is standard practise for such joint venture working arrangements.
17. The LLP will need an initial injection of funds from the Members to be solvent and to be able to operate. The budget for the LLP has yet to be set however the principle has been established that the costs, as well as future value, will be shared between the Landowners based on their % share of the allocated site. For the Council it is important that funding to the LLP does not give rise to any Subsidy Control implications and this will require the Council ensuring that any investment in the LLP or funding to the LLP is provided on commercial terms (whether loan finance or equity).
18. The aim is to complete the drafting of the agreement of the LLP with a target for the end of February 2022, prior to a master developer being procured, although each party will need to go through appropriate governance to enable the agreement to be entered into. The LLP will need to have been incorporated (and so the terms of the LLP agreement agreed) prior to any master developer appointment. Delegation of the

detailed drafting and agreement of the LLP agreement is therefore sought to avoid delay to the procurement of a master developer.

Option/Contract

19. For a master developer it will be essential to show that the development land will be available to them when required. However, to transfer the land to the LLP, and then to transfer it on to the master developer, would have tax implications (in particular in the form of additional SDLT liability). Consideration has therefore been given to granting options, or conditional contracts, to the LLP that would enable the drawdown of the land from each of the Landowners in parcels when needed, or to direct its disposal to end purchaser housebuilders / developers. While the principle is the same from a Landowner perspective, the merits of options vs conditional contracts is based on their tax efficiency. Advisors for each of the Landowners are currently reviewing the alternatives with a view to making a recommendation. Delegation is therefore sought for the decision on whether an option or a conditional contract is the right approach, which will be based on forthcoming technical tax advice.
20. The Council has power to dispose of land under Section 123 of the Local Government Act 1972, but it must not do so for “a consideration less than the best that can be reasonably obtained”. This could be interpreted as being the best price achievable in the open market. For the SOSV site the following has been considered;
 - The approach is to work with the other Landowners within the allocation site to deliver a comprehensive scheme to enable an efficient approach to the delivery of the site. An equalisation of costs and values based on % land ownership has been agreed and will be incorporated into the LLP agreement.
 - Consideration has been given to the best approach to bring the site forward seeking to balance risk and reward and from this the master developer approach has been identified as the preferred approach to bringing forward the site (see October 2021 Cabinet report).
 - A minimum land value has been identified, based on financial modelling and consideration of benchmarks to protect the landowners from having to dispose of land at a low value. This was approved by Cabinet in October 2021.
 - The procurement of the master developer will be undertaken through a procurement exercise that will enable the market to be tested.
21. Delegation is sought to agree the detailed wording of the option / conditional contract following completion of negotiations and the receipt of final advice from the Council’s Commercial and Legal advisors. This will also need to include ensuring the requirements of S123 are met.

Budget for SOSV

22. Pursuing the allocation of the site and work to progress development of it has to date been funded from the Council’s reserves in the order of £987k The use of which has been previously agreed by Council. An amount of £390k is remaining in the reserve. The project is moving to the next stage whereby there will be further on-going financial commitments for the development of the site, including those linked to the formation of the LLP and the procurement of a master developer. Therefore, there is the need to consider how this phase will be resourced.

23. The level of work required by Council staff will increase as the project moves to the next phase and there is a need to ensure the LLP, master development procurement and the development of proposals for the site meet the Council's needs. Currently 1/3 of a Grade 11 Regeneration Manager is funded by the project and this is not considered to be sufficient going forward. Funding for a fulltime Grade 11 post is sought to enable the project to be taken forward. Additional property, legal and finance input is also sought equivalent to 0.6 of a Grade 11 post. Budget is sought for these posts over three years to cover the period whilst the LLP is established, the master developer is procured and planning proposals are developed for the site. The identification of the budget over three years facilitates recruitment on fixed term contracts. Beyond this period of time the need for additional staff resource will be reviewed.
24. In addition to staff resource the Council is also being supported by specialist consultancy support, particularly commercial and legal advice. Other specialist advice includes for example dealing with National Grid and SSE regarding wayleaves and tax advice. The advice is needed for the establishment of the LLP, where each landowner is separately represented. It is anticipated that this work will continue into the next financial year.
25. In addition to consultant support directly to the Council, there is some consultancy support that is needed for the landowners working collaboratively to progress the project. This includes project management, the procurement of the master developer and technical advice. These costs, although commissioned by one of the landowners the costs are shared between the landowners based on % share of the site allocation. Once the LLP is entered into it is anticipated that it would incur these costs but whilst there is a target of drafting the agreement by February 22 it is not anticipated that the LLP will be established until the landowners are ready to appoint the master developer. This will enable any minor changes necessary to meet with the master developer agreement. Next financial year there is therefore going to be a need to fund a share of the work needed to progress the project ahead of the LLP being formed.
26. In the light of the need for consultancy support outlined above in 2022/23 additional £100k is sought to be added to the existing budget.
27. Once the LLP is formed it will need working capital to operate. Once appointed the master developer will pursue and fund a planning application for the site (anticipated end 2023) and there will be a period of time whilst an application is developed, submitted and determined. Receipts to the LLP and then Landowners would be dependent on the bids received but are unlikely to occur until there are land deals post planning. The LLP will have a business case and identify a budget needed to enable it to operate. The Council would need to fund a share of the costs and therefore an initial loan of up to £500k with interest is sought, subject to the terms being agreed by the Head of Financial Services. The amount of working capital required would be dependent on the business plan and cash flow analysis of the LLP and the arrangement with the Master developer. Draw down of the loan will be based on this analysis and for illustrative purposes this has been shown over a 3 year period in the table below.
28. The LLP once formed will have a Board that will require two representatives of each Landowner. These representatives will have a key role in ensuring the work and decisions of the LLP meet the objectives and deliver the business plan and therefore it is anticipated that as far as the City Council is concerned these resources will need

to be Directors or Head of Service. As the Council has a number of companies there is a need to ensure sufficient funding to enable input at a senior level. Capitalising salary costs may release revenue budget to provide some element of backfill for the time required by such staff to undertake this role.

29. The following budget is sought:

Item	Budget		
	2022/23	2023/24	2024/25
LLP Board Representatives x2	£32,000	£32,000	£32,000
1FTE Regeneration Manager	£75,000	£75,000	£75,000
0.6FTE Property, Legal, Finance	£45,000	£45,000	£45,000
Consultant support	£100,000		
LLP Loan (up to £500k)	£200,000	£200,000	£100,000
Total	£452,000	£352,000	£252,000

30. It is recommended that £1.056m is added to the budget over 3 years to cover costs until receipts are received from the development. Whilst these costs will essentially be revenue in nature the probability is that they can be capitalised, albeit they will need to be funded by borrowing or capital receipts. Any funding or other support to the LLP will need to be compliant with Subsidy Control laws. A Subsidy Control Bill is currently making its way through Parliament and so the Council will need to take a watching brief to ensure continuing compliance with Subsidy Control laws.

31. The potential return to the Council was set out in a confidential appendix to the October 2021 Cabinet report. This budget, alongside the original budget of £1.38m (of which £643k formed the budget 2020/21) from the Council's reserves is considered to be an acceptable investment to realise the development and regeneration potential from this asset.

Alternative Options Considered

32. The October 2021 Cabinet report considered the options for developing the site. This report has identified the potential options for the delivery vehicle that the landowners could choose and around options for the site. If one of the options was not pursued it would be difficult to achieve a comprehensive development and the site is less likely to be attractive to the market without a single entity to work with.

33. Options with regard to the land have included the land being passed to the LLP but this would be less tax efficient than the use of an option or conditional contract and therefore it was discounted.

34. If the option was taken not to identify budget to maintain momentum on bringing the site forward it would risk not being able to proceed or decisions being taken without adequate knowledge and scrutiny, which would not be in the best interests of the council.

Other implications

Financial implications

35. A budget of £1.38m was originally established from reserves for the project. From this the 2021/22 budget for the SOSV project was £643k with £350k budgeted to spend during the current financial year from the earmarked reserve. As the project moves to the next phase of work it is anticipated that the remaining budget will be required to meet consultant and staff costs for advice to the Council in the setting up of the LLP.
36. Looking ahead additional staff costs are sought and further budget for three years and consultancy costs for 2022/23 totalling £556k as set out above.
37. A budget of up to £500k is also sought for loans to the LLP once established, subject to the Head of Financial Services being satisfied of the need and terms of the loan.

Legal issues

38. There are a number of legal issues arising from the report. The legislation that enables the Council to participate in an LLP for profit as been identified as well as the need for the Council to ensure that it is able to achieve best value in committing to dispose of any land.
39. The Council can enter into a special purpose vehicle under the provisions of:
 - section 12 of the Local Government Act 2003 (“LGA03”) (the “Investment Power”);
 - section 111, Local Government Act 1972 (“LGA72”) (the “Incidental Power”) (where it does not have a duty to act); and
 - section 1 of the Localism Act, (the “General Power of Competence”).
40. The Investment Power allows the Council to invest for any purpose relevant to any of its functions or for the purposes of the prudent management of its financial affairs. The Incidental Power authorises the Council “to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions”. Finally the General Power of Competence enables the Council to participate in an LLP for the purposes of regeneration.
41. The detailed drafting of the LLP agreement and option/conditional contract is yet to take place but it is important that the detailed provides appropriate safeguards for the Council. The Council is being advised by external legal and tax advisors appointed to provide specialist advice. Legal advice is ongoing to support the work.

Level of risk

42. The development of the allocated site will provide much needed housing, economic development and facilities. However, as the land is in three ownerships there is the need for the landowners to work collaboratively to be able to meet the policy requirement for a comprehensive development. Until there is an agreement between the landowners there is a risk that one of the landowners could choose not to commit their land. The formation of an LLP and the securing of options or conditional contracts for the drawdown of land will commit all the landowners, including the Council.
43. The approach to securing a development partner as a master developer reduces the risk to the landowners by ensuring an experienced partner is selected with a track record for delivery and suitable financial backing. However the development could

give rise to potential financial and reputational risk to the Council if problems with the development were to occur.

44. Whilst care has been taken to ensure the Council has been appropriately advised there remain risks in ensuring satisfactory completion of agreements, potential for landowners to change their positions, changes in the development environment (such as changes to planning policy), potential for unknown costs associated with developing the site and the appetite of the market to partner to deliver the site. There would also be reputational risks in failing to progress the development of the site as housing needs would not be met. These risks will continue to be monitored and managed.

Equalities impact

45. The Equality Act 2010 Section 149 places a duty on public authorities to have regard to the need to eliminate discrimination, harassment, victimisation, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This report considers the establishing of a vehicle that would pursue the development of the Council's land in collaboration with adjacent land owners. The option of developing the Council's land independently has been rejected because of the policy requirement for a comprehensive scheme and risk of pursuing such an approach. No adverse impacts on any part of the community have been identified at this stage, however Oxford City Council will continue to consult with Legal Services to ensure all projects have due regard to the public sector equality duty.
46. The form of vehicle proposed, an LLP, will not be a public authority but it is controlled by its Members, of which the Council would be 1/3. Although the LLP will be responsible for developing the site through a master developer the proposals will be subject to consultation and scrutiny through the planning process which will ensure appropriate consideration of equalities issues.
47. The formation of the LLP is part of the process to bring about development of the site that will bring benefits such as additional affordable housing and employment opportunities. It is recognised that the future development of design proposals for the site, including the buildings and services to be provided, could give rise to equality impact issues. Given the proposal to work with other partners it will be strategically and sustainably important to ensure that equality is embedded and fully understood by all involved in the work undertaken at each stage of the project. The Council's accessibility champion has advised 'It is important to normalise these conversations and ensure all project groups make use of our Accessibility and Equality Champion to sense check strategy documents and proposals as they come across'.

Environmental Impact Assessment

48. This report is focused on the structures required to enable the land allocated in the South Oxfordshire Local Plan to come forward, rather than the detail of how the site will be physically developed. Proposals for the site including a planning application will be developed by the selected development partner.
49. Going forward there will be a need to balance the requirements to achieve a return for the Council and a good development, that is viable to deliver, and creates a location that is attractive and accessible, including the provision of affordable

housing, whilst minimising its environmental impacts and maximising the opportunities that can be derived from new development.

50. The vast majority of the site is within South Oxfordshire but was allocated to help address housing needs in the City. The site is located on the edge of Oxford where there are more opportunities for green and active travel, to and from the city, than other sites further from the city.
51. The Council owns less than 1/3rd of the allocated site and is working with other landowners to bring forward development. As such, the City Council does not have overall control and is unable to act alone in bringing forward its land ownership for development. Carbon and environmental considerations will be important factors to be considered in selecting a development partner and the design of the site and the infrastructure to support it, and the City Council continues to work with partners to promote this agenda. However, whilst partners have committed to meeting the planning policy requirements for the site, it may not necessarily be possible to go beyond these.

Conclusion

52. This report seeks approval for the next stage of work at SOSV to formalise the partnership arrangements with the other Landowners by forming an LLP. The agreement for the LLP will cover how the landowners will work together and also embed the collaboration principles that have been agreed. An option or conditional contract will provide certainty of the availability of the land. This will support the procurement of a master developer to undertake the development of the site. Delegation is sought for agreeing the details of the LLP and land agreement.
53. Further budget provision is sought to enable the planned work over the next three years to be undertaken and ensure there is sufficient staff resource to successfully progress the project and protect the Council's interest.

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Background Papers:

Report to Cabinet, 13 October 2021 – Development of Land at South Oxford Science Village (Land South of Grenoble Road)

Appendix 1: Risk Register

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Unable to deliver comprehensive development	A land owner withdraws. The SODC LP seeks a comprehensive approach to the site. To deliver this there is a requirement that	threat	Land owner circumstances change	inability to develop the site in a comprehensive manner	2/9/21	PM	4	2	4	2	3	2		formalise working arrangements between landowners				
55 Unable to agree terms for LLP	Landowners may have different requirements for the LLP and therefore there is a risk that detailed terms will not be agreed	threat	Land owners have differing priorities	inability to demonstrate a single delivery approach to	12/12/21	Landowners	4	2	3	2	3	2		Agree HoT and maintain momentum in establishing LLP				
Market appetite to partner on the development	Insufficient market interest from companies able to undertake the role of master developer	threat	Market conditions	proposed route to develop the site may have to be	2/9/21	PM	3	1	3	1	3	1		Work with consultants to develop the offer and market test the approach				
Development viability	Change in costs and values changes scheme viability	opportunity/threat	viability may be impacted by changes of the scope of works, S106 costs, material and construction costs and market	Viability testing and reduction in costs could be	2/9/21	PM	3	3	3	4	3	3		financial modelling will be undertaken as proposal are developed to ensure risk is managed				

review of the SODC LP	Revised local plan may include additional requirements for the development of the site	opportunity/threat	SODC have commenced a review of their local plan, this may introduce additional policy requirements such as first	additional development costs	2/9/21	PM	3	5	2	5	3	5		Monitor progress and participate in the plan making process when the opportunities				
Collaboration agreement key principles	The collaboration agreement key principles may become out of date or inadequate	threat	changes in circumstances or landowner aspirations	may delay work or result in unsatisfactory output	2/9/21	PM	3	2	3	2	3	2		Monitor progress against principles and changes in circumstances that need to be taken into				
Insufficient budget	Lack of budget prevents progress on the project	threat	Lack of budget could limit staff and consultant support resulting in reduced input	delay to the project and more limited progress	12/12/21		3	2	4	2	2	2		Monitor budget spend and commitments and ensure any issues are raised with sufficient time				

Appendix 2

	Legislative Framework	Corporate Structure	Regulators	Investment Structure	Other Relevant Factors
Company Limited by Shares (CLS)	<ul style="list-style-type: none"> Companies Act 2006 plus associated regulations. Limited liability. 	<ul style="list-style-type: none"> Shareholders (each with an economic stake in the company. Return on shares depends on the performance of the company) Directors (appointed by shareholders) manage the company and its day to day operation. Constitutional document is Articles of Association 	<ul style="list-style-type: none"> Registrar of Companies (a largely passive regulator, provided returns are made on time). 	<ul style="list-style-type: none"> Equity (shares) – can create different “classes” of shares carrying different rights (e.g. voting / non-voting, participating (in profits) / non-participating, repayable / redeemable etc) Loan funding, with or without security and in the form of loan or loan notes. 	<ul style="list-style-type: none"> “Ownership” is a relatively straightforward concept linked to economic interest and control (at shareholder and Board level).
Company Limited by Guarantee (CLG)	<ul style="list-style-type: none"> Companies Act 2006 plus associated regulations. Limited liability. 	<ul style="list-style-type: none"> Members (each of whom guarantees the liabilities of the company to an agreed limit – 	<ul style="list-style-type: none"> Registrar of Companies (a largely passive regulator, provided returns 	<ul style="list-style-type: none"> Loan funding, with or without security and in the form of loan or loan notes. 	<ul style="list-style-type: none"> Members have no economic interest in the company beyond the amount of their guarantee and therefore
Co-operative and Community Benefit Society (CBS)	<ul style="list-style-type: none"> Co-operative and Community Benefit Societies Act 2014 (legislation which is not as comprehensive or prescriptive as company law). Limited liability. 	<ul style="list-style-type: none"> Shareholders typically have one share apiece, however they can invest up to £100k each in the CBS. A CBS must have at least 3 shareholders, and it is typical for new CBSs that are JVs to have a “closed” membership whereby the 	<ul style="list-style-type: none"> Financial Conduct Authority (FCA). Largely passive as a regulator provided returns are filed on time. CBSs are required to be for the benefit of the community (which is policed by the FCA at the 	<ul style="list-style-type: none"> Equity (shares), up to a limit of £100k per shareholder Loan funding, with or without security. 	<ul style="list-style-type: none"> exist as an (unsophisticated) accountability mechanism. Common structure for a not-for-profit or charitable vehicle. It is not possible to distribute profits to members as a CLS would be able to do. On that basis, not the recommended form for a profit-making JV, but would be appropriate for a Teckal vehicle. Currently, the most popular structure for non-profit CBSs because of the lack of active charity regulation and a less onerous disposals process for charity property. Not recommended for a for-profit JV, as it is not possible to distribute profits to members as a CLS would be able to do.
Limited Liability Partnership (LLP)	<ul style="list-style-type: none"> LLPs are regulated by the Registrar of Companies in a very similar way to a company. 	<ul style="list-style-type: none"> LLP needs a minimum of 2 partners / members. Where in a company there is a separation between the 	<ul style="list-style-type: none"> LLPs are regulated by the Registrar of Companies in a very similar way to a company 	<ul style="list-style-type: none"> LLPs can be more tax advantageous than a CLS / CLG. The latter are directly liable to tax. However an LLP is usually treated as 	<ul style="list-style-type: none"> LLPs provide some of the benefits of a company in respect of limited liability but provide more management and operational flexibility than a company. Unlike a normal partnership an LLP is

Appendix 2

	Legislative Framework	Corporate Structure	Regulators	Investment Structure	Other Relevant Factors
	<ul style="list-style-type: none"> An LLP is set up under the Limited Liability Partnerships Act 2000 with additional provisions contained in the Limited Liability Partnership regulations 2001. 	<p>shareholders / members and the directors, the same is not automatically the case for an LLP – the partners in an LLP are both the owners and the managers of the enterprise. It is possible to structure the LLP so that some members (the designated members) have enhanced duties to comply with certain administrative obligations, e.g. appointment of auditors. Alternatively all of the LLP's members can be designated members. This is common in an LLP with a small number of members.</p>	<p>limited by shares or by guarantee.</p> <ul style="list-style-type: none"> 	<p>tax transparent - i.e. the activities are carried on by the members rather than the LLP legal entity.</p>	<p>a legal person that is able to hold assets and contracts.</p> <ul style="list-style-type: none"> This is a common structure for a joint venture vehicle.
		<ul style="list-style-type: none"> No obligation to have a constitutional document (e.g. a members agreement) but there are default provisions on how an LLP will operate in the Limited Liability Partnerships Regulations 2001 ("LLPR") Any members agreement is private and not available at Companies House. 			

To: Cabinet
Council

Date: 16 March 2022
21 March 2022

Report of: Head of Financial Services
Head of Business Improvement

Title of Report: Integrated Performance Report for Quarter 3 2021/22

Summary and recommendations	
Purpose of report:	To update Cabinet on Finance, Risk and Corporate Performance matters as at 31 December 2021
Key decision:	No
Executive Board Member:	Councillor Ed Turner, Deputy Leader (Statutory) – Finance and Asset Management
Corporate Priority:	All
Policy Framework:	Council Strategy 2020-24
Recommendation(s): That the Cabinet resolves to:	
1.	Note the projected financial outturn as well as the position on risk and performance as at 31 December 2021; and
2.	Recommend to Council the addition of £0.110 million into the Capital Programme for the purchase of Hybrid AV meeting equipment as set out at paragraph 13.

Appendices	
Appendix A	General Fund - December 2021 Forecast Outturn
Appendix B	Housing Revenue Account - December 2021 Forecast Outturn
Appendix C	Capital Programme – December 2021
Appendix D	Corporate KPIs – December 2021

Introduction and background

1. This report updates the Cabinet on the financial, corporate performance and corporate risk positions of the Council as at 31 December 2021. A brief summary is as follows:

Financial Position

- **General Fund** – the outturn position is forecasting an adverse variance of £0.305 million against the net budget agreed by Council in February 2021 of £23.647 million; it should be noted this includes £2.1million of income losses already factored into the budget due to the continuing impacts from Covid. In setting its Budget for 2021-22 and Medium Term Financial Plan at Council in February 2021 the Council was required to draw on £11.3 million of reserves to balance the budget over the medium term as well as reduce expenditure and seek further efficiencies and increased revenue especially from its wholly owned companies to cover reduced income and increased cost arising from the pandemic. The adverse variance being forecast will lead to a further call on reserves in this financial year;
 - **Housing Revenue Account** – The budgeted surplus agreed by the Council in February 2021 was £0.388 million. The forecast outturn position has now returned to being on target as the previously identified pressure can now be covered by a positive variance in Other Revenue spend;
 - **Capital Programme** – The budget, as approved at Council in February 2021, was set at £186 million with carry forward of unspent balances in 2020-21 and some additional slippage the latest budget is now £132.147 million. The outturn forecast position is currently £114.742 million with a total variance of £17.405 million from the latest budget, made up of slippage of £17.709 million and £0.305 million of overspend.
2. **Performance** – There are 23 Corporate Indicators for the current financial year, 9 of which are rated Green (on target); 1 is rated Amber (within a tolerance of target) and 3 are rated Red (outside of target), there are also 10 indicators that do not have performance data until the end of the year therefore are not RAG rated. More details can be found in paragraph 19.
 3. **Corporate Risk Management** – There are three red corporate risks at the end of quarter three. These relate to actions taken to ensure housing delivery and supply for the city of Oxford and to enable sufficient house building and investment; local, national or international factors adversely affecting the economic growth of the city and negative impacts of Climate Change. More details of the risks can be found in paragraphs 16 to 18.

Financial Position

General Fund Revenue

4. The overall Net Budget Requirement agreed by the Council in February 2021 was £23.647 million. Since setting the budget, service area expenditure has decreased by a net total of £2.745 million, this is due to a combination of virements within

service areas and releases from reserves of grant income received. 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 £1.629 million, the most notable of which relates to the redistribution of funding for Tree Officers from Environmental Sustainability to Planning, realignment of planning budgets and the movement of garage income budget from Housing Services to Corporate Property.
6. The contribution to reserves totals a net movement of £2.541 million, with the most significant movement being adding the 2021/22 grant allocation of £1.9 million received from MHCLG for both homeless prevention and rough sleeping initiative funding to reserves. This has been paid to the Council in advance and will be released into Revenue as and when expenditure is incurred.
7. As at 31st December 2021 the General Fund Service Areas are forecasting a favourable variance of £0.085 million against the latest budget of £33.049 million. The main variances are detailed below:
 - **Housing Services** – a favourable variance of £0.470 million, which is due to the one off in year budget set aside for Canterbury House and YHA no longer being required as DLUHC grant is being used to fund this pressure;
 - **Community Services** - favourable variance of £0.366 million, largely relating to the Town Hall & Facilities team. The Town Hall income is recovering better than expected, and is forecast to be above the revised budgeted levels. Other savings have been made in staffing, premises and supplies costs across the teams, most notably in Community Centres;
 - **Corporate Property** – adverse variance of £0.210 million relating to additional expenditure on staffing due to the use of agency staff for difficult to fill positions and to ensure high priority projects move forward. Also it is due to the under achievement of income from recharge to capital projects due to delays in these projects related to the pandemic;
 - **Planning Services** – favourable variance of £0.200 million relating to underspends on salary budget and income being higher than anticipated in year;
 - **Corporate Strategy** – favourable variance of £0.131 million, arising from the receipt of unbudgeted external income which we received in exchange for the contribution we made to district data services, a vacancy within the team and underspends of the supplies and services budgets.
 - **Oxford Direct Services Client** – overall favourable variance of £0.051 million for the service area. The majority is from an overall favourable variance on car parking due to our recent success in a business rates appeal on Oxpens car park in relation to the carpark, resulting in a refund of £0.400 million, although some has been used to offset increases in other car park rate bills. Car Park usage is now starting to recover and is more in line with budget expectations for 2021-22. The Council are still anticipating a dividend of at least £0.600k in relation to 2020/21 company surpluses which is still awaiting an ODS board decision:
 - **Business Improvement** - adverse variance of £0.286 million, which is made up of £0.150 million relating to additional costs being incurred to extend the current

transformation team until the end of the financial year. The remainder is in relation to software maintenance expenditure in excess of the budget provision.

- **Financial Services** – adverse variance of £0.322 million, which is made up of increased expenditure on external audit for previous years' work and bank charges in relation to Payment Card Industry Data Security Standard (PCIDSS) non-compliance. In addition there is under-achievement in budgeted income from the provision of external services by the Investigation Team which has been impacted by the COVID pandemic. This reduced income is expected to continue and has been included in the budget proposals for the next iteration of the Medium Term Financial Plan. Income received from court costs has decreased in line with reduced numbers taken to court and this has also been included in future budget proposals.
- **Law & Governance** - the adverse variance of £0.391 million is mainly due to overspend on staffing, the main reason is due to an ongoing difficulty to recruit to permanent posts within the establishment and therefore being reliant on the use of temporary staff which are more expensive. In addition there are two temporary posts, above establishment, currently assisting with the backlog of work.
- **Corporate Accounts** – an overall adverse net variance of £0.389 million. One of the Council's wholly owned companies, Oxford Direct Services (ODS), currently carries out its operations – including bin collection, street cleaning and major construction projects – from four old depots around the city. Both the Council and the company have been looking across the city for another site where the operations can be consolidated to increase efficiency and to reduce the carbon footprint by building a multi-million pound single, modern and zero-carbon facility that would meet the needs of Oxford's growing population. Costs incurred include work with architects and engineers to identify potential sites and to undertake site investigation works. These costs have been charged to capital under normal accounting practice as part of the development of a potential capital scheme.

It has now come to a stage whereby the sites identified, which included the Redbridge Park and Ride site, have proved unviable for various reasons and the capital scheme is being removed from the capital programme pending identifying other options. The work undertaken on the Redbridge Park and Ride site has provided useful information to inform the future use of the site. However due to the current scheme being removed pending the identification of other options it is therefore necessary to charge any costs incurred to revenue which has resulted in a charge to revenue of £0.800 million. ODS will therefore continue to operate from its existing sites in at least the short term whilst other options are investigated and in the meantime work is underway to identify ways ODS can operate even more efficiently from its existing sites.

This is being offset by a favourable variance of £0.211 million over the interest receivable and interest payable budget lines. This variance arises due to less than anticipated external borrowing due to delays in the capital programme and lower than anticipated lending to companies, and a further £0.200 million favourable variance on revenue contributions.

8. To mitigate some of the losses of income the Council has submitted a claim through the Sales, Fees & Charges compensation scheme which the Government extended to cover lost income up to and including 30th June, this is expected to be approx. £1.1 million, and is included within the forecast figures. It is important to note that the scheme, which covers 75% of losses incurred compared to the budget position allowing for a 5% threshold, does not cover commercial losses from tenant rents or returns from companies.

Housing Revenue Account (“the HRA”)

9. The HRA budgeted surplus agreed by the Council in February 2021 was £0.388 million. The forecast outturn position has now returned to being on target as the previous pressure can now be covered by a positive variance in Other Revenue spend. As reported previously the implementation of the Housing Management System QL has caused problems in the obtaining of financial management information of work done by Oxford Direct Services. As a result actual expenditure is artificially low although the forecasts are our best estimate of the actual position. The significant forecast changes are explained below:
- Dwelling Rent - £1.110 million reduction in rental income is due to a realignment of the HRA business plan to the revised OCHL plan leading to some development schemes slipping into the next financial year;
 - Management & Services - £0.223 million increase in expenditure while Other Revenue Spend has reduced expenditure of £0.198 million, this is mainly a realignment of budgets across the two expenditure lines;
 - Responsive & Cyclical Repairs - £1.465 million increase in expenditure due to £0.192 million increased in material prices and £1.273 million carry forward release;
 - Interest Paid - £1.254 million reduced expenditure to reflect the lower level of loans taken out during 2020/21 due to reduced housing development activity by OCHL during the height of the COVID 19 pandemic.
 - HRA Reserve Adjustment - £1.388m release of reserves, mainly associated with the release of the carry forward requests now approved.

Capital

10. The budget, as approved by the Council at its meeting in February 2021, was set at £186 million. Since that date the budget has been increased by £10.468 million to take account of unspent balances rolled forward from 2020-21, giving a budget of £196.551 million. Further adjustments since then have been made which decrease the budget by £64.404 million to show the latest budget as at 31st December to be £132.147 million.
11. Further slippage of £17.709 million together with overspends of £0.305 million reported through this Q3 monitoring cycling results in a forecast outturn of £114.742million. The main schemes which are being re-profiled are set out below.

General Fund

- Museum of Oxford - £0.100 million overspend, this is the estimated project overspend, but due to the issues with the QL billing system from Oxford Direct Services (see para. 12 below), it is the best estimate which may be subject to change;
- East Oxford Community Centre - £0.125 million slippage due to scheme delays decanting the current tenants, with the project now expected to start April 2022 and the project being forecast to complete by June 2023;
- Bullingdon Community Centre - £0.300 million slippage due to delays carrying out surveys, engaging with an offsite fabrication manufacturer and time taken to obtain budget surety. Demolition is 95% complete and groundworks expected to start in January 2022 and the project complete in 2022/23;
- Roken House - £1.430 million slippage, property now acquired and refurbishment will take place in 2022/23;
- Disabled Facilities Grants - £0.200 million slippage, referrals are being progressed, but underspend still expected;
- Gloucester Green Car Park (H&S) - £0.262 million brought forward to allow work to be accelerated to complete by 31st March;
- Asset Surveys - £0.180 million slippage due to contractor issues, funding will be required in next year to progress;
- Cave Street Development - £0.117 million slippage. Tenant engagement ongoing and a review of planning proposals is being undertaken following a pre application planning report;
- 1-3 George Street - £0.170 million slippage due to problems on site , the completion date is expected to be July 2022;
- Osney Mead Infrastructure - £0.104 million slippage into next year whilst options are being reviewed to deal with known issues;
- Housing Company loans – slippage of £5.463 million in line with the revised loan schedule that has been completed alongside the revised OCHL business plan;
- Purchase of and loans for Barton Park – bringing forward £0.448 million into current year to cover the purchase of 22 properties by the City Council and the subsequent transfer of these properties to OCH(I)L;
- Motor Transport Vehicle Replacement programme - £0.303 million slippage as the programme of replacement is being reviewed, some vehicles may be delayed while others are brought forward;
- The loan to Low Carbon Hub in respect the Ray Valley Solar Farm which has been funded by Salix grant has been agreed at £2.055 million and the capital programme shows the change from this budget head to the costs of the remainder of the decarbonisation Salix grant funded programme.

Housing Revenue Account

- Structural - £0.333 million slippage; Bathrooms - £0.277 million slippage; Roofing - £0.264 million slippage – due to delays and rescheduling of the replacement programmes;
 - Barton Regeneration - £0.600 million slippage as scheme continues into next financial year;
 - Social Rented Housing Acquisitions - £0.500 million slippage due to slippage on Abbey Homes project, with 5 further homes under offer which may not complete this financial year;
 - Fire Doors - £0.468 million slippage due to rescheduling of replacement doors into 2022/23;
 - Properties purchased from OCHL - £7.593 million slippage as further delays in completion of sites to be purchased, in line with the refreshed Business Plan;
 - Blackbird Leys Regeneration - £0.164 million slippage, currently drafting planning proposals whilst making some changes to layout.
12. While the revised forecast outturn of £114.742million is reported, there remains some uncertainty and risk associated with achieving this spend. This is for three key reasons:
- There have been, and continue to be, significant ongoing issues with interfacing financial information from QL (the new system that records all repairs information) into Agresso (the financial system) and this has led to some of the actual spend figures being much lower than they should be. This is also affecting forecasting for the remainder of the financial year. Work is ongoing to rectify the issues to ensure that the financial information for the capital programme can be provided in due course. This is particularly affecting the HRA element of the capital programme, along with a number of General Fund projects that ODS are the main contractor for.
 - Housing delivery projects, represent £24,864million (General Fund) and £27,467million (HRA) of the projected outturn. These payments include General Fund loans to Oxford City Housing Limited, purchases of homes from the General Fund and HRA, and Growth Deal grant payments to Registered Providers. While good levels of spend has occurred to date in these areas, and officers are continuing to push forward to delivery, the nature of these schemes means that the risk of slippage still remains high moving into Q4. The remaining spend is subject to a number of development related variables across a range of projects, which includes land acquisition, vacant possession, on-going planning negotiations, and finalising construction contracts.
 - Supply chain issues, principally Covid related, continue to impact on the key projects and machinery. This could lead to projected dates being pushed back at short notice, which means that further slippage on some projects is possible.
13. Law and Governance have put forward a capital bid to procure and implement Audio Visual equipment into the Town Hall to allow Hybrid meetings, and this is expected to cost £0.110 million. Cabinet is requested to recommend to Council that £0.110 million is allocated to the Capital Programme in 2021/22 to allow this project to move forward.

Overall capital programme outturn

14. As noted above, the projected capital outturn is currently £114.742 million. While this figure is higher than previous year's capital spend, it is worth noting that it includes sizable budget allocations and forecasts that are inherently difficult to accurately forecast due to the nature of the projects. This includes:
- £20.9m of General Fund loans to OCHL, which rely on a range of schemes coming through detailed design and planning stages, where timescales are difficult to predict;
 - £27.5m of HRA allocated to the acquisition of social rented homes from OCHL.
15. Furthermore, there are some large one-off capital projects, which have increased the overall programme. These include:
- £14m for the decarbonisation of key council assets via central Government "Salix" funding and associated enabling works.

Corporate Risk

16. There remains three red risks on the current Corporate Risk Register, which are 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.
 - **Economic Growth** – this relates to local, national or international factors adversely affecting the economic growth of the City. Despite some positive trends, the Risk still remains at Red. Issues relating to inflation, labour market supply, global economy, COVID levels locally, border arrangement and local business support being scaled back means that there are still numerous risks.
 - **Negative Impacts of Climate Change** -The Council has made action on climate change one of its corporate priorities and has stepped up its programme of action, partnering and influencing to seek to mitigate social health and environmental impacts on the City. The Oxford Flood Alleviation Scheme (OFAS) scheme continues to progress. Work is ongoing through Zero Carbon Oxfordshire Partnership (ZCOP) to reduce carbon emissions across the City. Tighter air quality emission standards have been recommended by the World Health Organisation (WHO) and may be considered for adoption by the UK Government.

17. The table below shows the level of Red, Amber and Green current risks over the last 12 months:
18. It should be noted that by their very nature these risks are influenced by factors which are to a large extent outside the councils control. This leads to the council having to accept the risk albeit there is some limited mitigation that the council can do a local level. For instance the work by the council's economic development and city centre management teams can help stimulate the local economy although on it own this will do little to reverse some of the current economic conditions. Equally the Council's affordable house building programme can go some way to mitigating the housing crisis and the councils plans to zero carbon will at least locally go some way to reducing the impact of climate change, although clearly climate change is a worldwide problem.

Current Risk	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22
Red	5	3	3	3
Amber	7	11	10	11
Green	2	0	1	0
Total risks	14	14	14	14

Performance Indicators

19. There are three red corporate performance indicators being reported at the end of quarter 3, these relate to:
- The % of Council spend with local businesses including SME's – actual 27.94 against a target of 45. It is expected that the target will be met by year end as a yearly average due to a high % result in Q1.
 - The number of people in Oxford estimated to be sleeping rough – actual of 21 against a target of 17 – this is the lowest number since July 2021. DLUHC announced the "Protect & Vaccinate" directive in December asking local authorities to assist rough sleepers to access self-contained accommodation over the winter period and to increase uptake of the vaccine. The Council working closely with partners to ensure that all rough sleepers get an appropriate offer but face significant challenges in sourcing accommodation.
 - Total income collection as % of plan (Business Rates) – actual of 72.11% against a target of 95.5%. Targets will be adjusted as the instalments were recalculated due to a change in reliefs earlier in the year, the target is expected to be hit by the end of the year.

Financial implications

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

Legal issues

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

Level of risk

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

Equalities impact

23. There are no equalities impacts arising directly from this report at this time.

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Background Papers: None

General Fund Outturn Report 21/22 @ 31 December 2021	Approved Budget (per Budget book)	Previous Months Budget	Latest Budget	Projected Outturn against Latest Budget	PO Variance	PO Variance (Prev Quarter)	PO Variance Mvt from Previous Quarter
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
S13 - Housing Services	4,558	2,667	2,667	2,197	(470)	(470)	
S15 - Regulatory Services & Community Safety	1,359	1,360	1,360	1,352	(8)	46	(54)
S22 - Community Services	5,821	6,017	6,017	5,651	(366)	(251)	(115)
Communities & People	11,738	10,044	10,044	9,200	(844)	(675)	(169)
S09 - Corporate Property	(5,609)	(6,747)	(6,747)	(6,537)	210		210
S10 - Regeneration & Economy	606	755	755	755			
S16 - Planning Services	377	406	406	206	(200)		(200)
Development	(4,626)	(5,586)	(5,586)	(5,576)	10		10
S01 - Corporate Strategy	871	795	795	664	(131)	(68)	(63)
S20 - Environmental Sustainability	1,047	714	721	654	(68)		(68)
Chief Executive	1,918	1,509	1,516	1,318	(199)	(68)	(131)
S26 - Oxford Direct Services Client	11,405	11,714	11,714	11,663	(51)		(51)
ODS Development Director	11,405	11,714	11,714	11,663	(51)		(51)
S03 - Business Improvement	8,952	9,062	9,070	9,356	286	211	75
S32 - Financial Services	3,020	2,963	2,963	3,285	322	50	272
S34 - Law and Governance	3,387	3,328	3,328	3,719	391	120	271
Corporate Resources	15,359	15,353	15,361	16,360	999	381	618
Directorate Total Excl SLA's & Capital Charges	35,794	33,034	33,049	32,965	(85)	(362)	278
SLA's & Capital Charges	(9,538)	(9,538)	(9,538)	(9,538)			
Corporate Accounts	1,825	1,775	1,767	2,156	389	(211)	
Contingencies	633	895	895	895			
Total Corporate Accounts & Contingencies	2,458	2,670	2,662	3,051	389	(211)	
Net Expenditure Budget	28,714	26,166	26,173	26,478	305	(573)	278
S48D - Transfers To/From Earmarked Reserves	(5,067)	(2,519)	(2,526)	(2,526)			
Net Budget Required	23,647	23,647	23,647	23,952	305	(573)	278
Funding							
S47B - Council Tax Funding	14,911	14,911	14,911	14,911			
S47C - Parish Precept	(278)	(278)	(278)	(278)			
S47E - New Homes Bonus	538	538	538	538			
S47D - NDR Funding	8,476	8,476	8,476	8,476			
Total Funding Available	23,647	23,647	23,647	23,647			
(Surplus) / Deficit for the year				305	305	(573)	278

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Appendix B

HRA Report 21/22 @ Dec 2021		Approved Budget (per Budget book)	Latest Budget @ 31st Dec 2021	Projected Outturn against Latest Budget @ 31st Dec 2021	Projected Outturn Variance	Projected Outturn Variance (Previous quarter)	Projected Outturn Variance Mvt from Previous Quarter
		£000's	£'000's	£'000's	£000's	£000's	£'000's
Dwelling Rent		(43,595)	(42,485)	(42,485)	1,110	1,110	
Service Charges		(1,987)	(1,987)	(1,987)			
Garage Income		(221)	(221)	(221)			
Miscellaneous Income		(795)	(795)	(795)			
Right to Buy (RAF)		(52)	(52)	(52)			
Net Income		(46,650)	(45,540)	(45,540)	1,110	1,110	
Management & Services (Stock Related)		10,540	10,763	10,763	223	223	()
Other Revenue Spend (Stock Related)		1,779	1,581	1,581	(198)	(170)	(28)
Misc Expenditure (Not Stock Related)		954	1,016	1,016	61	61	
Bad Debt Provision		770	751	751	(19)	(19)	
Responsive & Cyclical Repairs		14,175	15,640	15,640	1,465	1,465	
Interest Paid		9,026	7,772	7,772	(1,254)	(1,254)	
Depreciation		9,079	9,079	9,079			
Total Expenditure		46,324	46,602	46,602	278	306	(28)
Net Operating Expenditure/(Income)		(326)	1,062	1,062	1,388	1,416	(28)
Investment Income		(62)	(62)	(62)			
Other HRA Reserve Adjustment			(1,388)	(1,388)	(1,388)	(1,388)	
Transfer (to)/from MR/OR							
Total Appropriations		(62)	(1,450)	(1,450)	(1,388)	(1,388)	
Total HRA (Surplus)/Deficit		(388)	(388)	(388)		28	(28)

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Appendix C

Capital Budget and Spend as at 31st December 2021										
							2021/22 Forecast Variance			
Cost Centre	Capital Scheme	Progress Update Provider	2021/22 Original Budget	Latest Budget	Spend to 31/12/2021	Budget Remaining	Forecast Variance	Variance due to Slippage	Over / Under Spend	2021/22 Outturn Forecast
			£	£	£	£	£	£	£	£
General Fund Capital Programme										
Communities and People Directorate										
Community Services Projects							-	-		
A4820	Upgrade Existing Tennis Courts	Hagan Lewisman	35,000	35,000	-	35,000	-	-	-	35,000
A4833	Horspath Sports Park	Hagan Lewisman	-	-	1,296	(1,296)	-	-	-	0
A4847	Rose Hill Community Centre - Parking	Dave Morrell	10,000	10,000	-	10,000	-	-		10,000
B0075	Museum of Oxford Development	David Hunt	35,000	1,051,395	1,113,403	(62,008)	100,000	-	100,000	1,151,395
B0083	East Oxford Community Centre	Douglas Kerrigan	4,212,439	150,000	13,293	136,707	(125,000)	(125,000)	-	25,000
B0084	Jericho Community Centre	Hagan Lewisman	200,000	5,000	6,276	(1,276)	-	-	-	5,000
B0096	Bullingdon Community Centre	Douglas Kerrigan	1,481,151	450,000	112,342	337,658	(300,000)	(300,000)	-	150,000
T2305	Parks Paths	Laura Harlock	-	33,840	-	33,840	-	-	-	33,840
Community Services Projects Total			5,973,590	1,735,235	1,246,611	488,624	(325,000)	(425,000)	100,000	1,410,235
Housing Services Projects							-	-		
B0102	Replace or refurbish Lifts	Paul Worts	43,294	43,294	-	43,294	-	-	-	43,294
B0108	Floyds Row Refurbishment	Douglas Kerrigan	41,400	41,400	(109,919)	151,319	-	-	-	41,400
C3057	Housing System Replacement	Dave Shaw	-	278,595	397,631	(119,036)	225,000	-	225,000	503,595
M5038	Roken House	Dave Scholes	-	1,430,000	-	1,430,000	(1,430,000)	(1,430,000)	-	0
M5018	Purchase of Homeless Properties (CLOSED)		-	-	1,630	(1,630)	-	-	-	0
Housing Services Projects Total			84,694	1,793,289	289,342	1,503,947	(1,205,000)	(1,430,000)	225,000	588,289
Regulatory & Community Safety Projects							-	-		
A4845	CCTV Suite Upgrade	Richard Adams	68,688	68,688	-	68,688	-	-	-	68,688
A4852	Bodycams for Community Safety Team	Dan Courtenay	60,450	60,450	-	60,450	-	-	-	60,450
E3511	Essential Repairs Grant	Becky Walker	24,948	31,521	23,546	7,975	-	-	-	31,521
E3521	Disabled Facilities Grants	Becky Walker	1,282,378	1,217,378	507,674	709,704	(200,000)	(200,000)	-	1,017,378
E3561	Additional DFG Funding	Becky Walker	-	98,682	68,728	29,954	-	-	-	98,682
Regulatory & Community Safety Projects Total			1,436,464	1,476,719	599,948	876,771	(200,000)	(200,000)	-	1,276,719
Communities and People Directorate Total							(1,730,000)	(2,055,000)	325,000	3,275,243
Development Directorate										
Corporate Property Projects							-	-		
B0100	Gloucester Green Car Park (H&S)	Jonathan Wright	74,979	-	(14,590)	14,590	262,123	262,123	-	262,123
B0101	Capital Works at Covered Market	Jonathan Wright	1,012,790	134,971	85,211	49,760	(0)	(0)	-	134,971
B0106	Covered Market Roof Works (Capitalised Planned)	Richard Davison	240,000	510,000	329,881	180,119	-	-	-	510,000
B0110	Covered Market Vacant Unit Works	Emma Gubbins	-	23,938	(19,336)	43,274	-	-	-	23,938
B0111	Town Hall Dry Risers	Jonathan Wright	37,282	141,473	95,457	46,016	-	-	-	141,473
B0117	Regeneration Property	Jane Winfield	20,000,000	-	-	-	-	-	-	0
B0126	Asset Surveys	Jonathan Wright	-	300,000	7,643	292,357	(180,000)	(180,000)	-	120,000
B0136	Covered Market CCTV	Elaine Phillips	-	75,000	1,352	73,648	-	-	-	75,000
B0138	Enabling works - Decarbonisation Project	Oni Mazanzi	-	3,066,000	1,181,854	1,884,146	-	-	-	3,066,000
B0139	SAC Feasibility	Lisa Smith	-	100,000	2,970	97,030	-	-	-	100,000
Corporate Property Projects Total			21,365,051	4,351,382	1,670,442	2,680,940	82,123	82,123	-	4,433,505
Regeneration & Economy Projects							-	-		
M5033	Blackbird Leys Regeneration (GF Element)	Andrew Humpherson	226,395	336,008	27,051	308,957	(86,602)	(86,602)	-	249,406
A4853	City Wide Cycling Infrastructure Contribution	Pete Brunskill	60,000	12,500	13,857	(1,357)	-	-	-	12,500

B0081	Car Parking Oxpens	Lisa Smith	43,000	10,000	9,234	766	-	-	-	10,000
B0086	Seacourt Park & Ride Extension	Douglas Kerrigan	-	262,499	(250,212)	512,711	-	-	-	262,499
B0092	Cave Street Development (Standingford House)	Andrew Humpherson	1,407,500	329,485	118,590	210,895	(117,177)	(117,177)	-	212,308
B0098	1-3 George Street	Lisa Smith	1,635,200	700,000	278,502	421,498	(170,000)	(170,000)	-	530,000
B0116	Osney Mead Infrastructure	Steve Weitzel	900,000	250,000	21,865	228,135	(104,000)	(104,000)	-	146,000
B0120	Osney Bridge	Steve Weitzel	1,100,000	300,000	40,414	259,586	(35,000)	(35,000)	-	265,000
B0122	City Cycle Schemes (Growth Deal)	Douglas Kerrigan	450,000	150,000	(94,504)	244,504	-	-	-	150,000
B0125	City Centre Restart	Ted Maxwell	-	-	-	-	-	-	-	0
B0131	Meanwhile In Oxfordshire	Steve Weitzel	1,875,000	1,590,976	1,407,691	183,285	-	-	-	1,590,976
B0130	CIL Feasibility		200,000	150,000	-	150,000	-	-	-	150,000
B0074	R & D Feasibility Fund	Anna Winship	325,180	22,462	6,124	16,338	-	-	-	22,462
	Allocated Feasibility Funding (various schemes)		204,217	1,222,957	492,612	730,345	(201,002)	(212,207)	11,205	1,021,955
Regeneration & Economy Projects Total			8,426,492	5,336,887	2,071,224	356,503	(713,781)	(724,996)	11,205	4,623,106
Housing Delivery Projects							-	-		
M5025	Barton Park - Purchase by Council	David Watt	5,736,037	3,092,860	2,045,391	1,047,469	448,140	448,140	-	3,541,000
M5026	Housing Company Loans (excl Barton Park)	David Watt	32,200,000	17,807,589	2,021,160	15,786,429	(5,462,589)	(5,462,589)	-	12,345,000
M5032	Barton Park - loan to OCHL	David Watt	5,736,037	3,092,860	-	3,092,860	448,140	448,140	-	3,541,000
M5034	Affordable Housing Supply	Dave Scholes	-	-	-	-	-	-	-	0
M5035	Growth Deal Registered Provider Payments	Dave Scholes	6,900,000	4,687,000	3,906,000	781,000	-	-	-	4,687,000
M5037	Northern Gateway (Oxford North)	Jenny Barker	-	700,000	3,577	696,423	50,000	50,000	-	750,000
Housing Delivery Projects Total			50,572,074	29,380,309	7,976,128	21,404,181	(4,516,309)	(4,516,309)	-	24,864,000
Planning Projects							-	-		
F7007	Woodfarm / Headington Community Centre	Jonathan Wright	8,000	16,397	2,352	14,045	-	-	-	16,397
F7011	Headington Environmental Improvements	Jonathan Wright	29,629	-	-	-	30,781	30,781	-	30,781
F7024	St Clements Environmental Improvements	Lorraine Freeman	20,000	-	-	-	-	-	-	0
Planning Projects Total			57,629	16,397	2,352	14,045	30,781	30,781	-	47,178
Development Directorate Total			80,421,246	39,084,975	11,720,145	24,455,669	(5,117,186)	(5,128,391)	11,205	33,967,789
Chief Executive										
Business Improvement Projects										
C3044	ICT Software and Licences	Rocco Labellarte	245,000	245,000	233,159	11,841	(11,841)	-	(11,841)	233,159
C3058	CRM Replacement	Rocco Labellarte	-	20,000	13,634	6,366	-	-	-	20,000
C3060	End-Point Devices (Desktops/Laptops)	Rocco Labellarte	60,000	62,290	26,659	35,631	-	-	-	62,290
C3066	Telephony Device Refresh	Rocco Labellarte	-	9,271	8,092	1,179	-	-	-	9,271
C3067	Paris Payment System, Replacement / PCI DSS	Tim Martin	17,924	102,684	980	101,704	22,590	-	22,590	125,274
C3068	Windows 2008 Server Replacement	Rocco Labellarte	121,128	59,459	42,329	17,130	-	-	-	59,459
C3070	Business Process Automation Full Rollout	Rocco Labellarte	-	19,515	19,688	(173)	173	-	173	19,688
C3072	Council Website Refresh	Rocco Labellarte	-	109,000	11,155	97,845	-	-	-	109,000
C3078	Revs and Bens System Replacement	Shaun Butler	245,000	463,737	379,005	84,732	-	-	-	463,737
C3080	Telephony Contract Replacement	Rocco Labellarte	-	50,000	-	50,000	-	-	-	50,000
Business Improvement Projects Total			689,052	1,140,956	734,700	406,256	10,922	-	10,922	1,151,878
Financial Services Projects										
M5023	OxWED Restructure	0	-	1,450,000	399,375	1,050,625	-	-	-	1,450,000
M5036	Low Carbon Hub Loans	0	-	2,000,000	-	2,000,000	-	-	-	2,000,000
Financial Services Projects Total			-	3,450,000	399,375	-	-	-	-	3,450,000
Environmental Sustainability Projects										
E3557	Oxford and Abingdon Flood Alleviation Scheme	Tina Mould	-	-	-	-	-	-	-	0
E3558	Go Ultra Low Oxford - On Street	Vikki Robins	4,545	61,150	42,999	18,151	-	-	-	61,150
E3560	Go Ultra Low Oxford - Taxis	Sarah Hassenpflug	-	203,220	1,800	201,420	-	-	-	203,220
E3562	OxPops (Electric Vehicle Charging)	Rose Dickinson	35,806	-	(6,349)	6,349	-	-	-	0
E3563	Clean Bus Technology Grants	Amanda Ford	-	564,350	390,290	174,060	-	-	-	564,350
E3565	Decarbonisation Fund - OCC element	Onsmus Mazanzi	7,538,547	7,527,297	3,297,476	4,229,821	1,288,438	-	1,288,438	8,815,735
E3566	Decarbonisation Fund - Solar Farm Investment	Onsmus Mazanzi	3,385,000	3,385,000	-	3,385,000	(1,330,348)	-	(1,330,348)	2,054,652
E3567	Town Hall Lighting Upgrade (SALIX)	Keith Reynolds	-	90,000	-	90,000	-	-	-	90,000
Environmental Sustainability Projects Total			10,963,898	11,831,017	3,726,216	8,104,801	(41,910)	-	(41,910)	11,789,107
Oxford Direct Services Projects							-	-		

R0005	MT Vehicles/Plant Replacement Programme.	Owain Pearce	2,929,845	3,166,958	1,193,231	1,973,727	(303,245)	(303,245)	-	2,863,713
R0010	Electric Vehicles	Owain Pearce / Zena Ellis	424,000	-	-	-	-	-	-	0
T2273	Car Parks Resurfacing	Jason Munro/ Zena Ellis	468,231	468,231	-	468,231	-	-	-	468,231
T2287	Recycling Transfer Station	Oliver Hearn and Jane	-	18,752	8,971	9,781	-	-	-	18,752
T2299	Controlled Parking Zones	Shaun Hatton	400,000	250,000	-	250,000	-	-	-	250,000
T2301	Depot Rationalisation	Douglas Kerrigan, Oliver	700,000	500,000	20,022	479,978	-	-	-	500,000
T2306	Mobile Working and Handhelds	Zena Ellis	-	140,778	-	140,778	(0)	(0)	-	140,778
T2307	Transformation Funding	Zena Ellis	400,000	111,500	-	111,500	-	-	-	111,500
T2308	Additional Technology Requirements	Zena Ellis	1,464,000	607,326	-	607,326	-	-	-	607,326
	Oxford Direct Services Projects Total		6,786,076	5,263,545	1,222,224	4,041,321	(303,245)	(303,245)	-	4,960,300
	Chief Executive Total		18,439,026	21,685,518	6,082,515	12,552,378	(334,234)	(303,245)	(30,988)	21,351,284
	General Fund Total		106,355,020	65,775,736	19,938,561	39,877,389	(7,181,420)	(7,486,636)	305,217	58,594,316
	Housing Revenue Account Capital Programme									
N6384	Tower Blocks	Darowen Jones	200,200	998,849	61,823	937,026	-	-	-	998,849
N6385	Adaptations for disabled	Mark Smart	704,000	704,000	5,464	698,536	-	-	-	704,000
N6386	Structural	Mark Smart	846,600	1,233,467	193,512	1,039,955	(333,467)	(333,467)	-	900,000
N6387	Controlled Entry	Mark Smart	312,500	371,083	164,533	206,550	-	-	-	371,083
N6388	Major Voids	Mark Smart	472,000	472,000	49,627	422,373	-	-	-	472,000
N6389	Damp-proof works (K&B)	Mark Smart	119,000	144,006	63,810	80,196	-	-	-	144,006
N7057	Kitchens	Mark Smart	1,228,080	1,658,534	821,568	836,966	-	-	-	1,658,534
N7058	Bathrooms	Mark Smart	907,266	1,184,031	582,108	601,923	(276,765)	(276,765)	-	907,266
N6392	Roofing	Mark Smart	1,040,000	1,303,521	392,053	911,468	(263,521)	(263,521)	-	1,040,000
N6395	Electrics	Mark Smart	625,000	1,330,471	625,653	704,818	-	-	-	1,330,471
N6434	Doors and Windows	Mark Smart	579,200	603,123	389,187	213,936	-	-	-	603,123
N7020	Extensions & Major Adaptions	Mark Smart	265,000	424,672	30,636	394,036	-	-	-	424,672
N7026	Communal Areas	Mark Smart	198,000	548,889	30,160	518,729	-	-	-	548,889
N7032	Great Estates Programme	Mark Smart	1,300,000	1,226,437	692,694	533,743	-	-	-	1,226,437
N7033	Energy Efficiency Initiatives	Mark Smart	1,252,200	802,786	191,662	611,125	-	-	-	802,786
N7042	Barton Regeneration	Mark Smart	600,000	628,277	20,659	607,618	(600,000)	(600,000)	-	28,277
N7044	Lift Replacement Programme	Mark Smart	306,500	410,186	66,159	344,028	-	-	-	410,186
N7047	Social Rented Housing Acquisitions	Dave Scholes	2,946,872	4,234,246	2,756,138	1,478,108	(500,000)	(500,000)	-	3,734,246
N7048	Fire doors	Paul Worts	530,000	868,979	13,466	855,513	(467,979)	(467,979)	-	401,000
N7067	Renewal Of Fire Alarm Panels	Paul Worts	102,000	102,000	-	102,000	-	-	-	102,000
N7050	East Oxford development	Dave Scholes	3,533,000	610,000	2,940	607,060	-	-	-	610,000
N7051	Acquisition of Additional Units	Dave Scholes	3,103,606	3,256,081	3,204,496	51,585	(25,000)	(25,000)	-	3,231,081
N7052	HRA Stock Condition Survey	Mark Smart	169,200	142,729	-	142,729	-	-	-	142,729
N7054	Properties Purchased From OCHL	Dave Scholes	31,418,629	35,060,661	21,444,795	13,615,866	(7,592,961)	(7,592,961)	-	27,467,700
N7055	Use Of Recycled Capital Grants	Dave Scholes	-	368,000	324,000	44,000	-	-	-	368,000
N7059	Boilers Only	Mark Smart	1,512,780	1,596,891	744,704	852,187	-	-	-	1,596,891
N7060	Heating Systems	Mark Smart	272,100	63,336	102,294	(38,958)	-	-	-	63,336
N7061	Northfield Hostel	Dave Scholes	7,900,000	1,773,000	32,943	1,740,057	-	-	-	1,773,000
N7062	Lanham Way	Dave Scholes	3,050,000	985,000	98,743	886,257	-	-	-	985,000
N7064	Unallocated Site 1	Dave Scholes	5,026,000	-	-	-	-	-	-	0
N7065	Unallocated Site 2	Dave Scholes	4,000,000	-	-	-	-	-	-	0
N7068	Juniper	Dave Scholes	2,607,000	-	-	-	-	-	-	0
N7066	Next Steps Accommodation Programme	Dave Scholes	2,392,000	2,992,584	959,557	2,033,027	-	-	-	2,992,584
N7040	Blackbird Leys Regeneration (HRA)	Andrew Humpherson	209,000	273,166	40,886	232,280	(163,450)	(163,450)	-	109,716
	Housing Revenue Account Total		79,727,733	66,371,006	34,106,268	32,264,737	(10,223,143)	(10,223,143)	-	56,147,863
	Grand Total		186,082,753	132,146,741	54,044,829	72,142,126	(17,404,562)	(17,709,779)	305,217	114,742,179

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Corporate KPI update Q3 2021/22

Out of the 23 Corporate KPIs this quarter:

- 9 are reporting as Green and 1 reporting as Amber
- 3 are reporting as Red
- 10 do not have targets attached or do not have performance data available until the end of year therefore are not RAG rated

KPIs at Risk

Measure	Short Name	Owner	21/22 target	Dec/Q3 Target	Actual	Q2 outturn	Comments	Mitigating Actions
FSC002 77	% of Council spend with local businesses including SMEs	Nigel Kennedy	45%	45	27.94	35.05	Average for the year is tracking above the target at 45.38% (Q1 outturn 75.47%)	None
HSC011	The number of people in Oxford estimated to be sleeping rough	Stephen Clarke	17	17	21	27	At the end of December, we estimated that there were 21 persons rough sleeping in the city. This is down from 27 at the end of September, and the lowest since July 2021. DLUCH announced the 'Protect and Vaccinate' directive on 21st December, asking local authorities to assist rough sleepers to access self-contained accommodation over the winter period, and to increase uptake of the vaccine. We are working closely with partners to ensure that all rough sleepers get an appropriate accommodation offer, but face	

Measure	Short Name	Owner	21/22 target	Dec/Q3 Target	Actual	Q2 outturn	Comments	Mitigating Actions
							significant challenges in sourcing accommodation. Feedback corporately has been that this measure is failing to provide a clear picture of the performance of the council's Rough Sleeping services due to the complex network of provision not delivered by the Council itself and the impact of government policy through the pandemic impacting numbers reported, so we are currently in the process of developing a better measure for 22/23.	
FSC019a 78	Total income collection as % of plan (Council Tax)	Nigel Kennedy	96.5%	83.5	81.88	72.5	The Q2 figures are at 10 th November, the delay in getting these is because we were converting the Revenues and Benefits system from Academy to Civica	Starting recovery action again from new system so reminders should bring in some money to get this back on track
FSC019b	Total income collection as % of plan (Business Rates)	Nigel Kennedy	95.5%	80	72.11	60.61	The Q2 figures are at 10 th November as above. We are looking to adjust the target as we recalculated instalments due to a change in reliefs from July- we expect the gap to close at the end of the year, but we also have £8.9m of funding to allocate to accounts (CARF) which will also help on collection	Adjust profiling to accurately reflect expected collection in the last 3 months of the year

Remaining KPI Summary

Measure	Short Name	Owner	Year End target	Dec Target	Actual	Q2 outturn	Comments	Mitigating Actions
CSC004	% of people from diverse and disadvantaged backgrounds with access to skills that lead to high growth jobs in the city	Carolyn Ploszynski, Ian Brooke	Tracking indicator	n/a	n/a	n/a	No figure for this at the moment	
REC001	Jobs in the city created or saved by OCC	Carolyn Ploszynski	Tracking indicator	n/a	138	566		
REC002 79	Number of Oxford Living Wage employers and employees	Carolyn Ploszynski	50	n/a	59	48		
HPC005	Total number of affordable homes in Oxford completed in year	Adrian Arnold, Stephen Clarke	Tracking indicator	n/a	152	68	14 of these units are social rent through market acquisition. The remaining are new builds.	
RSC006	% of privately rented homes improved	Ian Wright	60%	58	62%	70%		
CSC008	% of people who share protected characteristics that have confidence in the Councils equality, diversity and inclusion programme	Ian Brooke	Tracking indicator	n/a	n/a	n/a	Still identifying reliable data for this KPI	
CSC009	Satisfaction with parks and green spaces	Ian Brooke	90%	90	92	92		

Measure	Short Name	Owner	Year End target	Dec Target	Actual	Q2 outturn	Comments	Mitigating Actions
CSC010	Sense of community index	Ian Brooke	Tracking indicator	3	n/a	n/a	Locality Hub learning session held about this piece of work in November '21, to help inform the future of this measure. Follow-up session may be held in Jan/Feb '22 to confirm arrangements for this index.	
08	Physically active adults	Ian Brooke	Tracking indicator	73%	n/a	73.2	Based on the data currently available we are still above target. Active Lives data which is collected via a national survey with a minimum sample size per local authority of 500 people and 'physically active' is 'active for at least 150 minutes per week'(this is moderate intensity and includes most types of sport and physical activity except gardening.) https://www.sportengland.org/know-your-audience/data/active-lives	
HSC014	Percentage of council owned stock that has an EPC below C	Stephen Clarke	46%	n/a	n/a	n/a	LAD1b is ongoing and has to be completed by end of March 2022. We have bid for funding from the Social Housing Decarbonisation Fund and had expected to receive the outcome in December, but we have now been informed that decisions on funding will be made in February.	

Measure	Short Name	Owner	Year End target	Dec Target	Actual	Q2 outturn	Comments	Mitigating Actions
BIC018	% of BAME staff	Helen Bishop	13.5%	n/a	14.61	13.07		
BIC022	% of transactions carried out online relative to total transaction numbers	Helen Bishop	50%	n/a	50.75	50.85	This month has seen a slight decrease year on year, from 51.00% to 50.75% due to a reduction in both calls to the contact centre and the total number of online transactions this month. The total of online transactions was down from the previous month across all categories. Cumulatively, the trend is still upwards, with 48.63% transactions carried out online last financial year and 51.75% this year	
CPC017	Oxford residents' satisfaction with City Council services	Mish Tullar	Tracking indicator	n/a	n/a	n/a	The Residents Satisfaction Survey is due to take place in the coming months (the precise date is to be decided by Members) and a satisfaction figure should be available in Spring.	
ESC015	Improvement in overall city centre air quality	Mish Tullar	38	n/a	28	31 (av. Dec 20)	December 2021 - monthly average of NO2 levels at Oxford city centre 12 historic monitoring sites	
ESC013	National greenhouse gas indicator of pathway to net zero Council by 2030	Mish Tullar	526 tonnes of CO2 equivalent	n/a	n/a	n/a	The leisure centre decarbonisation works are progressing well aside from some delays at Hinksey around when heat pumps will be fully operational to start carbon reduction – estimate is late summer 22 (it is not anticipated that this will affect pool season opening times).	

Measure	Short Name	Owner	Year End target	Dec Target	Actual	Q2 outturn	Comments	Mitigating Actions
							Town hall and ice risk LED lighting upgrades progressing well and along with another carbon reduction measures these will enable us to move closer towards our 2030 zero carbon target.	

Measure	Short Name	Owner	Year End target	Dec Target	Actual	Q2 outturn	Comments	Mitigating Actions
ESC016	Total carbon emissions for the city	Mish Tullar	Tracking indicator	n/a	n/a	n/a	The data we use to track this come from BEIS on an annual basis and is two years in arrears. Most recent data for 2019 shows the city had reduced its emissions by 40.1% (compared to a 2005 baseline) – ahead of the 40% by 2020 target that was set. The Carbon budgets and targets for the city, as agreed by the Zero Carbon Oxford Partnership, set at target to reduce emissions by 34.8% by 2025, compared to a 2017 baseline. Between 2017 and 2019, we saw a 7% carbon emissions reduction in the city – not enough to be on track for the 2025 target. However, there was a slight increase in the rate of reduction between 2017/18 and 2018/19 (3.0% and 4.1% respectively) – if that trend continued we would expect to meet the 2025 target. Given our continued increase in action on carbon emissions reduction this is not an unreasonable assumption as long as ambition remains high. Impacts of the pandemic on the emissions are TBC.	
FSC003	% of Council spend with local businesses (excluding ODS and OCHL)	Nigel Kennedy	45%	45	48.55%	35.49	Above Target	None

Measure	Short Name	Owner	Year End target	Dec Target	Actual	Q2 outturn	Comments	Mitigating Actions
FSC020	Discretionary funding won by the Council	Anna Winship, Nigel Kennedy	Tracking indicator	n/a	£6,016,745	£4,726,000	No further funding awarded since last reported	
FSC021	Efficiencies delivered against plan	Anna Winship, Nigel Kennedy	£1852175	n/a	£1,355,000	£903,000	On target to meet savings in year	

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To: Cabinet – 16 March 2022
Date: Council – 21 March 2022
Report of: Head of Paid Service (Chief Executive)
Title of Report: Decision taken under Part 9.3(b) of the Constitution

Summary and recommendations	
Purpose of report:	Cabinet is asked to note the decisions taken by the Head of Paid Service (Chief Executive) using the urgency powers delegated in Part 9.3(b) of the Constitution.
Recommendation:	Cabinet is recommended to:
1.	Note the decisions taken as set out in the report and recommend to Council to note the decision.

Appendices
None

Introduction and background

1. This report updates Cabinet and Council on a decision taken by the Head of Paid Service (Chief Executive) using the urgency powers delegated in Part 9.3(b) of the Council's Constitution.
2. Where urgency powers are used the Constitution requires the Head of Paid Service to report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

9.3 Role of Head of Paid Service

...

(b) The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.

The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in

writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

Decisions taken using urgency powers

3. The following decision has been taken using urgency powers for which Cabinet and Council would otherwise have been required to give the necessary authority to act. Cabinet is responsible for recommending budget allocations to Council and Council is responsible for agreeing the budget. Cabinet is asked to note the decision and to recommend to Council to note the decision.
4. This report does not include decisions taken using urgency or emergency powers that have previously been reported to Cabinet.

ITEM 1	Agreement of the Oxford City Council Coronavirus Additional Restrictions Grant (ARG) Scheme Top-Up
Decision:	<p>To ensure timely and appropriate use of further Additional Restrictions Grant Funding in-line with the guidance and local economic need, the decision has been made to:</p> <p>a) Increase the ARG budget available by <u>£208,367</u> (total allocation £5,602,741).</p> <p>b) Approve use of the top-up funds for delivery of the 'Omicron Additional Restrictions Grant' (see options considered). Any remaining funds from previous schemes will be also be allocated to this funds in-line with officer and leader delegations agreed on 26 April 2021.</p>
Date decision made:	27 January 2022
Decision taker	Head of Paid Service (Chief Executive) in consultation with the Corporate Management Team and the Leader.
Was the decision taken under emergency or urgency rules?	<p>Constitution 9.3(b):</p> <p><i>The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.</i></p> <p><i>The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.</i></p>
Is this a Key Decision?	No
Alternative options considered:	The grant scheme must be delivered to serve the interests of local business severely affected by COVID restrictions in line with Government guidance. A range of proposals were

	<p>considered, and implementation of the recommended proposals was decided upon, based on the scheme guidance and local economic needs.</p> <p><u>Option Agreed:</u> Further discretionary Additional Restrictions Grants (ARGs) will be made available for businesses operating in the Oxford City Council area that have been severely impacted by the Omicron variant of COVID-19 and have NOT been able to apply for the main Omicron Hospitality, Leisure & Accommodation Grants.</p> <p>These will be one-off grants of up to £5,000, available to all businesses, including those outside the business rates system, in the hospitality, accommodation, leisure, personal care, travel and tourism sectors, including group travel, travel agents and tour operators, coach operators, wedding industries, events industries, wholesalers, English language schools, breweries, freelance and mobile businesses (including caterers, events, hair, beauty and wedding related businesses), gyms, where NOT covered by the main Omicron Hospitality, Leisure & Accommodation grants.</p> <p>Grants will be allocated to businesses dependent on their fixed costs, losses and number of employees, though they should not be used to support wages. We have a limited amount of funding, so may close the scheme early if demand exceeds funds. We will make all payments by 31 March 2022.</p>
Wards significantly affected	None

Financial issues

5. The financial issues arising from the decisions are set out in the published decisions notices and any supporting documents. There are no other financial issues arising directly from this report.

Legal issues

6. The urgency and emergency powers of the Head of Paid Service (Chief Executive) are set out in Part 9.3 of the Constitution.

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Background Papers: None

To: Licensing and Gambling Acts Committee
Date: 17th March 2022
Report of: Head of Regulatory Services and Community Safety
Title of Report: Review of the Statement of Licensing Policy and Cumulative Impact Assessment

Summary and recommendations	
Purpose of report:	To agree and recommend the updated Statement of Licensing Policy and Cumulative Impact Assessment.
Corporate Priority	Enable an inclusive economy
Policy Framework	Statement of Licensing Policy
Recommendation(s): That the Licensing and Gambling Acts Committee resolves to:	
<ol style="list-style-type: none"> 1. Consider the updated Statement of Licensing Policy and the Cumulative Impact Assessment and the responses received to the public consultations. 2. Agree and recommend the updated Statement of Licensing Policy and Cumulative Impact Assessment to Council to adopt. 	

Appendices	
Appendix One	Updated Statement of the Licensing Policy
Appendix Two	List of Amendments
Appendix Three	Cumulative Impact Assessment
Appendix Four	Public Consultation Responses.

Introduction and background

1. The Committee is reminded that all licensing authorities must adopt a Statement of the Licensing Policy. This statement must promote the four licensing objectives of the Licensing Act 2003, which are:
 - **The Prevention of Crime and Disorder.**
 - **Public Safety.**
 - **The Prevention of Public Nuisance.**
 - **The Protection of Children from Harm.**

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

2. The Council is obliged to determine and publish a "Statement of Licensing Policy", to keep it under review and to republish it at least every five years. The Statement of Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the Licensing Act 2003. In carrying out its functions the Council must also have regard to the "Guidance issued under section 182 of the Licensing Act 2003" by the Secretary of State. These measures ensure clarity and consistency across all authorities in England and Wales. Revised guidance was published and came into force in April 2018.
3. The Authority's Statement of Licensing Policy was due for review and publication in February 2021. Review of the Statement of the Licensing Policy including the Special Saturation Policy (Cumulative Impact Assessment) had been disrupted by the Covid19 pandemic. The first national lockdown in March 2020 has seen the country 'closing down', affecting people's lives as well as the national economy. The Coronavirus regulations continued to disrupt and affect the usual operations of the hospitality industry throughout the year, with varied restrictions, curfews and Covid Secure guidance. The trade has seen businesses going into administration and closing down, not being able to survive the financial strain of the pandemic.
4. Taking into account the ongoing pandemic and the significant disruption to the night time economy, the Authority sought to take a pragmatic approach and re-adopted the previous Statement of Licensing Policy in February 2021. However, the Authority was committed in keeping the Policy under review.
5. The Committee is reminded that, in the interim period there was no formal Special Saturation Policy, as no realistic assessment of cumulative impact had been possible.

Review of the Statement of Licensing Policy and Special Saturation Policy

6. The Authority carried out a comprehensive and considered review of the Statement of Licensing Policy during 2021, as well as gathering new data and evidence and the necessary input from the relevant authorities, to consider a fresh Cumulative Impact Assessment (CIA), to ascertain if a new Special Saturation Policy was necessary.
7. Revised Guidance issued under section 182 of the Licensing Act 2003 specifies the steps to be followed in considering whether to publish a CIA. These steps are detailed below:
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).

- Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
8. The updated Statement of Licensing Policy, which was subject to a public consultation, is attached as **Appendix One**.
 9. To assist the Committee, a list of amendments to the Policy is attached at **Appendix Two**.
 10. The Cumulative Impact Assessment, which was subject to a public consultation, is attached at **Appendix Three**.

Consultation on the Draft Revised Statement of Licensing Policy and Cumulative Impact Assessment

11. The draft Statement of Licensing Policy and Cumulative Impact Assessment (CIA) were considered and approved for public consultation by the Committee Chair and Vice-chair on 3rd November 2021.
12. The agreed draft Statement of Licensing Policy and CIA were subject to a six week public consultation from 15th November 2021 until 27th December 2021 via the Council's website and Social Media. This consultation was also sent directly to the "Responsible Authorities", current licence holders, and others specified in section 5(3) of the 2003 Act
13. 17th March 2022: report to Licensing and Gambling Acts Committee to consider consultation responses and approve the final Statement of Licensing Policy, and Special Saturation Policy (CIA) in light of the consultation responses received
14. 21st March 2022: Licensing and Gambling Acts Committee's recommendations to Full Council for adoption of the final Statement of Licensing Policy and CIA

Responses to Public Consultation

15. In response to the public consultation the Authority received a total of twelve (12) responses during the consultation period.
 - Seven (7) from Licence Holders (under LA2003).
 - Three (3) from a member of the public.
 - One (1) from a Responsible Authority (Police).
 - One (1) Ward Councillor.
16. All the responses can be found in **Appendix Four**. Please note that one response was received via email and was not captured by the online questionnaire.
17. The Licensing Officers reviewed all the responses to the public consultation in Appendix **Four** and included the relevant content in the revised Statement of Licensing Policy attached at **Appendix One**. A list of amendments can be found at **Appendix Two**.

Cumulative Impact Assessment

18. Following the public consultation, the decision has been made to publish the Cumulative Impact Assessment because the authority is of the opinion that the number of licensed premises and club premises certificates within the City Centre and the East Oxford area is such that it is likely that granting further licences or variation to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence and data, from Thames Valley Police, the Responsible Authorities and other persons, which show high levels of public nuisance, anti-social behaviour and crime and disorder within these areas. Therefore it is appropriate and necessary to control the cumulative impact in these areas with the reintroduction of the Special Saturation Policies (SSP).
19. After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3).

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Statement of Licensing Policy

Licensing Act 2003

March 2022 – March 2027



Statement of Licensing Policy

Licensing Act 2003

March 2022 to March 2027

DRAFT

Licensing applications and enquiries:

The Licensing Authority
Oxford City Council
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109 St. Aldate's
Oxford
OX1 1DS
Tel: 01865 252565
Email: licensing@oxford.gov.uk

Welcome to Oxford City Council's Statement of Licensing Policy.

Oxford is a bustling cosmopolitan city which enjoys huge cultural diversity and our leisure and entertainment scene is important in enhancing that. It attracts thousands of visitors from across the UK and abroad. Oxford caters for a very broad range of people as a regional entertainment and cultural centre and currently has approximately 850 licensed premises and clubs offering a vibrant, varied, fun night time economy.

The Council adopted its first Statement of Licensing Policy in January 2005 when the responsibility for licensing was transferred from the Magistrates' Court. The Licensing Policy has worked really well over the years and we have learned a lot from operating under it. The Council is obliged to determine and publish a "Statement of Licensing Policy" and to keep it under review and to republish it at least every five years. The fully revised Statement was last adopted by the Council in 2016, following wide public consultation. Both the Central Oxford SSP (Special Saturation Policy) and East Oxford SSP remained unchanged at that time.

It must be noted that, due to the disruption caused by the Covid-19 pandemic, and the significant impact it had on the night time economy, the Authority took the pragmatic approach to re-adopt the previous Statement of Licensing Policy in 2021, with the omission of the Special Saturation Policies (Cumulative Impact Assessment).

The Authority carried out a comprehensive and considered review later in 2021, and gathered new data, evidence, as well as the necessary input from the relevant authorities and a public consultation to consider a fresh cumulative impact assessment and has adopted new Special Saturation Policies that cover both Central and East Oxford.

The SSP does not affect existing licences in these areas. However, it does mean that applications for new licences and for significant changes to existing licensed premises are likely to be declined if relevant representations are received. Even so, we may still grant licences to those who can successfully demonstrate that their proposals will not exacerbate problems of crime, disorder or public nuisance, because we must consider each application on its merits. The Authority continuously keeps all parts of Oxford under review and will consult on changes to SSP areas as necessary.

This document sets out our guiding principles for making licensing decisions under the Licensing Act 2003. The Statement of Licensing Policy addresses licensing of many venues and events; from nightclubs to the smallest pubs and off-licences, from 'Cowley Road Carnival' to small-scale local events. We have a responsibility to balance the needs of residents, visitors, pub/club operators and businesses. Our aims are to promote the four licensing objectives enshrined in the Act:

- **The Prevention of Crime and Disorder**
- **The Promotion of Public Safety**
- **The Prevention of Public Nuisance**
- **The Protection of Children from Harm**

We believe that this Policy Statement represents a fair and reasoned way to balance the needs and desires of everyone in this City. We hope it will help us to maintain Oxford's important role as a safe and pleasant centre of culture and entertainment for everybody.

The revisions to this Policy reflect the changes to the licensing regime that have been introduced by the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012, the Deregulation of Schedule 1 of the Licensing Act 2003, Equality Act 2010, Business and Planning Act 2020 and to ensure that the Policy accurately reflects the workings of the Licensing Authority.

Councillor Colin Cook
Chair of Licensing and Gambling
Acts Committee

Councillor Mark Lygo
Vice-Chair of Licensing and Gambling Acts
Committee

PURPOSE

This policy statement has four main purposes, which are:

- **To confirm to Elected Members** of the Licensing and Gambling Acts Committee, the boundaries and powers of the Authority and the parameters within which to make decisions.
 - **To inform licence applicants** of the parameters within which the Authority will make licensing decisions and therefore how licensed premises are likely to be able to operate within the area.
 - **To inform local residents and businesses** of the parameters within which the Authority will make licensing decisions and therefore how their needs will be addressed.
 - **To support a case in a court of law** if the Authority has to show how it arrived at its licensing decisions.
-

Using this Statement of Licensing Policy

- The policies are shown in text boxes, which are separately numbered and titled.
- The additional text gives examples, background and reasons for the policies.
- The Appendices give additional information.

Oxford City Council has different roles under the Licensing Act 2003, so:

- 'Authority' is used where it acts as the Licensing Authority under the 2003 Act.
- 'Council' is used where parts of the Council act in other capacities, for example:
 - to determine policy;
 - when the 'Council' applies to the 'Authority' for a licence for Council premises;
 - when Environmental Health or Planning Control officers act as a 'Responsible Authority' in making a Representation about an application received.

The 'Authority' must balance the interests of applicants (as stated in their applications for licences) and any interests stated by others (in Representations and Relevant Representations). When it grants a licence, the Authority must attach mandatory conditions if applicable. The Authority cannot attach other conditions unless they are proportional to the applications and consistent with the operating schedule and any Representation or Relevant Representation received.

Other information

Pool of conditions

The Authority has a 'pool of conditions' which is available to potential Applicants who may then wish to add these conditions to their operating schedule. This pool of conditions is subject to continuous development and is available on the Council website.

Guidance to applicants

The Authority provides guidance to applicants to assist them with making their applications for licences. This guidance can be found on our website:

https://www.oxford.gov.uk/info/20143/beer_and_entertainment

Contact details

Contact details are given on the back cover.

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Glossary

<u>Term</u>	Description	Reference in the 2003 Act
Authority	Oxford City Council in its capacity as Licensing Authority	
Council	Oxford City Council in its capacity as district council.	
Planning Authority	The Council in its capacity as planning authority.	
Police Authority	Thames Valley Police	
Fire Authority	The Fire and Rescue Service of Oxfordshire County Council	
Navigation Authority For rivers – For canals –	The Environment Agency Canal and Rivers Trust	Section 13(4)(h)
Other Person <i>(Any other person may make a representation about an application and may request a review)</i>	Any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.	
Responsible Authority <i>(A Responsible Authority may make a Representations about applications and may request reviews)</i> <i>(Appendix 7 lists the contact details for these Responsible Authorities)</i>	Any of the following – (a) the Licensing Authority, (b) the Chief Officer of Police for the area, (c) the fire authority, (d) the enforcing authority under Section 18 of Health and Safety at Work etc. Act 1974, (e) the local planning authority (i.e. department of the Council), (f) the environmental health department of the Council, (g) the Oxfordshire Safeguarding Children Board, (i) the Public Health Board, (h) Trading Standards, (i) any other Licensing Authority in whose area part of the premises is situated, (j) Home Office Immigration Enforcement (on behalf of the Secretary of State). (j) in relation to a vessel – the navigation authority.	Section 13(4)

Objection	Representations made by the Police or the Environmental Health Service in relation to a Temporary Event Notice.	Schedule 8 para 25
Representations	Comments made by a Responsible Authority on an application.	
Relevant Representation	Comment made by any other person, which is not rejected by the Authority as irrelevant, frivolous, vexatious, or repetitive.	
Authorised Person <i>(Authorised Persons have roles in <u>enforcement</u> of the 2003 Act)</i> <i>(Police officers are not listed as Authorised Persons, as they already have powers of enforcement under other legislation)</i>	Any of the following – (a) an officer of the Licensing Authority, authorised for the purposes of the 2003 Act, (b) an inspector appointed under article 26 of the Regulatory Reform (Fire Safety) Order 2005 (c) an inspector appointed under S.19 of the Health and Safety at Work etc. Act 1974, (d) an officer of the Council authorised to exercise statutory environmental health functions, (e) in relation to a vessel, an inspector, or surveyor of ships, appointed under S.256 of the Merchant Shipping Act 1995, (f) a person prescribed for the purposes of S.13(2) of the Licensing Act 2003.	Section 13(2)
Licensing and Gambling Acts Committee	The Committee of elected members of Oxford City Council that is responsible for the Council's licensing functions.	Section 6
SIA	Security Industry Authority	
2003 Act	The Licensing Act 2003	
LACORS	Local Authorities Co-ordinators of Regulatory Services	
TSI	Trading Standards Institute	
Statement of Licensing Policy	The current statement of licensing policy required under Section 5 of the 2003 Act, following publication and as amended by subsequent revisions.	Section 5
Designated Premises Supervisor	The person specified in a premises licence as the premises supervisor.	Section 15
Secretary of State's Guidance	Guidance issued by the Secretary of State under Section 182 of the 2003 Act	Section 182
Regulated Entertainment	Regulated entertainment as defined in Schedule 1 of the 2003 Act (see also Appendix 5)	Schedule 1
LADO	Local Authority Designated Officer	
DBS	Disclosure and Barring Service	

1 Introduction

1.1 Objectives

1.1.1 The Licensing Authority (the 'Authority') for Oxford is Oxford City Council (the 'Council').

Policy GN 1: Objectives

The Authority will carry out its licensing functions under the 2003 Act with a view to promoting the four licensing objectives in the 2003 Act, which are:

- the prevention of crime and disorder;
- the promotion of public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Each of the four licensing objectives is of equal importance and there are no other objectives, so that the four licensing objectives are paramount at all times.

1.2 The Authority's area and the licensable activities

1.2.1 Appendix 1 describes the Authority's area, its centres of population and its population profile. It also describes the mix of licensable activities, where they take place and their positive and negative impacts on the area.

1.2.2 The Authority has regard to matters of sustainability, equality, the local economy and tourism to the extent that they affect the Licensing Policy. The Authority will also have regard to minimising waste and litter in the interests of minimising public nuisance, including litter associated with queues and smoking areas outside licensed premises and the licence holder's responsibility for such litter.

2 General matters

2.1 Precedence issues

2.1.1 A licensing policy must not ignore or be inconsistent with provisions in the 2003 Act. The Authority must have regard to the Secretary of State's Guidance when making and publishing its policy. When revisions on the Guidance are issued, there may be a period of time when this policy statement is inconsistent with the Guidance, for example, during any consultation by the Authority. If this occurs, the Authority will have regard, and give appropriate weight, to the Guidance and this policy statement.

Policy GN 2: Precedence

The meaning of the 2003 Act and any Regulations made under it take precedence over the meaning of this Statement of Licensing Policy.

2.2 Adoption and publication of the Statement of Licensing Policy

2.2.1 The Council adopted this Statement of Licensing Policy at its meeting on 21st March 2022 and it became effective from that date.

Policy GN 3: Five yearly licensing policy review

The Council will prepare and publish a statement of its licensing policy at intervals of no more than five years, to enable it to continue to undertake its licensing functions.

Policy GN 4: Interim licensing policy reviews

The Council will keep its licensing policy under review and will make such revisions to it, at such times, as it considers appropriate.

Policy GN 5: Consultation on licensing policy

Before determining any revision to its Statement of Licensing Policy, the Council will consult:

- (a) the chief officer of Police for the Oxford area;
- (b) the fire authority for the Oxford area;
- (c) the Trading Standards Officer for Oxfordshire County Council;
- (d) the Social and Health Care Department of Oxfordshire County Council, which the Authority

considers to be the competent and responsible authority for the purpose of advising on issues of protecting children from harm; and

- (e) the Clinical Commissioning Group;

together with such persons as the Authority considers at the time to be representative of:

- (f) holders of Premises Licences issued by the Authority;
- (g) holders of Club Premises Certificates issued by the Authority;
- (h) holders of Personal Licences issued by the Authority;
- (i) businesses and residents who may be affected by the operation and impact of the premises;
- (j) other interests in the licensing of premises in its area.

The Authority will give appropriate weight to the views of the persons listed above when it determines any revision to its Statement of Licensing Policy.

Policy GN 6: Publication of licensing policy revisions

When the Authority determines any revisions, it will publish either a statement of those revisions, or its revised Statement of Licensing Policy.

2.3 Scope of the Statement of Licensing Policy: Licensable activities

2.3.1 This policy addresses licensing of the following activities:

- the sale of alcohol by retail;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of late night refreshment (supply of hot food or drink between 2300 and 0500 hours)(including “take aways” and “hot food vans”); and
- the provision of ‘regulated entertainment’ (defined in Schedule 1 of the 2003 Act) which includes:
 - a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - a boxing or wrestling entertainment (indoors and outdoors);
 - a performance of live music;
 - the playing of recorded music;
 - a performance of dance;
 - entertainment similar in description to music and dance.

2.3.2 Activities that are not to be regarded as regulated entertainment and activities that are not to be regarded as late night refreshment are also listed in Schedules 1 and 2, respectively, of the 2003 Act, and a broad description of such entertainment activities that are exempt from the licensing regime following the Deregulation of Schedule 1 of the 2003 Act can be found at Appendix 5.

2.4 Scope of the policy: Applications and notices

2.4.1 This policy addresses decisions on applications for:

- Premises Licences;
- Club Premises Certificates;
- Personal Licences;
- Transfer of licences;
- Variation of licences and associated matters.

2.4.2 This policy also addresses Temporary Event Notices (TENs) and the review of Premises Licences and Club Premises Certificates.

2.4.3 This policy also informs all parties as to how the Licensing Authority and Licensing Officers will carry out their enforcement and compliance operations and any actions arising from those operations.

2.5 Fundamental principles

2.5.1 The Authority recognises that its power to reject applications, or to apply conditions to Premises Licences and Club Premises Certificates is strictly constrained by the terms of the 2003 Act.

2.5.2 The Authority recognises that it has no power to:

- attach any condition, including mandatory conditions, to a Temporary Event Notice (save for when an objection is made by a relevant Responsible Authority and as such requires determination by the Licensing Casework Sub-Committee);
- modify mandatory conditions;
- attach conditions to a Premises Licence or Club Premises Certificate (other than appropriate mandatory conditions)

unless those conditions are consistent with the operating schedule submitted with the application, or further to a Representation or Relevant Representation.

2.5.3 The Authority recognises that it has no power to:

- modify conditions attached to a Premises Licence or a Club Premises Certificate;
- to exclude from the scope of a Premises Licence or a Club Premises Certificate any of the licensable or qualifying activities to which the application relates;
- refuse to specify a person in a Premises Licence as the Designated Premises Supervisor;
- reject the application,

unless it has received a Representation or a Relevant Representation about the application and then only to such extent as the Authority considers necessary for the promotion of the licensing objectives.

2.5.4 Throughout this document the Authority has outlined the standards which it expects to be addressed in applications. The policies within this statement have been developed in consultation with all of the Responsible Authorities.

2.5.5 In considering and determining applications the Authority will take into account:

- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000;
- Section 17 of the Crime and Disorder Act 1988;
- The Human Rights Act 1998;
- Noise Act 1996;
- Fire and Safety Order 2005;
- Violent Crime Reduction Act 2006;
- Health Act 2006;
- Section 11 of the Children's Act 2004;
- Equality Act 2010;
- Business and Planning Act 2020;
- any other relevant legislation or statutory guidance.

2.5.6 The Authority:

- will treat each application on its individual merits;
- will not override the right of any person to apply under the terms of the 2003 Act for a variety of permissions;
- will not override the right of any person to make Representations on an application or to seek a review of a licence or certificate where the 2003 Act makes provision for them to do so;
- will, as far as possible, avoid duplication with other licensing and regulatory regimes that already place obligations on employers and operators, e.g. The Health and Safety at Work etc, Act 1974, the Environmental Protection Act 1990, Disability Discrimination legislation and the Regulatory Reform (Fire Safety) Order 2005, Equality Act 2010;
- will only apply to Premises Licences and Club Premises Certificates conditions that are necessary to underpin or promote the licensing objectives.

- 2.5.7 The Authority recognises that the purpose of the 2003 Act is to allow appropriate levels of regulation for premises, temporary events, members' clubs and persons authorised to make alcohol available for sale.
- 2.5.8 In considering applications the Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the vicinity of the licensed premises.
- 2.5.9 For each application for the grant, variation or review of a Premises Licence or a Club Premises Certificate, the 2003 Act requires the Authority to consider the Representations made by Responsible Authorities and those Representations made by other persons, which the Authority accepts as relevant.
- 2.5.10 Other persons will be given its widest possible interpretation and, where it includes persons involved in business, will not be confined to those engaged in trade and commerce. It will include partnerships and the functions of charities, churches and medical practices. Amendments to the Licensing Act 2003 remove the requirement for other persons to reside within the immediate vicinity.
- 2.5.11 The Authority will accept relevant representations from other persons.
This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious.
- 2.5.12 Where a notice of a hearing is given to an applicant, the Authority is required to provide the applicant with copies of the relevant representations that have been made. In circumstances where the Authority considers that the other person has a well-founded fear of intimidation and may be deterred from making a representation because of this, the Authority may withhold some or all of the other person's personal details (if requested).
- 2.5.13 A Responsible Authority or other person may seek a review of a Premises Licence or Club Premises Certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.5.14 In determining applications and reviews of licensed premises, the Authority will give appropriate weight to:
- Representations received from Responsible Authorities;
 - Relevant Representations made by other persons;
 - the Secretary of State's Guidance;
 - this Statement of Licensing Policy;
 - the steps necessary to promote the licensing objectives.
- 2.5.15 Any terms and conditions that the Authority imposes will be focused on matters that are within the control of individual licensees. These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 2.5.16 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Licensing Authority expects that licensed premises will not discriminate against any person based solely on any of these characteristics -for example, refusing a person entry to a licensed premises on the basis of their race, sex or age. The sole exception to this will be where such action is necessary to comply with legal requirements or situations where licence holders must restrict access to age-restricted goods or services to any person who is below the legal age for that good or service - for example, the sale of alcohol to under 18s.
- 2.5.17 The Licensing Authority will actively take steps to ensure that it complies with its legal obligation to eliminate or reduce the potential for unlawful discrimination, harassment and victimisation of persons with protected characteristics and ensure compliance with the Equality Duty.

- 2.5.18 The Statement of Licensing Policy is transparent, and clearly identifies the need to promote the four licensing objectives. The opportunity to obtain a premises licence or variation in an existing licence is open to all regardless of their protected characteristics, other than age. Any person, regardless of their protected characteristics, can also submit a representation against a licence application.

2.6 Reviewing the Statement of Licensing Policy with other authorities

- 2.6.1 The Authority will work with the other Licensing Authorities in Oxfordshire reviewing this Statement of Licensing Policy to ensure, as far as possible, that a consistent approach is taken to assist applicants for licences and those who may wish to make Representations under the provisions of the 2003 Act. The Authority will also liaise with other neighbouring Licensing Authorities to ensure that there is consistency across District Council boundaries. Full regard will still be given to local issues and situations, which will take precedence.
- 2.6.2 The Authority will maintain partnership working with various enforcement agencies as it recognises that the licensing objectives can only be promoted through a range of actions, some of which are outside the scope of the licensing system.
- 2.6.3 The Authority will maintain protocols with the Police, the Environmental Health Service, the Fire Authority and Trading Standards Services, as it considers appropriate for enforcing the 2003 Act.
- 2.6.4 The Authority will maintain dialogue with the licensed trade, businesses, local people and relevant organisations in the entertainment and alcohol industry to ensure that the Statement of Licensing Policy remains relevant and secures promotion of the licensing objectives.
- 2.6.5 The Authority will have regard to the considerations of the relevant Officer of the Licensing Authority delegated with the power to make relevant representations to applications and instigate reviews of licences (in such a person's role as a Responsible Authority). Such considerations will be based on the evidential findings of that Officer, including (but not limited to) actions undertaken during and after enforcement and compliance operations carried out by the Licensing Officers under such persons control, multi-agency operations, test-purchase operations, and any best practices adopted by other Authority's that may be deemed to further uphold the four licensing objectives locally.

2.7 Integrating strategies

- 2.7.1 Licensing is about promoting the four licensing objectives by balancing different interests. The experience gained by the Authority can usefully inform the development and application of strategies by others for local crime prevention, planning, transport, tourism and culture. It is important that such strategies do not undermine promotion of the licensing objectives.
- 2.7.2 In preparing this Statement of Licensing Policy, the Authority has taken account of relevant national policies and action plans, which include the following:
- Safer Nightlife;
 - The Governments "Alcohol Strategy" (Home Office);
 - Alcohol and Violence (Public Health Faculty);
 - Reform of Anti-Social Behaviour Powers (Home Office);
 - Safeguarding Children, Young People and Vulnerable Adults (Oxford City Council).
 - Tackling Violence Against Women and Girls Strategy (Home Office)
- 2.7.3 The Authority has taken account of the policies and programmes that the Council has already adopted. These are listed in Appendix 2, along with an explanation of how they integrate with the Statement of Licensing Policy.

<h3>Policy GN 7: Integrating strategies</h3> <p>The Council will ensure any strategies it may have, or develop, for local crime prevention, planning, transport, waste management (both solid and water waste), sustainability, tourism and culture will be integrated with its licensing function but such strategies will not overrule the licensing objectives.</p>

2.8 Planning and building control

- 2.8.1 The Council recognises that there is a need for proper separation of the planning, building control and licensing regimes to avoid duplication and inefficiency.
- 2.8.2 The Council recognises that the Planning Authority must be aware of the Authority's concerns as this will assist in promotion of the licensing objectives. The Authority will provide reports to enable the Planning Authority to have regard to such matters and have a role in promoting the four licensing objectives when the Planning Authority takes its decisions.
- 2.8.3 The Council recognises that the following three regimes have different purposes:
- **Planning:** ensuring the suitability of the location, use and design of the premises for the activities and the adequacy of the local infrastructure;
 - **Building Control:** ensuring the suitability of the construction of the premises; and
 - **Licensing:** ensuring the suitability of the proposed use and its operation at the proposed premises.
- 2.8.4 The grant of a Premises Licence or a Club Premises Certificate, or any variation to one of these, does not relieve the applicant of the need to obtain planning permission and building regulations consent as appropriate.
- 2.8.5 The applicant must observe the earlier closing time if planning conditions set a terminal hour for the use of the premises for commercial purposes.

Policy GN 8: Planning permission and listed building consent

The Authority will normally expect an application for a Premises Licence or a Club Premises Certificate to be made only in respect of premises that already have an appropriate established use or any planning permission and listed building consent necessary for the proposed range of licensable activities to take place.

The Authority will similarly expect an applicant to have obtained planning permission where necessary for the use proposed, before applying for a provisional statement under section 29 of the 2003 Act.

2.9 Administration, exercise and delegation of functions

Policy GN 9: Levels of decision-making

The Authority will have the following levels of decision-making for undertaking its licensing functions:

- The Council;
- Licensing and Gambling Acts Committee;
- Licensing Casework Sub-Committees;
- Licensing Officers.

- 2.9.1 A Licensing Casework Sub-Committee will generally determine each application that attracts an Objection, Representation or Relevant Representation, unless:
- all Objections or Representations from Responsible Authorities are withdrawn and it is agreed by all parties that a hearing is not necessary; and
 - all representations from Interested Parties are either:
 - determined by a designated officer to be irrelevant, vexatious or frivolous; or
 - withdrawn, and it is agreed by all parties that a hearing is not necessary; or
 - the Licensing and Gambling Acts Committee wish to consider the matter.
- 2.9.2 Licensing Officers will determine all other applications and the Licensing and Gambling Acts Committee will receive regular reports on the decisions made by Officers so that members maintain an overview of the general situation locally and nationally, and maintain an understanding as to the volume and nature of applications submitted to the Licensing Authority. Such reports shall also provide the Committee with details of all enforcement and compliance operations undertaken by the Licensing Officers, and any actions arising from those operations. Details of any proposed future developments related to or impacting upon the Licensing Act 2003, including proposed partnership working arrangements, and proposed changes to current legislation shall also be included in such reports.

2.9.3 For the convenience of applicants, the system of delegation is tabulated in Appendix 4.

Policy GN 10: Delegation

The Authority has delegated licensing decisions in accordance with the recommendations of the Secretary of State's Guidance and in the interests of speed, efficiency and cost effectiveness, as follows:

- (a) The Council determines:
 - the Statement of Licensing Policy;
 - membership of the Licensing and Gambling Acts Committee;
 - the extent to which functions, other than functions under the 2003 Act, are delegated to the Licensing and Gambling Acts Committee.
- (b) The Licensing and Gambling Acts Committee will undertake all functions of the Authority under the 2003 Act that are not the responsibility of the Council, as follows:
 - making recommendations to the Council on the Statement of Licensing Policy;
 - reviewing the Statement of Licensing Policy within five-year intervals, keeping the policy under review at other times and undertaking appropriate consultations;
 - arranging for training of members and officers to enable the Authority to discharge its duties under the 2003 Act;
 - agreeing which body is competent to advise the Authority in respect of matters relating to the protection of children from harm;
 - deciding the extent to which the Authority will recommend the classification of films;
 - monitoring the impact of licensing on regulated entertainment in general and live music and dancing in particular in connection with cultural strategies;
 - considering current licences or applications for licences where a Representation or a Relevant Representation has been made and not withdrawn.
 - receiving reports on matters determined by Licensing Officers with delegated authority.
- (c) Licensing Sub-Committees will operate under authority delegated by the Licensing and Gambling Acts Committee and determine matters as set out in Policy GN 11.
- (d) Licensing Officers will operate under delegated authority and determine matters as set out in Policy GN 12.

Policy GN 11: Licensing Casework Sub-Committee – delegated functions

Licensing Casework Sub-Committees will determine any of the following where a Representation or a Relevant Representation has been made and not withdrawn:

- application for a Personal Licence;
- application for Personal Licence with unspent convictions;
- application for Premises Licence or a Club Premises Certificate;
- application for provisional statement;
- application to vary a Premises Licence or a Club Premises Certificate;
- application to vary Designated Premises Supervisor;
- application for transfer of Premises Licence;
- application for interim authorities;
- application to review a Premises Licence or a Club Premises Certificate;
- determination of a Police or Environmental Health Objection to a Temporary Event Notice;
- decision to object when the Authority is a consultee and not the relevant authority considering the application.

Policy GN 12: Licensing Officer – delegated functions

A Licensing Officer, delegated within the Council's Constitution, will determine every other licence application for which no Objection, Representation or Relevant Representation has been received, or when any Objection, Representation or Relevant Representation has been received but has been withdrawn and that it is agreed by all parties that a hearing is not necessary.

Policy GN 13: Licensing and Gambling Acts Committee – procedure

Subject to any statutory provisions, the Licensing and Gambling Acts Committee will regulate its own procedure and that of Licensing Casework Sub-committees.

Policy GN 14: Licensing Casework Sub-Committee – procedure

In considering any application subject to a Representation or a Relevant Representation, the Sub-Committee will follow the principles set out in the Hearings Regulations under the 2003 Act.

Policy GN 15: Determination of applications – conditions

The Authority will determine the type and extent of conditions to be affixed to Premises Licences and Club Premises Certificates as follows:

- (a) Matters determined by Licensing Officers:
 - Licensing Officers will develop any condition that they consider necessary to appropriately translate the offered information in the applicant's operating schedule;
 - no other conditions, other than the mandatory conditions, will be added;
 - Licensing Officers will report to the Licensing and Gambling Acts Committee from time to time on the matters that those officers have determined.
- (b) Matters determined by a Licensing Casework Sub-Committee:
 - Sub-Committees will attach conditions taken from the applicant's operating schedule, as in (a) above;
 - no conditions, other than mandatory conditions and conditions offered in an operating schedule, will be added unless an appropriate Representation or Relevant Representation has been upheld;
 - Sub-Committees may also attach conditions that take account of a Representation made by a Responsible Authority or a Relevant Representation made by an Interested Party.

2.10 Non-licensing issues: What this statement is not for

2.10.1 The Authority recognises that:

- licensing is not about mechanisms for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club or business holding the licence, certificate or permission concerned (subject to Policies GN19 and LH6);
- licensing is not about matters contained in other legislation, which may well apply simultaneously to the activities of licensed individuals or premises. Appendix 8 includes references to some of this legislation.

3 Cumulative impact**3.1 Cumulative impact**

- 3.1.1 The Authority wishes to take steps to prevent public nuisance, crime or disorder arising from the concentration of premises in one particular area.
- 3.1.2 Whilst need is primarily an issue for the market and the planning system, the cumulative impact of licensed premises on the promotion of the licensing objectives is a matter for consideration under the licensing provisions. Serious problems of public nuisance and disorder can arise in the vicinity of licensed premises where a number of them are grouped together and particularly where they may be situated near to residential areas. The numbers of premises selling alcohol and providing entertainment until the early hours of the morning have increased significantly over the years and many special measures have been adopted to try to deal with the crime and anti-social behaviour that can result from the more intensive activities.
- 3.1.3 The distribution of late night premises may be such as to warrant special action from the Authority to combat exceptional problems of disorder and public nuisance over and above the impact from individual premises.

Policy GN 16: "Need" for licensed premises

The Authority will leave the assessment of the "need" for licensed premises to the Planning Authority and to the market. It will not address this matter in undertaking its licensing functions.

Policy GN 17: Need for an evidential base

The Authority will consider Representations based on the impact of the grant of a particular application on the promotion of the licensing objectives in the Authority's area. However, there must be an evidential base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.

Policy GN 18: Use of other mechanisms to address cumulative impact

The Council will encourage the use of other mechanisms that are available for addressing problems caused by a minority of consumers behaving badly and unlawfully once away from licensed premises. For example:

- (a) planning controls;
- (b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
- (c) powers the Council has to designate parts of its area as places where alcohol may not be consumed publicly and take into account areas currently covered by Public Spaces Protection Orders;
- (d) Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- (e) the prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- (f) the confiscation of alcohol from adults and children in designated areas;
- (g) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, or the likelihood of disorder or excessive noise emanating from the premises;
- (h) the power of the Police, other Responsible Authority or any other person to seek a review of the licence or certificate in question (please refer to 9.1 Reviews)

3.2 Special Saturation Policy

- 3.2.1 It is possible that the impact of the behaviour of customers of separate premises taken together on surrounding areas is greater than the usual impact from customers of individual premises and so creates exceptional problems of crime, disorder or public nuisance. In these circumstances a Responsible Authority or other persons may consider that the cumulative effect is to saturate an area, making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves.
- 3.2.2 Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Statement of Licensing Policy. These include:
- identification of concern about crime and disorder or public nuisance;
 - consideration of whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
 - identification of the boundaries of the area where problems are occurring;
 - consultation with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation;
 - including details of the special policy in the published Licensing Policy Statement.
- 3.2.3 With effect from 6th April 2018 Cumulative Impact Assessments (CIA) were put on a legal footing and introduced into the Licensing Act 2003 by the Policing and Crime Act 2017. Section 5A of the 2003 Act now sets out what a licensing authority needs to do in order to publish a CIA and review it.
- 3.2.4 Previous editions of the Council's Statement of Licensing Policy have included special saturation policies for Oxford City Centre and East Oxford, adopted following assessment of the particular impact from the concentration of licensed premises in those areas. These policies were adopted following government guidance applicable at the time.
- 3.2.5 The Council's Statement of Licensing Policy was adopted on 17th February 2021. However, the review of the previous Special Saturation Policies had been disrupted by the Covid19 pandemic and no realistic assessment of cumulative impact had been possible in accordance with section 5A. Therefore, the Council determined no introduction of a formal

Special Saturation Policy at that time.

- 3.2.6 The effect of adopting a Special Saturation Policy is to create a rebuttable presumption that applications for new Premises Licences or Club Premises Certificates or material variations to these will normally be refused, if Relevant Representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the Special Saturation Policy issues in their Operating Schedules in order to rebut such a presumption. However this presumption does not relieve Responsible Authorities or other persons of the need to make a Relevant Representation before the Licensing Authority may lawfully consider giving effect to its Special Saturation Policy. Responsible Authorities, such as the Police, or other persons can make written Relevant Representations maintaining that it is necessary to refuse the application for the promotion of the prevention of public nuisance, or crime and disorder and referring to information which had been before the Authority when it developed a Special Saturation Policy for inclusion in its Statement of Licensing Policy.
- 3.2.7 Special Saturation Policies should never be used as a ground for revoking an existing licence or certificate when Relevant Representations are received about problems with those premises. In this context, the “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a Relevant Representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises.
- 3.2.8 Having regard to Guidance, evidence from Thames Valley Police and other Responsible Authorities and representations received, the Authority has conducted a Cumulative Impact Assessment and considered it necessary to adopt special policies to limit the cumulative impact of licensed premises in Oxford city centre and East Oxford. The areas covered by these policies are defined in Appendixes 10 and 11. Evidence to support these special policies can be found in Appendix 12.

Policy GN 19: Special Saturation Policy

It is the Authority's policy, if Relevant Representations are made, to refuse applications for new or material variations to, Premises Licences or Club Premises Certificates in the Special Saturation Policy Areas. A material variation would be where modifications are directly relevant to the Special Saturation Policy, for example an application to vary a licence with a view to increasing the occupancy limit of a premises or to extending the operating hours where evidence demonstrates that the variation would add to the problems of cumulative impact. If an application for a licence in either of these areas is made the Authority will expect the applicant to demonstrate in their Operating Schedule, the steps to be taken to prevent problems relating to nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder. The Authority will consider the individual merits of any application, together with the Relevant Representations made, and where it feels that to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Authority will grant the application. The Authority recognises that if no Relevant Representations are made regarding an application for a licence in an area where the Special Saturation Policy exists, the Authority must and will grant the licence. The Special Saturation Policy will never be used as a ground for revoking an existing licence or certificate.

The Authority will regularly monitor the impact of this Special Saturation Policy. If it becomes evident that the criteria for such a policy are no longer met, the Authority will arrange for it to be discontinued or for the designated area to be redefined.

Other areas may also be considered in the future for the adoption of a Special Saturation Policy where the licensing objectives are likely to be undermined due to cumulative impact. These areas will be subject to public consultation.

4 Pool of conditions

4.1 Pool of conditions

- 4.1.1 The Secretary of State's Guidance requires the Authority's licensing policy to “make clear that a key concept underscoring the 2013 Act is that conditions attached to licences and

certificates should be tailored to the individual style and characteristics of the premises and events concerned.” It also states that “This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.” The Authority will therefore need access to a wide range of appropriate conditions from which it can draw.

- 4.1.2 Provided no Representation or Relevant Representation has been received, the type and extent of conditions to be affixed to a Premises Licence will be determined by officers acting under delegated authority, and consistent with the operating schedule.
- 4.1.3 Where another person has made a Relevant Representation or a Responsible Authority has made a Representation, a Licensing Casework Sub-Committee will hear the case and may attach conditions to a licence. Use of standard conditions on all licences will be avoided, as will conditions that are unnecessary because other legislation makes adequate and appropriate provision for applicants’ compliance.

Policy GN 20: Pool of conditions

The Authority will maintain a pool of conditions, devised by The Licensing Authority, Thames Valley Police and Environmental Health, from which appropriate and proportionate conditions can be drawn. The Authority will adapt such conditions as necessary for promoting licensing objectives to suit the individual circumstances of each application for a Premises Licence or a Club Premises Certificate.

Policy GN 21: Pool of conditions: premises-specific

The Authority will not apply standard conditions to every Premises Licence or Club Premises Certificate that it issues, other than the mandatory conditions where alcohol is sold or supplied

Policy GN 22: Pool of conditions: additions

The Authority may add to the pool of conditions each condition that is developed to suit the individual circumstances of each application, so that it may be used as the basis of development of other conditions. The Authority will develop such conditions with regard to:

- (a) the 2003 Act;
- (b) the Secretary of State’s Guidance;
- (c) this Statement of Licensing Policy;
- (d) a condition attached to a permission, which requires conversion to a new Premises Licence or a Club Premises Certificate; and
- (e) a statement made in the operating schedule by an applicant for a Premises Licence or a Club Premises Certificate.

4.2 Live music, dancing and theatre

- 4.2.1 It would be inappropriate to expect organisers of small-scale activities (200 people “permitted capacity limit”) to incur the potentially substantial costs of complying with conditions that are more appropriate to larger events. Such small-scale activities will tend to be those that are arranged for small community groups or for children and have the potential for generating wider cultural benefits for communities generally.
- 4.2.2 The imposition of inappropriate conditions might entail substantial costs and so inadvertently deter live music, dancing and theatre in community centres, small venues or venues that are likely to be used only infrequently.
- 4.2.3 The Live Music Act 2012 and the Deregulation of Schedule 1 of the 2003 Act further reduces the burden placed upon those wishing to host entertainment events, and the Authority will be mindful of events that host entertainment deemed to no longer fall within the requirements of the 2003 Act. Details as to what activities are now exempt from the licensing regime can be found at Appendix 5.

Policy GN 23: Live music, dancing and theatre

The Authority will take proper account of the need to encourage and promote live music, dancing and theatre in balance with the potential for disturbance from these activities. In determining what conditions should be attached to Premises Licences and Club Premises Certificates, the Authority will take account of the need to avoid measures whose potential for imposing substantial costs could inadvertently deter live performances, especially at smaller venues.

5 Licensing hours

5.1 Licensing hours

- 5.1.1 With regard to licensing hours it is emphasised that each application will be considered on its individual merits. The Authority recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which can lead to disorder and disturbance. Providing customers with greater choice and flexibility is an important consideration, but will always be balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

Policy LH 1: Zoning

The Authority will not generally restrict trading hours, but may restrict hours for particular premises if a Responsible Authority makes an appropriate Representation or an interested Party makes an appropriate Relevant Representation and this will promote the licensing objective.

Policy LH 2: Staggered closing times

The Authority will not seek to engineer any pattern of closing times ('staggered closing times') by setting quotas for particular closing times.

Policy LH 3: Licensing hours not limited

The Authority will not reduce the hours permitted for licensable activities to less than those stated in an application, unless a Representation or a Relevant Representation indicates that this is necessary and then only in the context of the individual merits of that application.

5.2 Display of operating hours

- 5.2.1 Licensing hours and the closing time of premises may be different. The cessation of licensable activities may take place at some time prior to actual closing time for the premises depending on the nature of the activities.
- 5.2.2 The Authority considers that it would be beneficial for potential customers and Interested Parties living or working nearby to be able easily to discover when licensed premises are likely to be operational.

Policy LH 4: Display of operating hours

Where appropriate the Authority normally expects to see a notice stating the actual operating hours of the premises displayed conspicuously outside every public entrance to a premise operating under a Premises Licence.

Policy LH 5: Closing times

In determining applications, the Authority will take into account the time that it is proposed to close the premises where patrons have been attracted to attend by a licensable activity. Regard will also be had to matters such as the nature of the locality and the availability of public transport at the time that the premises propose to close.

The Authority considers that licensable activities should normally cease not later than 30 minutes before final closure of the premises.

5.3 Dispersal procedures

- 5.3.1 Organised dispersal procedures can help to prevent crime, disorder and public nuisance where large numbers of persons leave licensed premises over a concentrated period of time. This applies whether customers leave in small numbers over an extended period, or in large numbers.
- 5.3.2 The Authority considers that dispersal procedures, on which all staff employed at the licensed premises are trained, are particularly necessary for premises at which regulated entertainment or the sale of alcohol for consumption on the premises will continue after midnight. Persons living in the vicinity may experience the effects of the dispersal of customers from licensed premises as a public nuisance. Such problems can be minimised

through orderly dispersal.

- 5.3.3 Staff trained in dispersal procedures could also play a key role in the event of emergency evacuation.

Policy LH 6: Dispersal procedures

Where appropriate, the Authority expects Premises Licence applicants for premises that will remain open beyond midnight and will be open primarily for public entertainment or the sale of alcohol for consumption on the premises, or both, to submit a written statement with their application covering procedures for orderly dispersal of patrons at closing time to minimise any negative impact locally and to support the rights and needs of residents and businesses.

Such a statement should show how all staff in the premises are trained in its implementation.

The Authority expects any dispersal procedure to state the time at which the licensable activities cease and the later, actual, closure time of the premises.

5.4 Latest admission times

- 5.4.1 It is undesirable that persons should seek to 'top up' their alcohol intake by 'club-hopping' and seeking out those premises that are admitting customers at the latest times as crime, disorder and public nuisance in urban centres can be increased by persons moving between venues late at night.
- 5.4.2 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities that can lead to disorder problems. It will therefore assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.

Policy LH 7: Latest admission times

The Authority expects latest admission times to apply, for example, in areas where there is a concentration of premises that continue to sell alcohol for consumption on the premises and provide Regulated Entertainment after midnight.

The Authority expects the latest admission time to be at least one hour before cessation of the licensable activity.

5.5 Hours for 'off-sales' of alcohol

- 5.5.1 The Government suggests that the norm will be for all shops, stores and supermarkets with Premises Licences that permit the sale of alcohol for consumption off the premises to be free to provide such sales of alcohol at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.
- 5.5.2 Where a licence permits the sale of alcohol in general terms such as 'during opening hours', the Authority, Responsible Authorities and Interested Parties would have no role in determining the availability of alcohol in any subsequent changes to shopping hours. Therefore any conditions on the timing of alcohol sales should state specific times.

Policy LH 8: Hours for 'Off-Sales' of Alcohol

The Authority will normally approve an application for licensing hours for retail premises that permit the sale of alcohol (for consumption off the premises) at any time that the retail premises are open for shopping.

Where there are good reasons for restricting those hours, the Authority will specify the particular hours during which the sale of alcohol for consumption off the premises is permitted. In such cases the Authority will not specify those hours in general terms, such as 'at any time that the retail premises are open for shopping'.

If a Representation or a Relevant Representation is made to the Authority, concerning premises intended for the sale of alcohol for consumption off the premises, that those premises are likely to become a focus for disturbance or public nuisance, the Authority reserves the right to restrict trading hours as one mechanism of combating such problems.

6 Children and licensed premises

6.1 Access to premises

- 6.1.1 The 2003 Act does not prohibit children who are accompanied by an adult from having free access to licensed premises of all kinds, including those selling alcohol for consumption on the premises.
- 6.1.2 However, the 2003 Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:
- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
 - between the hours of midnight and 5am on restaurant premises, or other premises that supply alcohol for consumption on the premises.
- 6.1.3 Apart from the above, the admission of children is a matter for the discretion of the individual licensee or club, unless conditions included in a Premises Licence or a Club Premises Certificate limit the access of children.
- 6.1.4 The fact that the new offence may effectively bar children under 16, who are not accompanied by an adult, from premises where the consumption of alcohol is the exclusive or primary activity does not mean that the 2003 Act automatically permits unaccompanied children under the age of 18 to have free access to other premises or to the same premises even if they are accompanied or to premises where the consumption of alcohol is not involved. The 2003 Act includes on the one hand, no presumption of giving children access or on the other hand, no presumption of preventing their access to licensed premises. Each application and the circumstances obtaining at each premises must be considered on its own merits.

Policy CH 1: Access by children to Licensed Premises not a requirement

The Authority will not apply conditions to Premises Licences that require that children must be given access.

Policy CH 2: Restrictions on access by children to Licensed Premises (1)

The Authority will not apply conditions to Premises Licences that limit the access of children except to the extent that:

- (a) it considers necessary for the prevention of harm to children (with regard to a Representation or Relevant Representation on the application); or
- (b) applicants have included such restrictions in their operating schedules as a result of risk assessments that determined that the presence of children would be undesirable or inappropriate.

- 6.1.5 The range of situations in policy CH 3, enables the Authority to restrict the access of children to any premises, by taking appropriate account of the 'reputation' of those premises in addition to the formal aspects of an application.

Policy CH 3: Restrictions on access by children to Licensed Premises (2)

In considering access by children to licensed premises, the Authority will address the individual merits of each application with regard to any Representation or Relevant Representation on the application and, in particular, will take account of situations:

- (a) where entertainment or services of an adult or sexual nature are commonly provided;
- (b) where current staff working at the premises have been convicted of serving alcohol to minors, or the premise have a reputation for underage drinking;
- (c) with a known association with drug taking or dealing;
- (d) where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- (e) where there is a strong element of gambling on the premises; or
- (f) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- (g) and any other occurrence that the Authority determines is contrary to the licensing objectives.

- 6.1.6 The range of options in policy CH 4, which can be applied singly or in combination, enables the Authority to apply conditions to a Premises Licence, or Club Premises Certificate, that are in proportion to the scale of a perceived problem.

Policy CH 4: Restrictions on access by children to Licensed Premises (3)

The Authority will rarely apply a complete ban on access by children to any individual licensed premises. However when, in response to a Representation or Relevant Representation, the Authority considers that access by children should be limited, it will apply one or more conditions (to the whole, or parts, of the premises) that include the following options (singly, or in combination):

- (a) limitations on the hours when children may be present;
- (b) age limitations (below specified ages younger than 18);
- (c) limitations or exclusions when certain activities are taking place;
- (d) requirements for accompanying adults (including requirements that apply only to children below specified ages);
- (e) checking proof of age;
- (f) full exclusion of people under 18 from the premises when any licensable activities are taking place.

6.2 Prevention of alcohol consumption by minors

- 6.2.1 In most circumstances, the consumption of alcohol by minors would be illegal. The Authority considers that it would also contribute to harm to children, so systems should be put in place to ensure compliance with the law. The Authority encourages the development of a culture in which the checking of proof-of-age cards is accepted as the norm in circumstances where doubt might otherwise exist (e.g. Challenge 25)
- 6.2.2 The Authority will maintain close contact with the police, social care teams, health services and Trading Standards about the extent of unlawful sales and consumption of alcohol by minors and be involved in the development of strategies to control or prevent these unlawful activities and to pursue prosecutions.

Policy CH 5: Prevention of under-age consumption of alcohol

The Authority expects Personal Licence holders to ensure that alcohol is not supplied to persons under 18 except as permitted under the 2003 Act and expects every premises where alcohol is supplied to include, in its operating schedule, a management protocol for achieving this.

6.3 Entertainment for and by children

- 6.3.1 Entertainment specifically for children (for example, pantomimes) can attract large numbers of unaccompanied children. The Authority expects the licence holder to undertake a risk assessment including details of how they will ensure the safe access and egress of children, and the management of children during the event.
- 6.3.2 The Authority expects the licence holder to provide them with a copy of their safeguarding policy and procedures.
- 6.3.3 The Authority expects licensees to provide attendants, at all performances specially presented for children, in accordance with model national standard conditions.
- 6.3.4 The Authority expects teenage discos and similar events to be ticket-only. This is because there is a risk that when 'pay-at-the-door' events reach capacity, children will be left alone on the street.
- 6.3.5 The Authority has an obligation to report people in a position of trust (employed or volunteer) to the LADO if a safeguarding concern is reported. A referral must be made in all cases where it is alleged that a person who works or volunteers with children has:
- Behaved in a way that has harmed a child, or may have harmed a child; or
 - Possibly committed a criminal offence against or related to a child; or
 - Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
 - Behaved or may have behaved in a way that indicates that they may not be suitable to work with children
- 6.3.6 The Authority has a duty to make barring referrals to the DBS if it thinks a person has

either:

- Harmed or poses a risk of harm to a child or vulnerable adult
- Has satisfied the harm test; or
- Has received a caution or conviction for a relevant offence and;
- The person they're referring is, has or might in future be working in regulated activity and;
- The DBS may consider it appropriate for the person to be added to a barred list

Policy CH 6: Regulated entertainment for children

The Authority expects that, where regulated entertainment includes performances specially presented for children, applicants will include in their risk assessment details of the number of attendants that will be on duty to ensure the safety of children and to control the access and egress of children, and the management of children during the event. The Authority will also expect a copy of the applicant's safeguarding policy and procedures.

Policy CH 7: Regulated entertainment with child performers

For licences that include performances by children, the Authority will normally expect a nominated adult to be responsible for such child performers.

Policy CH 8: Persons supervising children - DBS checks

In premises where children's entertainment is provided and particularly where children participate in providing entertainment, the Authority would normally expect that any person who will be engaged in supervising children to have been subject to a check through the Enhanced Disclosure procedure of the Disclosure and Barring Service.

Policy CH 9: Regulated entertainment for children – ticket only policy

The Authority expects that Regulated Entertainment organised for teenage children in the form of a disco or similar event will normally be managed as ticket-only events, with no tickets available at the door.

If pre-ticketing is not to be used, the Authority expects the applicant to demonstrate what alternative arrangements will be used to control admissions and prevent disorder.

6.4 Film exhibitions

- 6.4.1 In the case of premises giving film exhibitions the Authority expects applicants to describe in their operating schedules their arrangements for ensuring compliance with the film classification recommendations that apply.

Policy CH 10: Film Classification (1)

To every Premises Licence that authorises the exhibition of films, the Authority will attach a mandatory condition requiring the admission of children to the exhibition of any film to be restricted in accordance with:

- the recommendations of the film classification body specified in the licence, (which will normally be the British Board of Film Classification (BBFC) see Appendix 3), or
- the Authority's recommendation.

The Authority will attach a similar condition to every Club Premises Certificate that authorises the exhibition of films.

Policy CH 11: Film Classification (2)

The Authority will not apply its own system of classification for the majority of films. However, provided the operator submits the film for classification at least 28 days before the proposed date of showing, the Authority may classify a film:

- that has no BBFC classification; or
- that has a BBFC classification, but the operator has requested the Authority to consider reclassification and the Authority agrees to do so, or
- where there has been a Relevant Representation from another person or a Representation from any Responsible Authority with an interest in the protection of children from harm.

The Authority will have regard to the BBFC classification system, the BBC Code for Producers and the Ofcom/Broadcasting Standards Commission Broadcasting Code when making any decision on the classification of films.

Any classification made by the Authority will have precedence over any other classification.

Policy CH 12: Exhibition of film – display of notices

The Authority will expect applications to ensure that appropriate notices are displayed about restrictions on admission and that performances do not take place in areas other than where they can be restricted to a particular audience when necessary.

7 Licence Applications

7.1 General

- 7.1.1 Applications that are incomplete, or fail to comply with the requirements of the 2003 Act will impose additional administrative burdens that hinder the Authority's ability to process the applications that do comply. The Authority will therefore return applications that it considers incomplete, as it considers that applicants should retain the responsibility for ensuring their applications comply with the requirements of the 2003 Act.
- 7.1.2 The 2003 Act requires some applications to be advertised for a set period, or to be copied to the Police or other Responsible Authorities. This gives other persons and Responsible Authorities an opportunity to make Representations about the application to the licensing authority, i.e. those which are not frivolous or vexatious and which relate to the licensing objectives. The Authority considers that the failure of an applicant to comply with these requirements is appropriate grounds for rejecting an application.
- 7.1.3 Applications may be made via the Council's website, emailed to licensing@oxford.gov.uk, by post to the address given in Appendix 9, and in person at our offices if circumstances allow.
- 7.1.4 Once an application has been accepted, any amendments to the application, unless made in response to a Representation or Relevant Representation, must normally be made by way of an application for variation or a fresh application. The Authority therefore recommends that applicants discuss their proposals with the appropriate Responsible Authority before finalising their submission.
- 7.1.5 Where applications are silent on particular issues, such as the use of special effects or the type of events to be held, this will limit the range of activities permitted under the Premises Licence or Club Premises Certificate that is granted.

Policy LA 1: Licence applications – acceptance

The Authority requires applications to comply with the requirements of the 2003 Act before they are registered as being received.

The Authority will return to the applicant any application that it discovers to be incomplete because it does not comply with the 2003 Act, including any requirement to advertise or failure to provide a complete copy to a Responsible Authority.

If the Authority returns an application to an applicant for any of the above reasons, it will treat the application as not received. This Policy will apply regardless of any proof of delivery of the application to the Authority.

7.2 Personal Licences

- 7.2.1 The Authority seeks to ensure that it grants only those applications which satisfy the relevant licensing objectives and that the Police have the necessary information on which to base any Representation they may wish to make to the Authority, if applicable. This is because the holder of a Personal Licence should be a person who is not only properly qualified but someone who will contribute to crime prevention.
- 7.2.2 An application for a personal licence is made by an individual to the Licensing Authority for the area in which the applicant normally lives. Thereafter, this Licensing Authority

becomes the “Relevant Licensing Authority” for that licence, even though the licence holder may move out of the area or gain employment elsewhere. Licence holders must notify their ‘Relevant Licensing Authority’ when they move address.

- 7.2.3 The Licensing Authority will grant a personal licence if it appears that:
- the applicant is over 18;
 - the applicant possesses a relevant licensing qualification;
 - the applicant has not forfeited a personal licence in the previous five years beginning with the day the application was made;
 - the applicant has not been convicted of any relevant offence as defined in the Act;
 - the appropriate fee has been paid.
- 7.2.4 Where an applicant has a relevant unspent conviction we will supply a copy of the application to Thames Valley Police. The police can object to the application on crime prevention grounds, and they will serve a notice if they want to object.
- The applicant is entitled to a hearing before the Licensing Sub-Committee where the applicant can bring evidence to support the application.
- 7.2.5 If an application is refused, the applicant will be entitled to appeal to the Magistrates’ Court against the decision. If the application is granted despite a police representation, the Chief Officer of Police is entitled to appeal against the Licensing Authority’s determination. We will therefore record full reasons for any decision that they make.
- 7.2.6 A Personal licence holder has a duty to notify the Licensing Authority that granted the licence of any changes to their personal details i.e. change of address or name. If they are charged with any relevant offence they have a duty to inform the court that they hold a personal licence. They must notify us if they lose their licence or if it is stolen.
- 7.2.7 The Authority acknowledges that the Government has determined that any Personal Licence due to expire after 1st April 2015 will not require renewing.
- 7.2.8 An individual who wishes to be a designated premises supervisor (DPS) will need to obtain a personal licence. This gives the individual the ability to authorise the sale of alcohol in accordance with the terms of the premises licence.
- 7.2.9 The police may object to a DPS where, in exceptional circumstances, they believe that the appointment would undermine the “crime prevention” objective. Where the police object we must arrange for a hearing to consider the application. Either party then has a further right of appeal at the Magistrates’ Court if they disagree with the determination of the Licensing Casework Sub-Committee.

7.3 Premises Licences

General Prevention of Public Nuisance

- 7.3.1 Frequent complaints can be received about noise from the operation of licensed premises. Any noise nuisance from a licensed premises can be reported to the relevant department via the Council website, by calling 01865 249811 or emailing saferoxford@oxford.gov.uk or noise@oxford.gov.uk Responsible operators will wish to avoid enforcement action having to be taken under licensing or other legislation. Applicants for Premises Licences and Club Premises Certificates are advised to consider measures that prevent noise nuisance from occurring.
- 7.3.2 A Noise Abatement Notice under the Environmental Protection Act 1990, or a Warning Notice under the Noise Act 1996 may be served on premises that cause a statutory nuisance through failure to meet appropriate standards for preventing the escape of noise, regardless of the conditions of any Premises Licence or Club Premises Certificate.
- 7.3.3 Powers also exist for the Police and the Council to deal with noise issues that may affect persons living in the vicinity of licensed premises selling alcohol and/or providing Regulated Entertainment.
- 7.3.4 However, it will normally be appropriate for applicants for Premises Licences and Club Premises Certificates to suggest measures that are adequate to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.
- 7.3.5 As noise could emanate not only from the playing of music but also from air handling

equipment or the patrons, applicants may wish to consider undertaking sound tests to ensure that the level of noise leakage from the premises is acceptable given the location.

- 7.3.6 Night-time trading can increase noise and disturbance for local residents and result in damage to property in the vicinity of licensed premises. The Authority may consider that there are benefits to be achieved in minimising public nuisance by curtailing hours of operation, generally or on specific occasions, if a Representation or a Relevant Representation is made to that effect.
- 7.3.7 The Authority advises applicants to give special consideration to noise control measures if proposing to provide Regulated Entertainment or to sell alcohol for consumption on the premises beyond midnight.
- 7.3.8 Different approaches to prevention of public nuisance will apply to a Premises Licence application for Regulated Entertainment, given the nature of the activities, and special circumstances that can arise in relation to those activities, for example:
- longer hours of operation;
 - noise pollution issues;
 - public nuisance caused by people queuing to obtain admission;
 - general safety for the public in a crowded and or dimly lit environment; and
 - congregation of patrons outside licensed premises.
- The applicant will be expected to include relevant conditions, taken from the Council's pool of conditions or their own recommendations, related to the prevention of public nuisance in their operating schedule.
- 7.3.9 Section 177 of the 2003 Act provides that, at premises licensed for music and with a permitted capacity of not more than 200 persons, conditions relating to the provision of music entertainment do not have effect for unamplified music between 8.00am and midnight, unless they derive from the operating schedule, or are imposed due to a review.

Policy LA 2: Premises Licence – Regulated Entertainment (General)

Where appropriate, the Authority expects the applicant to address sources of noise leakage in practical ways such as (these measures may be employed singly or in combination):

- (a) providing adequate mechanical ventilation so that doors and windows can be kept closed;
- (b) ensuring that the mechanical ventilation is adequately sound-proofed;
- (c) installing a sound limiting device to prevent sound exceeding an appropriately defined level;
- (d) installing sound proofing measures to contain sound and vibration;
- (e) other organisational measures to ensure that potential sound leakage is contained, particularly from special events;
- (f) having a queue management policy.

Applicants should ensure that they carefully consider Approved Document F (Ventilation) in the Building Regulations 2000 when deciding on the levels and types of activities proposed.

Policy LA 3: Premises Licence – Noise control to suit late night trading

The Authority will, in response to a Representation or a Relevant Representation, and if considered necessary, apply conditions on noise control that suit the licensing hours for premises in areas that include residential accommodation. These conditions may be sourced from the pool of conditions, available to be viewed on the Council website, or bespoke conditions in collaboration with the appropriate Responsible Authority.

Addressing local concerns

- 7.3.10 Noise nuisance can adversely affect residents living near to licensed premises or business premises in their vicinity if measures taken to deal with noise are inadequate. Management logging of complaints and adoption of procedures for overcoming reported problems will assist with the prevention of public nuisance and the prevention of crime and disorder. Sight of a complaints log will also provide the Authority with information necessary to assess the effectiveness of the management of the premises with regard to the licensing objectives. Residents can contact can report any noise nuisance from a licensed premises by calling 01865 249811 or emailing saferoxford@oxford.gov.uk or noise@oxford.gov.uk or via our website: www.oxford.gov.uk.

Policy LA 4: Premises Licence – Addressing local concerns

The Authority expects applicants to address how other persons may raise matters of concern directly with those responsible for managing the premises and how those matters will be effectively addressed. A suitable contact number for the premises to be provided to local residents is advised.

Policy LA 5: Premises Licence – Safer Nightlife

Special attention should be given to the organisation and risk assessments for such events, taking into account the advice and guidance in the 'Safer Nightlife' booklet and the need for higher levels of vigilance than required for normal dance events. In particular the Authority will expect increased levels of supervision, medical/first aid provision, on-premises drug counselling/advisory services and other arrangements to ensure the safety of patrons attending the event and those supervising it. Additional measures to prevent public nuisance arising from loud music being played at such events must be considered.

Special Effects

7.3.11 The Authority expects those applicants who propose to provide Regulated Entertainment and to use special effects, to adequately address the implications of risk assessments in their operating schedules and so ensure that public safety is not adversely affected.

7.3.12 Regulated Entertainment can involve special effects such as:

- dry ice machines - cryogenic fog;
- smoke machines - fog generators;
- pyrotechnics including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers;
- explosives and highly inflammable substances.

Policy LA 6: Premises Licence – Special Effects

The Authority expects that a proper risk assessment be undertaken where any regulated entertainment is proposed that potentially involves danger to the audience or performers. The organiser should take appropriate measures that are designed to ensure that the risk is effectively removed.

Sanitary Accommodation

7.3.13 The Authority expects licensed premises to provide sanitary accommodation for both male and female customers, and to consider gender-neutral facilities, commensurate with maximum occupancy levels. This is to promote public safety and to minimise public nuisance caused by departing customers urinating in public places, as convenient alternative facilities may not be available when customers leave. Licensed premises may also consider provision of baby changing facilities in both male and female toilets, or an area accessible to all parents, regardless of gender.

7.3.14 BS 6465 states recommended levels of provision.

7.3.15 Local authorities can require provision of sanitary accommodation at premises providing entertainment, under S20 of the Local Government (Miscellaneous Provisions) Act 1976. However, it would be preferable for applicants to make the necessary arrangements voluntarily in accordance with the BSI Standard.

Policy LA 7: Premises Licence – Sanitary Accommodation

The Authority requires premises to provide adequate and convenient sanitary accommodation to suit the needs and numbers of its customers, including those with disabilities, and commensurate with the nature of the licensable activities proposed.

7.4 Club Premises Certificates

- 7.4.1 The Government has emphasised that non-profit making clubs have made an important and traditional contribution to the life of many communities in England and Wales and bring significant benefits. Their activities also take place on private premises and they operate under codes of discipline applying to members and their families. In determining what conditions should be included in certificates, the Authority will bear these matters in mind and conditions will not be attached unless they can be demonstrated to be strictly necessary.

Qualifying Conditions

- 7.4.2 Section 61 of the 2003 Act sets out the conditions that a qualifying club must meet. Section 62 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith - the third qualifying condition. Section 63 sets out additional qualifying conditions that apply solely to clubs intending to supply alcohol to members and guests.

Policy LA 8: Club Premises Certificates – Club qualifying conditions

The Authority will require applicants to provide copies of the Club's Constitution and Rules for it to be able to determine whether the club is established and conducted in good faith as a club. This information must accompany the application.

Operating schedule

- 7.4.3 The range of issues that should be addressed in operating schedules will be premises-specific, but may include the issues listed in the 'OS' series of policies.

Policy LA 9: Club Premises Certificates – Scope of the operating schedule

Where an applicant is required to provide an operating schedule, the Authority expects this to address the four licensing objectives through a comprehensive range of issues applicable to the location and activities proposed at the club premises.

Film and theatrical performances

- 7.4.4 The Authority may require the display of appropriate notices and restrictions on the entry of children, if performances include material that is not suitable for minors.
- 7.4.5 Where there is to be an exhibition of a film or a theatrical performance is to take place on club premises, applicants should refer to the 'CH' series of policies set out in this policy statement.
- 7.4.6 Where a special theatrical performance for children takes place in Club Premises then the Authority will expect the presence of sufficient adults to control the access and egress of the children and ensure their safety. Such numbers of adults should be agreed with the Authority before the performance takes place.
- 7.4.7 The Authority expects that a restriction on admission is applied in any case where a theatrical performance contains material which can be regarded as suitable for an adult audience only.

Policy LA 10: Club Premises Certificates – Film or Theatrical Performances

The Authority will require clubs to display appropriate notices about any restrictions on admission to film or theatrical performances and ensure that these do not take place in areas other than where they can be restricted to a particular audience when necessary.

Gender equality in clubs

- 7.4.8 The Authority recognises that equal treatment for everyone is not a licensing objective. The Licensing Authority will expect member's clubs to ensure that their membership rules do not result in discrimination against a person on the basis of a protected characteristic, as detailed in the Equality Act 2010 – for example, maintaining different membership classes for persons of different genders.

Policy LA 11: Club Premises Certificates – Gender Equality

The Authority will not impose conditions that interfere with the arrangements for granting membership or voting within the club.

7.5 Particular premises and activities

Pubs, Restaurants, Hotels, Guest Houses

- 7.5.1 The licensable activities in pubs, restaurants, hotels and guest houses are likely to require minimal conditions, provided they only undertake the sale of alcohol, or sale of alcohol with a meal.
- 7.5.2 The Authority expects those responsible for managing licensed premises to prevent public nuisance by ensuring that licensable activities likely to affect third parties are contained and properly managed.

Policy PP 1: Pubs, Restaurants, Hotels, Guest Houses

In pursuing family friendly environments for such establishments, the Authority expects applicants to ensure that the use of outdoor areas will not cause a public nuisance to nearby residents and expects applicants to demonstrate that they will appropriately manage activities in such areas. The Authority may exclude licensable activities from outside areas at appropriate times or in appropriate circumstances in response to a Relevant Representation.

High Volume Drinking Establishments

- 7.5.3 High Volume Drinking establishments (HVDs) are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol with little or no seating for patrons. A comprehensive review of the research conducted in the last twenty-five years into alcohol and crime and its relationship to licensed premises shows that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder arising on the premises.
- 7.5.4 The Authority considers that this research shows that HVDs do not further the licensing objectives.
- 7.5.5 The research indicates that the key points on preventing crime and disorder include:
- controlling the capacity to prevent overcrowding and frustration to customers;
 - ensuring adequate seating for customers; and
 - ensuring the provision of door security teams at the premises to control capacity and ensure already drunk or disorderly individuals are not admitted.

Policy PP 2: High Volume Drinking Establishments (HVDs)

Where necessary and appropriate, the Authority may attach conditions to Premises Licences for HVDs and similar premises (if not volunteered by the venue operator) following an appropriate Representation or Relevant Representation which require adherence to:

- (a) a prescribed capacity;
- (b) an appropriate ratio of tables and chairs to customers based on the capacity; and
- (c) the presence of Security Industry Authority (SIA) registered security teams to control entry for the purpose of compliance with the capacity, and to carry out security duties in other parts of the premises.

Internet sales, Mail Order and Home Deliveries

- 7.5.6 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed.

This may differ with Home deliveries if the alcohol is being stored where sales are taking place. However the Council will carefully consider the distance selling supply chain in deciding where the alcohol is appropriated to the contract. The Licensing Authority has received numerous applications for home delivery services from venues such as storage warehouses as well as residential addresses.

Designated sports grounds

- 7.5.7 The Authority expects organisers of sporting events to make appropriate arrangements to limit the possibility of crowd disturbance within sports stadiums and to take steps to minimise the incidence of public nuisance within the vicinity of stadiums in accordance with licensing objectives to prevent crime, disorder and public nuisance.
- 7.5.8 Issues of disorder among, or safety of, spectators can arise at sporting events and crowd control in and around grounds can be affected where licensable activities such as the sale of alcohol take place.

Policy PP 3: Designated Sports Grounds, Events and Outdoor Stadiums

If the Police make a Representation, the Authority may seek to restrict sales of alcohol at sporting events to specific areas of the venue, to times set relative to particular performances or events, or to set times and may require different arrangements for public and private areas.

Garages and Service Areas

- 7.5.9 Section 176 of the 2003 Act provides for a general prohibition on the sale of alcohol at motorway service areas and garage forecourts. The Government may, by order, alter the description of premises from which alcohol may be sold.
- 7.5.10 The 2003 Act largely maintains the situation in previous legislation which has allowed the sale of alcohol to develop in line with the range of goods available from garage shops as is now commonplace. Accordingly, where proper facilities are provided in the form of a shop at a garage, the Authority does not propose to preclude sales of alcohol within the range of goods available.

Policy PP 4: Garages and Service Areas

The Authority will apply no general restriction on the sale of alcohol from garage shops that also offer a substantial range of groceries for sale.

In order to establish that premises are not primarily used as a garage, which would prevent the sale of alcohol, an applicant will need to show the intensity of use by customers at the premises. This may be evidenced by lists of customers according to usage, or by sales figures classified according to purchases.

This policy does not amend the prohibition of alcohol sales at motorway service areas.

Vessels (boats)

- 7.5.11 When licensing vessels, the Authority will consider the conduct of the proposed licensable activities in the context of the licensing objectives. In particular it will address the need for adequate control of licensable activities to further the public safety objective and to prevent public nuisance to residents in the vicinity of the vessel's navigational route.
- 7.5.12 The Authority will not be concerned with the safety of the vessel for carriage of passengers, or issues concerning the safe navigation of the vessel. These are matters dealt with under other legislation.

Policy PP 5: Vessels – Safety

The Authority expects the normal safety measures for a vessel to be supplemented as appropriate to suit the scale, nature and timing of any licensable activities that occur. In considering such matters, the Authority may consult with the Environment Agency or any other authority with responsibility for the safety of vessels.

Policy PP 6: Vessels – Noise

Licensable activities taking place on board a vessel must not cause noise nuisance or other public nuisance to people in the vicinity of a vessel's berth or the route of its navigation. Furthermore, in response to a Representation or Relevant Representation, the Authority may require that specialist supervision in the form of Security Industry Authority (SIA) registered door staff or safety attendants is arranged in connection with any regulated entertainment which takes place on board.

Vehicles and Moveable Structures

7.5.13 Alcohol may not be sold on a moving vehicle but there may be a requirement for sale of alcohol and possibly other licensable activities to take place from a stationary vehicle or structure, for example one that is sited temporarily at an event.

7.5.14 Where a Premises Licence is required for the vehicle or structure, this will relate solely to the place where the vehicle is sited and the licensable activities are to take place. Premises Licences for vehicles and moveable structures are therefore required wherever they are sited when licensable activities take place and this may well mean applications to more than one Licensing Authority.

Policy PP 7: Vehicles and Moveable Structures

The Authority expects the operator of any vehicle or moveable structure to ensure that it is located in an area that is appropriate for the proposed licensable activities.

It may not be appropriate to site any such vehicle or structure near to other licensed premises, or in an area subject to a Public Space Protection Order or where it may cause noxious smells or litter problems if operating between 23:00 and 05:00 hours.

7.5.15 The operator of a vehicle trading in a 'consent street' will continue to require a street trading consent in addition to any Premises Licence and the conditions attached to the street trading consent will continue to apply. Such conditions will normally be equally relevant to vehicles trading in areas where street trading consents are not required.

Policy PP 8: Late Night Refreshment Vehicles – outside consent streets

The Authority will seek to apply the conditions that apply to vehicles under street trading consents to the Premises Licences for vehicles or structures that provide late night refreshment in areas that are not consent streets.

No Premises Licence is valid for a vehicle within an area prohibited to street trading.

Late night refreshment

7.5.16 The 2003 Act requires that premises selling hot food or drink for consumption by members of the public on or off the premises, between the hours of 23.00 and 05.00 must have a Premises Licence.

7.5.17 Such premises include those dedicated to providing this service, restaurants (not only those that offer take-away facilities) and vehicles trading during these hours.

7.5.18 Premises engaged in the late night provision of hot food and drink are covered by the 2003 Act to enable appropriate controls to be introduced to reduce the incidence of disorder, disturbance and public nuisance that can arise if these venues become the focus for gatherings of people that have come from other venues and may have been consuming alcohol.

7.5.19 Management of late night refreshment venues needs to be undertaken effectively to assist in preventing crime, disorder, anti-social behaviour and public nuisance.

Policy PP 9: Late Night Refreshment

The Authority will look carefully at the scope of operation intended for late night refreshment premises. The Authority particularly expects applicants to address issues such as:

- (a) Hours of operation, to prevent public nuisance to any nearby residents, or problems of noxious smells and anti-social behaviour;
- (b) Supervision of queues and the management of large numbers of clientele descending on the premises at certain times - this could include door supervision to control surges of customers where this may occur;
- (c) Layout of the premises to cope with patrons e.g. position of counters, entrances and exits;
- (d) Litter control and environmental activities, such as litter picking including cigarette butts from patrons, provision of litter bins, street sweeping/washing in the immediate vicinity of the premises;
- (e) CCTV; and
- (f) Public safety, including the type of power supply to be used where the application is for a trading vehicle or moveable structure.

The Authority expects premises licensed for late night refreshment to have regard to the

'Voluntary Code of Practice for the Fast Food Industry' (DEFRA Oct 2003).

Policy PP 10: Take-away food outlets – presumption of no alcohol sales

The Authority will have a presumption against the sale of alcohol from premises where the primary activity during the hours 23:00 to 05:00 is the provision of take-away food unless it can be clearly shown that there will be no contribution to crime or disorder.

Supply of alcohol for consumption off the premises

7.5.20 It is not the Authority's policy generally to seek to restrict the sale of alcohol for consumption off the premises. However, where premises are relatively isolated, with minimal levels of staffing, this can lead to problems of anti-social behaviour or disorder in the vicinity of the premises. Pressure can also be applied to staff to sell alcohol to persons who are under age or to those seeking to purchase high strength beers, lagers, ciders, etc.

7.5.21 Policy PP11 is intended to ensure that alcohol is sold only to those who are entitled to purchase it and that premises have proper checks in place to ensure that the restrictions are enforced, so that minors and those seeking to purchase high strength beers, lagers, ciders, etc. do not obtain access to alcohol which can lead to public nuisance or disorder. If deemed appropriate in order to address evidenced local concerns, the Responsible Authorities may seek licence holders to consider the impact on the licensing objectives when selling high strength beers, lagers, ciders, etc.

Policy PP 11: Supply of alcohol ('Off-sales')

For applications that include the sale of alcohol for consumption off the premises, the Authority will expect operating schedules to address how sales of alcohol will be confined to those entitled to purchase it and how the procedures will be consistently applied. The role of the Designated Premises Supervisor will be pivotal in this respect. The operating schedule should cover such practical issues as:

- (a) the display of prominent warning notices about the supply of alcohol to minors;
- (b) offences which adults can commit by buying alcohol for minors;
- (c) requirements for production of satisfactory proof of age;
- (d) Whether any high strength beers, lagers, ciders, etc. will be made available for sale.

The Authority expects that staff involved in the sale of alcohol will have had appropriate training in order to put the operating schedule into effect.

Times during which alcohol may be sold will be restricted if it appears to the Authority, as a result of a Representation or Relevant Representation, that this would promote the licensing objectives of preventing public nuisance, crime and disorder.

The Authority will maintain close working relationships with both the Police and Trading Standards Officers who will conduct 'test purchasing' of alcohol under the 2003 Act in order to detect and prevent sales of alcohol to minors and to pursue prosecutions where appropriate.

Safe drinking-vessels

7.5.22 The Authority seeks to remove the risk of injury that could result from the use of particular types of drinks containers at particular venues, or in association with particular licensable activities.

7.5.23 The risk of injury can arise not only from the deliberate misuse of glass containers and bottles during disturbances, but also from accidental breakage in crowded or dark venues and from broken glass in parks, water features and swimming pools.

7.5.24 Where appropriate, such as where there are concerns about crime and disorder or public safety, the Authority will require all drinks to be supplied in containers that are safer than traditional glasses or bottles (e.g. polycarbonate or similar, paper, plastic or toughened glass). Where appropriate, bottled beverages should also be dispensed into safe containers. Premises may also consider the use of anti-drink spiking products.

Policy PP 12: Safe drinking-vessels

In appropriate circumstances, the Authority will require safe drinking-vessels to be used wherever a material risk of injury might arise.

This policy applies not only to drinking vessels and containers for alcohol, but also to containers for soft drinks and water including any brought to the premises by customers.

Other potential weapons

Policy PP 13: Other potential weapons

In appropriate circumstances the Authority will require premises not to provide loose items that could be used as weapons, e.g. heavy or glass ashtrays, or unfixed furniture.

Large Scale and Outdoor Events

7.5.25 The Authority in partnership with the Safety Advisory Group (SAG) regularly meets to discuss proposed large scale and outdoor events. The Authority encourages organisers of such events to approach council officers at the earliest opportunity to discuss the arrangements for the licensed activities involved. This may include the production of an Event Management Plan. It would normally be expected that reference should be made in the operating schedule to the Event Management Plan. The Authority will offer advice and assistance to organisers about this preparation through the Safety Advisory Group. In producing operating schedules and Event Management Plans for such events the organisers are encouraged to visit our Events page on our website: <https://www.oxford.gov.uk/downloads/20035/events> and should have regard to the following documents:

- Safety Guidance for Street Arts, Carnival Procession and Large Scale Performances published by the Independent Street Arts Network, obtainable through: <https://outdoorartsuk.org/>
- Safer Clubbing Guide.

7.5.26 However, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

7.5.27 Any individual preparing an operating schedule or club operating schedule should volunteer any measure, such as those described in Section 8 of this Policy document and in the Authorities adopted Pool of Conditions, as a step he or she intends to take. Such measures will become conditions of the licence/certificate, and as such, any breach of these conditions could give rise to prosecution.

Policy PP 14: Large Scale and Outdoor events

The Authority expects the organiser of a large scale or outdoor event, except those that may be covered by Temporary Event Notices, to identify an adequate management team at an early stage and to designate a lead person to liaise with the Authority.

The Authority also expects a representative of an open-air event's organisers to attend co-ordination meetings with Responsible Authorities and the Council's Safety Advisory Group.

Sex-related entertainment

7.5.28 The Authority is not able to control the content of adult entertainment involving activities such as striptease or lap-dancing through the Licensing Act 2003.

7.5.29 Such premises are controlled under the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009, which came in to force in this Authority on 10th June 2010.

Community Centres and Village Halls

7.5.30 The Authority encourages all Community Centres and Village Halls to apply for Premises Licences to cover all expected activities, as the managers of these venues are likely to find too restrictive the permitted annual number of Temporary Event Notices.

7.5.31 If alcohol is to be supplied, the Personal Licence Holder nominated as the Designated Premises Supervisor need not be a member of the management committee of the centre or hall.

Public spaces and council-controlled premises

- 7.5.32 In places for which the Council holds a Premises Licence entertainers will be able to give a performance, without the need to serve Temporary Event Notices or to apply for individual Premises Licences.
- 7.5.33 This approach will make it more possible for cultural diversity to thrive and will be a far simpler process for many types of entertainment that use numerous venues each year, such as circuses and street artists. However, entertainers will need to obtain the permission of the Council (as both landlord and Premises Licence holder) and comply with any conditions that might be imposed.
- 7.5.34 This approach may reduce the administrative burden on the Authority and ensure that licensable activities are encouraged in locations that the Authority considers appropriate and where the promotion of the licensing objectives has been previously considered and any potential noise nuisance can be properly managed.

Policy PP 15: Public spaces and council-controlled premises

The Authority encourages the Council and Oxfordshire County Council to seek Premises Licences for the purpose of particular types of public entertainment at premises under their control, such as community halls, parks and public open spaces.

The Authority expects the organisers of proposed large-scale events in parks and public open spaces to apply for Premises Licences, because the Premises Licences held by the Council for these locations are likely to be of limited scope.

7.6 Designated Premises Supervisors

- 7.6.1 In order for alcohol to be sold under a Premises Licence, the licence must name a Designated Premises Supervisor who holds a Personal Licence. Even though the Police may not object to the grant of a Personal Licence to a particular person, they may object to that person being named as the Designated Premises Supervisor for particular premises on grounds that the crime prevention objective is likely to be undermined. The Police can only challenge in exceptional circumstances.
- 7.6.2 Although the Designated Premises Supervisor has a key role in the management of premises, the 2003 Act does not require the Designated Premises Supervisor to present at the premises.
- 7.6.3 In the event of any problems, Authorised Persons will need recourse to the Designated Premises Supervisor who is in a pivotal position within licensed premises. The Designated Premises Supervisor must be managerially able to mobilise resources at the premises as necessary to assist the promotion of the licensing objectives. In order to comply with the conditions of the licence, this must include the ability to manage the systems described in the applicant's operating schedule.
- 7.6.4 On occasions where the Designated Premises Supervisor is not available then a nominated competent person must be available to oversee the day-to-day running and control of the premises and where appropriate this person shall be a Personal Licence holder.

Policy DPS 1: Designated Premises Supervisors

The Authority expects that under normal circumstances the Designated Premises Supervisor will be the person who has day-to-day responsibility for running the premises.

7.7 Temporary Event Notices

- 7.7.1 Under the 2003 Act, Temporary Event Notices enable licensable activities to take place outside the scope of a Premises Licence. These notices can be given for events that last no more than 168 hours and have less than 500 people present at any one time. There are annual restrictions on how many notices one person may give and on the number of times the same premises can be used.
- 7.7.2 By their nature, temporary events may not be as well-resourced as activities organised under a Premises Licence, so are potentially disruptive and can cause problems for residents and owners of property nearby. However, the legislative framework for temporary events envisages a 'light touch' by the Authority, the Police and the

Environmental Health Service.

- 7.7.3 A private event is exempt from a TEN for invited guests which is held in a hired private room and no sale of alcohol occurs. There must be no charge for admission which is intended to make a profit.
- 7.7.4 A maximum number of fifteen TENs can be submitted each calendar year for any premises. A premises can operate its business under TENs for a maximum of 21 days in a calendar year. For 2022 and 2023, the limits have been increased to 20 TENs for a maximum of 26 days.
- 7.7.5 The most important aspect of the system of permitted temporary activities is that no authorisation as such is required for these events from the Licensing Authority. The process involves notification of an event to the Licensing Authority, the police and the environmental health service. Only the police and environmental health may intervene to prevent such an event from taking place.
- 7.7.6 The Licensing Authority may only ever intervene itself, if the limit on numbers of events is exceeded. Otherwise, the Licensing Authority is only required to issue a timely acknowledgement.
- 7.7.7 There are two types of TENs – “**Standard**” and “**Late**” TENs.
- 7.7.8 A **Standard** TEN must be given to the Licensing Authority ten clear working days (being Monday - Friday) before the event, and a **Late** TEN must be given to the Licensing Authority no later than five clear working days (being Monday – Friday) before the event. Section 193 of the Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. "Ten working days" notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.
- 7.7.9 For a ‘**Standard**’ TEN, the Police and/or Environmental Health may submit an objection notice if they consider that by allowing the event to take place at least one licensing objective would not be met. Where the Police or Environmental Health object they will serve an objection notice on you. You can then discuss the event and agree modifications to address their concerns. If no agreement is reached, the Licensing Authority will hold a hearing to consider the objection. If the Police or Environmental Health object to a **Late** TEN, the event will not be permitted to go ahead because there is no means to arrange a hearing or agree modifications to the proposed event.
- 7.7.10 If the TEN is in connection with a licensed premises, the Licensing Casework Sub-Committee may impose one or more of the existing licence conditions. Conditions can **only** be imposed on the TEN where they already exist on the premises licence or the club premises certificate. The Act requires the conditions to be appropriate for the promotion of the licensing objectives **and** not inconsistent with the carrying out of the licensable activities.
- 7.7.11 Persons organising Temporary Events involving music should liaise with Environmental Health to discuss provisions necessary to prevent noise nuisance.
- 7.7.12 Any noise nuisance resulting from the licensable activities under a Temporary Event Notice can be reported by affected residents to the relevant department via the Council Website, by calling 01865 249811 or emailing saferoxford@oxford.gov.uk or noise@oxford.gov.uk

Policy TEN 1: Temporary Event Notices
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To be valid, Temporary Event Notices must be served on the Authority, with a copy to the Police Authority and the Environmental Health Service.

7.8 Provisional Statements; New or Substantially Altered Premises

- 7.8.1 Where premises are to be newly constructed, extended or substantially altered, an applicant who has an interest in the premises can apply for a ‘Provisional Statement’. This is in addition to any planning and building-control consents that may be required.
- 7.8.2 A Provisional Statement gives the applicant some assurance about the grant of a future application for a Premises Licence. This may be useful if the applicant has insufficient information to be able to complete the operating schedule that is necessary for a Premises Licence application or, if alcohol sales are proposed, is unable to name the proposed

Designated Premises Supervisor. An applicant with adequate information could apply, instead, for a Premises Licence at a suitable stage in design and construction.

Policy PR 1: Provisional Statements; new or substantially altered premises

The Authority will consider issuing a Provisional Statement for new premises, provided the applicant already holds appropriate planning consent.

Policy PR 2: Changes to provisional statements

Where there are any changes to the proposals before a substantive licence is granted, these must be dealt with by way of an application for variation.

Once the Authority has issued a Provisional Statement, it will exclude from its consideration any Representation or Relevant Representation made about the subsequent application for a Premises Licence if, without reasonable excuse, a substantially similar Representation or Relevant Representation could have been made about the application for the Provisional Statement. However, the Authority recognises that genuine and material changes may arise in the intervening period and the Authority reserves the right to entertain Representations and Relevant Representations that reflect changed circumstances.

A Provisional Statement may not be sought for a vessel, a vehicle or a moveable structure.

7.9 Minor Variations

7.9.1 The minor variations process allows licensees to make application to the Licensing Authority to make certain minor changes to an existing licence, without the need for a full application to vary the existing authorisation. Minor variations do not have to be copied to the Responsible Authorities by the applicant, the Licensing Authority will determine which Responsible Authorities, if any, shall be consulted and are only advertised by way of a white notice displayed at the premises for a period of ten working days starting on the first working day after the application was given to the Licensing Authority.

7.9.2 Minor variations can only be used in cases where the variation sought shall not impact adversely on the licensing objectives. There is no right to a hearing to take place to consider minor variations. The decision as to whether or not a minor variation is appropriate will be made by the officers of the Licensing Authority, and this decision shall be final. In making such decision, officers must have regard to any relevant representations received from other persons within the statutory time limit. Representations must be relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives. Officers shall consult when and if necessary with the relevant Responsible Authorities.

7.9.3 If the Licensing Authority fails to respond to a request for a minor variation within fifteen working days, it is deemed refused and the Authority must return the fee to the applicant forthwith. However, the Licensing Authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.

7.9.4 A minor variation should only be used in the following circumstances:

- Reductions in the hours during which licensable activities may take place
- Reduction in opening hours
- Minor changes to the layout of premises that do not impact on the licensing objectives, such as moving the location display cabinets for alcohol within a supermarket or shop.
- The removal of licensable activity
- Variation to the times alcohol is sold, where those times are between 07:00 hours and 23:00 hours.
- Adding conditions that will assist in promoting the licensing objectives
- Amending conditions that are badly worded
- Removing or amending conditions that are unenforceable
- Removing conditions that are obsolete.

7.9.5 Relevant Considerations:

- Whether the application increases the capacity for consuming alcohol on the premises
- Whether access to emergency exits or escape routes shall be blocked by the proposed

- changes
- Whether the alterations might affect the operation of noise reduction measures such as an acoustic lobby
- Whether the addition of a licensable activity might impact on the promotion of the licensing objectives, e.g. the addition of live or recorded music on the prevention of public nuisance objective. The proximity of the unlicensed premises to residential accommodation
- Conditions volunteered by the applicant to mitigate the effects of any changes
- The previous history of the premises
- The likely effect on surrounding premises

7.9.6 Residents and businesses are able to raise representations (objections) to applications for, and variation to premises licences. These must relate to the four licensing objectives and the proposals made in the application.

7.9.7 Details of applications and variations to premise licences will be required to be displayed on or outside the premises concerned.

7.9.8 For variations that include layout changes and submission of a revised plan of the premises, the licence holder should consider provisions for disabled people, including disabled access, if not already accommodated.

7.10 Members as Interested Parties

7.10.1 The law has changed, giving elected members will be able to both make representations and potentially call for reviews of licences. There are some caveats, the foremost being evidence to support your case.

7.10.2 This is a significant change from the previous situation, where individual Members could only make such representations if they lived in or had a business in the vicinity of the premises, or had been specifically asked to represent a constituent at a hearing.

7.10.3 The statutory constraints on the reasons for representations or reviews still apply – they may only be made on the grounds of one or more of the licensing objectives, which are:

- the prevention of crime and disorder;
- the prevention of public nuisance;
- public safety;
- the protection of children from harm.

7.10.4 Representations or applications for review on other grounds cannot be considered. For instance, public health is not a statutory objective and cannot be considered.

7.10.5 All representations or reviews:

- must be in writing, showing the name and address of the writer (the representation or review application must be published as part of the process) – there is a prescribed form for reviews on the Licensing webpage;
- must clearly set out the likely effects the grant of the licence would have on the promotion of at least one of the licensing objectives;
- must present evidence in support of the representation or review.
- must clearly relate to the premises for which application is being made.
- For example, representations on the basis of general noise and disturbance, without evidence of a link to specific premises, will carry little or no weight with the Sub-Committee.

8 Operating schedules

8.1 General

8.1.1 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions.

8.1.2 The Authority expects an operating schedule to indicate the steps that the applicant proposes to promote the licensing objectives. It is particularly important that the operating schedules for appropriate premises should be precise and clear about measures that the management proposes to take to meet the licensing objectives.

- 8.1.3 The 'OS' series of policies indicates some of the issues that the Authority encourages applicants to consider including in any operating schedule. They are intended to assist applicants in their consideration of how best to meet the licensing objectives and, in doing so, may help prevent Representations from Responsible Authorities that would otherwise result in a hearing.

8.2 Safety

- 8.2.1 Safety within premises to which the public are admitted is of fundamental concern and is therefore one of the licensing objectives. All these policies are designed to ensure that the objective is promoted as appropriate to the premises.
- 8.2.2 There are two aspects to safety to take into account, one being the form of construction of the premises, the other being the way in which the patrons are managed once in the premises.
- 8.2.3 The Authority will expect the premises to be constructed to the appropriate standards for the uses to which it is to be put. It expects applicants to have addressed the requirements of Health and Safety at Work and Fire Safety legislation. Where appropriate, applied standards set out in any technical guidance for construction of buildings for a particular purpose should also be met.
- 8.2.4 The Authority will expect the applicant to have considered provisions for disabled people, including disabled access to the premises.

Policy OS 1: Operating schedule – Safety

Those preparing operating schedules and Responsible Authorities should consider:

- (a) Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press - ABTT Publications);
- (b) The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 199) ('The Purple Book') ISBN 0 7176 2453 6;
- (c) Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X;
- (d) 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804;
- (e) Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (Yellow Guide) HMSO ISBN 0 11 340907 9; and
- (f) advice from the Fire Officer or Building Control Officer.
- (g) Guidance from the Equality Act 2010 regarding provisions for persons with protected characteristics.

Policy OS 2: Operating schedule – Premises management and maintenance

The Authority expects operating schedules to detail how premises will be properly managed and maintained at all times.

Where necessary the operating schedule must reflect the management structures necessary to deal with the variety of activities taking place on the licensed premises on different days, at different times and in different parts of the premises at the same time.

Policy OS 3: Operating schedule – Log book

The Authority expects the managers of appropriate premises to maintain a log of activities for the premises that records the details of the manager and supervisory staff and the times that they are on duty, with details of incidents such as where people have been ejected from the premises.

Policy OS 4: Operating schedule – Occupancy limits

The Authority expects the operating schedule for each of the following types of premises to state the occupancy limits:

- (a) cinemas;
- (b) theatres;
- (c) any premises where Regulated Entertainment is to be provided;
- (d) any other premises, on the advice of a Responsible Authority where there are particular reasons to do so.

The Authority expects the operating schedule to state the occupancy limits of each floor of such premises and, where appropriate, separate areas on each floor, or under different operating

conditions.

Policy OS 5: Operating schedule – Free drinking water

The Authority expects applicants to indicate how supplies of free drinking water will be made available and clearly advertised at appropriate events and venues, particularly those where Regulated Entertainment takes place over a lengthy period of time.

Policy OS 6: Smoke free Premises

The Authority expects operating schedules to detail how premises will be able to comply with the Health Act 2006 without compromising any of the four licensing objectives (e.g. re-entry policies, drinks supervision, litter management and noise control etc. Applicants may wish to include additional plans to highlight any smoking areas they propose to use.

8.3 CCTV

- 8.3.1 The Authority seeks to further the licensing objective of prevention of crime and disorder through greater use of CCTV in licensed premises, as appropriate to the scale and type of licensable activities proposed. CCTV is in wide use in public areas and has been successful in bearing down on crime and disorder. CCTV has also been in use in nightclubs to complement the CCTV system in public areas and to record information for use in dealing with incidents in clubs.

Policy OS 7: Operating schedule – CCTV

For appropriate premises, the Authority expects the use of CCTV equipment to capture images of appropriate quality, location and frequency. The Authority expects applicants for licences for such premises to demonstrate in their operating schedules that the installation and operational procedures for the equipment at the premises comply with Thames Valley Police's 'Standard Minimum Closed Circuit Television Requirements'.

8.4 Drug control

- 8.4.1 The Authority seeks to minimise the availability of drugs in furtherance of the public safety and crime and disorder objectives. The Authority therefore expects venues to have a comprehensive management approach to eliminating drug use and possession.
- 8.4.2 There are many indications that an increasing number of people are taking illegal drugs and are using a wider range than ever before. This is particularly true of what are often referred to as 'recreational drugs'. Their use, sometimes in places where entertainment is taking place, has led to fatalities.
- 8.4.3 The Authority will actively seek ways in which it can assist in promotional initiatives to highlight the hazards of drug and alcohol abuse.
- 8.4.4 For those venues where drug misuse is an identified risk, measures need to be taken to combat supply, use and the effects of any use. There is advice available about how to control and mitigate the effect of drug-taking, which is relevant for entertainment venues in general and venues which provide intensive dancing, such as 'nightclubs', in particular.

Policy OS 8: Operating schedule – Drugs

The Authority expects licensees of venues where there is a risk of drug-taking, to take all appropriate steps to prevent drugs from being brought onto the premises and from being traded within the premises, in addition to implementing measures to prevent tragedies as a result of any drug misuse.

The Authority expects licensees of premises that hold 'rave-style' dance events, whether regularly, intermittently or as single events, to produce a drug policy statement. That statement may incorporate the guidance and recommendations in the 'Safer Clubbing' booklet.

The Authority expects the operating schedule to show how the whole management structure of the venue is trained and organised to follow the measures agreed for the venue to minimise use of drugs.

Premises that hold outdoor events are likely to be required to have Security Industry Authority (SIA) registered door staff on duty, so the drugs policy statement for the premises should be explicit about how the door staff will participate in systems to minimise drug use. In particular,

the Authority expects such policies to include clear statements of the procedures for searching customers as a condition of entry.

In appropriate cases the Authority will consider attaching, to the Premises Licence, conditions that are based upon recommendations detailed in approved guidance on drugs.

8.5 Door supervisors

- 8.5.1 The Authority supports the pro-active use of trained and registered door staff as part of the operational management of some types of premises, because this can reduce the risk of crime, disorder and anti-social behaviour occurring.
- 8.5.2 A Premises Licence that provides for the presence of door supervisors will include a mandatory condition that such door supervisors must be either registered by the Security Industry Authority (SIA) or part of the Approved Contractor Scheme (ACS).
- 8.5.3 The ACS is the mechanism by which the SIA implements the requirements of the Security Industry Act 2001 as it applies to companies. The purpose of the ACS is to “raise performance standards and to assist the private security industry in developing new opportunities “. It aims to achieve this by putting in place a system of inspection for providers of security services. Certification Bodies, like Security Systems Alarms Inspection Board, will undertake the inspection activities on behalf of the SIA to ensure that companies who achieve the required standard can be registered as approved.

Policy OS 9: Operating schedule – Door Supervisors

The Authority generally expects Premises holding regulated entertainment that continues beyond midnight to employ door supervisors in furtherance of the licensing objectives.

Where appropriate, the Authority will attach conditions to Premises Licences about the minimum numbers of male and female door supervisors on duty and their roles, which will reflect the layout of the premises, the location, the type of entertainment or function provided and the periods when regulated entertainment normally takes place.

Where a Representation or Relevant Representation has been made, the Authority may require premises to use door supervisors for particular types of regulated entertainment, which might potentially provoke disorder (e.g. broadcasts of sporting tournaments in pubs) and special promotional events in which the sale of alcohol is significant.

At premises that have regular entertainment, or where special events are taking place, other attendants who do not engage in security activities may be required to supervise areas within the premises.

The Authority expects door supervisors and other staff undertaking security or supervisory duties to be readily identifiable by members of the public and where appropriate to wear high visibility clothing.

8.6 Pub-watch and Late Night Business Partnership Schemes

- 8.6.1 Pub-watch and late night business partnership schemes are a pro-active means of promoting the licensing objectives. They support the exchange of information and collective agreement on persons being excluded from premises because of anti-social or disruptive behaviour. They also assist in helping to establish and grow strong and mutually beneficial relations between licensees and Responsible Authorities.
- 8.6.2 Responsible managers of appropriate licensed premises will wish to actively participate in such schemes, which are in operation in the Authority’s area.
- 8.6.3 The Authority fully supports Oxford’s “Nightsafe” partnership initiative to combat crime and disorder associated with the night-time economy.

Policy OS 10: Operating schedule – ‘Pub-Watch and Late Night Business Partnership’ Schemes

The Authority expects that all premises licensed to sell alcohol will participate in a pub-watch scheme, where there is one in place, and to become part of the system(s) that Pubwatch, and Nightsafe schemes may implement to alert members about potential troublemakers.

The Authority encourages such premises to join such schemes in order to promote closer working relations with the Licensing Officers, and other Responsible Authorities in a manner

designed to address the needs of business and the promotion of the licensing objectives.

8.7 Drinks promotions

- 8.7.1 The Authority has concern about the potential for crime and disorder and public nuisance that might arise from sale of alcohol for consumption on the premises through discounts or special sales promotions. The Authority does not wish to deny consumers the opportunity to participate in responsible promotions, but in response to a Representation or Relevant Representation, will restrict activities where it appears that such sales are inadequately supervised, or the discounts encourage excessive consumption by individuals, or the period of the promotion too long.
- 8.7.2 Policy OS 11 enables the Authority to consider circumstances where drinks promotions are a regular feature for particular premises and to enable the Police and Authority to consider whether adequate controls are in place to limit or prevent disorder that may result.

Policy OS 11: Operating schedule – Discounting and sales promotions

The Authority expects any discounted drinks and sales promotions to be properly managed and take into account the guidance issued by the British Beer and Pub Association.

The Authority supports measures to promote sensible drinking including a commitment not to participate in drink promotions / happy hours etc., which encourage binge drinking. Premises licences are likely to be subject to review where they have led to any of the licensing objectives being undermined. Licence holders should not only consider the price of the alcohol sold on the premises but also in the manner in which it is promoted.

The Authority expects applicants to include in their operating schedules any proposals for discounting or sales promotions of alcohol and to provide the Authority with written procedures detailing how such promotions will be managed in order to further the licensing objectives, giving particular attention to any increased supervision that may be required.

Policy OS 12: Operating schedule – Public Nuisance Noise

In considering applications, the Responsible Authority would recommend evidence that the likelihood of public nuisance has been addressed for the premises. The use of outside areas can potentially cause public nuisance particularly during quieter periods of the day when background noise has diminished. It is anticipated that the Responsible Authority may on occasions request that the operating schedule address measures such as restricting the use of certain areas of the premises e.g. garden area.

8.8 Fly Posting and Distribution of Printed Matter

- 8.8.1 Problems can be caused by fly-posting. Some licence holders and / or promoters use fly-posting as a cheap way of advertising their venue(s). This is not only an eyesore but it creates a public nuisance and is illegal.
- 8.8.2 The Council can tackle fly-posting in many ways including use of the Town and Country Planning Act 1990, the Highways Act 1980 and the Anti-Social Behaviour Act 2003. Licence holders should also be aware that the new Cleaner Neighbourhoods and Environment Act 2005 give further powers to the Council to tackle this problem.
- 8.8.3 Licence Holders must be aware that the Authority considers that fly posting is a public nuisance and that they will be held accountable for any matter found promoting their venue.
- 8.8.4 The Authority strongly advises premises that wish to advertise their venue use the poster boards that have been supplied by the Council in partnership with Oxford Brookes and various local nightclubs. These boards are situated throughout the City and the full list is available on the City Council's website. Alternatively a premises may apply to the Council for consent to distribute free printed matter.

Policy OS 13: Operating schedule – Public Nuisance Fly Posting

The Authority would normally expect provisions to be made to prevent fly posting. We would expect within your operating schedule details of how promotions and special events will be publicised. We require venues and promoters using their venues to have the correct number of

Distribution of Free Printed Matter licences should distribution of flyers take place.

8.9 Drink Spiking

- 8.9.1 Spiking has traditionally been the term for when alcohol or drugs are put into someone's drink without their knowledge or consent. More recently, another form of spiking has emerged that involves individuals being injected by a needle without their consent.
- 8.9.2 The number of spiking cases recorded has increased significantly to the extent that the Home Affairs Select Committee launched its own enquiry into spiking in December 2021.
- 8.9.3 The Authority is acutely aware that this is a very serious matter, and works in close partnership with the relevant authorities to ensure that licensed premises in Oxford are safe environments for members of the public. This includes working alongside Thames Valley Police with their Operation Vigilant, which was launched to target predatory behaviour in order to prevent sexual offences taking place.
- 8.9.4 The Authority has a procedure in place for when an officer suspects a case of spiking when out on enforcement operations.
- 8.9.5 The Authority expects applicants and licence holders to take a number of measures to ensure the safety of their customers in regards to spiking. These include having a written safeguarding and vulnerable person or duty of care policy. All members of staff should be suitably trained in regards to this policy and to be able to identify potential spiking cases. A procedure and clearly defined response plan should be in place for suspected spiking incidents including collecting evidence, contacting the Police and facilitating any medical attention if necessary.

Policy OS 14: Operating schedule – Drink Spiking

The Authority would expect robust measures to be taken by applicants and licence holders to ensure the safety of their patrons. A written safeguarding and vulnerable person or duty of care policy should be provided that includes what process will be followed if a spiking incident occurs. All staff should be trained on this policy and a record kept of the date and the name of the person trained. The policy should state that if a spiking is suspected that the Police will be informed immediately and a medical response should be facilitated where appropriate.

It is also advisable that anti drink spiking products should be made available to customers as well as forensic kits that include drug testing equipment.

8.10 Equality Act 2010

- 8.10.1 The Authority actively encourages and supports any application that will enhance the provisions for persons with protected characteristics under the Equality Act 2010, be it the addition of disabled access or safe spaces for members of the LGBTQ+ community.
- 8.10.2 The Authority will expect applicants and licence holders to consider the Equality Act 2010 when compiling their operating schedule and where an application requires submission of a new or revised plan of the premises.
- 8.10.3 Public Safety, as one of the licensing objectives, is of upmost importance when submitting an application and applicants will be expected to provide information on how they intend to ensure the safety of their patrons. This may include the adoption of schemes such as Ask Angela or a policy on vulnerable persons.

Policy OS 15: Operating schedule – Equality Act 2010

The Authority encourages applicants to consider persons with protected characteristics listed under the Equality Act 2010 when submitting an application and to include robust policies and procedures in their operating schedule to ensure that members of the public are safe and supported whilst in their premises. Any application that requires the submission of a new or revised plan should take into account access and facilities for persons with protected characteristics.

9 Reviews and Enforcement Issues for Premises

9.1 Reviews

- 9.1.1 Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time, if it receives a Representation from a Responsible Authority or a Relevant Representation from another person. The Authority may not initiate its own review without having received a Representation or Relevant Representation. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
- 9.1.2 Successful promotion of the licensing objectives relies on a partnership approach between the Authority, licence holders, other persons and Responsible Authorities. Reviews should not therefore be used as a commonplace way of securing adherence to licence conditions or of redressing perceived failures in management of licensed premises.
- 9.1.3 Reviews in connection with crime, could lead to revocation of the licence - even in the first instance.
- 9.1.4 The 2003 Act, as amended by Violent Crime Reduction Act 2006, enables the Authority, on the application of a senior police officer in serious cases of crime and disorder, to attach interim conditions to licences pending a full review.

Policy RE 1: Reviews (1)

Generally, unless the Authority regards the issue as serious, a review will only be conducted where there has been a failure to address matters previously raised.

Policy RE 2: Reviews (2)

Where a request for a review is made, the Authority will expect the person making the Representation or Relevant Representation to declare the nature of their interest and provide specific evidence to demonstrate why a review is necessary. The person seeking a review should in the first instance contact the Authority for guidance and visit the relevant page of the Council's website for further information.

Policy RE 3: Reviews (3)

The Authority will not review licences simply because a Representation or Relevant Representation may have failed on previous occasions or under other legislation.

Policy RE 4: Reviews (4)

If a request for a review is received from another person or Responsible Authority, the Authority will decide whether a reasonable interval has elapsed since a previous review, if any, has taken place. It will generally not expect to hold a review into a licence in response to a Relevant Representation from a particular person more often than annually, unless there are exceptional circumstances.

9.2 Inspection Regime

- 9.2.1 The 2003 Act does not require inspections to take place, save at the discretion of those charged with this role.
- 9.2.2 The Council will adopt the enforcement principles of risk assessment and targeting, taking into account the nature of the licensed activities, the extent to which the licensing objectives are met and the confidence in the management of the premises. This approach will ensure that enforcement is effectively concentrated on problem premises whilst monitoring the situation in other premises, and provide for efficient deployment of the Council's staff and Police officers.
- 9.2.3 The Licensing Authority will establish and maintain both proactive and reactive enforcement protocols / service level agreements with the local police and other enforcement agencies. Protocols will provide for the proportionate targeting of agreed problem and high-risk licensed activities needing greater attention and a corresponding

lighter touch for well run, lower risk premises in the area.

- 9.2.4 The Licensing Authority believes that proportionate but vigorous enforcement will be a key element in ensuring the successful implementation of the licensing regime and that the four licensing objectives are met. We intend to use our powers under the Licensing Act 2003 and other relevant legislation to ensure a proper balance is struck between the interests of the licensed trade and of the wider community.
- 9.2.5 Licensing Officers will use a graduated form of response in adherence to the Council's Corporate Enforcement Policy to assist in resolving issues of non-compliance, including drawing up action plans; although we recognise that in serious cases a prosecution or a review application will be the appropriate action.
- 9.2.6 The Council will also undertake pre-event inspections in appropriate locations.

Policy EN 1: Inspection Regime and Enforcement

The Council will establish and maintain protocols with the local Police and other enforcement agencies as appropriate for the management of both the day and night-time economy. Central to this would be the enforcement of the law relating to sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of the licensed premises. The Council will seek to ensure that these protocols concentrate on targeting of mutually agreed problems and high-risk premises, while providing a lighter touch in respect of low-risk premises that are well run.

- 9.2.7 The following sets out how the inspection regime will work:

Type of Premises	Frequency of planned inspections
High risk (e.g. night-clubs/pubs with regulated entertainment, open after midnight, cinemas, theatres, indoor sports entertainments)	According to risk rating to be determined at first inspection
Medium risk (e.g. pubs, pubs with regulated entertainment not open after midnight, registered members' clubs, 'off-licences' not part of a shop, late night refreshment premises)	According to risk rating to be determined at first inspection
Low risk (e.g. off-licences that are part of a shop) restaurants, Village/community halls	According to risk rating to be determined at first inspection
Temporary event notices (which last for a maximum of 168 hours)	Prior to event starting
Outdoor Concerts/Events involving Regulated Entertainment and/or sale of alcohol	Prior to event starting

- 9.2.8 There may be occasions when additional inspections will be required, for example following premises alterations, complaints made by Interested Parties or requests by Responsible Authorities.
- 9.2.9 This inspection routine recognises that Premises Licences, unless issued for a specific period of time, have no end date once they have been granted.
- 9.2.10 The Authority is empowered to make 'Public Space Protection Orders' under the Anti-Social Behaviour, Crime and Policing Act 2014 to control the consumption of alcohol in a public place outside licensed premises.

9.3 Failure to pay Annual Fees – Licence Suspensions

- 9.3.1 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to allow us to suspend licences and certificates. We must suspend premises licences or club premises certificates when the annual fee is not paid.

- 9.3.2 Where an annual fee is not paid we will write to tell you that you have a period of 21 days from the date the fee became due to pay the outstanding fees. The period of 21 days exists so as to allow for resolution as to a dispute, or as a result of an error. After this period the licence or certificate will be suspended. We will not send any further warning letters.
- 9.3.3 We will write to the licence holder advising you of the suspension and tell you the date on which the suspension will take effect. This will be 2 days after the day the notice is given
- 9.3.4 We will notify Thames Valley Police and the relevant responsible authorities as defined under the Act.
- 9.3.5 The lifting of a suspension will only take place from the day on which we receive the payment of the outstanding fee/fees. In all instances, we shall confirm that the suspension has been lifted in writing the following working day after the payment has been received. Notification will also be provided to Thames Valley Police, and the relevant responsible authorities as notified at the time the suspension notice was given.

10. Early Morning Restriction Orders and Late Night Levy

10.1 Early Morning Restriction Orders (EMRO)

- 10.1.1 The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on 31st October 2012.
- 10.1.2 Regulations prescribing the requirements in relation to the process for making an early morning restriction orders (EMRO) were brought in force on 31st October 2012.
- 10.1.3 Guidance has been introduced by the Home Office in relation to:
- the EMRO process
 - the evidence base
 - introducing an EMRO
 - advertising an EMRO
 - dealing with representations
 - hearings
 - implementation
 - limitations
 - enforcement
- 10.1.4 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. We must be satisfied that such an order would be appropriate to promote the licensing objectives.
- 10.1.5 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service. The decision to implement an EMRO should be evidence based and we may wish to outline the grounds which we will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits.
- 10.1.6 The function of making, varying or revoking an EMRO is specifically excluded from the delegation of functions and may not be delegated to the Licensing and Gambling Acts Committee. The Committee makes a recommendation to Council for the actioning of the recommendation.

10.2 Late Night Levy

- 10.2.1 The late night levy does not fall within the Licensing Act. However, in the future we may consider a levy and therefore we have set out some details about late night levies.
- 10.2.1 The legislative provisions relating to the late night levy are contained in sections 125 to 139

of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.

10.2.3 There are also Regulations in force setting out the way in which the levy must be applied; the way it will be administered, as well as arrangements for expenses, exemptions and reductions. There is also Guidance which sets out:

- implementing the levy and the consultation process
- the design of the levy
- exemptions from the levy
- reductions in levy charges
- how revenue raised from the levy may be spent
- the levy charges
- the levy collection process

10.2.4 We will have discretion as to whether we exempt certain premises but these can only be the types of premises set out in paragraphs 1.24 to 1.31 of the Guidance on the Late Night Levy. We also have discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes [Guidance on the Late Night Levy, paragraphs 1.33 to 1.37].

10.2.5 Any revenue from the levy must be split between us, as the licensing authority, and the Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. The Late Night Levy Guidance suggests at paragraph 1.40 that we may wish to use existing partnership arrangements with the Police to ensure that the police intentions for the share of the levy revenue paid to them are genuine.

10.2.6 These new powers enable us to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. It is a 'local' power that we can choose whether or not to exercise. Any decision to introduce, vary or cease the requirement for a levy has to be made by the full council. Other decisions in relation to how the levy is administered may be subject to delegation.

10.2.7 The Licensing Authority intends to continue to maintain a watching brief as to the feasibility of such a levy in Oxford, and in doing so we will look to work with the businesses involved in the night time economy and those impacted by those businesses in order to further assess whether a levy may be deemed appropriate and necessary in order to promote the licensing objectives.

Appendices

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Appendix 1 – The Authority's area and licensable activities

Oxford is a major centre for education, tourism, business, culture, leisure activities and healthcare, and plays an important role in the southeast region of England. It is internationally renowned for its unique heritage and as a centre of learning and innovation. Alongside this, it is seen as an icon of excellence and a source of inspiration in both industry and the arts, providing jobs for almost 118,000 people and welcoming over 7 million visitors each year.

We are fortunate in our diversity and have a broad spectrum of communities and cultural influences that have become part of the vibrant, everyday life of the city. Our rich heritage and cultural life, which includes the festivals held in its parks and open spaces, has been recognised by the awarding of Centre of Culture status for 2008.

With a population of over 151,000, the pressures of success continue to challenge the city and its communities today. There are 33,000 students, boosting our 18-29 year old group to 32% of the population. This is the largest proportion of adults in full-time studies of any city in England and Wales. This affects the demand for entertainment facilities, which in turn must be balanced with the needs of other those living in the vicinity of those facilities.

There were ambitious plans for promoting a renaissance in Oxford by developing the unrealised potential of the city, with the re-development of the Westgate Centre, which provided significant opportunities to add leisure, cultural, and retail capacity to that part of the town centre. The importance of enhancing the celebrated quality of Oxford's historical built environment is paramount, along with the need to complement existing architecture with challenging design and public art.

Incorporating improvements to the transport infrastructure will also be a key ingredient of any major urban development. The city is at the centre of important national and regional road and rail networks so that managing transport pressures is a challenge as it is to all historic towns. Local bus services are a vital means of transport for many in the city. The first Park and Ride scheme in the country was established here in 1973 and has expanded to play a major part in managing travel within the city. The adequacy of late night bus, train, taxi and private hire services is a key consideration in developing an evening and late-night economy in which alcohol is consumed.

Oxford is prosperous but there remain challenging pockets of deprivation. According to the 2019 Index of Multiple Deprivation, 10 of Oxford's 83 neighbourhood areas ('Super Output Areas') were among the 20% most deprived areas in England. These areas experience multiple levels of deprivation – low skills, low incomes and relatively high levels of crime.

In June 2020 Oxford had 4,595 working-age residents claiming unemployment benefits (Jobseeker's Allowances or Universal Credit claimants who are out of work). The rate for June 2020 was over twice the rate for the same period the previous year but was still below the national and regional rates.

Oxford has a wide variety of venues for licensed activities, ranging from relatively isolated public houses in the countryside to open spaces that are used for large-scale public events and including night clubs, cinemas, theatres and large late-night supermarkets. In parts of the city centre and the Cowley Road there are significant concentrations of licensed premises.

We recognise that many of the challenges that face us in bringing together a successful city and its citizens are interlinked - housing to mental health, education to the economy, employment and leisure activities to the needs of local residents and so on - and we will work to respond to those connections more effectively in future.

There are increasing pressures on the urban environment and on the balance between providing buildings and enhancing open public spaces. Demands for growth and expansion have, however, always been a feature of life in Oxford and the city has, perhaps uniquely, managed to balance this with a preservation of its conservation areas and the natural environment.

We have distinctive areas of natural beauty such as the River Thames, Port Meadow, Wolvercote Common, and Shotover Park, all with an outstanding range of wildlife and biodiversity. The city is surrounded by a green belt and has 12 SSSIs (Sites of Special Scientific Interest) protected through designation by English Nature.

Our waterways and flood meadows are especially important for wildlife, with parks, domestic gardens, and cemeteries providing other valuable habitats. Access to these green spaces and the biodiversity they support significantly improves the quality of life for those who live in, work in, and visit the city.

We need to ensure that the success of Oxford as a globally recognised city is translated into tackling inequalities on our own doorstep and that we are responding to the diverse needs of local individuals and communities.

Further information on Oxford's demography, housing, economic activity, education and further statistics is available online at www.oxford.gov.uk.

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Appendix 2 – Other Council policies and programmes

The Council has adopted the following local policies and programmes that will have a role in the promotion of regulated entertainment and other licensable activities:

- Oxford City Council Our Strategy 2020-2024
- Oxford Local Plan 2016-2036
- Oxford Transport Strategy
- Statement of Gambling Licensing Policy
- Street Trading Policy
- Safeguarding Children, Young People and Vulnerable Adults Policy
- Culture Strategy
- Green Spaces Strategy
- Corporate Enforcement Policy
- Pubwatch and Nightsafe Schemes

Commerce is one of the most important activities in Oxford. The characteristic clusters of commercial uses, such as shops, restaurants, banks and offices are found in a variety of locations throughout the City, from the City centre down to parades of a few shops within and just beyond the City boundary.

Shopping is the key activity in the centres. The City Council strategy aims to provide for it in a variety of locations and forms. Within the larger centres especially, the aim is also to maintain a varied mix of commercial uses to complement the main shopping function. Proposals for new developments, whether within or outside existing centres, are looked at carefully to ensure that they will support these aims in a neighbourly way and also be in accordance with Government policies to maintain the vitality and viability of existing centres and encourage use of public transport.

Adopted and emerging local plan policies seek to ensure an appropriate balanced mix of uses is promoted within the City centre and four District centres. The District centres include Cowley Road, Cowley centre, Headington and Summertown. These policies recognise the important role that Class A3 (food and drink) uses such as restaurants and public houses make to the vitality and viability of existing centres. However this should not generally result in a high proportion of Class A3 uses within these defined frontages at the expense of the retailing importance of the existing centres.

The service sector has grown considerably in Oxford in recent years, particularly in Class A3 (food and drink) uses. The emerging policies propose Class A3 uses for some allocated development sites and within defined shopping frontages, subject to the appropriate mix of uses being maintained. Whilst these uses make an important contribution to the vitality of the existing centres they can have an impact (both during the day and evening), particularly when outlets are clustered, leading to environmental problems, transport problems and loss of residential amenity. Policies therefore seek to direct Class A3 uses to designated centres, ensure that there is an appropriate mix of uses and do not result in unacceptable environmental problems that cannot be reasonably controlled by planning conditions.

Appendix 3 – BBFC Film Classification

Films would normally be classified by the British Board of Film Classification or the local authority in the following way:

U	Universal - suitable for all
PG	Parental Guidance - some scenes may be unsuitable for young children.
12A (PG12)	Passed only for viewing by persons aged 12 years or older or younger persons accompanied by an adult.
12	Passed only for viewing by persons aged 12 years or older.
15	Passed only for viewing by persons aged 15 years and over.
18	Passed only for viewing by persons aged 18 years and over.

In some cases, the PG rating may carry a recommended viewing age – e.g. PG8 would only be suitable for children over the age of 8, if accompanied by an adult.

Appendix 4 – Delegation of functions under the 2003 Act

The following functions have been delegated by the Licensing and Gambling Acts Committee to Licensing Casework Sub-Committees and to Officers:

Matter to be dealt with	Sub-Committee	Authorised Officers
Application for Personal Licence	Police objection (See Note 1)	All other cases
Application for Premises Licence or Club Premises Certificate	Relevant Representation (See Note 2)	All other cases
Application for Provisional Statement	Relevant Representation (See Note 2)	All other cases
Application to vary Premises Licence/Club Premises Certificate	Relevant Representation (See Note 2)	All other cases
Application for a Minor Variation to Premises Licence / Club Premises Certificate		All cases
Application to vary Designated Premises Supervisor	Police objection (See Note 1)	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of Premises Licence	Police objection (See Note 1)	All other cases
Applications for interim authorities	Police objection (See Note 1)	All other cases
Application to review Premises Licence or Club Premises Certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, repetitious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police and / or Environmental Health Representation to a Temporary Event Notice.	All cases	

Note 1 – ‘Police objection’ = If a Police objection has been made and not withdrawn.

Note 2 – For the purposes of this table ‘Relevant Representation’ above = If a Representation has been determined by a delegated officer as a Relevant Representation from any person or a Representation has been made by a Responsible Authority and at least one of those Representations or Relevant Representations has not been withdrawn with the agreement of all parties that a hearing is not necessary.

Appendix 5 – Deregulation of Schedule 1

The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. On 1st April 2015, elements of Schedule 1 of the Licensing Act 2003 (Regulated Entertainment) were deregulated in order to promote further the holding of events whilst reducing the burden placed on those seeking to host such events.

When is regulated entertainment not licensable?

Below is a brief guide as to when certain regulated entertainment is exempt from the need for a licence or temporary event notice.

Type of entertainment	When is it not licensable
Plays / Theatrical Performances	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and the audience is no more than 500 people
Films (in Community Premises)	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and is "not-for-profit"; and takes place to audiences of 500 or less; and is held in accordance with any age classification recommendations set by the BBFC, or where different, any age rating set by the Licensing Authority in whose area that exhibition takes place.
Indoor Sporting Events	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and the audience is no more than 1000 people
Boxing / Wrestling (includes Mixed Martial Arts and Cage Fighting)	<ul style="list-style-type: none"> only if Olympic style Greco-Roman and Freestyle wrestling the audience is no more than 1000
Live Music (Amplified)	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and it takes place at a licensed premises or workplace; and/or an unlicensed community premises; and/or non-residential premises the audience is no more than 500 people
Live music (Acoustic)	<ul style="list-style-type: none"> it takes place between 8am and 11pm anywhere
Recorded Music	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and it takes place at a licensed premises; and/or an unlicensed community premises; and/or non-residential premises the audience is no more than 500 people
Dance	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and the audience is no more than 500 people
Similar to Music and Dance	<ul style="list-style-type: none"> Karaoke Busking Incidental music or dancing as part of a wider event

Cross-activity Exemptions hosted by local authorities, hospitals, nurseries and schools on own premises	<ul style="list-style-type: none"> All regulated entertainments between 0800-2300 with no audience limitations
Activities held on local authority, hospital, nursery and school premises by others with their permission	<ul style="list-style-type: none"> Live and Recorded Music between 0800-2300 for audiences up to 500
Community premises (e.g.: church and village halls, community halls, etc.)	<ul style="list-style-type: none"> Live and Recorded Music between 0800-2300 for audiences up to 500
Circuses	<ul style="list-style-type: none"> Live and Recorded Music, Plays, Dance and Indoor Sports between 0800-2300 with no audience limitations

Other Exceptions:

No licence or temporary event notice is needed for:

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction
- Films as part of an exhibition in a museum or gallery
- TV and radio broadcasts, providing they are shown live and not recorded
- Religious meetings or services
- Entertainment in places of public religious worship
- Garden fetes (unless held for private gain)
- Entertainment provided in a moving vehicle
- Morris dancing
- 'Incidental entertainment' (i.e. background entertainment such as):
 - a supermarket playing background music (people go there to shop, not to listen to music)
 - music during keep-fit classes (people are there to exercise)
 - salsa dance classes (people are there to learn to dance)
 - a pub jukebox playing in the background (people are there to drink).

Appendix 6 – Proof of Age documents

The Licensing Authority also expects Designated Premises Supervisors/Personal Licence holders to ensure that unless it is permitted to do so, serving of alcohol to those under 18 shall not be permitted and that there will therefore be in place in the operating schedule a management protocol to check the age of persons seeking to be served with alcohol.

Similar proof of age should be required as appropriate in other circumstances.

Such checking may be carried out by requiring production of:

- (i) a valid passport;
- (ii) a proof of age card approved by the 'Proof of Age Standards Scheme' (PASS);
- (iii) a photocard driving licence issued by a country in the European Union;
- (iv) a citizencard supported by the Home Office (details from www.citizencard.net);
- (v) an official identity card issued by HM Forces or by a country in the European Union bearing a photograph and the date of birth of the bearer.

Appendix 7 – The role of local Councillors and Other persons

Local Councillors

Local councillors play an important role in their local communities. They can make representations in writing and at a hearing on behalf of any person such as a resident or local business if specifically requested to do so. They can also make representations as ‘another person’ in their own right as an elected Ward Councillor or live in the vicinity of the premises in question.

Local councillors are subject to the Local Authorities (Model Code of Conduct) Order 2007 which restricts their involvement in matters, in which they have a ‘prejudicial’ interest (i.e. an interest that a member of the public would reasonably regard as so significant that it is likely to prejudice the member’s judgement of the public interest). The latest version of the Code, which came into force on 3 May 2007, has relaxed the rules on prejudicial interest.

In terms of licensing, this has the effect of allowing councillors with prejudicial interest in an application to attend relevant meetings, to make representations, answer questions or give evidence, provided the public are also allowed to attend for the same purpose, whether under the licensing legislation or otherwise and as long as they withdraw from the meeting immediately afterwards. Councillors have a duty to act in the interests of all their constituents. Their role as a community advocate must therefore be balanced with their ability to represent specific interests.

Other Persons (Formally Interested Parties)

Other persons are the bodies or individuals who are entitled to make representations to the Authority on new or variations to premises licences. In addition to this, any person may seek a review of a premises licence. Examples include:

- a person likely to be affected by the operation and impact of the premises,
- a body representing persons likely to be affected by the operation and impact of the premises,
- a person involved in a business likely to be affected by the operation and impact of the premises,
- a body representing persons involved in such businesses likely to be affected by the operation and impact of the premises,
- Elected Members of the Oxford City Council.
- Any other person

A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not “relevant” for the purposes of the 2003 Act and cannot be accepted.

It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.

Representations must be received in writing or email at the licensing authority office by the last date for representations. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person / body making the representation.

Any individual or group of people may specifically request a representative to make a representation on their behalf. For example, a legal representative, a friend, a Member of Parliament or a local ward councillor could all act in such capacity.

Appendix 8 – Other legislation and controls

The Secretary of State's Guidance proposes that policy statements should provide information on other relevant legislation and controls that apply to licensed premises. This is because the regulatory framework of the 2003 Act will not control all matters that are likely to arouse concern in connection with the operation of licensed premises, including the behaviour of persons away from the immediate vicinity of licensed premises. Other legislation relevant to licensed premises is as follows:

Planning

1. Planning controls are covered above in paragraph 2.8 and Policy GN 8.

Anti-Social Behaviour Act 2003

2. Section 40 of the Anti-Social Behaviour Act 2003 allows the Council's Chief Executive to make a Closure Order against a premises if he or she reasonably believes that a public nuisance is being caused by noise coming from the premises and it is necessary to close the premises to prevent it. This applies to any premises where there is a Premises Licence, a Temporary Event Notice, or no permission.

Regulatory Reform (Fire Safety) Order 2005

3. This Order reforms the law relating to fire safety in non-domestic premises. It replaces fire certification under the Fire Precautions Act 1971 with a general duty to ensure, so far as is reasonably practicable, the safety of employees, a general duty, in relation to non-employees to take such fire precautions as may reasonably be required in the circumstances to ensure that premises are safe and a duty to carry out a risk assessment. The Order imposes a number of specific duties in relation to the fire precautions to be taken.

Smoke Free Premises as defined under the Health Act 2006.

4. Smoke Free Premises came into effect on 1 July 2007 under the Health Act 2006. The legislation is aimed at ensuring a healthy environment, so everyone can socialise, relax, travel, shop and work free from second-hand smoke.

Violent Crime Reduction Act 2006

5. This Act introduces new measures to ensure the police and local communities have the powers they need to tackle guns, knives and alcohol related violence. Relevant measures include:
 - amendment to the Licensing Act to introduce an offence of persistently selling alcohol to children.
 - amendment to the Act which will enable licensing authorities, on the application of a senior police officer in serious cases of crime and disorder, to attach interim conditions to licences pending a full review.

Disability Discrimination Act 1995

6. The Disability Discrimination Act 1995 came fully into effect in October 2004 and includes widespread responsibilities not to treat people with disabilities in a less advantageous way than other people.
7. The Authority will not seek to duplicate the requirements of the Disability Discrimination Act 1995, however, in response to a Representation or Relevant Representation, the Authority will apply conditions where necessary to ensure the equal treatment of people with disabilities where they coincide with licensing objectives.

Gambling Act 2005

8. The Gambling Act 2005 came into force on 1 September 2007. Under the provisions of this Act public houses enjoy an automatic entitlement to a maximum of two gaming machines of category C or D on licensed premises. The Category of Gaming Machine Regulations 2007 defines the maximum stakes and maximum prizes permitted for category C and D machines. This is an automatic entitlement if the Premises Licence holder sends written notice along with the prescribed fee, to the Authority of his intention to make gaming machines available for use in the premises.

9. For more than two machines a Licensed Premises Gaming Machine Permit is needed. Applications are made to the Authority in the form and manner that the Authority directs for grant or variation. There is both an application and an annual fee. The notification of two machines or an application for a Licensed Premises Gaming Machine Permit, does not need to be made until the existing Section. 34 Permit is due to expire.

Censorship

10. The content of regulated entertainment is a matter that is already addressed by other laws governing indecency and obscenity.
11. The Authority will not seek to impose conditions that censor the content of any film or play in a way that cannot be related to the licensing objectives. Where the concern is about protecting children, their access will be restricted.

Clean Neighbourhoods and Environment Act 2005

12. The Clean Neighbourhoods and Environment Act 2005 includes measures for providing and maintaining clean and safe local environments. It covers a number of areas and introduces a number of measures to deal with crime and disorder, abandoned and nuisance vehicles, waste and fly-tipping, litter and graffiti, dogs, noise, nuisance from artificial lighting and insects.

Health and Safety Work Act 1974

13. Under the Health and Safety at Work Act 1974, employers have a duty to ensure, so far as is reasonably practicable, the health and safety of its workers and other persons who may be affected by the place of work. In addition, the Management of Health and Safety at Work Regulations (1999) require every employer to make a suitable and sufficient assessment of all the risks to the health and safety of workers and others arising at or from a work activity.

Local Government (Miscellaneous Provisions) Act 1982

14. Amongst other matters this addresses the issue of prohibited streets and consent streets in relation to street trading, and the licensing of Sex Establishments.

Drugs Act 2005

15. The Drugs Act 2005 brings about new police powers to test for class A drugs and more. The aim of the Drugs Act is to increase the effectiveness of the Drug Interventions Programme by getting more offenders into treatment. The Act aims to introduce a new civil order that will run alongside ASBOs for adults to tackle drug related anti-social behaviour.

Equalities Act 2010

16. Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of protected characteristics.

Equality law (Equality Act 2010) applies to any business that provides goods, facilities or services to members of the public including licensed premises such as pubs, bars, nightclubs and restaurants. A licensed premises is required to make reasonable adjustments to ensure the premises is accessible to people with disabilities.

Business and Planning Act 2020

17. The Business and Planning Act 2020 received Royal Assent on 22 July 2020. The Act introduced temporary and permanent measures designed to help certain business sectors operate following the devastating effects COVID-19 had on the relevant sectors. In regards to licensing, these included the temporary permission to permit 'off-sales' to on 'on-sales' premises licences and the increase in the number of Temporary Event Notices permitted at any one location in 2022 and 2023, as well as the introduction of Pavement licences, which includes references to smokefree spaces and introduced the requirement of providing smokefree seating areas outdoors, if smoking areas are also provided.

Other Controls

18. There are other controls that can be applied in promotion of the four licensing objectives.

These include:

- Police enforcement of legislation concerning disorder and anti-social behaviour.
- powers of local authorities to designate parts of their area as places where alcohol may not be consumed publicly. (There are such areas in Oxford);
- prosecution of any Personal Licence holder or member of staff at premises, who is selling alcohol to a person who is drunk;
- test-purchasing to check on sale of alcohol to under-18s;
- litter legislation;
- confiscation of alcohol from anyone in designated areas and from persons under 18 in any public place;
- positive measures to create safe and clean town centre environments in partnership with transport operators, local businesses, the licensed trade etc.
- a by-law on toutting;
- controls on fly-posting, and provision of official poster sites.

Appendix 9 – Responsible Authorities

Table 1 – Application copies required

<u>Table 1 – Application copies required</u>		Responsible Authorities											
		Oxford City Council											
The type of application affects which Responsible Authorities must be sent a copy:													
A = Application													
C = Copy													
Type of Application		The Licensing Authority	The Planning Authority	Environmental Health	Health & Safety	Thames Valley Police	Fire and Rescue	Social and Health	Trading Standards	Public Health	Navigation Authority	Other Licensing Authority	Health and Safety

PERSONAL LICENCE

New	A	-	-	-	-	-	-	-	-	-	-	-
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PREMISES LICENCE

New	A	C	C	C	C	C	C	C	C	-	-	-
Variation	A	C	C	C	C	C	C	C	C	-	-	-
Minor Variation	A	-	-	-	-	-	-	-	-	-	-	-

PROVISIONAL STATEMENT

New	A	C	C	C	C	C	C	C	C	-	-	-
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CLUB PREMISES CERTIFICATE

New	A	C	C	C	C	C	C	C	C	-	-	-
Variation	A	C	C	C	C	C	C	C	C	-	-	-
Minor Variation	A	-	-	-	-	-	-	-	-	-	-	-

SPECIAL CASES

PREMISES: New (Boats)	A	C	C	C	C	C	C	C	C	C	C	-
PREMISES: 'Variation' or 'New'	A	C	C	-*	C	C	C	C	C	-	-	C*
CLUBS: 'Variation' or 'New'	A	C	C	-*	C	C	C	C	C	-	-	C*

(* note: Health and Safety matters for City and County Council premises and all Educational Institutions are dealt with by the Health and Safety Executive, not by the City Council)

<u>Table 2 – Addresses</u>		Contact details for preliminary discussions or follow-up enquiries	
Responsible Authority	Address	Phone	Email and website
The Licensing Authority	The Licensing Authority Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252565	licensing@oxford.gov.uk www.oxford.gov.uk/licensing
The Planning Authority	The Planning Authority, Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 249811	planning@oxford.gov.uk www.oxford.gov.uk
Environmental Health	Environmental Protection, Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252862	noise@oxford.gov.uk www.oxford.gov.uk
Health and Safety	Health and Safety, Oxford City Council, St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252862	foodsafety@oxford.gov.uk www.oxford.gov.uk
Thames Valley Police	Licensing, Thames Valley Police, Headquarters (South) Kidlington, OX5 2NX	01865 542059	licensing@thamesvalley.police.uk
Fire and Rescue Service	Fire Protection Department, Rewley Road Fire Station Oxford, OX1 2EH	01865 895999	Fire.service@oxfordshire.gov.uk www.oxfordshire.gov.uk
Children services	Oxfordshire County Council, New Road, Oxford, OX1 1ND	01865 792422	www.oxfordshire.gov.uk
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board Officer Oxfordshire Safeguarding Children Board (OSCB), 3rd Floor, County Hall, New Road Oxford OX1 1ND		

Trading Standards	Oxfordshire County Council Trading Standards Service Electric Avenue, Ferry Hinksey Road, Oxford OX2 0BY	01865 895999	Duty.officer@oxfordshire.gov.uk
Public Health	Equality and Access Commissioner, Oxfordshire Clinical Commissioning	01865 336800	publichealthlicensing@oxfordshire.gov.uk
Health and Safety Executive (* see note)	Health and Safety Executive Priestley House, Priestley Road Basingstoke RG24 9NW	0300 003 1747	
Applications for licences for boats may need to be copied to others – see next page			

(* note: Health and Safety matters for City and County Council premises and all Educational Institutions are dealt with by the Health and Safety Executive, not by the City Council)

Applications for Premises Licences for boats that will be operated within other district council areas must also be copied to the Navigation Authority and other Licensing Authorities as appropriate:

The Navigation Authority	Environment Agency Osney Yard Bridge Street Oxford OX2 0AZ	03708 506 506	enquiries@environment-agency.gov.uk
The Navigation Authority (Oxford Canal)	Canal and River Trust National Waterways Museum Ellesmere Port South Pier Road Ellesmere Port Cheshire CH65 4FW	0303 040 4040	

The Oxford Canal – North of Oxford			
The Licensing Authority	The Licensing Authority Cherwell District Council Bodicote House Bodicote Banbury OX15 4AA	01295 753744	licensing@cherwell-dc.gov.uk www.cherwell-dc.gov.uk
The River Thames – South of Oxford			
The Licensing Authority	The Licensing Authority South Oxfordshire District Council 135 Eastern Avenue Milton Park Milton OX14 4SB	01235 422556	licensing@southoxon.gov.uk www.southoxon.gov.uk
The River Thames – South or West of Oxford			
The Licensing Authority	The Licensing Authority Vale of White Horse D.C. 135 Eastern Avenue Milton Park Milton OX14 4SB	01235 422556	Licensing.unit@whitehorsedc.gov.uk www.whitehorsedc.gov.uk
The River Thames – West of Oxford			
The Licensing Authority	The Licensing Authority West Oxfordshire District Council Woodgreen Witney OX28 1NB	01993 861000	ers.licensingandapplications@publicagroup.uk www.westoxon.gov.uk

Appendix 10– Central Oxford Special Saturation Policy Area



Appendix 11 – East Oxford Special Saturation Policy Area



Appendix 12 – Special Saturation Policy Evidence

Contents

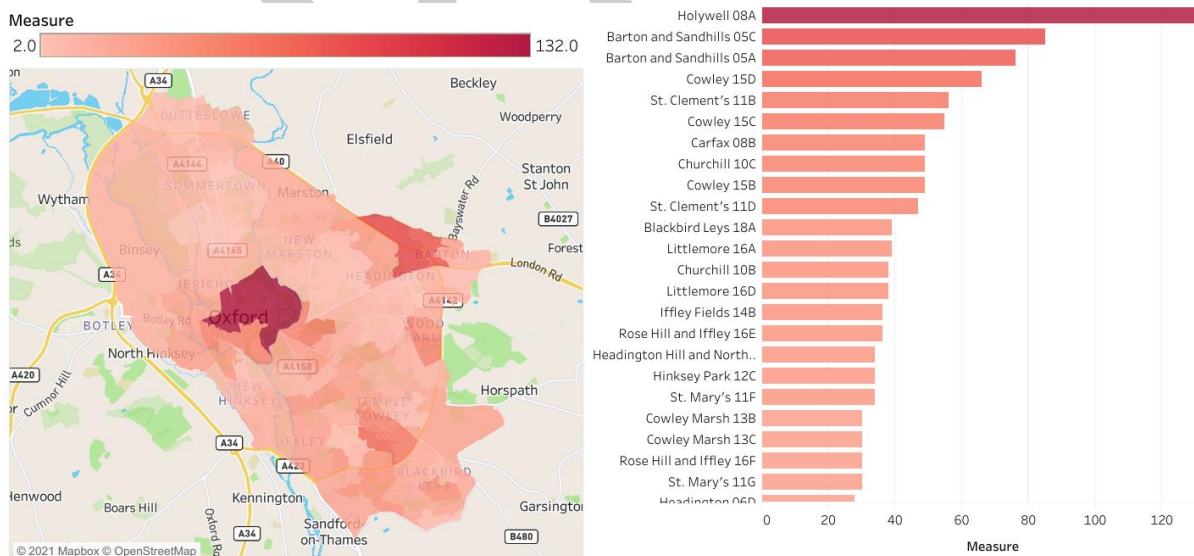
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2. Police Criminal damage crimes 2020 – LSOA level
3. Police Public Order crimes 2020 – LSOA level
4. Police Violent crime and sexual offences 2020 – LSOA level
5. Seasonal trends of top-4 LSOAs
6. CCTV incidents
7. Police data analysis methodology
8. Temporal analysis
9. Seasonal analysis
10. Geographic distribution: all NTE occurrences
11. Geographical distribution: serious violence occurrences
12. Public Health data – alcohol related admissions and mortality rates

Glossary

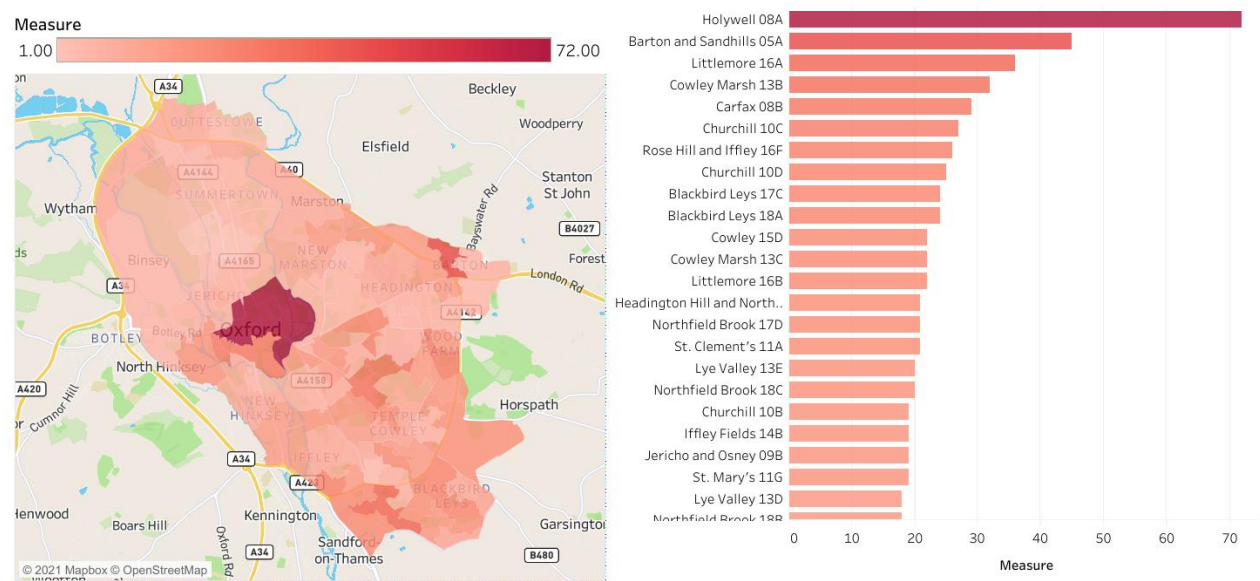
LSOA – Lower Super Output Area

ASB – Anti-social Behaviour

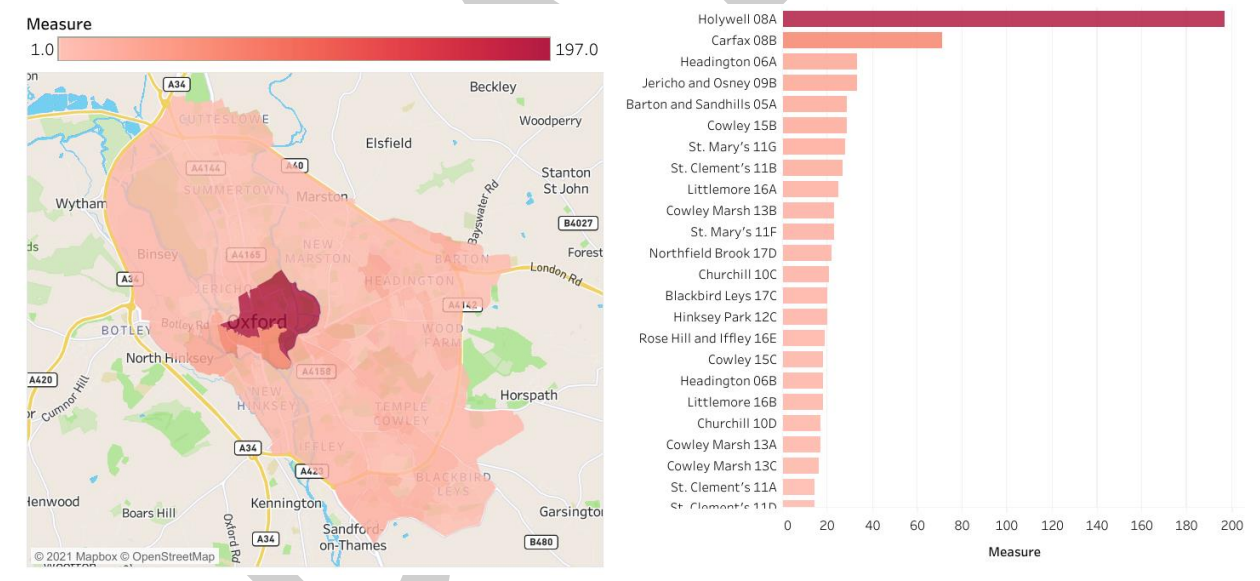
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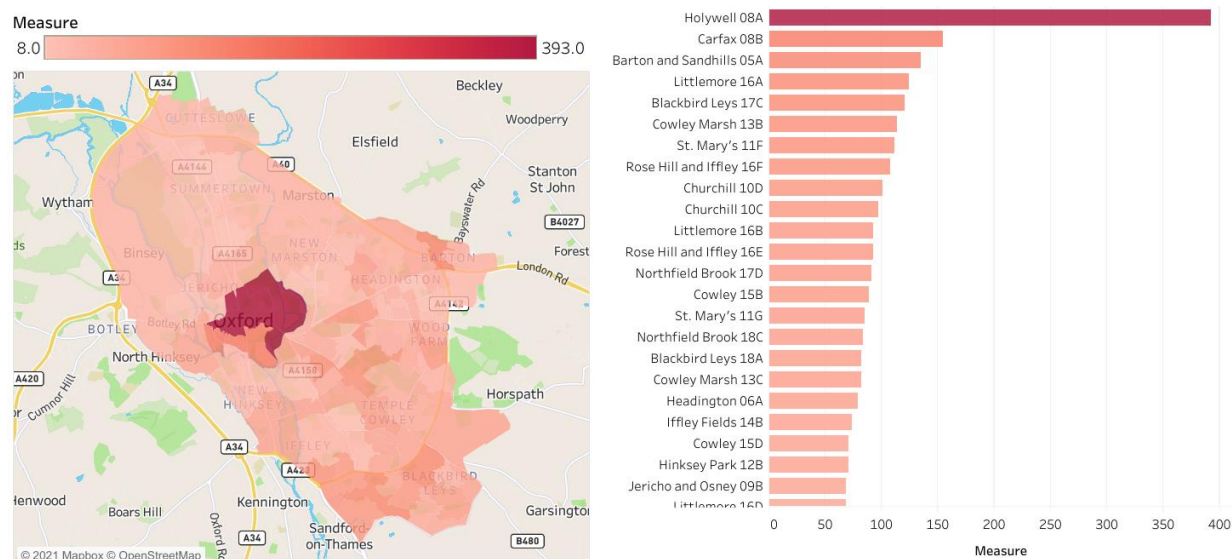
2. Police criminal damage and arson crimes 2020 – LSOA level



3. Police Public Order crimes 2020 – LSOA level



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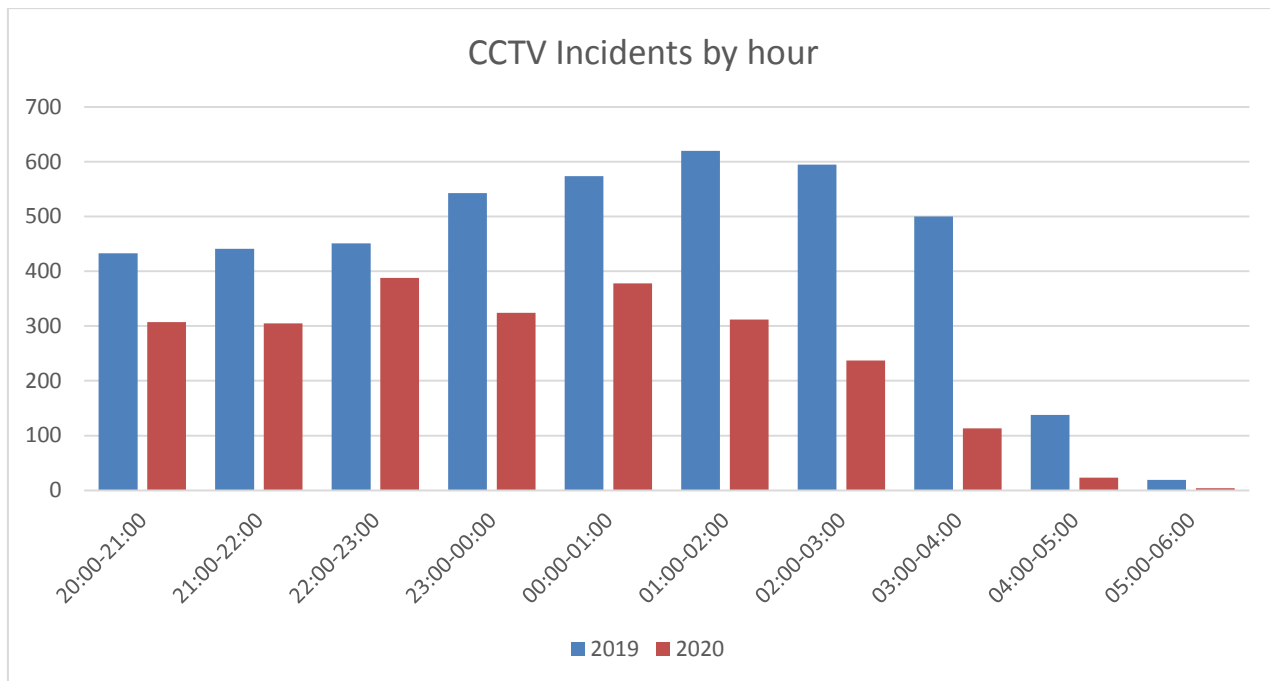
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Figure 1: Distribution of occurrences by time and day of week

Shows what we might expect intuitively: almost half (47%) of occurrences linked to Oxford's NTE occur on either a Saturday or a Sunday. The busiest period is between 01:00 and 04:00 on a Sunday morning, with those 3 hours alone accounting for 14% of occurrences analysed.

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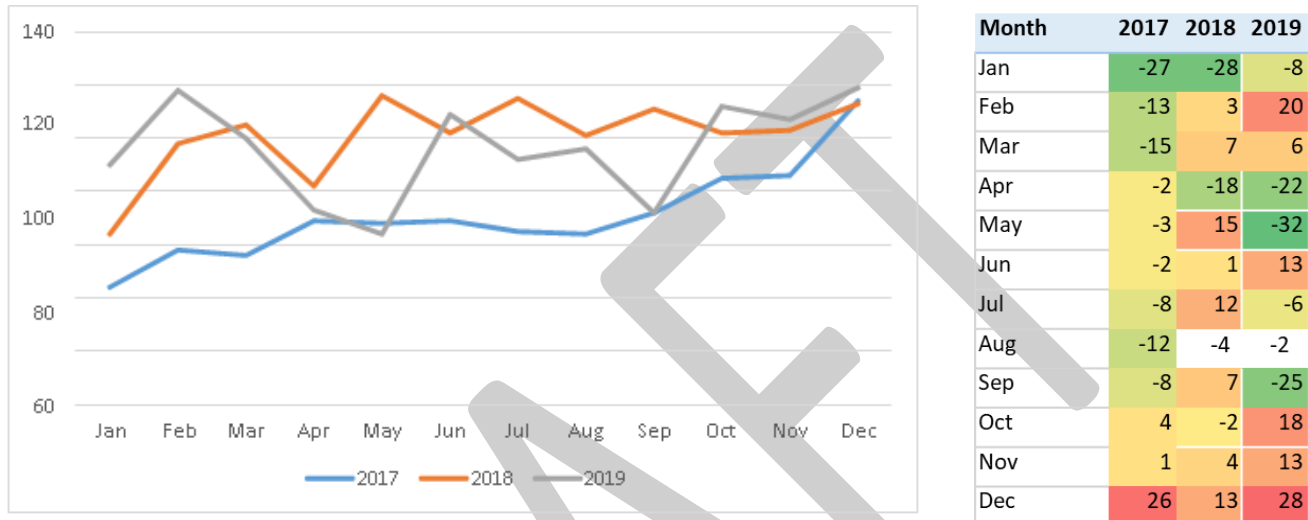
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Shows the distribution of admissions to the Accident and Emergency department of the John Radcliffe hospital between August 2017 and August 2020 which were classified as Apparent Assaults in which alcohol was believed to be a factor. The distribution largely mirrors the conclusion drawn from analysis of the temporal distribution of NTE-linked occurrences in Oxford, with an even greater focus on the early hours of Sunday morning (and to a lesser extent of Saturday morning).

9. Police Analysis of Violent Crime in the NTE: Seasonality

The count of NTE-linked occurrences taking place in each month of 2017, 2018, and 2019 is illustrated below. The chart does not suggest any great degree of predictable seasonality, although it appears that occurrence counts in November and December may be particularly high. These monthly counts were then compared to the expected level (based on the 12 month centred moving average) to determine whether any months appeared to have occurrence counts consistently above the expected count.

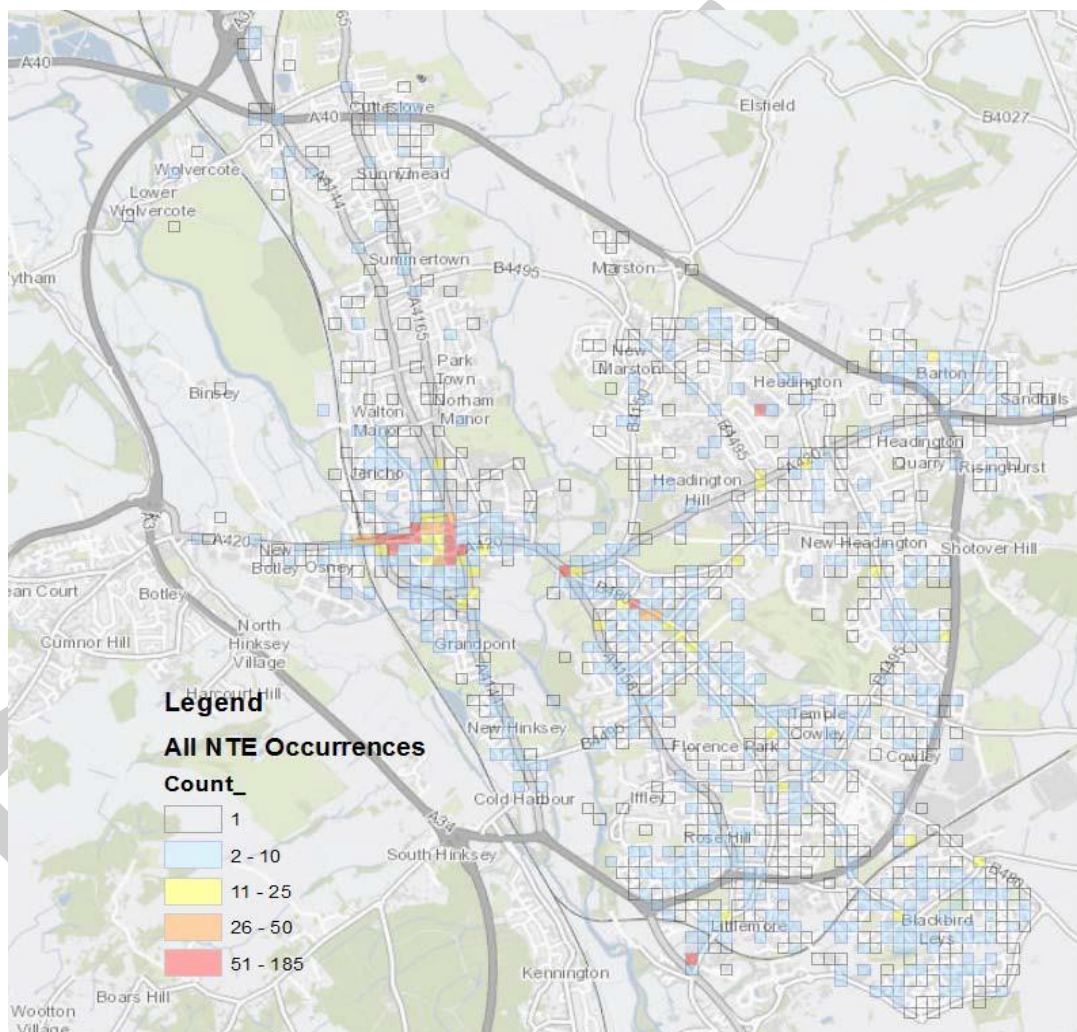


This analysis accounts for changing trends (2017 saw a steadily rising number of monthly occurrence counts, leading to consistently higher levels in 2018). It clearly shows that December NTE-linked occurrence counts were higher than expected in every year from 2017 to 2019, and that January occurrence counts were lower than expected in every year. April and August were also consistently lower than expected, albeit to a lesser extent than January, and November was also associated with marginally higher than expected NTE occurrence counts.

10. Police Analysis of Violent Crime in the NTE: Geographic distribution

The following heat maps show locations of NTE occurrences in Oxford, using a 100m x 100m grid overlaid on a map of the police area with the count of occurrences recorded as taking place within each grid square being indicated by the colour of the square.

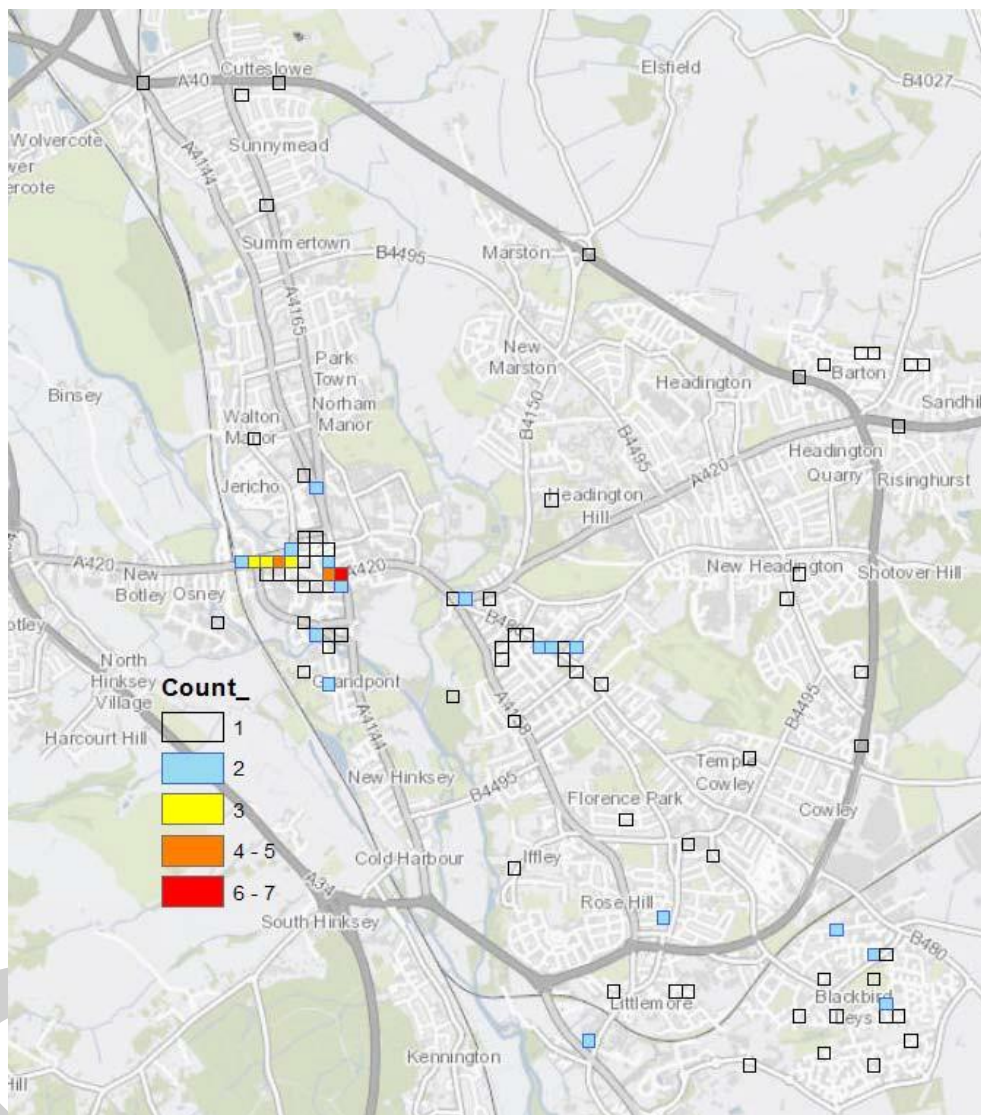
The map clearly indicates that the most notable areas in which NTE occurrences have taken place are: the city centre area focused on Park End Street, Hythe Bridge Street and Cornmarket; Magdalen roundabout, the Cowley Road between Union Street and East Avenue (O2 Academy and Cowley Retreat area); the A and E department of the John Radcliffe Hospital; and the Littlemore Mental Health Centre. It is possible (although not confirmed) that the hospital events may include occurrences that took place elsewhere and were reported from the hospital location.



11. Police Analysis of Violent Crime in the NTE: Geographic distribution

Serious violence offences.

Serious violence in Oxford's NTE appears to be highly focused in city centre areas, in particular: Queen Street / Cornmarket Street and Park End Street / Hythe Bridge Street.



12. Public Health Data

The table below shows the alcohol related hospital admissions and mortality rates for Oxford.

Compared to England: ■ better ■ similar ■ worse

Indicator	Period	England	Oxfordshire	Oxford
Alcohol related mortality	2018	46.5	41.1	48.6 ■
Admission episodes for alcohol related conditions	2018-19	664	526	640 ■
Admission episodes for alcohol specific conditions	2018-9	626	522	741 ■
Admission episodes for alcohol specific conditions -Under 18s	2016/17-18/19	31.6	31.7	50.0 ■
Hospital admissions of alcohol related cardiovascular disease (female)	2018/19	776	613	791 ■
Hospital admissions for mental and behavioural disorders due to alcohol	2018/19	75.6	52.2	97.9 ■
Hospital admissions for alcoholic liver disease	2018/19	131.2	96.0	138.4 ■

Source: PHE: Population Health Analysis (PHA) team using data from NHS Digital and ONS

The trend for hospital admissions for alcohol related conditions is increasing. There is also an increase in the trend for hospital admissions for alcohol related cardiovascular diseases.

Statement of Licensing Policy

Licensing Act 2003

February 2022 to February 2027

DRAFT

Licensing applications and enquiries:	The Licensing Authority Oxford City Council St. Aldate's Chambers 109 St. Aldate's Oxford OX1 1DS Tel: 01865 252565 Email: licensing@oxford.gov.uk
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APPENDIX TWO

Amendments following consultation

Statement of Licensing Policy

Page 1 – 1.2.2 – additional wording concerning litter outside licensed premises
Page 5 – 2.5.18 – additional section on protected characteristics
Page 5 – 2.7.2 – includes Tackling Violence against Women and Girls Strategy
Page 5 – Policy GN7 – waste management to include both solid and water waste
Page 9 – Policy GN18 – reference to relevant section for reviews added
Page 18 – 7.3.1 – updated to include information on how to log a complaint
Page 19 – 7.3.8 – updated to request volunteered conditions.
Page 19 – Policy LA3 – updated to include potential conditions
Page 20 – Policy LA4 – contact number provided to residents.
Page 20 – 7.3.13 – addition of gender-neutral facilities / baby changing area
Page 24 – Policy PP9 – updated to include cigarette butts
Page 25 - 7.5.24 and Policy PP12– addition of anti-spiking products
Page 28 – 7.7.12 – additional information on how to report noise nuisance
Page 30 – 7.9.8 – additional section regarding provisions for disabled persons
Page 31 – 8.2.4 – additional section regarding provisions for disabled persons
Page 31 – Policy OS 1 – addition of reference to Equality Act
Page 35 – Addition of section 8.9 -Drink Spiking
Page 35 – Addition of section 8.10 – Equality Act
Page 36 – Policy RE 2 – updated to include process

Cumulative Impact Assessment

Section 4 – Cumulative Impact Assessment statement added.

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Cumulative Impact Assessment 2022



1. Cumulative Impact Assessments – Background

- 1.1 The concept of cumulative impact has been described within the Secretary of State's Guidance since the commencement of the 2003 Act.
- 1.2 The guidance describes cumulative impact as "the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area".
- 1.3 For clarity, the licensing objectives are:
- Prevention of crime and disorder
 - Prevention of a public nuisance
 - Public safety
 - Protection of children from harm
- 1.4 The Licensing Authority had previously adopted a Special Saturation Policy within its Statement of Licensing Policy, which covered both Oxford City Centre and East Oxford, adopted following assessment of the particular impact from the concentration of licensed premises in those areas. Due to the effects of the COVID-19 pandemic, the Authority was unable to conduct a Cumulative Impact Assessment when the Statement of Licensing Policy was due to be reviewed in early 2021. The result was that the Special Saturation Policy was removed, with the understanding that it would be reassessed later in the year.
- 1.5 The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5a of the Licensing Act 2003. This amendment came into force on 6th April 2018.
- 1.6 This Cumulative Impact Assessment is therefore being published under these new provisions of the Licensing Act 2003. The policy will be reviewed no later than every three years from the date it comes into force.
- 1.7 Section 182 Guidance states that "A Cumulative Impact Assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area".

2. Consultation

- 2.1 As per section 5a of the Licensing Act 2003, in preparing the Cumulative Impact Assessment the Licensing Authority consulted with the persons mentioned in section 5(3) of the Licensing Act 2003, namely:
- the Chief Officer of Police
 - the Chief Officer of the Fire and Rescue Service
 - persons/bodies representative of the Local Authority with the function of public health
 - persons/bodies representative of local holders of premises licences
 - persons/bodies representative of local holders of club premises certificates
 - persons/bodies representative of local holders of personal licences
 - persons/bodies representative of businesses and residents in the City of Oxford

- persons/bodies representative of Child Protection Services
- other organisations as appear to the Licensing Authority to be affected by licensing matters, including local community, cultural, educational and entertainment organisations.

2.2 The Licensing Authority considered the views of all those consulted prior to determining this policy.

3. Cumulative Impact Assessment

3.1 The assessment relates to all premises within specified areas that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:

- The sale or supply of alcohol on or off the premises
- The provision of late night refreshment on or off the premises

3.2 CIAs do not apply to Temporary Event Notices (TENS); however it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within a CIA when objecting to a TEN.

3.3 While the evidence underpinning the publication of this CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of this CIA would not remove the Licensing Authority's discretion to grant applications for new licences or applications to vary existing licences, where the Authority considers this to be appropriate in the light of the individual circumstances of the case.

3.4 It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as 'any other person' within the act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.

3.5 The Licensing Authority's Special Saturation Policy creates a rebuttable presumption that an application within the designated cumulative impact areas for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the areas. Applicants are encouraged to liaise with the Licensing Authority and other Responsible Authorities in advance of submitting an application.

3.6 The steps followed in considering whether to publish a CIA are summarised below:

- identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- if there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.

- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).

3.7 The Licensing Authority had previously adopted a special policy on cumulative effect, known as its Special Saturation Policy, and it is now being readopted following this Cumulative Impact Assessment.

4. Cumulative Impact Assessment Statement

4.1 This assessment is being published because the authority is of the opinion that the number of licensed premises and club premises certificates within the City Centre and the East Oxford area is such that it is likely that granting further licences or variation to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence and data, from Thames Valley Police, the Responsible Authorities and other persons, which show high levels of public nuisance, anti-social behaviour and crime and disorder within these areas. Therefore it is appropriate and necessary to control the cumulative impact in these areas.

The areas covered by the policy are the City Centre, as shown in **Appendix One**, and East Oxford, predominately Cowley Road, as shown in **Appendix Two**.

The evidential basis for the decision to publish a Cumulative Impact Assessment is set out in **Appendix Three**.

In areas where there is an excessive accumulation of off and on licensed premises, it is relatively straight forward to provide a direct correlation between those premises and public nuisance, anti-social behaviour and crime and disorder in the area, through an analysis of the evidence including operating hours of the premises and the peak times for incidents and calls for service.

5. Other mechanisms for controlling cumulative impact

5.1 There are mechanisms and interventions, both within and outside the licensing regime, that are available for mitigating adverse impacts on the licensing objectives and should be considered alongside local licensing policy by the Licensing Authority, Responsible Authorities, other persons, licensed premises and new and existing applicants: For example:

- planning controls
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others
- the provision of CCTV,
- ample taxi ranks and Private Hire Companies licensed within district
- powers to designate parts of the city as places where alcohol may not be consumed publicly-Public Space Protection Orders.
- confiscation of alcohol from adults and children in designated areas
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices
- enforcement action against those selling alcohol to people who are inebriated

- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise
- the power of police, local businesses or residents to seek a review of the licence or certificate

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Appendix One – Cumulative Impact Area – Oxford City Centre



Appendix Two – Cumulative Impact Area – East Oxford



Appendix Three – Cumulative Impact Evidence

Contents

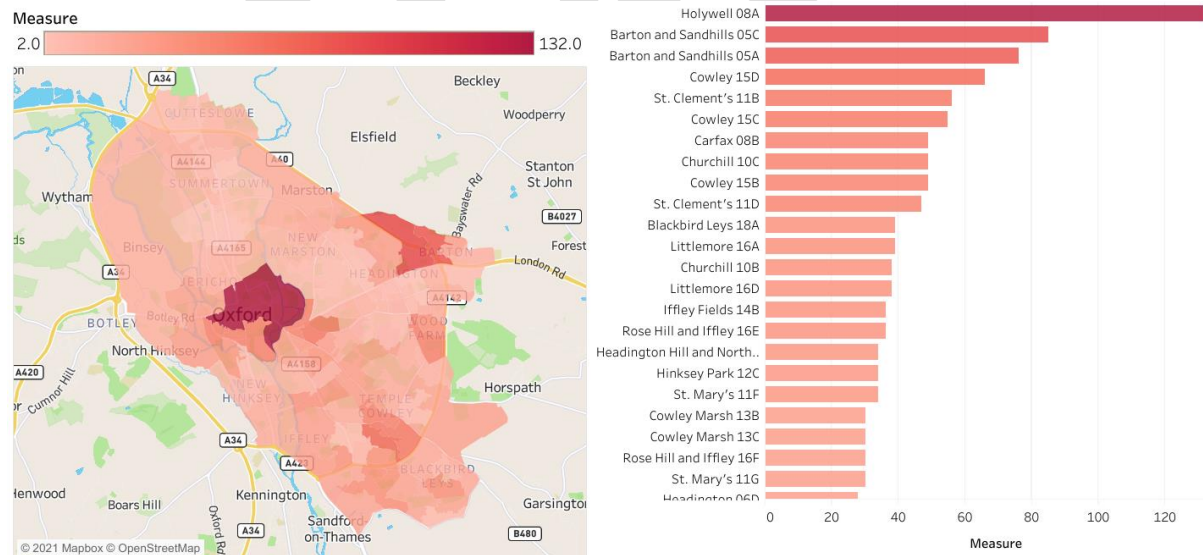
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6. CCTV incidents
7. Police data analysis methodology
8. Temporal analysis
9. Seasonal analysis
10. Geographic distribution: all NTE occurrences
11. Geographical distribution: serious violence occurrences
12. Public Health data – alcohol related admissions and mortality rates

Glossary

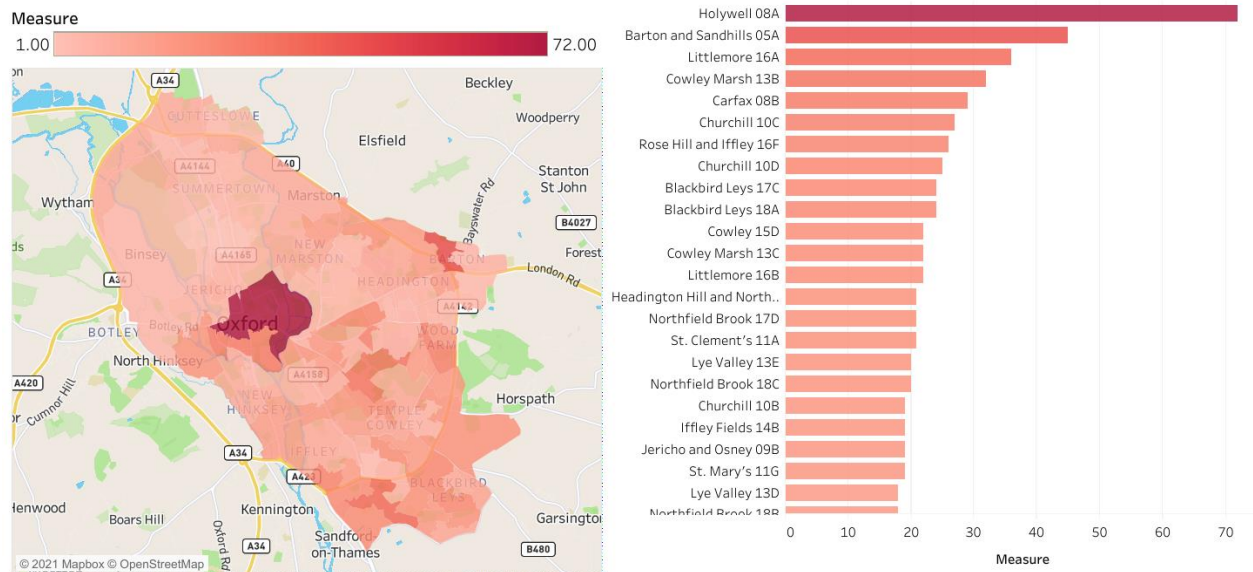
LSOA – Lower Super Output Area

ASB – Anti-social Behaviour

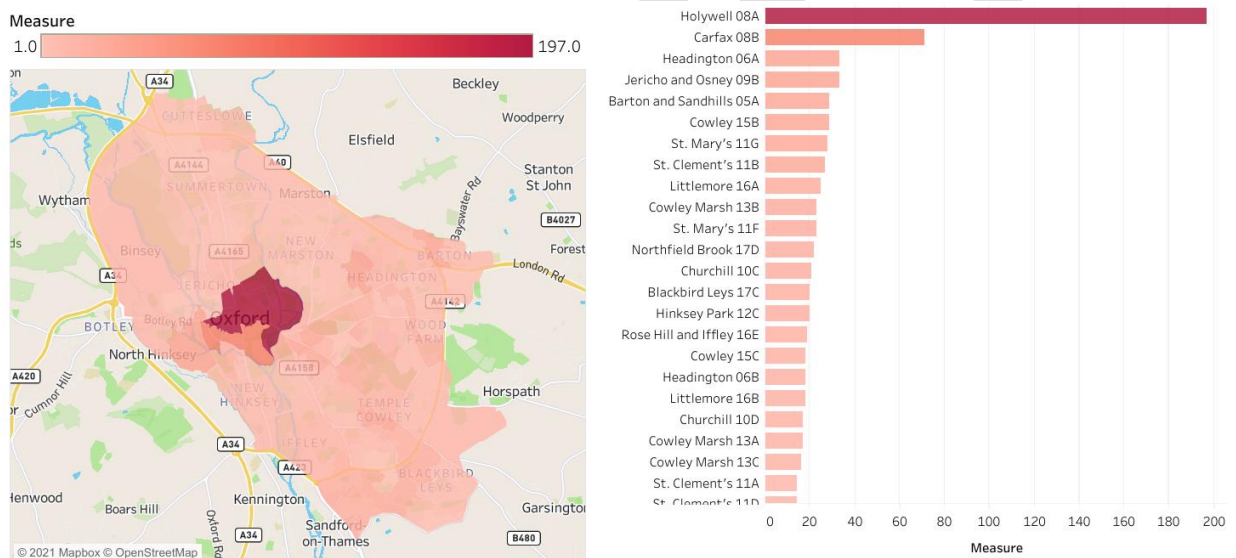
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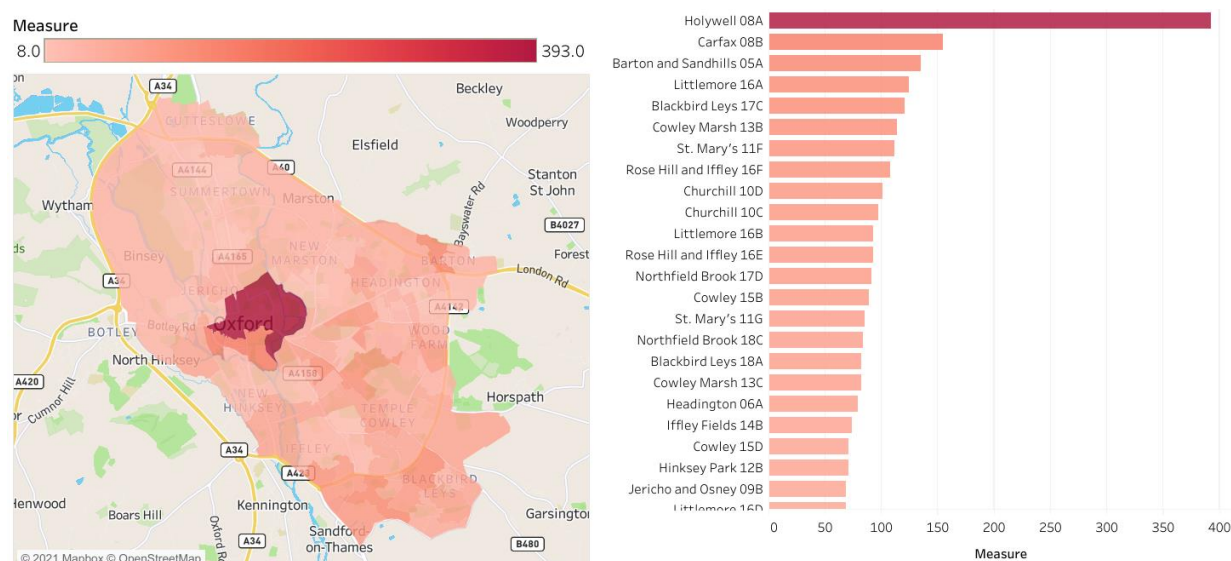
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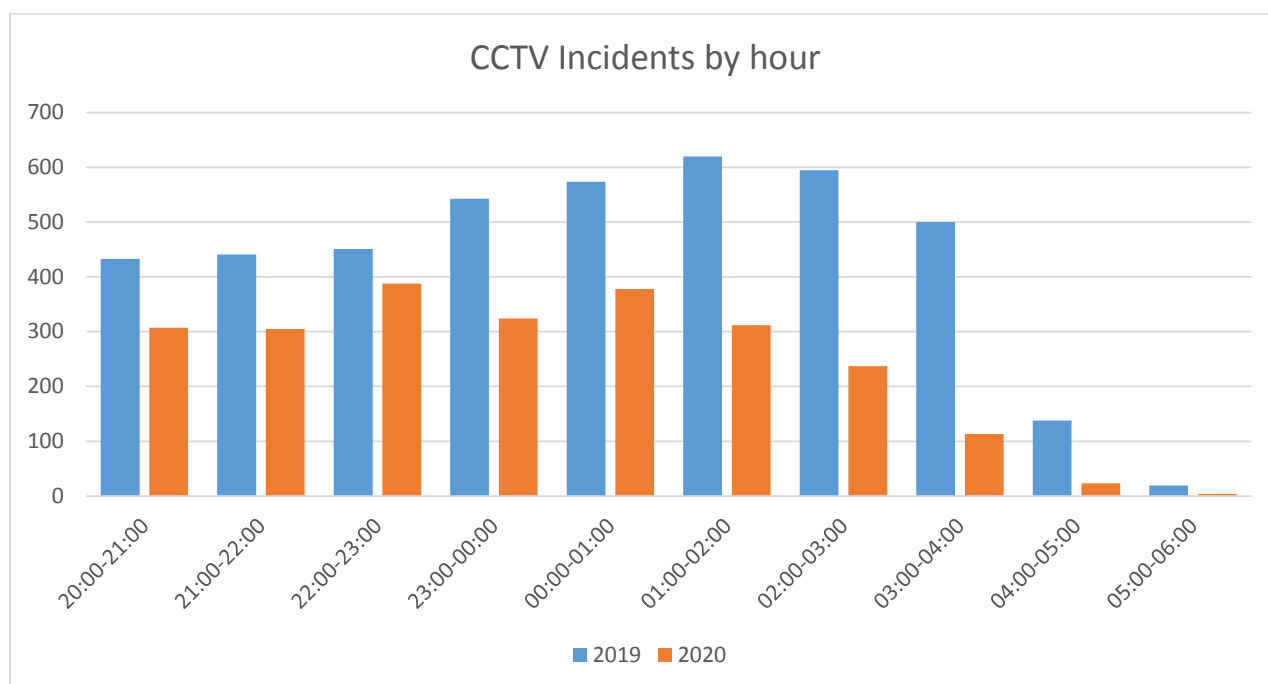
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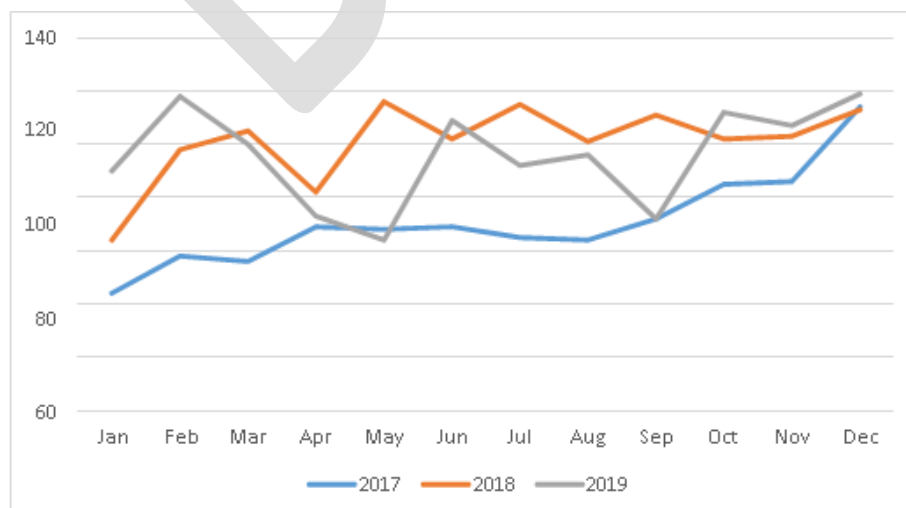
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Shows the distribution of admissions to the Accident & Emergency department of the John Radcliffe hospital between August 2017 and August 2020 which were classified as Apparent Assaults in which alcohol was believed to be a factor. The distribution largely mirrors the conclusion drawn from analysis of the temporal distribution of NTE-linked occurrences in Oxford, with an even greater focus on the early hours of Sunday morning (and to a lesser extent of Saturday morning).

9. Police Analysis of Violent Crime in the NTE: Seasonality

The count of NTE-linked occurrences taking place in each month of 2017, 2018, and 2019 is illustrated below. The chart does not suggest any great degree of predictable seasonality, although it appears that occurrence counts in November and December may be particularly high. These monthly counts were then compared to the expected level (based on the 12 month centred moving average) to determine whether any months appeared to have occurrence counts consistently above the expected count.



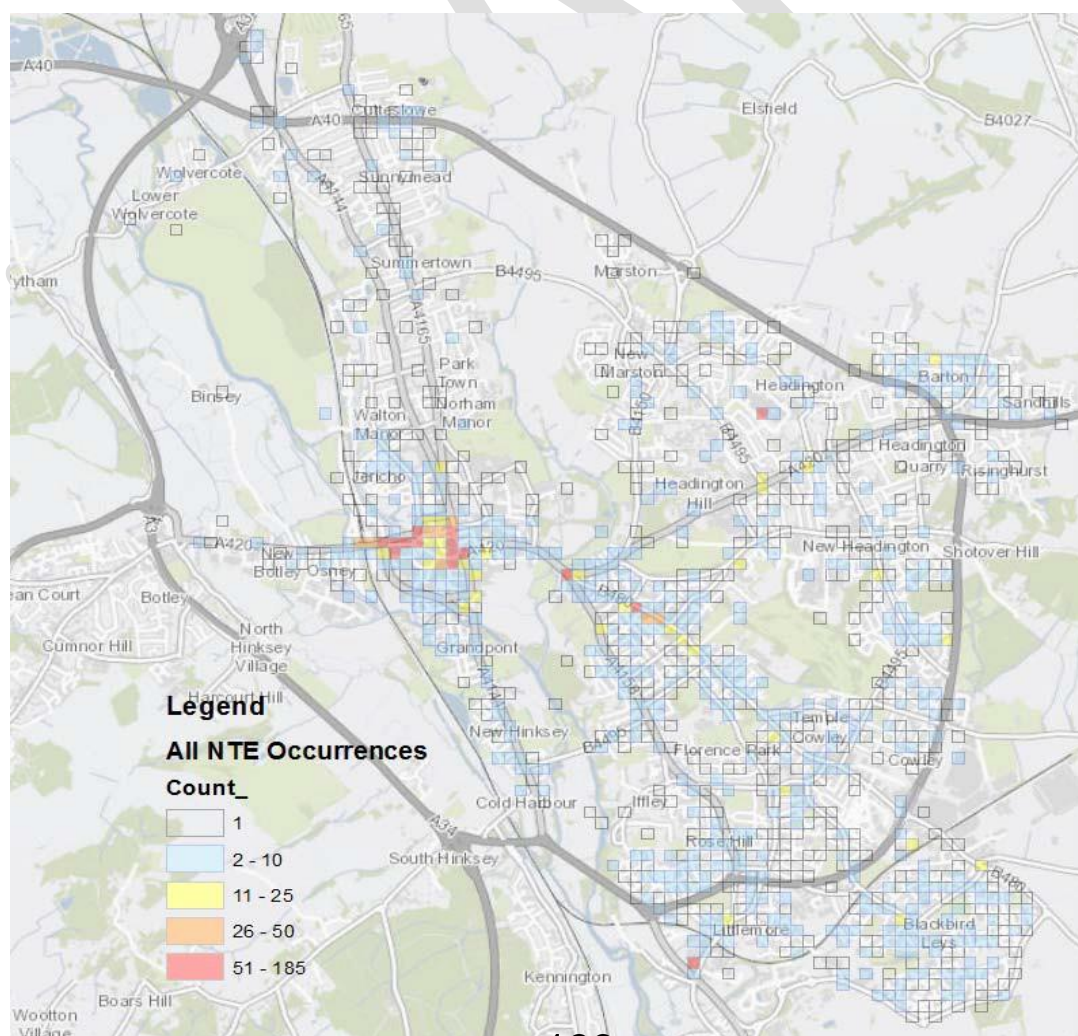
Month	2017	2018	2019
Jan	-27	-28	-8
Feb	-13	3	20
Mar	-15	7	6
Apr	-2	-18	-22
May	-3	15	-32
Jun	-2	1	13
Jul	-8	12	-6
Aug	-12	-4	-2
Sep	-8	7	-25
Oct	4	-2	18
Nov	1	4	13
Dec	26	13	28

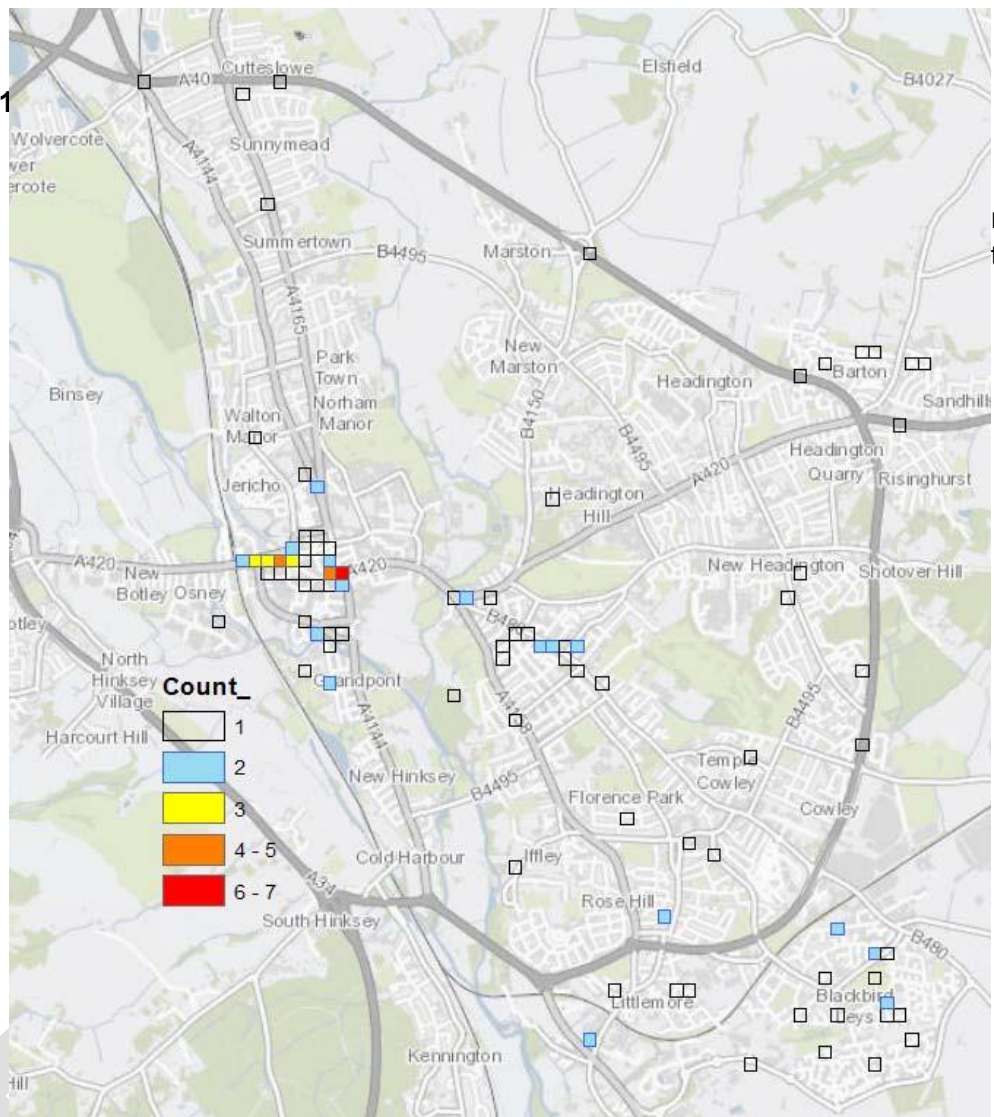
This analysis accounts for changing trends (2017 saw a steadily rising number of monthly occurrence counts, leading to consistently higher levels in 2018). It clearly shows that December NTE-linked occurrence counts were higher than expected in every year from 2017 to 2019, and that January occurrence counts were lower than expected in every year. April and August were also consistently lower than expected, albeit to a lesser extent than January, and November was also associated with marginally higher than expected NTE occurrence counts.

10. Police Analysis of Violent Crime in the NTE: Geographic distribution

The following heat maps show locations of NTE occurrences in Oxford, using a 100m x 100m grid overlaid on a map of the police area with the count of occurrences recorded as taking place within each grid square being indicated by the colour of the square.

The map clearly indicates that the most notable areas in which NTE occurrences have taken place are: the city centre area focused on Park End Street, Hythe Bridge Street and Cornmarket; Magdalen roundabout, the Cowley Road between Union Street and East Avenue (O2 Academy and Cowley Retreat area); the A&E department of the John Radcliffe Hospital; and the Littlemore Mental Health Centre. It is possible (although not confirmed) that the hospital events may include occurrences that took place elsewhere and were reported from the hospital location.





re
t / Hythe

12. Public Health Data

The table below shows the alcohol related hospital admissions and mortality rates for Oxford.

Compared to England: ■ better ■ similar ■ worse

Indicator	Period	England	Oxfordshire	Oxford
Alcohol related mortality	2018	46.5	41.1	48.6 ■
Admission episodes for alcohol related conditions	2018-19	664	526	640 ■
Admission episodes for alcohol specific conditions	2018-9	626	522	741 ■
Admission episodes for alcohol specific conditions -Under 18s	2016/17-18/19	31.6	31.7	50.0 ■
Hospital admissions of alcohol related cardiovascular disease (female)	2018/19	776	613	791 ■
Hospital admissions for mental and behavioural disorders due to alcohol	2018/19	75.6	52.2	97.9 ■
Hospital admissions for alcoholic liver disease	2018/19	131.2	96.0	138.4 ■

Source: PHE: Population Health Analysis (PHA) team using data from NHS Digital and ONS

The trend for hospital admissions for alcohol related conditions is increasing. There is also an increase in the trend for hospital admissions for alcohol related cardiovascular diseases.

Oxford City Council

Statement of Licensing Policy and Cumulative Impact Assessment

<https://consultation.oxford.gov.uk/regulatory-services-and-community-services/slpandcia2021>

This report was created on Thursday 06 January 2022 at 13:10

The activity ran from 15/11/2021 to 27/12/2021

Responses to this survey: **11**

1: What is your name?

Name

There were 11 responses to this part of the question.

2: What is your email address?

Email

There were 11 responses to this part of the question.

3: What is your organisation?

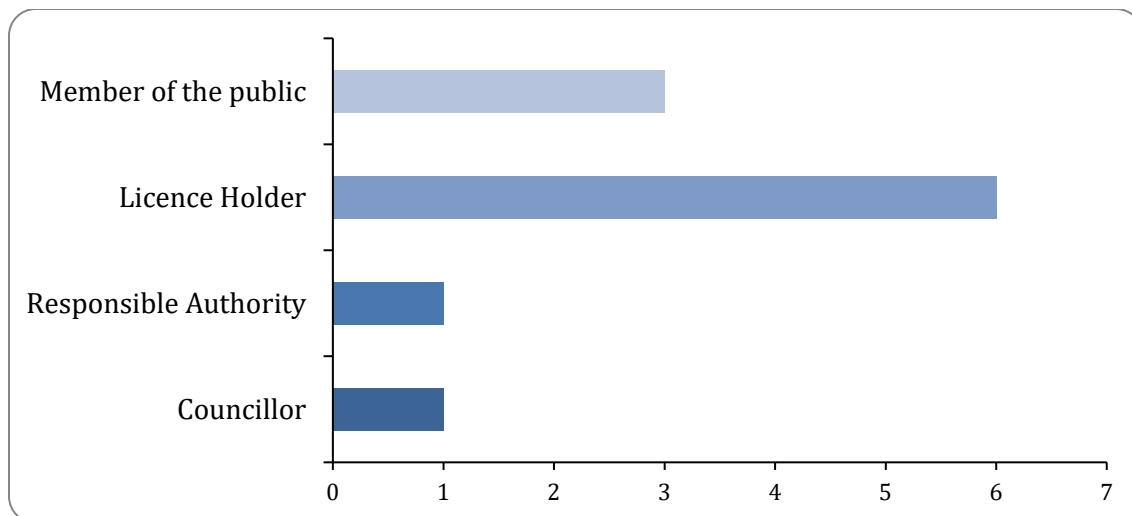
Organisation

There were 9 responses to this part of the question.

4: In what capacity are you responding?

Capacity

There were 11 responses to this part of the question.



Option	Total	Percent
Member of the public	3	27.27%
Licence Holder	6	54.55%
Responsible Authority	1	9.09%
Local Authority	0	0.00%
Councillor	1	9.09%
Other	0	0.00%
Not Answered	0	0.00%

If Other, please provide details here

There were 0 responses to this part of the question.

5: Do you propose any new additions to this policy?

Additions to SLP

There were 7 responses to this part of the question.

6: Do you propose any amendments to this policy?

Amendments to SLP

There were 7 responses to this part of the question.

7: What are your views on the Cumulative Impact Assessment?

CIA Views

There were 8 responses to this part of the question.

8: What is your postcode?

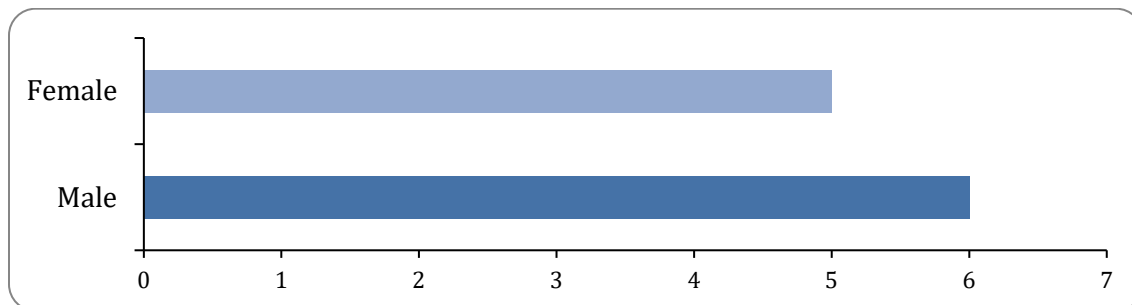
postcode

There were 11 responses to this part of the question.

9: Which of the following best describes how you think of yourself?

Gender

There were 11 responses to this part of the question.

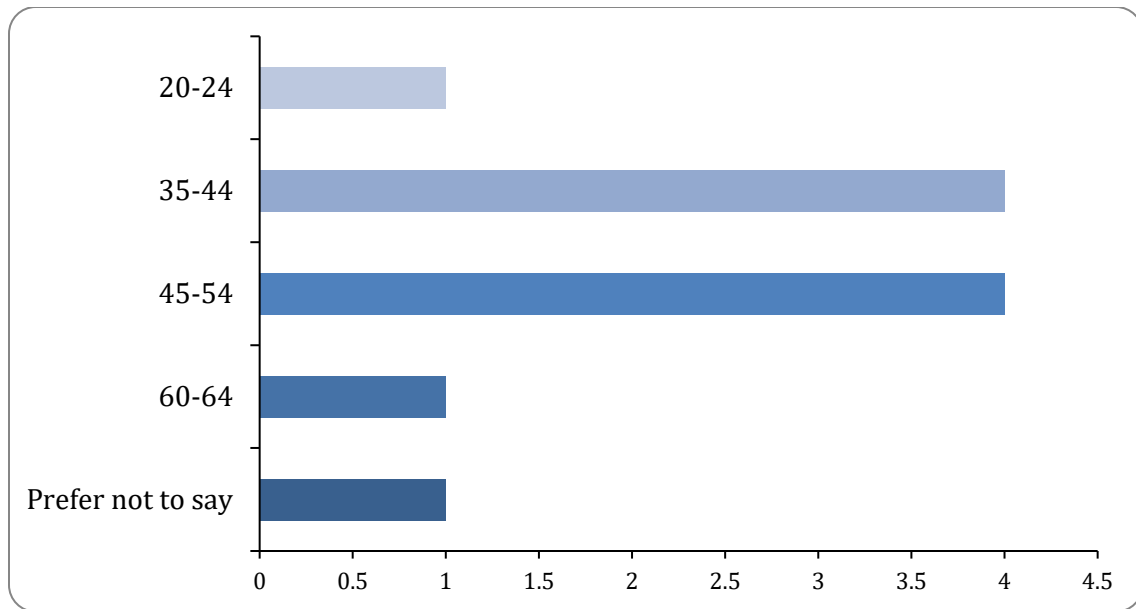


Option	Total	Percent
Female	5	45.45%
Male	6	54.55%
In another way	0	0.00%
Prefer not to say	0	0.00%
Not Answered	0	0.00%

10: Which age bracket do you fall into?

Age

There were 11 responses to this part of the question.

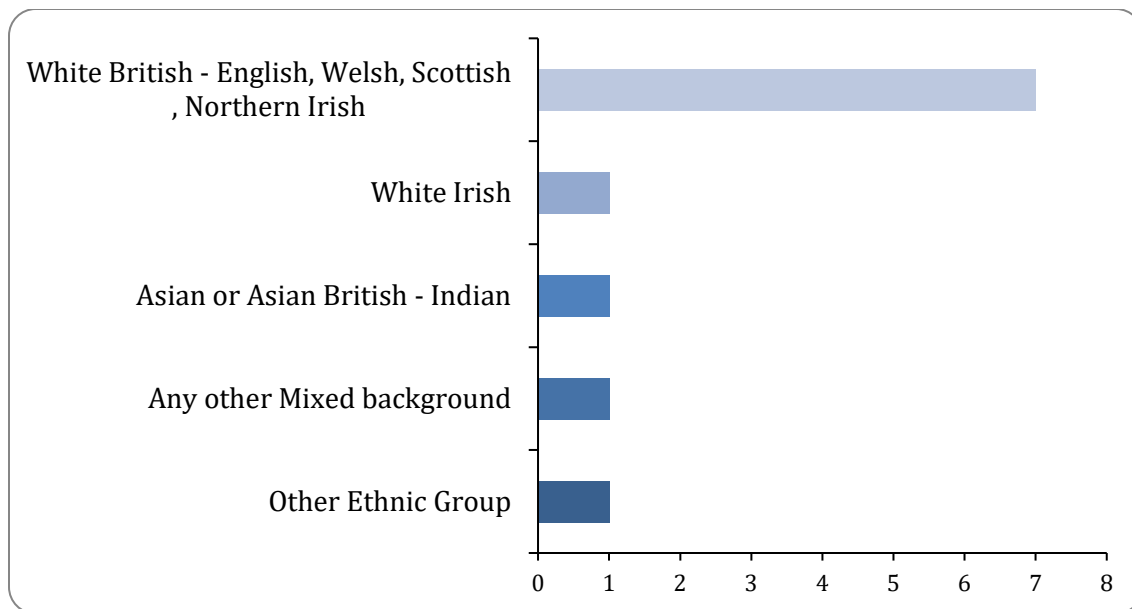


Option	Total	Percent
16-19	0	0.00%
20-24	1	9.09%
25-34	0	0.00%
35-44	4	36.36%
45-54	4	36.36%
55-59	0	0.00%
60-64	1	9.09%
65-74	0	0.00%
75+	0	0.00%
Prefer not to say	1	9.09%
Not Answered	0	0.00%

11: Which of the following best describes your ethnic group?

Ethnicity

There were 11 responses to this part of the question.

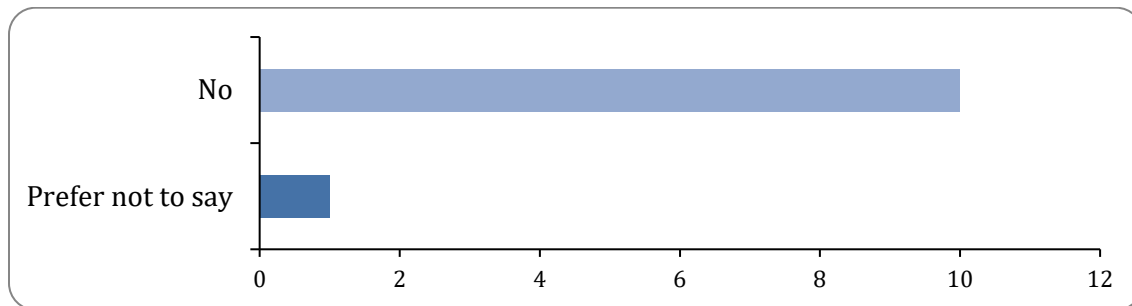


Option	Total	Percent
White British - English, Welsh, Scottish, Northern Irish	7	63.64%
White Irish	1	9.09%
White Gypsy or Irish Traveller	0	0.00%
Any other white background	0	0.00%
Black or Black British - Caribbean	0	0.00%
Black or Black British - African	0	0.00%
Any other black background	0	0.00%
Asian or Asian British - Indian	1	9.09%
Asian or Asian British - Pakistani	0	0.00%
Asian or Asian British - Bangladeshi	0	0.00%
Any other Asian background	0	0.00%
Mixed or Multiple Ethnic Group - White and Black Caribbean	0	0.00%
Mixed or Multiple Ethnic Group - White and Black African	0	0.00%
Mixed or Multiple Ethnic Group - White and Asian	0	0.00%
Any other Mixed background	1	9.09%
Arab	0	0.00%
Chinese	0	0.00%
Other Ethnic Group	1	9.09%
Prefer not to say	0	0.00%
Not Answered	0	0.00%

12: Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

Disability

There were 11 responses to this part of the question.



Option	Total	Percent
Yes, limited a lot	0	0.00%
Yes, limited a little	0	0.00%
No	10	90.91%
Prefer not to say	1	9.09%
Not Answered	0	0.00%

Statement of Licensing and Cumulative Impact Assessment Consultation responses and comments.

Question - Do you propose any new additions to this policy? - Additions to SLP

1. In the Safety section, there should be a requirement for establishments to take and state measures to prevent spiking (including drink spiking and injection). Measures can include anti-spiking bottle stoppers, protective drink covers and free drug testing kits as well as full-body searches on entry. Staff should be appropriately trained to identify potential spiking cases and reasonably replace a customer's drink if it could be spiked. There should be a defined response plan to suspected spiking incidents, such as collecting evidence, contacting on-site security and police, and facilitating any necessary medical attention. These measures should be enforced through spot checks.
2. In section 1.2.2, there is the opportunity to strengthen the wording highlighting the responsibility of the license holder to address the littering from patrons associated with 'predrinking' prior to entering a licensed premise, as well as cigarette butts from their patrons smoking outside a licensed premise. It should also be made clear in the policy who and how residents can complain to the appropriate team (e.g. community response team) where this is an issue associated with a specific licensed premise.

Section 2.7.2 needs to reference any national policies related to women's safety and violence against women, as appropriate.

In section 7.3.13 with reference to the provision of sanitary accommodation, a reference could be considered to the provision of gender-neutral sanitary accommodation. Additionally, a reference can be made to encourage or require license holders to provide baby changing facilities in both male and female toilets or an area accessible to parents regardless of gender.

In section 7.5.22 with reference to safe drinking vessels, reference should be made to approaches that can be undertaken by the license holder to address the significant and growing issue of drink spiking.

In the most appropriate section of the policy referring to noise nuisance, or in an annex, information should be provided on the process the council follows on receiving noise complaints from residents related to licensed premises, the powers the council has to address a statutory noise nuisance from a licensed premise, and the avenues and process residents can take to take their action against a licensed premise on the basis of public nuisance (e.g. noise nuisance).

Question - Do you propose any amendments to this policy? - Amendments to SLP

1. Policy GN 7: Integrating strategies - "waste management" should include wastewater as well as solid waste
2. Policy GN18, requires amending to provide clarification on when and importantly the process of how licenses can be invoked, including the process of reviewing a license so it is clear to local residents who may be impacted by the public nuisance and crime and disorder that stems from a specific licensed premise.

Policy LA3 could be strengthened to elaborate on the kinds of conditions that could be applied to control noise from licensed premises to prevent public nuisance from local residents. This include preventing children from harm due to the noise disturbance from licensed premises. Cross references should be made to the noise complaint reporting process at the council so that there is clarity to residents and license holders on how this is applied for licensed premises, and the different avenues and options for collecting evidence to support a complaint against a licensed premise.

In section 7.3.8, it is proposed to strengthen the language to include examples of recommended or required approaches (e.g. possibly included in the pool of conditions to be applied to certain license holders) to be used to prevent public nuisance and promote public safety related to the issues specifically of controlling noise pollution, and congregation of patrons outside the premise. For instance, the queuing of patrons to some venues on the pavement can mean that passing pedestrians are 'pushed' off the pavement and into the road when walking past a specific venue.

In section 7.3.10, more information can be added on the best practices recommended for licenses premised to manage noise nuisance issues to prevent public nuisance, for example providing local residents with a telephone number to contact in case of public nuisance coming from the licensed premise (e.g., noise). Further clarity is required related to the 'compliant log' the format and type of complaints to be recorded in the complaint log.

In section 7.7 with reference to TENs, the policy TEN 1 could potentially require or encourage TENs to be served to residents' associations in the immediate vicinity for information purposes and whose members are negatively impacted by crime and disorder and public nuisance resulting from the increased frequency and resultant noise of such events.

In policy PP9 the wording can be strengthened to require applicants to manage the issue of litter control including from cigarette butts, immediately outside their premise.

In section 10.2 with reference to the Late Night Levy, the council should strengthen its position. Rather than state 'in the future it may consider a levy', given existing pressures on policy and council services, the council should proactively consider from apply such a levy in the zones of the city where the special saturation policy is proposed to be applied. This is so that the license holders can share the cost of the additional policing anti-social behaviour and council services related to noise nuisance management from licensed premises and littering in areas facing a cumulative impact.

Question - What are your views on the Cumulative Impact Assessment? - CIA Views

1. From 16 years of experience the SSP has proven itself invaluable in balancing the needs of business and that of the crime, antisocial behaviour and disorder in the street. As a tool it has through consistent application by the authorities seen Oxford evolve away from later and later hours for vertical drinking (the problems of which are many fold) toward promoting much more diverse and less problematic business models that are not solely concerned with later hours and alcohol for the public to go out in thereby promoting Oxford as a safe and vibrant city. To our mind it is a critical part of the licensing framework and its renewal is very welcome.
2. It seems good and comprehensive. Given the recent public attention to spiking, this would be an appropriate venue to address this and enact positive change.
3. The considerable number of licensed outlets in Cowley Road gives the younger members of our community too many opportunities to become intoxicated late into the night. The effects of this drunkenness on divinity Road where I live are in noise, rows and fights waking us up, vomit and broken glass, discarded bottles and food all over the pavements in the morning, and vandalism to cars (smashed mirrors and jumped on bodywork). I realise the council can't control individual behaviour but it can and should limit the opportunities and the timescale, and work with the universities to educate young people in responsible drinking.
4. As a resident of East Oxford I regularly witness first hand the public nuisance and antisocial behaviour associated with licenced premises, alcohol and the night time economy on the Cowley Road.

My perceptions are clearly corroborated by the evidence presented in the Cumulative Impact Assessment and I support the conclusion in section 3.9 of the Cumulative Impact Assessment that it is appropriate and necessary to control cumulative impact.

5. I support the evidence presented and findings of the cumulative impact assessment that it is appropriate and necessary to adopt special policies to limit the cumulative impact of licensed premises in Oxford City Centre and East Oxford. As such, I strongly support policy GN19 - the special saturation policy.

To elaborate..., I live in the immediate vicinity of the Cowley Road in East Oxford. As a resident I regularly experience and witness the cumulative and negative impact of the overconcentration of licensed premises associated with the night time economy, in particular in terms of noise nuisance, public safety and crime and disorder. For example, it can be difficult for residents to determine which licensed premise a noise nuisance is coming from without leaving their homes to investigate at night, as there are multiple potential sources of the noise nuisance in such close proximity.

Residents are also negatively impacted by anti-social behaviour (e.g. noise from large groups of drunk people) from people processing to and from the licensed premises on the Cowley road in the evening and middle of the night. Furthermore, residents are impacted by littering associated with patrons from the licensed premises, in particular broken glasses, and alcohol bottles, takeaway containers that are dropped in the residential streets that radiate out from the Cowley Road. Given that the residential streets are not cleaned on the same level

of regularity as the Cowley Road, which is cleaned daily, this litter builds up and presents a health and safety risk to pedestrians and a puncture risk to cyclists and motorists.

6. Adequate

Emailed response to Consultation

Richard,

Many thanks for your email and your positive response. I am pleased to hear that the Licensing Department intends to include the things we have discussed previously in the Licensing Policy.

When it comes to what you can and cant include, I am no legal expert, so am not 100% sure of how far you can go, but I welcome the opportunity to provide positive suggestions.

I think we need to consider why the act was introduced in the way that it was. By giving powers and responsibilities to all public authorities, it was intended as a tool to empower positive change, and plug the multitude of loopholes within existing legislation.

For example, it was possible for a licensed premises to make a variation application for the extension of hours, addition of new regulated entertainment or late night refreshment, to move seating , shorten or extend a bar etc., yet in nearly all of these situations, it is highly unlikely that such an application would need to be accompanied by a building regulations application, meaning that the applicant is free to enhance their business without any regard to disability provision. This is because prior to the introduction of the act, only when a full buildings regulation application was submitted did Part M (disability) of the buildings regulations act apply, thus forcing the applicant to make provision for disabled persons. Since the introduction of the Equality Act, pressure can be placed on the applicant to enhance disability access, or face the authority objecting to the application (as long as it forms part of the authorities licensing policy). Then the applicant will have to explain at a hearing why they feel it unnecessary to make provision for disabled people, or make the necessary changes and reapply.

The failure of the licensing department to have a rigid policy on this, means that some 11 years after the Equality Act was introduced, Oxford's provision for disabled people is absolutely horrendous within the licensed leisure industry.

I can think of numerous applications over the last few years to extend hours and vary licences, where the authority could have influenced disability provision positively with a robust licensing policy which have been completely missed. I will use Attik as an example (only because the operators at the time are no longer trading), but some years ago when Deltic spent over one million pounds refurbishing the club they failed to make a single improvement as far as disabled access is concerned, and there are still large parts of the venue that are not accessible to disabled people. The refurbishment meant layout changes, but had no impact on the opening hours or capacity, so a robust policy would have allowed the authority to object to the variation application and / or approve it automatically in return for additional provisions.

The sad reality is that operators often look at the high cost of improving disabled provision against the tiny return it will provide, and dismiss it, and with no framework within the local authority licensing policy to influence this, the provision remains poor. In Oxford City Centre

there are nearly 10 places that I can think of with a dancefloor that customers have to choose from. But if you are in a wheelchair there is only one place you can go, with full access to all areas. One choice, every week, for the rest of your life.

I would like to see some kind of positive and robust policy on what the licensing authority expects to form part of any variation application. As I said I am no legal expert, so I am unsure on how easy it is to force such actions, but even wording like the authority will automatically object to any application which is not accompanied by a disability access improvement plan (similar to the automatic declining within the SSP area) would be a start. This same practice could be included with TEN's and minor variations.

In addition to the threat of the policy, to try to force change, the authority needs to have its own policy on positive improvement. Wording such as .. The authority will actively support / give weight to / not automatically object to / etc etc, applications that will improve the provisions and / or social opportunities within the city for disabled people.

With regards to other groups such as LGBTQ etc, it is of course much harder to write into the policy. But a similar principal applies to LGBTQ and all other groups covered by the act. Wording such as that used for people living with disabilities, like "The authority actively seeks to expand and protect the provision of safe spaces for members of the LGBTQ+ community and work actively to act in a way that enhances safety" etc etc. would also be good (I have probably shot myself in the foot there as more LGBTQ+ venues is not necessarily great for my business!!!).

I think when you consider vulnerability, you should also consider lone females, etc. There are many schemes out there such as Ask Angela. Standard licence conditions in Oxford require certain premises to be part of the Radio Scheme (which is hardly ever manned outside of Weekends) and be actively involved in pubwatch. These standard conditions are being added to all new licences and to old licences as and when variation applications are submitted. It would be equally possible to add the premises must operate Ask Angela or a similar publicly acknowledged scheme.

Spiking has been a problem for many years, but recent media attention has brought it to the forefront of peoples minds. Certain minority groups are often more likely to be targeted by spiking, and as such it would be good to update the list of standard conditions to include the need for the premises to have a spiking policy in place that is approved by the authority, and reviewed at least every 12 months.

I think that the most critical thing is that the Authority has the power to automatically object to any application, on any grounds they choose, provided it is written into the licensing policy, yet at the moment other than for applications within the SSP I do not see any other, non-application specific, reason for objection, which is a great loss. And alongside this the authority needs to provide some positive statements on the way it will support applications that enhance provisions / safe spaces / disability access etc.

These of course are just a few ideas, and I am sure you have many of your own, but I hope that my input will help to form a stronger more compliant licensing policy, which will in turn make Oxford a more varied and inclusive place to go out for everyone, not just those lucky enough to be able to visit anywhere they want, without fear or discrimination.

Very Best Wishes



Subject: RE: Consultation - Statement of Licensing Policy 2021

Dear [REDACTED]

Thank you for your comments below in regards to our draft Statement of Licensing Policy.

As the draft policy is currently out for consultation, we are seeking any input and any specific recommended additions to the policy.

We will ensure that the final published Statement of Licensing Policy will include all necessary and required elements and will follow the issued relevant guidance, including how the Equality Duty has, and will be, complied with, as reiterated in your email below.

As you have stated, the Equality Act has been referenced in the draft policy but we

will endeavour to elaborate on it further to ensure that we comply with our legal requirements, if you have any recommendations or specific schemes that Licensing could consider presenting to the Committee for the revised policy we would welcome any input.

Kind regards

Subject: Re: Consultation - Statement of Licensing Policy 2021

Dear Mr Masters,

I have today reviewed the Councils revised Draft Licensing Policy.

As you are no doubt aware I have been emailing various members of the licensing department, yourself included, for some years now, about the way in which previous licensing policies issued by Oxford City Council have failed to adequately comply with the authorities various obligations under a number of acts of parliament that relate to or cover the protection, prevention of discrimination and equal treatment, of minorities and protected groups.

I am pleased that following various emails and communications over the last few years, that finally, the latest draft issued for consultation, does go further and has adopted some of the requirements placed upon the authority by the legislation, and the government guidance issued to local authorities that goes with it.

I note that in the latest draft policy you state *"The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity"*

However, as I have pointed out before, over a number of years, in addition to this

recognition, which is welcomed, the guidance clearly states that *"It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with ... equality schemes,"*. I am unable to find any examples of how you will secure the proper integration of your licensing policy with anything relating to equality.

Whilst I accept that this is merely a recommendation and not a legal requirement, I wonder if you could advise why Oxford City Council feels that it is OK to ignore this recommendation, and why despite protests by myself and others in previous years, the pattern of ignoring this has continued into the latest draft statement of licensing policy? Is it that you do not feel that minority or protected groups are worthy of the additional effort to meet this recommendation?

The guidance also clearly states the following: "Public authorities are required to publish information at least annually to demonstrate their compliance with the Equality Duty. The statement of licensing policy should refer to this legislation, and explain how the Equality Duty has been complied with."

I have pointed this out (as have others) over a number of years (we all have documentary evidence of this), however yet again, another draft licensing policy has been released, and I am unable to find any explanation of how the licensing authority has complied with its legal duty in the statement of policy.

Your draft policy states... "The Licensing Authority will actively take steps to ensure that it complies with its legal obligation to eliminate or reduce the potential for unlawful discrimination, harassment and victimisation of persons with protected characteristics and ensure compliance with the Equality Duty."

However this clearly does not explain how the Equality Duty HAS been complied with (as required by the act), or how it will be complied with, it is merely a statement that you "will" take active steps, which is not what is required or stated in the act or the accompanying guidance.

As a member of a minority community, or if you prefer, a person of protected characteristics, I feel that the licensing department have ignored all of our previous requests to follow the guidance and comply with the act of law designed to protect us. Even when we have pointed this out in the past (numerous times and in writing) our requests have been brushed off with two line replies stating that our input "will be considered", and then nothing changes, we are ignored, and new policies issued that continue to fail minority communities, and fail to comply with the spirit of the act or the guidance issued.

This is extremely disappointing, and I am surprised that the local councillors who appear as signatories to this latest policy are prepared to put their name or signature against such a discriminatory and non-compliant document.

I would therefore like to register, officially, my concerns, and following on from my emails in previous years, my belief that the policy presented fails to comply with the guidance issued, blatantly ignores the spirit of the act and the authorities obligations, and undermines the trust between minority communities and the

council.

I hope that you would consider my concerns and look forward to hearing from you.

Very Best Wishes,

-



To: General Purposes Licensing Committee
Date: 17th March 2022
Report of: Head of Regulatory Services and Community Safety
Title of Report: Review of the Policy on The Relevance of Warnings, Offences, Cautions and Convictions

Summary and recommendations	
Purpose of report:	To agree the final Policy on The Relevance of Warnings, Offences, Cautions and Convictions (Taxi Licensing)
Corporate Priority	Enable an Inclusive Economy
Policy Framework	Policy on The Relevance of Warnings, Offences, Cautions and Convictions
Recommendation(s): That the General Purposes Licensing Committee resolves to:	
<ol style="list-style-type: none"> 1. Consider all relevant responses to the Policy public consultation submitted to the Licensing Authority 2. Agree the final Policy on The Relevance Of Warnings, Offences, Cautions And Convictions 3. Recommend the final Policy on The Relevance Of Warnings, Offences, Cautions And Convictions for adoption by Council 	

Appendices	
Appendix One	Responses to the Public Consultation
Appendix Two	Department for Transport (DfT) - Statutory Taxi and Private Hire Vehicle Standards
Appendix Three	Final Policy on The Relevance of Warnings, Offences, Cautions and Convictions
Appendix Four	List of the amendments to the Policy

Introduction and background

1. The Committee is reminded that the Council adopted a Policy on The Relevance of Warnings, Offences, Cautions and Convictions. The policy contains information about legal requirements, government guidance, procedures and standards in relation to taxi licensing. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the Council the duty to carry out licensing functions in respect of Hackney Carriage and Private Hire vehicles, drivers and operators.
2. The aim of Local Authority licensing of the Taxi and Private Hire trades is to protect the public. With this in mind, Public Protection must be at the forefront when determining whether an individual is considered a 'fit and proper' person to hold a licence. The Licensing Authority is entitled and bound to treat the safety of the public as the paramount consideration.
3. The Licensing Authority carries out its Hackney Carriage and Private Hire functions with the view to promoting the following objectives:
 - The protection of public safety and health;
 - The promotion of a professional and respected Hackney Carriage and Private Hire trade;
 - Access to an efficient, modern and effective transport service;
 - The protection and improvement of the environment, local economy and quality of life.

Consultation on the Revised Policy on the Relevance of Warnings, Offences, Cautions and Convictions

4. As set out in the Statutory Taxi and Private Hire Vehicle Standards the Licensing Authority should consult at local level on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers.
5. The public consultation took place between 3rd December 2021 and 14th January 2022. The Authority received seventeen (17) responses from members of public and the trade. The relevant responses to the consultation submitted to the Licensing Authority are attached at **Appendix One**.
6. The local public consultation included the following stakeholders:
 - The taxi and private hire trade
 - Chief Constable of the Thames Valley Police
 - Oxfordshire Licensing Authorities
 - Oxfordshire County Council Transport Department
 - Night-time economy businesses
 - General public - advertised on the website and social media

Revised Policy on the Relevance of Warnings, Offences, Cautions and Convictions

7. The Department for Transport (DfT) has responsibility for Hackney Carriage and Private Hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states that local authorities will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The DfT has also published the Statutory Taxi and Private Hire Vehicle Standards in July 2020 which focuses on the protection of children and vulnerable adults, as well as benefiting all passengers.

The statutory standards can be found at **Appendix Two**.

8. The Statutory Taxi and Private Hire Vehicle Standards require Licensing Authorities to have regard to the standards set out in the documents. The DfT expects the recommendations to be implemented unless there is a compelling local reason not to, given that the standards have been set directly to address the safeguarding of the public.
9. The Authority had regard to the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards and the best practice guidance. The local environment and responses to the public consultation were also considered whilst drafting the final Policy on The Relevance of Warnings, Offences, Cautions and Convictions.

The final revised Policy can be found at **Appendix Three**.

10. In order to assist members in their consideration of the final policy, the amendments and newly implemented recommendations which were included in the first draft of the Policy in December 2021 are set out in **Appendix Four**.
11. Members are advised that the Application Pack documents for drivers, vehicles and operators, which set out the procedure and criteria of licensing shall be revised and amended according to the final version of the adopted policy.

Other relevant matters – HMRC Tax Conditionality

12. Members are requested to note that since the first draft of the revised Policy on the Relevance of Warnings, Offences, Cautions and Convictions was put forward to the members in December 2021, a new requirement has been placed on the Licensing Authorities that forms part of the criteria for licensing.
13. From 4th April 2022, all Hackney Carriage and Private Hire Driver licence holders (PHD and HPD), Private Hire Vehicle Operator licence holders shall be required to complete a HMRC ‘tax check’ and provide the Licensing Authority with a **tax check code** to confirm the tax check has been completed. This requirement has

been placed on the Licensing Authorities as introduced in Schedule 33 of the Finance Act 2021.

14. The Authority is already making necessary arrangements to implement these criteria for licensing internally as well as continues to communicate the new requirement and guidance to the licensed trade. The Application Packs will be updated accordingly with a guidance and new form for the applicants.

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APPENDIX ONE

In what capacity are you responding? - Capacity - Member of the Public	Do you propose any new additions to this policy? - additions?	Do you propose any amendments to this policy? - Please provide details below.
1.	Left Blank	Left Blank
2. Licence Holder	No	No
3. Licence Holder	No	No
4. Licence Holder	No	No
5. Left Blank	Left Blank	Left Blank
6. Licence Holder	Left Blank	Left Blank
7. Licence Holder	No	No
8. Licence Holder	When new applicants apply for a license and they have cautions/ convictions on their DBS they should be given a probation period rather than being completely refused. Obviously not if the convictions are for serious crimes but I have known individuals to have lesser crimes on their DBS and they have been refused a license immediately and have to appeal. This just doesn't seem fair. The individual should be interviewed by officers and at least be offered a trial period of 6 months or so.	Licensed vehicles (hackney & private hire) should be allowed to use all bus lanes (including new estate in Marston/ Barton). There are serious issues with LTNs as it is and customers are paying more and this is purely to do with LTN's.
9. Licence Holder	N/A	No
10. Licence Holder	Left Blank	Left Blank
11. Licence Holder	No	No
12. Member of the Public	Yes, please provide better enforcement as am sick of vehicles mounting pavements putting pedestrians at risk or obstructing cycle lanes. Taxis should obey normal rules of the road. There should be drop off points in car parks or outside main supermarkets. Not okay that double lines used. People (unless special need re disability) should consider need to walk to meet taxi not have taxi pick them up anywhere. In the modern age environmental and safety concerns do matter. Too often taxis park in unsafe places and idle engines. It is time for these practices to be overhauled and taxis to not put people at risk as much as they	See points made above. Taxis driver licensing should include environmental education and awareness training.

	do (both re unsafe parking that obscures vision, makes people breathe in unpleasant fumes, causes traffic hold-ups, puts cyclists at risk when blocked cycle lanes etc)	
13. Member of the Public	I would like to register here that I no longer feel safe using registered Hackney taxis from the station after I was interrogated intrusively about my sex life by a driver 2 years ago in a registered taxi. I was out for the first time without my young baby and the experience left me in tears. I was in a state of shock and did not get his details. I support any measures which will minimise this sort of behaviour from a tiny minority of drivers. It is such a shame because there have been so many good drivers but traumatic experiences like the above make women on their own feel unsafe to use taxis. Please ensure there is a policy and training on how drivers should deal with single women and how it is utterly unacceptable to start discussing sex.	
14. Licence Holder	No	No
15. Member of the Public	Taxi drivers spend a lot of time on the road, including in areas/routes forbidden to most motor traffic. As such, they should be held to higher standards than most drivers -- similar to the CPC that bus/HGV drivers need to renew every 5 years. They should also be more alert to vulnerable road users (taking the Bikeability course, where possible) and the risks posed by idling/waiting/parking in inappropriate spots.	
16. Member of the Public	Drivers of HCs and PHVs should be required to take a cycle awareness training course, and	

	<p>perhaps even to have cycle training themselves. Most drivers are, from dint of experience in Oxford if nothing else, reasonably good, but a sizeable fraction of licensed drivers behave in completely inappropriate ways around people cycling. This includes close-passing cycles (often at much less than the 1.5m the highways code requires even at low speeds), aggression against people cycling in primary position (including on roads which are manifestly too narrow for safe overtaking, such as Warneford Lane and Howard St), intrusion into cycle boxes, stopping on cycle lanes or in locations that block visibility and endanger people walking or cycling.</p> <p>This could be combined with awareness training on other issues: e.g. not idling engines, being particularly careful around schools, not parking on pavements, etc.</p>	
17. Member of the Public	<p>I'd like to suggest that in Oxford taxi drivers should be required to take and pass level 2 of the BikeAbility cycle training as compulsory training before getting a licence to drive in Oxford. With the city and county council moving towards reducing private vehicle traffic use in the city and wishing to see an increase in the number of people cycling I feel that it is important that taxi drivers are much more aware of how it feels to be cycling on the road. Most especially as it is likely there will be more areas where taxis and cycles will share the road.</p> <p>Currently taxis will often drive towards a cycle and stop in</p>	

	<p>front of them on the "wrong" side of the road, or overtake a cycle and then stop in front. They also tend to mount the pavement to park off the road which leaves a person cycling having to overtake. They often come too close to people cycling or drive too fast past.</p> <p>Taxis should not on any account park on pavements. Pavements are for pedestrians, or shared pavements are for people walking and cycling - both are vulnerable members of the traveling public and should not be endangered in this way by taxis who should be providing a public service without endangering other users.</p>	
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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police**. Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

- 4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

- 4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.
- 4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.
- 4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.
- 4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.
- 4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

- 5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

- 5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.
- 5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:
- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
 - Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.
- 5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.
- 5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.
- 5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

- 7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

- 7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.
- 7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.
- 7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.
- 7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

- 8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

- 8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.
- 8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately
- 8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

- 8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

- 8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

- 8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

- 8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

- 8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

- 9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

- 9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

- 9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere to and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.
- 9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

- 9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

- 9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.
- 9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.
- 9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.
- 9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.
- 9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is ‘fit and proper’ to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

LICENSING AUTHORITY:

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

Consideration of the Grant, Renewal, Suspension
or Revocation of Hackney Carriage / Private Hire
Driver & Vehicle Licences, & Private Hire Operator
Licences



This policy was adopted by the Oxford City Council at the meeting of the Full Council on 17th March 2022 and comes into force on 1st April 2022.
The Policy shall be in place for period of five (5) years from that date, however it will remain under review should amendments be necessary.

OXFORD CITY COUNCIL

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

CONTAINED WITHIN THIS POLICY YOU WILL FIND:

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

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

1. Introduction

- 1.1 The aim of Local Authority licensing of the Taxi and Private Hire trades is to protect the public. With this in mind, Public Protection must be at the forefront when determining whether an individual is considered a 'fit and proper' person to hold a licence. The Licensing Authority is entitled and bound to treat the safety of the public as the paramount consideration.
- 1.2 The Hackney Carriage and Private Hire trade have a specific role to play in an integrated transport system. They are able to provide demand responsive services in situations where public transport is either not available (for example in rural areas, or outside 'regular' hours of operation such as in the evenings or on Sundays), and /or for those with mobility difficulties. Hackney Carriage and Private Hire vehicles support the night-time economy by playing a vital part in the safe dispersal of people in the city.
- 1.3 The Council's aim is to ensure that the public have reasonable access to Taxi and Private Hire services, due to the part they play in a local transport provision. Therefore, it is essential that the councils' Hackney Carriage and Private Hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.
- 1.4 It is the Council intention to license well-run and responsible businesses and individuals. Its purpose, therefore, is to prevent licences being issued to or used by those who are not suitable persons, taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their position to cause distress, harm or suffering to any passenger or other person and that they meet the 'fit and proper' person test.

2. Objectives

- 2.1 The Licensing Authority will carry out its Hackney Carriage and Private Hire functions with the view to promote the following objectives:
 - The protection of public safety and health
 - The promotion of a professional and respected Hackney Carriage and Private Hire trade
 - Access to an efficient, modern and effective transport service
 - The protection and improvement of the environment, local economy and quality of life
- 2.2 The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these objectives the Authority shall expect all licence holders and applicants to continuously demonstrate they can meet or exceed specifications set by the Council.
- 2.3 The purposes of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers and that they meet the 'fit and proper' person test.

3. Status

- 3.1 This policy contains information about legal requirements, government guidance, procedures and standards in relation to its taxi licensing functions. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the Council the duty to carry out licensing functions in respect of Hackney Carriage and Private Hire vehicles, drivers and operators.
- 3.2 In exercising its duties when carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons shall be given for doing so.
- 3.3 The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. However, certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a reasonable transitional period which will be determined and provided by officers acting under delegated powers, during which necessary changes must be made by all licence holders.
- 3.4 The policy provides guidance for applicants, proprietors, drivers and operators to assist them with application processes and operation of their business. This guidance, application forms, current fees, as well as criteria, conditions and regulations relating to Taxi and Private Hire licensing functions can be found in the following documents:

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

These are available on the relevant Council website or by contacting the General Licensing Team. In order to ensure that the most up to date version is used, applicants and licence holders should not store these forms on their own system but should download the latest version of a form when it is required.

The Council provides all such relevant information on its website at: www.oxford.gov.uk/taxilicensing

- 3.5 This policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Head of Regulatory Services and Community Safety in consultation with the Chair of the General Purposes Licensing Committee is authorised to make minor administrative amendments to the policy where necessary, and to amend the policy to reflect any changes in legislation, statutory guidance or similar.

4. Legislation and Best Practice Guidance

- 4.1 All licence holders must comply with the provisions relating to Hackney Carriage and Private Hire drivers and vehicles contained in legislation, including but not limited to the following:
- The Local Government (Miscellaneous Provisions) Act 1976
 - The Local Government Act 1972
 - Town Police Clauses Act 1847 (as amended)
 - Town Police Clauses Act 1889
 - Road Safety Act 2006
 - Equality Act 2010
 - Public Health Act 1875
- 4.2 The Department for Transport (DfT) has responsibility for Hackney Carriage and Private Hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The DfT has also published the Statutory Taxi and Private Hire Vehicle Standards in July 2020 focusing on protecting children and vulnerable adults, as well as benefiting all passengers. The council has taken account of the recommendations in both documents to shape this policy.

5. Enforcement Procedures

- 5.1 Enforcement is part of the overall licensing control process exercised by the Council and is taken to:
- **ensure public safety**
 - **maintain standards within the trade**
 - **support the policies of the council**
 - **respond to complaints**
 - **support partnerships with neighbouring local authorities, and other agencies such as the Police and Driver and Vehicle Standards Agency (DVSA)**

All enforcement will be proportionate, transparent and in accordance with the Council's Corporate Enforcement Policy. The Council will ensure that its enforcement system meets the objectives set out in the policy whilst avoiding undue burden and costs upon licence holders.

- 5.2 This Authority will deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Regulatory Services and Community Safety, the Hackney Carriage and Private Hire General Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with the definition of a “fit and proper” person. Hackney Carriage and Private Hire drivers and operators maintain close contact with the public and are therefore not expected to behave or act in a manner that may:
- **cause any person to take offence at their actions**
 - **cause any person to believe their actions are inappropriate**
 - **cause any person to fear for their physical safety**
 - **cause any person to doubt their integrity**
 - **brings the integrity of the Council in to disrepute for having granted such a person a licence**
 - **fail to adhere to the conditions and regulations pertaining to the licence**
- 5.3 The Council's enforcement process addresses persistent, low level breaches through to serious, possibly criminal, behaviour. Sanctions range from advice and warnings, to the suspension and revocation of a licence and / or prosecution. Failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions :

- **the issue of an Advisory letter**
- **the issue of a warning (appropriate to the incident reported)**

- the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)
 - the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984
 - the issue of a Formal Caution
 - the referral of the matter to the Head of Regulatory Services and Community Safety
 - the referral of the matter to the Hackney Carriage and Private Hire General Licensing Sub-Committee
 - the referral of the matter to the Law and Governance department for consideration of prosecution
- 5.4 Licensing Officers are permitted to instruct an existing licence holder to undertake new or repeated courses or training (driving standards, safeguarding, disability awareness, etc.) at any time, to ensure their standards have not fallen below the council expectations for a 'fit and proper' person. The Licensing Officer will provide detailed reasons for the requirement
- 5.5 All case notes, evidence and enforcement outcomes are recorded on the Council's case management system. The council understands the importance of ensuring that personal data, including sensitive personal data is always treated lawfully and appropriately and that the rights of individuals are upheld. You can find the council data protection policy online <https://www.oxford.gov.uk/privacy>
- 5.6 **"Warning" System:**

Advisory Letter: A letter advising that although the incident, allegation, an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the incident has caused concern to the Council as to the suitability to hold such a licence. The Advisory Warning usually addresses a low level non-compliance, which can be issued at any level on the scale of warnings. If similar behaviour or non-compliance persists, it may lead to an escalation in the level of warning issued.

First Level Warning: A letter advising that although the incident, allegation, an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, which deals with more serious incidents, repetitious behaviour or non-compliance, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe.

Second Level Warning: A letter advising that although the incident, allegation, an offence, caution or conviction was not severe enough to have warranted a Final Warning, suspension or revocation of the licence, the behaviour or the offence committed is unacceptable and has caused significant concern to the Council as to the suitability to hold such a licence. A Second Level Warning deals with serious incidents, repetitious behaviour or non-compliance. If in the future, similar behaviour is illustrated, the consequences shall be much more severe.

Final Warning: A letter advising that although the incident, allegation, an offence, caution or conviction did not warrant the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused major concern to the Council as to the suitability to hold such a licence. A Final Warning deals with major incidents, as well as escalation of warning level due to repeated non-compliance. If in the future, similar behaviour or any other non-compliance is illustrated, the licence holder should expect the matter to be addressed through the escalation warning system.

5.7 Suspension, Revocation and Sub-Committee interventions

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

Immediate Suspension: A Decision issued by Head of Regulatory Services and Community Safety or the Hackney Carriage and Private Hire Licensing Sub-Committee advising that in the view of the serious nature of the incident, allegation, an offence, caution or conviction the Council has decided there is reasonable cause to suspend the licence with immediate effect in the interests of public safety. Suspension is not indefinite and the Authority may consider determination of the individual 'fit and proper' status during the suspension period. An individual has the right of appeal to the Magistrates' Court within 21 days from the decision, however the suspension shall remain in force pending the outcome of any appeal.

Immediate Revocation: A Decision issued by Head of Regulatory Services and Community Safety or Hackney Carriage and Private Hire Licensing Sub-Committee advising that in the view of the serious nature of the incident, allegation, an offence, caution or conviction the Council has decided there is reasonable cause to revoke the licence with immediate effect in the interests of public safety. The revocation is indefinite. The individual has the right of appeal to the Magistrates' Court within 21 days from the decision.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers to determine the suitability of a new applicant to be granted a licence or existing licence holder to maintain a licence, by assessing if the person meets the Authority's definition of a "fit and proper" person. The Licensing Sub-Committee hearings are conducted in person. Parties attending the hearing

consist of the Sub-Committee panel (three elected members), council legal adviser, clerk, Licensing Officer and the new applicant or current licence holder, who are entitled to be accompanied by a representative should they need assistance. An applicant for a new Hackney Carriage and/ or Private Hire driver licence is entitled to have their application determined by the Licensing Sub-Committee, taking into account the policy recommendations. Each application shall be considered on its own merits. The Licensing Sub-Committee could determine to grant or renew a licence, refuse to grant or renew a licence, suspend or revoke a licence.

6. Definitions

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

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

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

Conviction: Judicially determining that someone is guilty of a crime

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

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

"Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?"

Hackney Carriage Vehicles: A vehicle that can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a taxi rank within their district to await the approach of passengers; a vehicle available for Public Hire within the controlled district.

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

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

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

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

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

Operator: A business that makes provision for the invitation or acceptance of bookings for Private Hire Vehicles.

Refusal: To decide not to give something

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

Revoke: To take something away permanently.

Suspend: To take something away temporarily.

7. Guidelines Relating to the Relevance of Convictions - Powers and Duties

7.1 The Rehabilitation of Offenders Act 1974 ("1974 Act") and associated amendments sets out the period after which a conviction/caution/warning would be regarded as 'spent' and not normally require details of that conviction to be provided on any relevant application form. In 2002 the Rehabilitation of Offenders Act 1974 was amended to exclude hackney carriage and private hire drivers from the 1974 Act. The driving of hackney carriages and private hire vehicles was listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0.

7.2 Applicants for, or current licence holders of, taxi driver, vehicle or operator licences must therefore provide details of all convictions, warnings, reprimands, injunctions, cautions, Community Protection Notices, Criminal Behaviour Orders, community service orders, restraining orders, traffic offences, other court orders, Notices or Orders associate with child or adult safeguarding concerns, driver education courses, disqualifications and fixed penalty notices (including for traffic offences), including

any that would previously have been regarded as spent under the 1974 Act or may not currently show on any replacement DVLA driver's licence, or another other notice or legal matter pertaining to a criminal or anti-social behaviour incident. In addition, any pending court cases or hearings must be declared, and details of any licences previously held, suspended or revoked. The Authority will take the information provided into account irrespective of offence, sentence imposed or age when the offence is committed.

- 7.3 Failure to disclose any information detailed in paragraph 7.2 in writing within 48 hours of receipt of their issue, or the making of false declarations will be considered to be an act of dishonesty and may result in the application being refused or the licence revoked. Applicants must seek the advice of an officer if they cannot remember full details that they are required to declare or have any uncertainty about what details they are required to provide.
- 7.4 All licence holders are required to inform the council in writing within 48 hours if they are arrested, formally interviewed (voluntary) or charged with an offence by the police or other enforcement body. This is to allow the council to be aware of any public safety concerns and to take appropriate action. Failing to notify the council may result in additional enforcement action against the licence.
- 7.5 In order to assess an individual suitability to hold a licence, this Authority requires all applicants to provide a current Enhanced Disclosure and Barring Services (DBS) Certificate and a DVLA Disclosure. All licence holders must subscribe to the online DBS update service and maintain the subscription for the full duration of the licence. Where a driver fails to maintain their subscription with the online DBS Update service, or the DBS update check reveals new information their licence may be suspended with immediate effect on the grounds of public safety. The licence holder will have to submit a new DBS application, provide the DBS Certificate and online subscription, which may take several weeks to be processed by DBS.
- 7.6 Where the Authority has a reasonable cause for concern in regards to a licence holder, an Enhanced DBS update check may be carried out. Should the check reveal any concerns or new information, the driver shall be notified of the outcome. The Authority shall also carry out an annual background checks (DBS) to ensure no changes in circumstances occurred during the validity of the licence.
- 7.7 A licence may be suspended or revoked with immediate effect pending the outcome of any investigation or trial where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:
 - Driving or being in charge of a vehicle whilst under the influence of alcohol or drugs
 - A drug related offence
 - An offence of a sexual nature
 - An offence involving violence
 - An offence involving dishonesty
- 7.8 A licence may also be suspended or revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought or if the police determine to take no further action. In all cases the licence holder will be given an opportunity to make representations and these will be taken into account by the decision maker/s.

8. Suitability to Hold a Licence - A 'Fit and Proper' Person

- 8.1 When considering whether someone should serve the public as a taxi driver, the range of passengers that a driver may carry must be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who could be intoxicated, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:
 - **Honesty and trustworthiness** – drivers are very often trusted with sensitive information whilst carrying out their duties. They have the knowledge of passenger vulnerabilities, convey customers who do not know the city and its locations, as well as manage a property lost in the vehicles. They must not abuse their position of trust.
 - **Abusive behaviour** – drivers are often subject to a disagreement, unpleasant or dishonest behaviour. The Council does not consider that such situations excuse any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, attempt to defuse the situation and to address disputes through the proper legal channels.
 - **A good and safe driver** – Passengers paying for a transport services rely on their driver to get them to their destination safely. Licensed drivers are professional drivers and should be fully aware of all road traffic legislation and conditions attached to the licence.
- 8.2 Licensing authorities have a duty to ensure that any person to whom they grant a Taxi or Private Hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

- 8.3 Licensing Authorities have a duty to safeguard the public. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given 'the benefit of doubt'. If the committee or delegated officer is only "50/50"

as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction and can take into consideration conduct that has not resulted in a criminal conviction.

- 8.4 The relevant legislation provides that the Council may grant a licence **ONLY** if it is satisfied that the individual is a 'fit and proper' person – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**
- 8.5 The Licensing Authority is entitled to take into account all matters concerning an applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the Hackney Carriage or Private Hire trade. This consideration is far wider than criminal convictions or other evidence of unacceptable behaviours, and the entire character of the individual will be considered. This can include but is not limited to, the individual's attitude and temperament.
- 8.6 Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has failed to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore prudent for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.
- 8.7 Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:
- **Hackney Carriage and Private Hire Driver Licence Application Pack**
 - **Hackney Carriage and Private Hire Vehicle Licence Application Pack**
 - **Private Hire Operator Licence Application Pack**

9. Information Sharing

- 9.1 Applicants and licensees are required to disclose if they hold or have previously held a licence with another authority. As well as, if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Where drivers have been licensed with other authorities, this authority shall carry out checks with those authorities for any information that may be relevant to the application being considered. In addition, the council will use the National Anti-Fraud Network's - National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations (known as 'NR3'), to share information and mitigate the risk of non-disclosure of relevant information by applicants.
- 9.2 The police are an invaluable source of intelligence when assessing whether a licensing applicant or current licence holder is a 'fit and proper' person. This Authority is committed to work in partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, action taken by the licensing authority as a result of information received may be reported to the police. Safeguarding concerns resulting in a revocation or refusal on public safety grounds may be reported to the police and other relevant agencies.
- 9.3 In order to assist effective information sharing on a local level, this Authority is a partner in the Oxfordshire Joint Operating Framework (JOF) for the Transportation of Children and Adults with Care and Support Needs and Taxi Licensing. The framework provides a single set of minimum standards for agencies with responsibilities for transporting children and adults with care and support needs in Oxfordshire, including addressing vetting, training, awareness raising and most importantly information sharing between agencies.

10. Protecting the Public

- 10.1 It is not the Licensing Authorities role to balance a driver's right to work against the public's right to protection. The Licensing Authority is duty bound to treat the safety of the public as its principle consideration. Having considered and applied the appropriate guidelines, the council shall determine each case on its own merits.
- 10.2 The character of the driver in its entirety is the central consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a 'fit and proper' person.

11. Licensing history

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

12. Safeguarding

- 12.1 The council acknowledge that all licensed drivers who transport children, young people and vulnerable adults play a very important role in safeguarding, and this is why mandatory training is required for all licensed drivers. **The key message is that safeguarding is everyone's responsibility.**
- 12.2 The Authority recognise the opportunities provided by Taxi and Private Hire drivers to spot the signs and alert the appropriate authorities to concerns about the safety of children and adults with care and support needs. Taxis and Private Hire vehicles regularly transport passengers who may be vulnerable, for example when the passenger is under the influence of alcohol or drugs or is travelling alone, hence the need to promote the highest safeguarding standards to protect both passengers and drivers
- 12.3 Vulnerable children and adults are those whose mental health, disability, age, illness or other reasons means that they may be unable to take care of themselves and/or unable to protect themselves against serious harm or potential exploitation. Some people may have more advanced needs than others and therefore are more likely to face abuse or be directly abused by others because they require assistance to speak, move themselves or understand others; these are some of the types of needs that make them vulnerable.
- 12.4 Drivers are expected to report all safeguarding concerns to the police if there is an immediate risk of harm to a child or vulnerable adult and / or the relevant social care providers. Drivers are also expected to inform the Private Hire Operator under whose licence they operate at the time and inform the Council's Licensing Authority.

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

1. General Principles

- 1.1 Each case shall be considered on its own merits.
- 1.2 Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire Licence. However, they should remain free of conviction for an appropriate period of time, according to the circumstances, before the Licensing Authority will consider whether a licence should be granted or renewed. This places passenger safety as the priority while enabling those with past offences to be considered for a licence. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.
- 1.3 Cautions shall also be taken into consideration. They can give indication as to an applicant's (licensee) character and whether they are a 'fit and proper' person to hold or be granted a licence. A caution is given where there is sufficient evidence for a prosecution and guilt has been admitted.
- 1.4 Should a Court have found as a matter of fact that a person has committed an offence, the Licensing Authority will not take into consideration the applicant's assertion that they did not commit the offence. The applicant can, however, explain any mitigating circumstances that led to them committing the offence, which could be taken into account when determining whether the applicant is a 'fit and proper' person to hold a licence. Such cases may be referred to the Hackney Carriage and Private Hire General Licensing Sub-Committee for determination.
- 1.5 In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.
- 1.6 Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation to hold a licence issued by the Authority.
- 1.7 A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before a valid application form was received in the Taxi Licensing Office.
- 1.8 Where an applicant has more than one conviction / caution showing a pattern or tendency irrespective of time since the convictions, serious consideration shall be given as to whether they are a 'fit and proper' person to hold a licence.
- 1.9 In relation to a single conviction / caution, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence may be granted. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed.

2. Assessment of previous convictions

2.1. Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

2.2. Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

2.3. Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least ten (10) years have elapsed since the completion of any sentence imposed.

2.4. Possession of weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed.

2.5. Sexual and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
The licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

2.6. Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed.

Failure to declare endorsement convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving is regarded as a serious matter, whether it is through the omission of such matters when submitting an application to the Authority, or by not informing the Authority within 48 hours of receipt of their issue.

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

2.7. Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least ten (10) years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five (5) years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

2.8. Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed.

2.9. Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of transporting the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence. However, applicants with multiple motoring convictions indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

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

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four (24) months has elapsed following its restoration and a warning should be issued as to future conduct.

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

Any motoring conviction while a licensed driver demonstrates that the licensee does not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a 'fit and proper' person to retain a licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

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

Drivers already licensed by the authority and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 48 hours of any new conviction.

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

6 or less penalty points: Where any current licence holder, has 6 or fewer points on their DVLA driving licence, the Licensing Officer will usually consider granting the licence with a written warning, as long as the licensee remains 'fit and proper' person. The number, type and frequency of an offence(s) will be taken into account when considering the level of warning.

7 or more penalty points: Where any current licence holder is convicted during the course of the licence of any single offence which results in a penalty of six or more points or acquires

seven or more penalty points should expect their licence to be suspended, refused or revoked taking into account the number, type and frequency of an offence(s). In exceptional circumstances the Licensing Officer may request an additional / new driving standards test at the expense of the Licence Holder.

“Totting Up” under S35 Road Traffic Offenders Act 1988: Where an applicant or current licence holder, has been disqualified under the “totting up” procedures, the Authority will normally consider refusal until there has been a **period of twelve (12) months** free of relevant convictions. If an applicant has agreed “exceptional hardship” and avoided disqualification, refusal shall still be considered and a **period of twelve (12) months** free of relevant convictions required.

2.10. Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life; or driving under the influence of drink or drugs; or driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least five (5) years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle-related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving whilst disqualified, fail to stop after an accident, driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed

2.11. Drink driving / driving under influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs

2.12. Using hand-held telephone or hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five (5) years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

2.13. Hackney Carriage and Private Hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least seven (7) years have elapsed since the completion of any sentence imposed.

2.14. Plying for Hire

A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one's vehicle available for public hire without a licence; this could be by taking a passenger without a booking in a licensed Private Hire vehicle or a picking up a fare without a booking in a Hackney Carriage vehicle outside of its licenced district. It is illegal for Private Hire drivers to park or stop in a prominent positions for the intention of taking a passenger (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by a Private Hire Operator. The licence holder should expect further enforcement measures to be taken against them, including a full inspection of the vehicle and driver compliance against the conditions relating to both licences.

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

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

If a licence is revoked a period of seven (7) years should have elapsed before any application is considered.

2.15. Licensing History

Applicants who have had a licence revoked or an application refused by the council or any other local authority will not be licensed for a minimum of five (5) years after the date of the revocation or refusal.

3. Complaints Against Licence Holder

- 3.1. Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.
- 3.2. The Authority operates a robust system for recording and investigating complaints, as well as analysing trends across the trade and individual licensees. This helps the authority to build a fuller picture of the potential risk an individual may pose and could tip the 'balance of probabilities' assessment that the authority must take. All complaints submitted to the Authority are investigated and dealt with by Licensing Officers. The licence holder is invited to make representations in regards to the complaint made against him/her. Should the complaint be of a serious nature, the licence holder may be requested to attend an interview.
- 3.3. The Licensing Officer will consider the conduct of the licence holder and determine what action should be taken, if any, whilst taking into account written submissions, evidence submitted or gathered during the investigation and the circumstances surrounding the alleged incident. The Licensing Officer will also consider the history of all complaints made against the driver to assess any patterns of behaviour and if deemed appropriate request additional background checks to be carried out.
- 3.4. In assisting the process all licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed

4. Warnings Issued by Licensing Officers

- 4.1. The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the district. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.
- 4.2. Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence are dealt with, in the first instance, by way of Warnings. Unless the incident is of serious nature and must be escalated. It is this Authority's policy to provide advice and to educate the licensed trade in order to meet the licensing objectives as described in this Policy.
- 4.3. The levels of Warning issued by the Licensing Officers shall be proportionate to the incident that they deal with. However, should a licence holder be found to be continually failing to meet with the requirements of their licence, display a repetitious behaviour or be subject to a serious incident, the level of Warning shall be escalated.
- 4.4. A licence holder, who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect the consequences to be much more severe. If deemed necessary the matter will be referred to the Head of Regulatory Services and Community Safety or the Hackney Carriage and Private Hire Licensing Sub-Committee or possibly lead to the suspension or revocation of the licence.
- 4.5. Any licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written submission (licensing@oxford.gov.uk), to the Licensing Team Leader (or higher management) within **21 days of the Warning being issued**.

APPENDIX FOUR

Summary list of the amendments and recommendations to the revised **Policy on the Relevance of Warnings, Offences, Cautions and Convictions:**

- | | |
|---|---|
| 1. Duration of the Policy
(paragraph 3.5) | The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Head of Regulatory Services and Community Safety in consultation with the Chair of the General Purposes Licensing Committee is authorised to make minor administrative amendments to the policy where necessary, and to amend the policy to reflect any changes in legislation, statutory guidance or similar. |
| 2. Warning system
(paragraph 5.6-5.7) | The warning system within the enforcement procedure has been revised to update the wording of the warnings. The escalation of the warning system is transparent and includes further sanctions, such as Immediate Suspension / Revocation and Hackney Carriage and Private Hire Licensing Sub-Committee powers. |
| 3. Enhanced Disclosure and Barring Services (DBS) / Online Update Service / requirement to report matters
(paragraph 7) | <p>All applicants for a Taxi and Private Hire drivers licence must provide current Enhanced Disclosure and Barring Services (DBS) Certificate, as per criteria for licensing.</p> <p>All license holders must subscribe to the online DBS update service and maintain the subscription for the full duration of the licence. Where a driver fails to maintain their subscription with the online DBS Update service, or the DBS update check reveals new information, their licence may be suspended with immediate effect on the grounds of public safety.</p> <p>Where a council has reasonable cause for concern in regards to a licence holder, an enhanced DBS update check may be carried out. Should the check reveal any concerns or new information, the driver shall be notified of the outcome. The Authority shall also carry out annual background checks to ensure no changes in circumstances occurred during the validity of the licence.</p> |

All licence holders and new applicants, must report all new convictions, cautions, warnings, reprimands, anti-social behaviour injunctions, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), court orders or others notices associate with child or adult safeguarding concerns, driver education courses and any disqualifications from driving, or another other notice or legal matter pertaining to a criminal or anti-social behaviour incident, in writing within 48 hours from the date of formal notification.

All licence holders are required to inform the council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police or other enforcement body. This is to allow the council to be aware of any public safety concerns and to take appropriate action.

4. Suitability to hold a licence (paragraph 8)

The council criteria and description of a 'fit and proper' person to hold a licence has been revised to include the Statutory Taxi and Private Hire Vehicle Standards recommendation.

Licensing authorities have a duty to ensure that any person to whom they grant a Taxi or Private Hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

Licensing Authorities have a duty to safeguard the public. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given 'the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction and can take into consideration conduct that has not resulted in a criminal conviction.

The Licensing Authority is entitled to take into account all matters concerning an applicant or licensee. They are not simply concerned with that

	<p>person's behaviour whilst working in the Hackney Carriage or Private Hire trade. This consideration is far wider than criminal convictions or other evidence of unacceptable behaviours, and the entire character of the individual will be considered. This can include but is not limited to, the individual's attitude and temperament</p>
<p>5. NR3 – National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations (paragraph 9.1)</p>	<p>The Authority intends to introduce and use the national register NR3, to share information and mitigate the risk of non-disclosure of relevant information by applicants.</p> <p>Applicants and licensees are required to disclose if they hold or have previously held a licence with another authority. As well as, if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Where drivers have been licensed with other authorities, this authority shall carry out checks with those authorities for any information that may be relevant to the application being considered.</p>
<p>6. Safeguarding (paragraph 12)</p>	<p>Safeguarding within the Taxi and Private Hire has been revised, with a main message that safeguarding is everyone's responsibility. All applicants must complete the mandatory Safeguarding and Disability Awareness course before licence can be granted and all current licence holders must complete the training every three years. Educational safeguarding material for the trade, including safeguarding in the night time economy and county lines has been updated.</p> <p>Licence holders are obliged to report if there is an immediate risk of harm to a child or vulnerable adult to the relevant authorities.</p>
<p>7. Assessment of previous convictions (paragraph 2, Guidelines)</p>	<p>Assessment of previous convictions had been revised in its entirety and it aligns with the Department for Transport Statutory Taxi and Private Hire Vehicle Standards recommendations.</p>
<p>8. Complaints against Licence Holders (paragraph 3, Guidelines)</p>	<p>In assisting the process all licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed.</p>

9. Medical Certificate Form

The Medical Certificate Form has been updated and is now in the form of the DVLA Group 2 medical form D4. All the medical questions / examination remain the same.

For full information please refer to the revised Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

**All the Application Pack documents (driver, vehicle and operator) shall be revised and updated according to the final agreed Policy on the Relevance of Warnings, Offences, Cautions and Convictions by the Council.*

To: Standards Committee – 2 March 2022
Council – 21 March 2022

Report of: Monitoring Officer / Head of Law and Governance

Title of Report: Adoption of revised Councillors' Code of Conduct

Summary and recommendations	
Purpose of report:	This report introduces a proposed revised Members' Code of Conduct for adoption and implementation from May 2022
Key decision:	No
Recommendations: That the Standards Committee resolves to:	
1. Recommend to Council to adopt the revised Councillors' Code of Conduct for implementation from May 2022	
Appendix 1	Proposed Oxfordshire Code of Conduct

Introduction and background

1. Section 27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'
2. Oxford City Council adopted the Members' Code of Conduct in July 2012 and it forms part of the Constitution (Section 22). All Oxfordshire local authorities are covered by a single, jointly-agreed Code of Conduct which ensures that councillors who are members of multiple authorities within the area are covered by a single code, providing clarity and consistency. The same Members' Code of Conduct has been adopted by each of the four parish councils in Oxford (Blackbird Leys, Littlemore, Old Marston, and Risinghurst & Sandhills Parish Councils).
3. In 2018 the Committee on Standards in Public Life ("the CSPL") undertook a review of local government ethical standards. The Committee on Standards in Public Life considered that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. A consultation period ran from 29 January to 18 May 2018 with which the Council engaged.

4. The terms of reference for the review were to:
 - i. examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
 - ii. assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
 - iii. make any recommendations for how they can be improved
 - iv. note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation
5. The Committee on Standards in Public Life (“the CSPL”) published the [Local Government Ethical Standards report](#) (“the Report”) on 30 January 2019 and Standards Committee considered the Report on 25 February 2019.
6. The Local Government Association (“the LGA”) then released a draft Model Member Code of Conduct on 8 June 2020 and sought views on it. The Standards Committee considered the draft Model Code on 29 June 2020 and the Head of Law and Governance submitted a consultation response to the LGA on behalf of the Council.
7. The LGA published a [Model Member Code of Conduct](#) in December 2020 which was updated in January and May 2021. The LGA issued some accompanying [guidance](#) in July 2021.

LGA Model Code of Conduct

8. The LGA Model Code is said to “have been designed to protect our democratic role, encourage good conduct, and safeguard the public’s trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the code. It is also to protect councillors, the public, local authority officers and the reputation of local government.”
9. The LGA Model Code does not differ significantly in content from the local code already in operation in Oxfordshire, although some of the language used is different. The Oxfordshire authorities have worked collaboratively to consider whether to adopt the model code from the LGA, to keep the current Members' Code of Conduct or to adopt an amended Members' Code of Conduct. The Head of Law & Governance has drafted an amended Councillors' Code of Conduct which will be considered by each of the Oxfordshire Authorities for approval. The proposed draft is contained in Appendix1 to this report and it is intended that all of

the Oxfordshire Authorities adopt the Code for implementation from May 2022 onwards.

10. The draft Code sets out general principles of conduct expected of all Councillors as well as specific obligations in relation to standards of conduct. The fundamental aim of the draft Code is to create and maintain public confidence in the role of the Councillor and in Local Government. The Code of Conduct will apply to each Councillor as soon as they sign the declaration of acceptance of the office of Councillor or attend their first meeting as a co-opted member and continues to apply until the role as a Councillor ceases.
11. The draft Code is attached at Appendix 1. The Standards Committee will note that it:-
 - a) Applies to members acting in their capacity as a Councillor which may include when:
 - the position as a Councillor is misused; or when
 - the impression is given to a reasonable member of the public with knowledge of all the facts that an individual is acting as a Councillor.

Members are expected to uphold high standards of conduct and show leadership at all times.

- b) Applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments;
- c) Includes the following standards/obligations, with guidance given for each obligation to help explain the reasons for the obligations and how they should be followed:
 - (i) Respect - A Councillor:

Shall treat everyone, including other Councillors and members of the public with respect and shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word.
 - (ii) Bullying, Harassment and Discrimination – A Councillor:

Shall not bully or harass any person and shall promote equalities and not discriminate against any person.

Bullying is described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular

pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

(iii) Impartiality of Officers of the Council – A Councillor:

Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

(iv) Confidentiality and access to information – A Councillor:

Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless:

- they have received the consent of a person authorised to give it; or
- they are required by law to do so; or
- the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.

Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.

Shall not prevent anyone from getting information that they are entitled to by law.

When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.

(v) Disrepute - A Councillor:

Shall not bring their role or local authority into disrepute.

- (vi) Use of position - A Councillor:
Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.
- (vii) Local authority Resources and Facilities - A Councillor:
Shall not misuse council resources.
Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.
- (viii) Compliance with the Code of Conduct - A Councillor:
Shall undertake Code of Conduct training as required by the local authority.
Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.
Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.
- (ix) Gifts and Hospitality - A Councillor:
Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.
- d) Sets out the obligations for councillors in relation to the registration/declaration of interests including Disclosable Pecuniary Interests (DPI) and other registrable interests. It also contains guidance on the steps that must be taken if a councillor has an interest in a matter that is under consideration by the Council, including when it relates to a non-registrable interest. Where a matter arises at a meeting which directly relates to a

councillor's financial interest or wellbeing (and does not fall within the definition of disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, it is a non-registrable interest.

Legal implications

12. None

Financial implications

13. None

Risk management

14. None

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Oxfordshire Councils' Councillor Code of Conduct 2022

February 2022

1.0 Introduction

The Council has a duty to promote and maintain high standards of conduct by members and co-opted members of the Council, and formally adopt a code of conduct, in accordance with the *Localism Act 2011*.

2.0 Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the Councillor and in Local Government.

3.0 Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of the local authority. A "co-opted member" is defined in the *Localism Act 2011 Section 27(4)* as "a person who is not a member of the authority but who

- 3.1 is a member of any committee or sub-committee of the authority, or;
- 3.2 is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

4.0 General Principles of Councillor Conduct

Everyone in public office and all who serve the public or deliver public services, including Councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles, (see Appendix A).

Building on these principles of selflessness, objectivity, accountability, openness, honesty and integrity and leadership, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in Councillors, on all occasions a Councillor shall:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.
- impartially exercise their responsibilities in the interests of the local community

- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

These general principles have been incorporated into the obligations of the Code of Conduct as set out below.

5.0 Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

6.0 Standards of Councillor Conduct

This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken.

Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

6.1 Respect

A Councillor:

- 6.1.1 Shall treat everyone, including other Councillors and members of the public with respect.**
- 6.1.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word.

Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from everyone. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant social media provider and/or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

6.2 Bullying, Harassment and Discrimination

A Councillor:

6.2.1 Shall not bully any person.

6.2.2 Shall not harass any person.

6.2.3 Shall promote equalities and not discriminate against any person.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Legislation places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

6.3 Impartiality of Officers of the Council

A Councillor:

6.3.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor may question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

6.4 Confidentiality and access to information

A Councillor:

- 6.4.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless**
- i. They have received the consent of a person authorised to give it; or**
 - ii. They are required by law to do so; or**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.**
- 6.4.2 Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.**
- 6.4.3 Shall not prevent anyone from getting information that they are entitled to by law.**
- 6.4.4 When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.**

6.5 Disrepute

A Councillor:

- 6.5.1 Shall not bring their role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions.

6.6 Use of position

A Councillor:

6.6.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.

A Councillor should not take advantage of opportunities, responsibilities and privileges to further their own or others' private interests or to disadvantage anyone unfairly.

6.7 Local authority Resources and Facilities

A Councillor:

6.7.1 Shall not misuse council resources.

6.7.2 Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.

A Councillor may be provided with resources and facilities by the local authority to assist them in carrying out their duties as a Councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of local authority buildings and rooms.

6.8 Compliance with the Code of Conduct

A Councillor:

6.8.1 Shall undertake Code of Conduct training as required by the local authority.

6.8.2 Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.

6.8.3 Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

6.8.4 Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

It is extremely important for a Councillor to demonstrate high standards, to have your actions open to scrutiny and not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

7.0 Registering and Declaring Interests

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know

early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

7.1 Disclosable Pecuniary Interests

A Councillor must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see Appendix B), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You must disclose the interest at any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'. If it is a 'sensitive interest', you must disclose the fact that you have an interest but do not have to disclose the nature of it. (A sensitive interest is an interest which, in the opinion of the Monitoring Officer, if disclosed, could lead to the Councillor, or a person connected with them, being subjected to violence or intimidation.) You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

Following any disclosure of an interest not on the Council's register, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, by the Monitoring Officer, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

You must ensure that your register of interests is kept up to date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix B is a criminal offence under the Localism Act 2011.

7.2 Other Registerable Interests

You must also register your other registerable interests with the Monitoring Officer within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.

Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Appendix C), you must

disclose the interest. Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

7.3 Non-Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests at 7.1 above), or the financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a sensitive interest you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests as set out at 7.2 above and appendix C you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

8.0 Gifts and Hospitality

A Councillor:

- 8.1 Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 8.2 Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 8.3 Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.**

The presumption should always be not to accept significant gifts or hospitality but there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

You do not need to register gifts and hospitality which are not related to your role as a Councillor.

It is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B: Discloseable Pecuniary Interests

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>

Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issues share capital of that class.</p>

* 'Director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix C: Disclosure of Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any Body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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DRAFT

To: Council
Date: 21 March 2022
Report of: Head of Law and Governance
Title of Report: Constitution Review 2021-22

Summary and recommendations	
Purpose of report:	This report recommends changes to the Council's Constitution following an annual review of the Constitution overseen by a "Cross-Party Constitution Group".
Key decision:	No
Lead Member:	Councillor Susan Brown, Leader, and Cabinet Member for Inclusive Growth, Economic Recovery, and Partnerships
Corporate Priority:	N/A
Policy Framework:	N/A
Recommendations: That Council resolves to:	
1.	Approve the list of proposed amendments to governance arrangements in the Council's Constitution listed in Appendix 1 with effect from 18 May 2022;
2.	Approve the list of proposed amendments to clarify existing governance arrangements in the Council's Constitution as detailed in Appendix 2 with effect from 18 May 2022;
3.	Approve the dispensations in Part 22.5(e) granted under section 33 of the Localism Act 2011 for a further four years from 1 October 2022;
4.	Note that Council will be recommended to adopt a new Members Code of Conduct under a separate agenda item, following consideration by the Standards Committee; and
5.	Delegate authority to the Head of Law and Governance to make minor and consequential amendments to the Constitution including to wording and/or numbering that is identified as being inconsistent with the changes approved by Council.
6.	Note that the Monitoring Officer has delegated authority to change Part 4 (who carries out executive responsibilities) and Part 6 (roles of Cabinet members) to reflect the wishes of the Leader. This would include amending Cabinet Member portfolio titles in the Constitution to reflect any changes announced by the Leader.

Appendices	
Appendix 1	List of proposed amendments to governance arrangements in the Constitution
Appendix 2	List of proposed amendments to strengthen the clarity of existing governance arrangements in the Constitution

Introduction and background

1. The Constitution forms a key part of the Council's governance framework, setting rules, principles and procedures to enable the Council to take decisions and do its work effectively.
2. The Constitution is reviewed annually to ensure that it continues to properly reflect the law and meet the needs of the Council. This is both a tidying up exercise and an opportunity to respond to governance changes and issues that have arisen since the previous review.
3. A Cross-Party Constitution Review Working Group ("the Group") was formed to consider suggestions from officers and elected members and shape the proposals before Council. The Group was chaired by Cllr Paula Dunne and its membership also included: Cllr Colin Cook, Cllr Andrew Gant Cllr Chris Jarvis, Cllr Saj Malik, Cllr Mike Rowley, Cllr Imogen Thomas and Cllr Liz Wade. The Group held one meeting, on 14 December 2021 to consider proposed changes submitted by members and officers. Following the December meeting a briefing note was prepared and circulated for discussion with political groups. A further briefing paper was circulated in February 2022 for consideration by political groups.
4. The Council's Corporate Management Team and Organisational Development Group (heads of service) have also been consulted on the key proposals.

Proposed amendments

5. The lists of the proposed amendments resulting from the Constitution Review 2021-22 are attached as two appendices. Appendix 1 lists proposed amendments to governance arrangements. These are proposals that in the view of officers would change elements of the Council's current rules or governance practices. Appendix 2 lists proposed amendments to clarify existing governance arrangements. These are changes that in the view of officers would not materially impact current governance practice but would serve to clarify or update existing rules, responsibilities and advice.
6. Since the Constitution Review is in part a tidying up exercise there has been a high degree of consensus on the majority of proposals considered by the Group.
7. The proposed amendments to governance arrangements (Appendix 1) were considered and debated in turn by the Group and some proposals have subsequently been amended by officers to reflect member input.

8. The proposals to strengthen the clarity and consistency of existing provisions (Appendix 2) were taken as read by the Group and were only debated by exception. A small number of items have been added to Appendix 2 since the meeting of the Group. These are amendments that would ordinarily fall under the delegated authority of the Head of Law and Governance to correct clerical mistakes or to make it follow the law. These amendments have been included for completeness and include updates to officer post titles
9. A small number of proposals were not supported by members, others required amendment following member input and one proposal was referred to political groups for consideration. The proposal that was referred to groups concerned whether cross-party motions should be excluded from the time limit for motions. This proposal was not supported by the controlling group.
10. Many of the proposed amendments are intended to provide additional clarity about existing rules or to better reflect current practices where these have changed since the Constitution was last updated by Council in July 2021.
11. A number of proposals do represent changes to current arrangements and as such may be of particular interest to elected members and the public. The more significant changes are highlighted in the table below. Item # refers to the numbering of the proposals in the appendices.

Item #	Constitution reference	Proposed change(s)	Rationale
2	Part 4.5: Decisions that must be agreed by Cabinet	<ul style="list-style-type: none"> To include a higher threshold for project approval from Cabinet of £1m for contract awards (all other project approvals to remain with Cabinet at £500k and above). 	Currently officers have delegated authority to award contracts up to the value of £1m however the threshold for Cabinet to grant project approval is £500k (which applies to some contract awards). This change would enable officers to award contracts up to the value of £1m without any authorisation from Cabinet.
3	Part 4.6: Delegation to single Cabinet Members	<ul style="list-style-type: none"> To include the principle that an officer report will be published 5 clear days before a decision is taken by an individual Cabinet Member – akin to any other executive decisions that are taken by Cabinet or the Shareholder and Joint Venture Group, where the reports and agenda are published 5 clear working days before the meeting. 	To promote transparency so the public knows what decisions are being made, but also to promote the visibility of such decisions to Members.
6	Part 11.11: Questions and statements by	<ul style="list-style-type: none"> To authorise officers to order questions on notice and to group similar questions. 	To clarify that officers are responsible for the order in which questions on notice are listed on

	councillors		the agenda. In practice questions on notice are grouped by Cabinet Member rather than taken in the order in which they are received. The grouping of similar questions was supported by the Cross-party group
7	Part 11.11 Questions and statements by councillors	<ul style="list-style-type: none"> To include a sub-section on answering questions stating that members answering questions can offer to follow up with a written response within 5 working days of the meeting if they do not have the answer to hand and that any written responses will be added to the minutes of the meeting. 	To clarify that the member responsible for answering a question can offer to provide a written response, with provisions for ensuring the timeliness and visibility of written responses.
8	Part 12.7 Cabinet procedures: order of business	<ul style="list-style-type: none"> To include a rule that Cabinet must respond to recommendations from the Scrutiny Committee within two months unless the Chair of the Scrutiny Committee agrees to an extension. 	The duty of the executive to respond to Scrutiny within two months is set out in 9FE of the Local Government 2000.
11	Part 15.14: Key decisions	<ul style="list-style-type: none"> To align the key decision rules with the financial thresholds for matters reserved to Cabinet: 	To simplify the governance around decision making by ensuring that all key decisions are automatically matters reserved to Cabinet in the first instance (key decisions may then be delegated by Cabinet). Currently key decisions on contract awards >£500k <£1m are delegated to officers although some may require project approval from Cabinet >£500k.

12. Council is asked to approve the proposed amendments and to delegate authority to the Head of Law and Governance to make any other amendments necessary to ensure consistency throughout the Constitution, subsequent to the changes approved by Council. It is proposed that the changes agreed by Council will be effective from the date of the next Annual Council meeting, on 18 May 2022.

13. Council is also asked to approve a refresh of the dispensations contained in Part 22.5(e) of the Constitution for a further four years from 1 October 2022. The Council may grant general dispensations applicable to all Councillors. The Constitution currently provides that under section 33 of the Localism Act 2011 the following dispensations were granted for four years on 1 October 2018:

- Determining an allowance (including special responsibility allowances), travelling expense, payment or indemnity given to Members
- Housing: where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Member (their spouse or partner);
- Housing Benefit: where the Councillor (or spouse or partner) receives housing benefit;
- Any Ceremonial Honours given to Members;
- Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation); and
- Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation)

Monitoring Officer's use of delegated authority

14. Part 2.5 of the Constitution provides that the Monitoring Officer can change the Constitution if it is to put right clerical mistakes or to make it follow the law. The Monitoring Officer has used her delegated authority to make any changes necessary to ensure the Constitution continues to reflect the law, revise job titles and to correct clerical mistakes and inconsistencies.

Financial implications

15. There are no financial implications arising from the recommendations contained in this report.

Legal issues

16. A local authority is under a duty to prepare and keep up to date its constitution under section 9P of the Local Government Act 2000 as amended. The Constitution must contain:
 - the Council's standing orders/procedure rules;
 - the Council's members' code of conduct;
 - such information as the Secretary of State may direct; and
 - such other information (if any) as the authority considers appropriate.
17. A Constitution Direction was issued by the Secretary of State in December 2000 that required around 80 matters to be included within constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area, amongst other things.
18. As set out in paragraph 12 the Monitoring Officer has delegated authority to make any changes necessary to ensure the Constitution continues to reflect the law.

19. There no other legal issues arising from the recommendations contained in this report.

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Job title	Lawyer
Service area or department	Law and Governance
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Background Papers: None

Appendix 1 – proposals to change aspects of the Council's governance arrangements

#	Ref	Proposal and reasons	Proposed wording
1	Part 3.7: The Council's companies	<p>Proposal: To include that the Shareholder and Joint Venture Group and Scrutiny may meet separately or simultaneously.</p> <p>Background: The SJVG and Scrutiny arrangements were recently revised by the Leader and the Scrutiny Committee and a report went to Council on 26 July. Members of the Companies Scrutiny Panel are already encouraged to attend meetings of the Shareholder and Joint Venture Group (SJVG) and contribute as non-voting members. As part of those discussions it was considered that the idea of simultaneous meetings should be referred to the Constitution Review Group for further consideration.</p>	<p>...</p> <p>(c) Shareholding</p> <p>...</p> <p>The activities of the Shareholder and Joint Venture Group will be subject to consideration by the Council's Scrutiny Committee. <u>The Shareholder and Joint Venture Group and Scrutiny may meet separately or simultaneously.</u></p>
2	Part 4.5: Decisions that must be agreed by Cabinet	<p>Proposal: To include a higher threshold for project approval from Cabinet of £1m for contract awards (all other project approvals to remain with Cabinet at £500k and above).</p> <p>Rationale: Currently officers have delegated authority to award contracts up to the value of £1m however the threshold for Cabinet to grant project approval is £500k (which applies to some contract awards). This change would enable officers to award contracts up to the value of £1m without any authorisation from Cabinet.</p>	<p>...10. giving project approval for projects of £500,000 or over (<u>£1,000,000 for contract awards</u>)</p>
3	Part 4.6: Delegation to single Cabinet Members	<p>Proposal: To include the principle that an officer report will be published 5 clear days before a decision is taken by an individual Cabinet Member – akin to any other executive decisions that are taken by Cabinet or the Shareholder and Joint Venture Group, where the reports and agenda are published 5 clear working days before the meeting.</p>	<p>...</p> <p>Any decisions delegated to a single Cabinet Member shall only be taken having regard to a written report submitted to them by the relevant officer within the senior management structure including any advice from the Head of Financial Services and the Head of Law and Governance. <u>The officer report will be published 5 clear working days before the decision is confirmed by the</u></p>

		<p>Rationale: To promote transparency so the public knows what decisions are being made, but also to promote the visibility of such decisions to Members.</p> <p>Background: The law allows for executive decisions to be taken by an individual Cabinet Member but this has generally not been the Council’s preferred approach to decision making. There is one delegation to a Cabinet Member in relation to the Council’s Commercial Property Strategy. Provisions for single Cabinet Member decisions were added to the Constitution in February 2021.</p>	<p><u>Cabinet Member unless consent of the Leader is given.</u></p> <p>....</p> <p>.</p>
4	Part 5.3 Planning	<p>Proposal: To consider including a rule that planning applications in which the Council has a financial interest of over £1m (excluding treasury management holdings) must be determined by the Oxford City Planning Committee rather than officers for transparency.</p> <p>Example: A planning application submitted by Lothbury Estates, in which the Council has invested £7m and receives quarterly dividend payments, would have to be determined by committee by default.</p>	<p>...</p> <p>(b)</p> <p>...</p> <p>The Oxford City Planning Committee will be responsible for:</p> <p>...</p> <p><u>deciding planning applications submitted by organisations in which the Council has a direct financial interest of £1m or greater, excluding treasury management holdings.</u></p> <p>...</p>
5	Part 9.3(b)	<p>Proposal: To amend the requirement for the Chief Executive to report to the Appointments Committee every 6 months so that this requirement only applies where the Chief Executive has made changes to the senior management structure.</p> <p>Rationale: The requirement for the Chief Executive to report to the Appointments Committee every 6 months was originally included in the Constitution to provide more accountability around the appointment of interim directors. Now that the Council has a stable senior</p>	<p>(a) The Head of Paid Service (Chief Executive), may amend the senior management structure of the Council to deliver the Council’s objectives in the most effective and efficient manner, subject to the following conditions:</p> <p>(i) That the Chief Executive can make interim appointments, of up to twelve months in total, to the senior management structure in order to facilitate projects or to fill a skills gap;</p> <p>(ii) That the Chief Executive shall consult with all political group leaders prior to the implementation of any changes to the senior management structure;</p>

Appendix 1 – proposals to change aspects of the Council’s governance arrangements

		management structure it is considered that there is a reduced need for regular reporting, only where there are changes to report.	(iii) That the Chief Executive will report to the Appointments Committee every within <u>within</u> six months in relation to <u>of any change to</u> the senior management arrangements <u>being implemented by the Chief Executive including any changes made to those arrangements;</u>
6	Part 11.11: Questions and statements by councillors	<p>Proposal: To authorise officers to order questions on notice and to group similar questions.</p> <p>Rationale: To clarify that officers are responsible for the order in which questions on notice are listed on the agenda. In practice questions on notice are grouped by Cabinet Member rather than taken in the order in which they are received. The grouping similar questions was supported by the Cross-party group.</p>	<p>...</p> <p>(b) Questions on notice</p> <ul style="list-style-type: none"> • Questions on notice by councillors must be about something the Council is responsible for or something that directly affects people in the city. • The full wording of questions on notice must be emailed to <i>democraticservices@oxford.gov.uk</i> or received by the Head of Law and Governance by 1.00 p.m. at least seven clear working days before the Council meeting. • Questions must be directed to the Lord Mayor, a Cabinet member or a committee chair. A Cabinet member can nominate another Cabinet member to reply. • <u>The Head of Law and Governance will determine the order of questions on notice and may group similar questions.</u>
7	Part 11.11 Questions and statements by councillors	<p>Proposal: To include a sub-section on answering questions stating that members answering questions can offer to follow up with a written response within 5 working days of the meeting if they do not have the answer to hand and that any written responses will be added to the minutes of the meeting.</p> <p>Rationale: To clarify that the member responsible for answering a question can offer to provide a written response, with provisions for ensuring the timeliness and visibility of written responses.</p>	<p>...</p> <p><u>(d) Answering questions</u></p> <p><u>Members answering questions may answer verbally or offer to provide a written response within 5 working days of the meeting, which will be circulated and added to the minutes.</u></p>

8	Part 12.7 Cabinet procedures: order of business	<p>Proposal: To consider including a rule that Cabinet must respond to recommendations from the Scrutiny Committee within two months unless the Chair of the Scrutiny Committee agrees to an extension.</p> <p>Background: The duty of the executive to respond to Scrutiny within two months is set out in 9FE of the Local Government 2000.</p>	<p>12.7 Order of business</p> <p>...</p> <p>(e) reports from the Scrutiny Committee <u>Cabinet will respond to Scrutiny reports within two months of the date of the Cabinet meeting unless the Chair of the Scrutiny Committee agrees otherwise.</u></p> <p>...</p>
9	14.6: Meetings of committees	<p>Proposal: To include a rule that the Head of Law and Governance may cancel or reschedule a meeting in exceptional circumstances after consulting with the Chair, Group Leaders and the Chief Executive, if the agenda has not already been published.</p> <p>Rationale: To include a means of cancelling or rescheduling meetings before an agenda has been published in exceptional circumstances e.g. death of a senior national figure, national lockdown. If the agenda has been published the meeting must to go ahead (and will be adjourned if the meeting decides or if there is no quorum within 15 minutes).</p>	<p>(a) Cancelling or rescheduling a meeting If a committee has insufficient business for one of its fixed meetings, the Head of Law and Governance can cancel or reschedule it after consulting the chair of the committee.</p> <p><u>The Head of Law and Governance may cancel or reschedule a meeting in exceptional circumstances in consultation with the Chair, Group Leaders and the Chief Executive, if the agenda has not already been published.</u></p>
10	Part 15.12 Access to information	<p>Proposal: To include a rule in the Cabinet procedures that all members are invited to attend private parts of Cabinet meetings where exempt information is to be considered.</p> <p>Background: Non-executive members have a right to attend private meetings of the executive by invitation. Custom and practice is that this is an open invitation to all members. This principle of openness is expressed in the Shareholder and Joint Venture Group terms of reference (Annex to Part 3).</p>	<p>15.12 Extra rights of access to information for councillors</p> <p>Any councillor can look at any documents seen or controlled by the Cabinet that are relevant to:</p> <ul style="list-style-type: none"> • Decisions to be taken by the Cabinet in public • Decisions taken by the Cabinet in private • Key decisions taken by officers. <p>But this does not apply to:</p> <ul style="list-style-type: none"> • Information about individuals • Information about the possible terms of a contract the Council is negotiating

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			<ul style="list-style-type: none"> • Labour relations information • Information that could be considered legally privileged • Information about action to deal with a crime • Advice given by a political assistant • Any document in draft form (except for draft documents approved by the Cabinet for consultation). <p>This right is additional to any other rights the councillor has.</p> <p><u>Any councillor may attend private meetings of Cabinet.</u></p>
11	<p>Part 15.14: Key decisions</p> <p><i>Links to #3</i></p>	<p>Proposal: To align the key decision rules with the financial thresholds for matters reserved to Cabinet:</p> <p>Rationale: To simplify the governance around decision making by ensuring that all key decisions are automatically matters reserved to Cabinet in the first instance (key decisions may then be delegated by Cabinet). Currently key decisions on contract awards >£500k <£1m are delegated to officers although some may require project approval from Cabinet >£500k.</p>	<p>A key decision is an executive decision likely to:</p> <ul style="list-style-type: none"> • Have a significant effect on people living or working in a least two wards or • Involve spending or saving a significant amount – whether an amount is significant depends on the Council’s total budget for the service involved. <p>For this Council ‘significant’ in budgetary terms is:</p> <ol style="list-style-type: none"> a) <u>Expenditure or savings of £500,000 or greater in the context of the medium term financial strategy.</u> b) <u>Contract awards with a value of £1,000,000 or greater</u> c) <u>acquiring or disposing of freeholds or leaseholds with a consideration or premium over £500,000 in the context of the medium term financial strategy except for disposals pursuant to right to buy legislation</u> d) <u>Acquiring or disposing of leases with a rental value over £125,000 each year except statutory lease renewals under Part II of the Landlord & Tenant Act 1954.</u>

12	Part 19: Contract rules	<p>Proposal: To make the following amendments to contract rules:</p> <ol style="list-style-type: none"> 1. To include a threshold for works contracts (£4,733,252). 2. To reflect changes to thresholds due to Brexit. 3. To raise the social value from 5% to 10% (for contracts over £25k). 4. Use of Frameworks to include options for Direct Award (i.e. justification) 5. Provisions around grant funding (short deadlines / pre-condition that we must use a certain supplier) 6. Provisions for consortiums (with the universities / other Councils / Thames water etc.) where the Council is paying towards a service, but doesn't control where the money is spent. <p>Rationale: To update the contract rules as recommended by the Procurement Manager to reflect national changes to thresholds and strengthen the contract rules, including increasing the social value weighting.</p>	<p>19.6 Total contract value</p> <p>The total contract value is the total amount (minus <u>including</u> VAT) that is expected to be paid to the supplier as a result of the contract award during the whole of the contract.</p> <p>....</p> <p>19.9 Clauses that must be included in all contracts</p> <p>....</p> <ul style="list-style-type: none"> • all procurement contracts, which are below FTS contract thresholds, All contracts of £25k and over must include a minimum 5%-10% social value weighting where proportionate and relevant. If not considered the reason must be documented. <p>...</p> <p>19.12 Thresholds for quotes and tenders*</p> <table border="1"> <thead> <tr> <th>Total value of contract</th><th>Quotes or tendering</th><th>Advertisement required?</th><th>Process led by</th></tr> </thead> <tbody> <tr> <td>< £10,000</td><td>Minimum one quote in writing, (local* if possible) alternatively an approved Framework may be used</td><td>No</td><td>Officer authorised by the relevant Head of Service</td></tr> <tr> <td>>=£10,000 <=£25,000</td><td>Obtain up to three written quotes (minimum two), attempt to seek at least one from a local* supplier alternatively an approved Framework may be used</td><td>Advertising should be considered and any contract <u>of over £25,000 and over</u> must be placed on contracts finder in any event</td><td>Officer authorised by the relevant Head of Service</td></tr> </tbody> </table>	Total value of contract	Quotes or tendering	Advertisement required?	Process led by	< £10,000	Minimum one quote in writing, (local* if possible) alternatively an approved Framework may be used	No	Officer authorised by the relevant Head of Service	>=£10,000 <=£25,000	Obtain up to three written quotes (minimum two), attempt to seek at least one from a local* supplier alternatively an approved Framework may be used	Advertising should be considered and any contract <u>of over £25,000 and over</u> must be placed on contracts finder in any event	Officer authorised by the relevant Head of Service
Total value of contract	Quotes or tendering	Advertisement required?	Process led by												
< £10,000	Minimum one quote in writing, (local* if possible) alternatively an approved Framework may be used	No	Officer authorised by the relevant Head of Service												
>=£10,000 <=£25,000	Obtain up to three written quotes (minimum two), attempt to seek at least one from a local* supplier alternatively an approved Framework may be used	Advertising should be considered and any contract <u>of over £25,000 and over</u> must be placed on contracts finder in any event	Officer authorised by the relevant Head of Service												

Appendix 1 – proposals to change aspects of the Council's governance arrangements

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			>£25,000 <=£100,000	Obtain up to four written quotes (minimum three), Attempt to seek at least one from a local* supplier. Alternatively an approved Framework may be used	Yes, advertised on the corporate system and on contracts finder.	Authorised Procurement Practitioner or Procurement Team
			>£100,000 < £185,000 £213,477 including VAT	Obtain up to six quotes (minimum four). Attempt to seek at least one from a local* supplier. Alternatively an approved Framework may be used.	Yes, advertised on the corporate system and on contracts finder	Authorised Procurement Practitioner or Procurement Team
			>£184,000 £213,477 including VAT (Goods and Services) £5,336,937 including VAT (Works)	Invite tenders (procurement law and guidance must be followed for contracts over the FTS thresholds) – process conducted by Procurement Team	The corporate system	Procurement Team
			<p><u>Where the option exists to Direct Award under a Framework, the rules of the framework allowing for direct award must be followed which should include as a minimum a full justification from the service area and sign off from the relevant Head of Service. The approval of the Head of Financial Services will also be required for contracts with a value of £100,000 and over.</u></p> <p><u>*This will be the procurement limits as published from</u></p>			

			<p><u>time to time by the Government</u></p> <p>19.13 When is there no need to seek quotes or tenders?</p> <p>An exemption to not seeking quotes or tenders may be given in the following circumstances:</p> <p>...</p> <p><u>(e) Where the provision is for a Subscription or Membership and alternative suppliers are not available</u></p> <p><u>(f) Where the Council is a member of a Consortium and making a payment towards the Service / Goods / Works being procured as part of the Consortium. The Council however should ensure that due diligence is undertaken and that value for money is obtained (at least one consortium member should adhere to the PCR2015 if applicable).</u></p> <p><u>(g) Where grant funding incorporates direct instruction as to the supplier to be used.</u></p> <p><u>(h) When the Council opt into a National Scheme and the Supplier is assigned.</u></p> <p>...</p>
13	Part 19.11: Commissioning Oxford Direct Services Limited for one off capital schemes	<p>Proposal: To include provisions for choosing an alternative supplier to Oxford Direct Services and the need to have Executive Director sign off to do so.</p> <p>Rationale: To make provisions for where an alternative contractor to ODS needs to be considered for any reason e.g. capability or capacity.</p> <p>Background: ODS is the Council’s wholly owned group of companies.</p>	<p>...</p> <p><u>Should tendering and procurement of an alternative contractor need to be considered for any capital scheme, for whatever reason, including capability or capacity, this will need the approval of the Executive Director of Development, or their delegate.</u></p>

Appendix 1 – proposals to change aspects of the Council’s governance arrangements

14	Part 21: Legal Rules	Proposal: To include a specific authorisation to the Head of Law and Governance to settle legal proceedings.	21.1 Legal officers The Head of Law and Governance can take any legal action necessary to carry out the Council’s decisions or protect its interests. This will include: <ul style="list-style-type: none"> • to prosecute, defend, make application, serve any notice or appear on behalf of the Council in any court, tribunal or hearing on any criminal, civil or other matter (including appeals); • <u>to settle any proceedings</u> • <u>to instruct external legal advisors...</u>
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Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

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#	Ref	Proposal and reasons	Proposed wording
15	1.4 (f) Role of the Leader	<p>Proposal: To update the names of external bodies referred to in the Constitution</p> <p>Background: Oxfordshire Growth Board has now been renamed the Future Oxfordshire Partnership</p>	<p>(f) Role of the Leader</p> <p>The Leader is responsible for:</p> <p>...</p> <ul style="list-style-type: none"> • appointing members to other executive positions such as the <u>Future Oxfordshire Partnership</u> Oxfordshire Growth Board and its advisory sub-groups
16	1.6 (a) Scrutiny committees	<p>Proposal: To update the names of external bodies referred to in the Constitution</p> <p>Background: Oxfordshire Growth Board has now been renamed the Future Oxfordshire Partnership</p>	<p>(a) Scrutiny committees</p> <p>The Council has one scrutiny committee.</p> <p>The Council also appoints one member to Oxfordshire Joint Health Overview and Scrutiny Committee and three members to the Oxfordshire Growth Board <u>Future Oxfordshire Partnership</u> Scrutiny Panel.</p>
17	Part 4.4: Delegation to officers	<p>Proposal: To add the responsibilities of the Shareholder and Joint Venture Group (SJVG) to the list of functions that are not delegated to officers.</p> <p>Background: The SJVG is responsible for acting as owner of the Council's companies and for safeguarding and furthering the Council's interests and investments in its companies and joint ventures. The SJVG will take decisions on any matters that are reserved to the Council as shareholder in the companies' Articles of Association or Shareholders Agreement. The terms of reference for the SJVG are already included as an annex to Part 3 of the Constitution.</p>	<p>All executive functions except the ones in Part 4.5, 4.6, and 4.7 and any executive functions delegated to the Shareholder and Joint Venture Group (see Annex 1 to Part 3) are delegated to the officers in the senior management structure (Part 9.1 and Part 9: Annex 1).</p> <p>...</p>
18	Part 4.5: Decisions that must be agreed	<p>Proposal: Amend bullet point 19 to clarify that Cabinet has responsibility for all powers over adopting, amending and revoking supplementary planning</p>	<p>...19. <u>adopting, amending and revoking</u> supplementary planning guidance...</p>

Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

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	by Cabinet	guidance, not just adopting supplementary planning guidance	
19	Part 4.5: Decisions that must be agreed by Cabinet	<p>Proposal: To include a bullet point that Cabinet is responsible for establishing any companies or joint ventures where they are new legal entities (but not subsidiaries of existing companies).</p> <p>Example: the new OxWED Limited Liability Partnership.</p>	<p><u>...43. agreeing to the establishment by the Council of companies or joint ventures which are separate legal entities from the Council and are not subsidiaries of the Council's existing companies or joint ventures</u></p> <p>...</p>
20	Part 4.5: Decisions that must be agreed by Cabinet	<p>Proposal: Include a rule that Cabinet is responsible for decisions regarding the development of any major new plan or strategy.</p> <p>Rationale: This is not currently expressed in the Constitution but the expectation and customer and practice is that Cabinet is responsible for adopting major executive strategy and plan documents. Cabinet's responsibility for recommending the budget and policy framework to Council is already clearly expressed in the Constitution.</p>	<p><u>...44. Agreeing to develop any major new executive plan or strategy.</u></p>
21	Part 4 (new sub-section)	<p>Proposal: To include a specific officer responsibility for housing safety.</p> <p>Rationale: The government intends to legislate to place an obligation on social landlords to identify a nominated person responsible for ensuring compliance with health and safety requirements.</p>	<p><u>4.9 Responsibility for housing safety</u></p> <p><u>The Executive Director for Communities and People will be responsible for ensuring that the Council is complying with the consumer standards required by the Regulator of Social Housing</u></p>
22	Part 5.2 Budget and Policy Framework	<p>Proposal: To update the name of the Council Strategy (currently referred to as Corporate Strategy) in the list of documents that form the Council's policy framework (as adopted by Council).</p>	<p>...</p> <ul style="list-style-type: none"> • <u>Corporate Council Strategy</u>
23	7.8(g) Appointments Committee	<p>Proposal: To update the responsibility for considering applications for posts to be excluded from the list of "sensitive posts" on the list of politically restricted posts</p>	<p>7.8 Appointments Committee</p> <p>....</p> <p><u>(g) To consider appeals from post holders in roles</u></p>

		<p>Background: To properly reflect the law. The Appointments Committee currently has this responsibility but the Local Government and Housing Act 1989 provides that the Head of the Paid Service must deal with applications for posts to be removed from the list of politically restricted posts</p>	<p>deemed to be politically “sensitive” who wish their post to be exempt from the Council’s list of Politically Restricted Posts</p>
24	Part 7.9 Standards Committee	<p>Proposal: To include that if an Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct and the Monitoring Officer considers it appropriate, a Local Hearing Panel will be convened to determine whether or not the Code of Conduct has been breached.</p> <p>Rationale: To reflect the procedure for dealing with code of conduct complaints against councillors. The Local Hearing Panel will comprise at least three members of the Standards Committee plus an Independent Person.</p>	<p>7.9 Standards Committee (a) Considering complaints of breaches of the Members’ Code of Conduct (Part 22 Annex 1). <u>Where the Monitoring Officer considers that it is in the public interest for a complaint to be considered by the Standards Committee, a Local Hearing Panel will be convened to determine whether there has been a breach of the code. The Local Hearing Panel will comprise a minimum of three elected members of the Standards Committee plus an Independent Person. The Monitoring Officer will select the membership of each Local Hearing Panel.</u></p>
25	9.3 Role of Head of Paid Service	<p>Proposal: To update the responsibility for considering applications for posts to be excluded from the list of “sensitive posts” on the Council’s list of Politically Restricted Posts</p> <p>Background: To properly reflect the law. The Appointments Committee currently has this responsibility but s.3 of the Local Government and Housing Act 1989 provides that the Head of the Paid Service must deal with applications for posts to be removed from the list of politically restricted posts</p>	<p>9.3 Role of Head of Paid Service <u>(i) In consultation with the Monitoring Officer, to consider applications from post holders in roles deemed to be politically “sensitive” who wish their post to be exempt from the Council’s list of Politically Restricted Posts”.</u></p>
26	Part 10.2 Proper Officers	<p>Proposal: To designate the Head of Business Improvement as the Proper Officer to maintain the Council’s list of Politically Restricted Posts for the</p>	<p>... 10.2 ...</p>

		<p>purposes of s.2 of the Local Government and Housing Act 1989.</p> <p>Background: This is currently the Chief Executive. The Head of the Paid Service must consider applications for exemption from the list so the Head of Business Improvement, who has responsibility for HR, will maintain the list.</p>	<table> <tr> <td>Local Government and Housing Act 1989</td><td>Section 2(4)</td><td>Keeping the list of politically restricted posts</td><td><u>Head of Business Improvement</u> Chief Executive</td></tr> </table>	Local Government and Housing Act 1989	Section 2(4)	Keeping the list of politically restricted posts	<u>Head of Business Improvement</u> Chief Executive			
Local Government and Housing Act 1989	Section 2(4)	Keeping the list of politically restricted posts	<u>Head of Business Improvement</u> Chief Executive							
27	Part 10: Proper Officers	<p>Proposal: To designate the Head of Law and Governance as the Proper Officer for the Local Authorities (Standing Orders) (England) Regulations 2001, covering senior appointments, dismissals and disciplinary action.</p> <p>Background: This is currently the Head of Business Improvement, who has responsibility for HR.</p>	<p>...</p> <p>10.2</p> <p>...</p> <table> <tr> <td rowspan="2">Local Authorities (Standing Orders) (England) Regulations 2001</td><td>Schedule 1 Part II</td><td>Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations</td><td><u>Head of Business Improvement Law and Governance</u></td></tr> <tr> <td>Schedule 3</td><td>Provisions relating to disciplinary action</td><td><u>Head of Business Improvement Law and Governance</u></td></tr> </table>	Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1 Part II	Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations	<u>Head of Business Improvement Law and Governance</u>	Schedule 3	Provisions relating to disciplinary action	<u>Head of Business Improvement Law and Governance</u>
Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1 Part II	Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations	<u>Head of Business Improvement Law and Governance</u>							
	Schedule 3	Provisions relating to disciplinary action	<u>Head of Business Improvement Law and Governance</u>							
28	Part 11.11 (b) Questions and statements by councillors	<p>Proposal: To clarify that questions on notice must relate directly to a member's role as Lord Mayor, Cabinet Member or committee chair.</p> <p>Rationale: To ensure that questions relate to a member's role and not, for example, ward matters.</p>	<p>Questions must be directed to the Lord Mayor, a Cabinet member or a committee chair <u>and relate directly to their role as the Lord Mayor, a Cabinet member or a committee chair</u>. A Cabinet member can nominate another Cabinet member to reply.</p>							
29	Part 12.7	<p>Proposal: To ensure that the term "clear working days" has a consistent meaning throughout the Constitution.</p> <p>Part 12.7 – should state "two days" not "two clear working day before the meeting".</p>	<p>(b) addresses and questions by members of the public, 15 minutes in total.</p> <p>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</p>							

		<p>Background: The day on which something is done and the day of a meeting should not be counted as clear working days, only the working days in between.</p>	<p>the Head of Law and Governance by 9.30am two clear working days before the meeting (e.g. for a Thursday meeting, the deadline would be 9.30 am on the Tuesday).</p> <p>...</p>
30	Part 12.10	<p>Proposal: To ensure that the term “clear working days” has a consistent meaning throughout the Constitution.</p> <p>Part 12.10 – should state “one working day” not “one clear working day before the meeting”.</p> <p>Background: The day on which something is done and the day of a meeting should not be counted as clear working days, only the working days in between.</p>	<p>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.</p>
31	14.2: Appointment and membership of committees	<p>Proposal: To clarify that when Council appoints members to committees or a committee appoints members to a sub-committee where political balance requirement apply, Council or the committee making the appointment must comply with the wishes of the political group.</p> <p>Rationale: Most committees must be appointed based on the principles of political proportionality. This should be done based on the nominations of political groups apart from in exceptional circumstances e.g. if a Member had been recommended to stand down from a committee following a standards investigation.</p>	<p>Council is responsible for appointing and dissolving committees and for agreeing their membership and roles. Committees are responsible for appointing any subcommittees. Apart from the Licensing and Gambling Acts Committee and any sub-committees it appoints the number of members from each political group on committees will be in proportion to the size of the group. <u>When appointing to committees or sub-committees where political balance requirements apply, Council or the committee making the appointment will have regard to the nominations made by political groups and will only deviate from appointing those members in exceptional circumstances with reasons.</u> There must always be at least one scrutiny committee and a committee that carries out responsibilities under the Licensing Act</p>

			2003 and the Gambling Act 2005.
32	Part 18.12: Project approval	Proposal: To clarify what is meant by project approval and where the requirement to obtain project approval applies - to include revenue as well as capital projects and a clarification that Development Board would only consider proposals for capital projects.	18.12 Project Approval <u>Project Approval is the decision making process that determines whether or not to move ahead with an initiative. It applies to both revenue and capital projects.</u> Project approval must be obtained for projects in accordance with the following requirements. <u>For capital projects, project approval must follow after presentation to the Council's Development Board (officer group).</u>
33	Part 18.15 Asset Management	Proposal: To update officer post titles to reflect the current senior management structure. Background: The post of Head of Corporate Property has replaced that of Regeneration and Major Projects Service Manager.	(a) Responsibilities of Regeneration and Major Projects Service Manager <u>Head of Corporate Property</u> The Regeneration and Major Projects Service Manager <u>Head of Corporate Property</u> will: <ul style="list-style-type: none"> • Produce guidelines for acquiring, managing and disposing of assets • Make sure the Council's records include any money from sales • Make sure the Council's records do not include the value of any assets that have been disposed of. (b) Register of Fixed Assets The Head of Financial Services will keep a register of all fixed assets worth more than £10,000. Heads of Service must report any acquisitions or disposals so that this can be kept up-to-date. Every year the Head of Financial Services (Section 151 Officer) in conjunction with the Regeneration and Major Projects Service Manager <u>Head of Corporate Property</u> will check that the assets are still shown at the right

			value, that they have a suitable asset life and that they have been properly depreciated.
34	19.12 Thresholds for quotes and tenders	<p>Proposal: To clarify who can award contracts where fewer than the required number of quotations have been received.</p> <p>Background: The Local Government Act 2000 provides that executive decisions can be taken by an officer (but not by more than one officer collectively).</p>	<p>If fewer than the requisite number of quotations is obtained it will be possible to proceed to award a contract if it can be demonstrated that competition has been sought. Award of a contract in such circumstances is delegated to:</p> <ul style="list-style-type: none"> the relevant Head of Service up to a contract value of £100,000; the relevant Head of Service and in <u>consultation with</u> the Head of Financial Services for contracts with a value above £100,000. <p>This does not remove the obligation to secure best value for money.</p>
35	Part 19.22: Accepting quotes and tenders	<p>Proposal: To clarify that project approval must be obtained at the start of a project.</p>	<p>(a) Total contract value less than £150,000 The Head of Service may accept the most economically advantageous quote or tender if the Council is the buyer, or the highest if the Council is the seller, as long as:</p> <ul style="list-style-type: none"> there is budget provision included in the Council's capital or revenue budget project approval has been obtained <u>at the start of the project</u> any key decisions have been included in the Forward Plan any organisation the Council is acting as agent for agrees. <p>(b) Total contract value is over £150,000 but less than £500,000 The Head of Financial Services or an Executive Director may accept the most economically advantageous tender if the Council is the buyer, or the highest if the Council is the seller, as long as:</p>

			<ul style="list-style-type: none"> • there is budget provision in the Council's capital or revenue budget • project approval has been obtained <u>at the start of the project</u> • any key decisions have been included in the Forward Plan • any organisation the Council is acting as agent for agrees • the Head of Financial Services and the Monitoring Officer have been consulted. <p>(c) Total contract value £500,000 or over where the Council is the seller. Tenders of £500,000 or over must be the subject of a written report to the Cabinet.</p> <p>(d) Total contract value is over £500,000 but less than £1,000,000 where the Council is the buyer</p> <p>The Head of Financial Services or an Executive Director may accept the most economically advantageous tender, as long as:</p> <ul style="list-style-type: none"> • there is budget provision in the Council's capital or revenue budget • project approval has been obtained <u>at the start of the project</u> • any key decisions have been included in the forward plan • any organisation the Council is acting as agent for agrees • the Head of Financial Services, the Monitoring Officer, the Chief Executive and the relevant Cabinet Member have been consulted
36	19.12 Thresholds for	Proposal: To clarify who can award contracts where fewer than the required number of quotations have	If fewer than the requisite number of quotations is obtained it will be possible to proceed to award a

	quotes and tenders	<p>been received.</p> <p>Background: The Local Government Act 2000 provides that executive decisions can be taken by an officer (but not by more than one officer collectively).</p>	<p>contract if it can be demonstrated that competition has been sought. Award of a contract in such circumstances is delegated to:</p> <ul style="list-style-type: none"> the relevant Head of Service up to a contract value of £100,000; the relevant Head of Service <u>and in consultation with</u> the Head of Financial Services for contracts with a value above £100,000. <p>This does not remove the obligation to secure best value for money.</p>
37	Part 19.29 Acquiring and disposing of land and buildings	<p>Proposal: To update officer post titles to reflect the current senior management structure.</p> <p>Background: The post of Head of Corporate Property has replaced that of Regeneration and Major Projects Service Manager.</p>	<p>...</p> <p>(c) Tenders for acquisition or disposal of property are not required to be submitted through the Corporate System but must be held securely until after the tender deadline and opened after the deadline by two Officers nominated by Executive Director for Development or the <u>Head of Corporate Property</u> Regeneration and Major Projects Service Manager or an externally appointed agent.</p> <p>...</p>
38	Part 22: Members' Code of Conduct	<p>Proposal: To include the Council's Procedure for dealing with code of conduct complaints against councillors as an annex to Part 22.</p> <p>Rationale: for visibility and completeness.</p>	<p>N/A – the procedure would form an annex to Part 22.</p>
39	Part 23 Code on Member Officer relations	<p>Proposal: To include the rule that officers must not take instructions from individual members.</p> <p>Rationale: This rule is currently missing from the Constitution. It is important that officers are, and are seen to be, politically neutral whether or not they have more regular engagement with a particular political group.</p>	<p>23.2 Roles of councillors and officers</p> <p>...</p> <p>Employees are answerable to the Chief Executive, not to individual councillors (whatever office they hold), but there should be good communication between senior officers and councillors with special responsibility for their area of work. <u>Officers must not</u></p>

			<u>take instructions from individual members.</u>
40	Part 23 Code on Member Officer relations	<p>Proposal: To include a means of raising concerns about breaches of the Code on Member Officer relations.</p> <p>Rationale: To provide clarity about roles and how to raise concerns.</p>	<p>23.5 Complaints about councillors and officers</p> <p>If an officer feels a councillor is not treating them with politeness and respect, they should consider talking to the councillor directly. If they do not feel they can talk to the councillor or talking to the councillor does not help, they should talk to their line manager, Head of Service or Director immediately <u>who will inform the Monitoring Officer</u>. The manager approached <u>Monitoring Officer</u> will talk to the councillor or the Leader of their political group and may also tell other senior officers. The officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct.</p>
318 41	Part 23 Code on Member Officer relations	<p>Proposal: To include a rule that officers will only discuss individual personal circumstances with Members with the consent of the individual.</p> <p>Rationale: To provide clarity about the need for consent before personal data may be disclosed.</p>	<p>23.8 Information and advice</p> <p>(a) Requests for written information</p> <p>Councillors should be provided with adequate information about services or functions which they may be called upon to make decisions on or scrutinise the decisions of others about, or which affect their constituents. In the normal course of events, this information will be made routinely available by officers in the form of reports, departmental plans etc. <u>Before any information is provided to councillors consideration must be given to any data protection issues and whether the relevant consent has been sought from data subjects.</u> Members are encouraged to make use of existing sources of information wherever possible.</p>

42	Part 24.4 Councillors' interests in planning applications	<p>Proposal: To include a rule that Members who are appointed to the Shareholder and Joint Venture Group must not participate in the determination of planning applications submitted by the Council's companies and joint ventures.</p> <p>Rationale: To reflect officer advice to members of the Shareholder and Joint Venture Group on members' interests and public perception in relation to planning applications submitted by the Council's companies and joint ventures.</p>	<p>(c) Avoiding perception of bias Councillors must listen to the advice of the Monitoring Officer if they may be perceived as having made up their minds in advance or having closed their minds to opposing viewpoints.</p> <p>If a member is a Cabinet member or represents the Council on an outside body and the Council or the outside body is the applicant then particular care should be taken by the member to avoid the perception of bias.</p> <p><u>If a member is a member of the Shareholder and Joint Venture Group or is otherwise responsible for acting as shareholder or owner of the Council's companies and joint ventures they must not determine planning applications submitted by those companies and joint ventures. The member can choose to speak during the public speaking slot at a Planning Committee or Planning Review Committee meeting but they must notify the chair of their intentions before the meeting begins and must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is debated.</u></p>
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To: Council
Date: 21 March 2022
Report of: Head of Business Improvement
Title of Report: Pay Policy Statement 2022/23

Summary and recommendations	
Purpose of report:	To approve the Annual Pay Policy Statement
Key decision:	No
Cabinet Member with responsibility:	Councillor Mike Rowley, Cabinet Member for Citizen Focused Services
Corporate Priority:	N/A
Policy Framework:	N/A
Recommendation: That Council resolves to:	
<ol style="list-style-type: none"> 1. Approve the Annual Pay Policy Statement 2022/23 as attached at Appendix 1 2. Note and approve the elements of the Collective Agreement on Pay as referenced in this report. 3. Authorise the Head of Business Improvement and any staff delegated by the Head of Business Improvement to make any changes to the Council's employment policies in accordance with the Collective Agreement. 	

Appendices	
Appendix 1	Annual Pay Policy Statement 2022/23
Appendix 2	Risk Register

Introduction and background

1. The Council is required by legislation to approve and publish a Pay Policy Statement annually.

Overview

2. The Pay Policy Statement attached at Appendix 1 reflects the Council's current agreements and arrangements with regard to pay.
3. The Chief Executive is authorised under the Council's constitution and delegated powers to determine pay on behalf of full Council, but the non-pay terms and conditions of employment of staff need to be approved by full Council.
4. The Council's latest collective agreement on pay was agreed by the Chief Executive and Council's recognised union representatives in December 2021 and will be signed following note and approval by full Council of the non-pay aspect in relation to the homeworking allowance which has also been referenced in the agreement.
5. The homeworking allowance will not be paid and will be suspended. The policy was designed for the context in which the majority of staff worked full time from the office. Post pandemic we are moving to a flexible working model where most staff will be able to work from home or the office or a mixture of both and the policy is no longer fit for the new arrangements. Only those with protected rights, currently receiving the allowance as at 31st March 2022 will continue to receive it. This approach has been agreed in principle with Unison and Unite.
6. It was also agreed with Unison and Unite that there will be a full review of pay, grading and progression looking ahead to 1st April 2024 onwards. This will include a review of related policies, including the homeworking policy.
7. The Council has completed union negotiations with Unison and Unite to agree a two year pay arrangement providing a cost of living pay award of 2% with effect from 1st April 2022 and 2.5% with effect from 1st April 2023. The arrangements in the local pay agreement for the period from 1st April 2022 to 31st March 2024 are reflected in the Pay Policy Statement 2022/23.
8. Following the revocation of the Public Sector Exit Payment Cap Regulations 2020 on 12 February 2021 the Government launched a consultation on Statutory Guidance on the making and disclosure of Special Severance Payments by local authorities which closed on 13th August 2020. The consultation proposes robust procedures and transparency when authorities make special severance payments. They do not, however, contain specific financial caps or constraints that the previous regulations had. At the time of writing there has not been any further announcement regarding the issue of the final version of the guidance.
9. Legislation on the recovery of exit payments for senior officers who return to work in the public sector within twelve months of receipt of an exit payment is still expected. There have not, however, been any developments since 2015 in relation to this and the legislation is therefore still pending. If the legislation is finalised, the Council will review and implement the new legislation.

Financial implications

10. The financial implications of this Pay Policy Statement and the two year pay agreement have been included within the Council's Medium Term Financial Strategy.
11. It is worth noting that the Council includes the requirement for the Government's National Minimum wage to be taken into account in its standard procurement terms and conditions by any supplier, contractor or sub-contractor. The Oxford Living Wage is incorporated into the Council's contracts for temporary agency workers, and the requirement to pay the Oxford Living Wage as a minimum also covers its

Leisure Services partner and Oxford Direct Services Ltd, which is a Council owned company.

Legal issues

12. The collective agreement on pay and other collective terms will be incorporated to form part of the terms and conditions of employment for Council staff. Contractual terms and conditions will be amended as appropriate.
13. The Council has a legal obligation to produce and publish a pay policy statement annually. In accordance with the Localism Act 2011, the Council is required to approve its Annual Pay Policy Statement by 31 March each year and to publish its Annual Pay Policy Statement as soon as reasonably practicable after it has been approved.

Level of risk

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

Equalities impact

15. The pay agreement has been subject to extensive negotiations and full consultation with staff via both Unison and Unite. As the pay increase agreed is the same rate across all grades, there is no change to the current pay differential.
16. The implementation of the new flexible working model will include the deployment of technology, training and support for staff and the development of bespoke principles for each team to ensure the model is optimised to suit particular requirements.

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Service area or department	Business Improvement
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Background Papers: None

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Pay Policy Statement 2022/23

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Aim

1. To ensure the Council can be competitive in the local labour market and attract and retain employees with high levels of capability, capacity, motivation and who are a good fit with the Council's values. In doing so we need to:
 - Ensure value for money
 - Be transparent
 - Be fair, free from bias or discrimination
 - Ensure the differences in pay between the lowest and highest paid staff are not unnecessarily large.

Decision Making

2. Whilst full Council sets the pay policy, it delegates to the Appointments Committee the setting of the Chief Executive and Directors' pay. The Appointments Committee is politically proportionate in that it represents all party groups on the Council. The Chief Executive as Head of Paid Service has delegated authority in respect of all other pay decisions.

Scope

3. The Council's Pay Policy Statement covers all employees.

Definitions

4. This statement makes reference to the following:

'National Minimum Wage' – *the national minimum wage is determined by Government and sets minimum hourly pay rates for everyone under the age of 23.*

'National Living Wage' – *the national living wage is determined by Government and sets minimum pay rates for everyone who is 23 or over.*

'Voluntary Living Wage' – *the voluntary living wage is a voluntary higher pay rate, that employers are encouraged to pay everyone over the age of 18. The Living Wage Foundation has determined two rates: £11.05 in London, £9.90 in the rest of the UK.*

'Oxford Living Wage' – *Oxford City Council has adopted a voluntary 'Oxford Living Wage' which is set at 95% of the Voluntary Living Wage in London. This is currently £10.50 and is reviewed annually. 'Lowest paid employees' – for the purposes of this Statement, these are defined as:*

Employees paid at the prevailing Oxford Living Wage rate (on the basis these are the Council's lowest paid staff) with the exception of those identified at paragraph 21 (below). From October 2013 no Oxford City Council employee has been paid at a rate below grade 3, except those identified at paragraph 21 (below).

'Pay multiple' - *the ratio between the highest paid employee and the median earnings calculated across the whole Council.*

'Remuneration' – *includes all pay elements and also severance payments.*

Legislation

5. The Council is required by the Section 38-43 of the Localism Act 2011 having due regard to the associated Statutory Guidance including the Supplementary Statutory Guidance issued in February 2013 to prepare, approve and publish a Pay Policy Statement.

6. The Council must also have due regard to the Code of Recommended Practice for Local Authorities on Data Transparency which makes a commitment to follow three principles when publishing data: responding to public demand; releasing data in open formats available for re-use; and, releasing data in a timely way. This includes data on senior salaries and the organisational structure.

Principles

Remuneration

7. The City Council currently remunerates all staff through the following elements:

- Salary – the Council has adopted an ‘Oxford Living Wage’. No employee or agency worker engaged through the Temporary Agency Worker contracts earns less than £10.50 per hour. The lowest Council employee rate (except for those employees identified in paragraph 21 below) is £10.60 per hour.
- A new two year pay deal has been agreed with effect from 1st April 2022. Under this agreement:-
 - a) There will be a cost of living increase of 2% with effect from 1st April 2022 and 2.5% with effect from 1st April 2023.
 - b) There will be no incremental progression during this period.
 - c) No home working allowance will be paid. Only those with protected rights, currently receiving the allowance as at 31st March 2022 will continue to receive it.
- Various allowances are payable where additional duties are undertaken and payment for which is not included through normal salary e.g. standby and overtime. There are various rules regarding these payments such as earnings limits over which certain items cannot be claimed.
- A travel concession for all staff travelling to work by public transport and purchasing a season ticket – at a rate of 20% of the cost of the ticket or £150 per year, whichever is lower.
- Other payments and allowances as appropriate in accordance with the conditions for the particular payment including:
 - Honoraria/Acting Up Allowances – where an employee has taken on additional duties or responsibilities for a defined period of time.
 - Market Supplements – used in exceptional circumstances to supplement pay where market conditions do not enable the organisation to recruit at its normal pay grades. Any such payment is for a defined period and subject to review.
 - Pay protection – where an employee has had a reduction in pay due to a change in responsibilities, or a new role through the Council’s Organisational Change process. The employee receives stepped pay protection over a 3 year period following the change.
 - Weekend working enhancements for staff who are required to work on Saturdays and Sundays as part of their normal working week.
 - Relocation expenses.
 - Reimbursement of professional fees.

8. All staff are eligible to join the Local Government Pension Scheme. They are automatically enrolled and are required to specifically opt out should they so wish unless their contract is for less than three months when they must opt to join.
9. Expenses such as work travel costs are reimbursed. The Council seeks to minimise the use of private vehicles for work purposes through encouraging the use of public transport, pool cars and bicycles. As well as reducing the cost to the Council, use of alternatives supports the organisation's corporate priority to pursue a Zero Carbon Oxford. Where the use of private vehicles is necessary mileage is paid at the current HMRC approved rates. It should be noted that normally no claim may be made in respect of journeys from or to an employee's home for the sole purpose of going to or returning from a place of duty during normal working hours.
10. There are a range of benefits such as flexible working, leisure concessions, cycle scheme, employee assistance programme and various discounts on high street goods and services.

Variations in Remuneration

11. Apart from the differences identified in paragraphs 12 & 13, there are no other distinctions made in terms of remuneration. Severance payments are made in accordance with the Council's Organisational Change Policy which applies to all staff.

Current Pay Schemes

12. Two pay schemes are operated (in agreement with trade unions) as follows:

- 1) National Joint Council (NJC) for Local Government Services. Grades 3 – 11 using a set of salary points. This covers the majority of staff (Scheme 1)
- 2) Senior Management Grades for certain senior positions (Scheme 2)

13. Staff are appointed at the bottom of the grade unless there are exceptional circumstances which must be agreed by the Head of People. The schemes in more detail are as follows:

Scheme 1 – the principal scheme was introduced as a result of the nationally agreed scheme on local government single status and in agreement with Trade Unions. It consists of 9 grades and was based on the national spinal column points at the point the Council entered into a local pay agreement. It is based on an analytical job evaluation scheme with a pay line set at broadly median market rate.

Scheme 2 - there are separate grades for senior officers as follows:

Chief Executive
Executive Directors
Heads of Service (2 different grades according to level of responsibilities and market factors)
Business Lead (in corporate leadership roles or areas of major staff and budget responsibilities)
Service Manager + (in Housing to reflect increased responsibilities over grade 11 but less than Business Lead)

Appointments to roles on the Service Manager+ through to Head of Service are to a fixed or 'spot' salary point on taking up the role, with subsequent increases

to the salary point subject to the same terms as those for Grades 3 to 11 under Scheme 1 detailed in 7 a) above. Chief Executive and Executive Directors' salaries are set by the Appointments Committee on taking up the role (as set out in paragraph 2) with subsequent increases to the salary point also subject to the same terms as those for Grades 3 to 11 under Scheme 1.

Returning Officer

14. The Council's appointed Returning Officer and its Deputy Returning Officers for elections and referenda are entitled to receive and retain the personal fees arising from performing such duties, in addition to normal salary in accordance with the prescribed fee for each election.

Fees for national polls are set by the Cabinet Office, under a Statutory Instrument and fees for local government elections are determined in accordance with the scale of fees agreed by Oxfordshire County Council each year and adopted by the Returning Officer under a delegation granted by the Council.

The Council's Returning Officer also acts as Deputy Returning for Oxfordshire County Council elections, fees for which are determined by Oxfordshire County Council. These appointments are independent of the Council.

Pensions and Severance Payments

15. The Council's Pensions and Retirement Options Statement, including the Council's policy in relation to the Local Government Pension Scheme Regulations, applies to all staff. In accordance with this policy the Council does not augment pensions.
16. Severance payments are made in accordance with the Council's Organisational Change Policy which details the Council's redundancy scheme.
17. All payments are subject to an authorisation process involving Senior Officers including the Chief Executive, S151 Officer and Monitoring Officer. In cases where the severance package exceeds £100,000 they are also subject to the approval of full Council.
19. In accordance with the Council's normal arrangements regarding termination and severance payments, no employee leaving under a settlement agreement with a redundancy payment can be re-employed by the Council within a period of 36 months.
20. The same arrangements apply to ex-employees seeking engagement through an agency or under a contract for services.

Lowest Paid Employees

21. The Council adopted an 'Oxford Living Wage' in 2009 which is currently £10.50 per hour. No Council employee* is paid less than this, apart from the Council's apprentices who commence their apprenticeship below the Oxford Living Wage but rapidly progress to rates in excess of it. The lowest spinal column point for Council staff is £10.60 per hour.

** No agency worker employed through the Temporary Agency Worker contract with Reed will be paid less than the prevailing Oxford Living Wage (the hourly rate calculation can include payment in lieu of holiday pay)*

Pay Multiple

22. As at 30 November 2021 the highest paid officer receives £161,499 per annum including all elements of pay. The bottom point of Grade 3 is the lowest rate paid by the Council (except for apprentices) which is £20,061 per annum. The Council's current median salary is £35,783 per annum. This makes Oxford City Council's pay multiple 1:4.5.

The highest paid salary is 8 times more than the lowest paid salary.

Equal Pay

23. Gender Pay Gap information will be reported annually in compliance with legislation and the organisation will also publish Ethnicity and Disability Pay Gap information.

Communication & Data Publication

24. The Council will publish its Annual Pay Policy Statement on its website as soon as reasonably practicable following approval.
25. Any changes to the Pay Policy Statement may be made by resolution of the Council (including during the financial year to which it relates). Any changes will be publicised on the Council's website as soon as possible after revision.
26. The Council will also publish data annually relating to senior officer remuneration as outlined in the Code of Recommended Practice for Local Authorities on Data Transparency.
27. The following information is available on the Council's Website:-
- Senior Officer Pay information
 - Pay scales for all schemes
 - Severance pay information contained in the Annual Statement of Accounts

Monitoring/Review

28. The Chief Executive, as the Head of Paid Service, has overall responsibility for employees and therefore annual publication of the Pay Policy Statement and pay data produced in relation to it.
29. This policy statement will come into effect on 1st April 2022, superseding the 2021/22 statement and will continue to be reviewed on an annual basis.

Appendix 2
Employment Policies and Procedures: Pay Policy Statement - Risk Register

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Employment Policies and Procedures	Failure to provide a suite of policies that comply with employment legislation and that are fit for purposes of improving performance and managing risk	T	Managers not equipped with revised policies and procedures	Effective employment policies not implemented consistently and fairly applied	01.11.21	Helen Bishop	3	3	3	2	2	2	Reviewing and maintaining current employment policies is a continual process	Reviewing and maintaining current employment policies is a continual process	ongoing	open	80	Helen Bishop
Employment Policies and Procedures	Loss of opportunity to have a suite of policies that implement good practice	O	Manages not equipped with revised policies and procedures	Effective employment policies not implemented consistently and fairly applied	01.11.21	Helen Bishop	3	3	3	2	2	2	Reviewing and maintaining current employment policies is a continual process	Reviewing and maintaining current employment policies is a continual process	onging	open	80	Helen Bishop
Employment Policies and Procedures	Damage to Council's reputation	T	Failure to comply with legislative requirements	Required Statement not published	01.11.21	Helen Bishop	3	3	3	2	2	2	Reviewing and maintaining current employment policies is a continual process	Reviewing and maintaining current employment policies is a continual process	ongoing	open	80	Helen Bishop

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Minutes of a meeting of the Cabinet on Wednesday 26 January 2022

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Committee members present:

Councillor Brown

Councillor Hayes

Councillor Aziz

Councillor Hollingsworth

Councillor Upton

Councillor Turner

Councillor Arshad

Councillor Clarkson

Councillor Rowley

Officers present for all or part of the meeting:

Caroline Green, Chief Executive

Tom Bridgman, Executive Director (Development)

Stephen Gabriel, Executive Director for Communities and People

Susan Sale, Monitoring Officer and Head of Law & Governance

Tanya Bandekar, Service Manager Revenue & Benefits

Laura Bessell, Benefits Manager

Nigel Kennedy, Head of Financial Services

Tom Hudson, Scrutiny Officer

Mish Tullar, Head of Corporate Strategy

Lisa Smith, Regeneration Manager

Carri Unwin, Regeneration Manager

Emma Lund, Committee and Member Services Officer

Apologies:

Councillor Walcott sent apologies.

91. Declarations of Interest

None.

92. Addresses and Questions by Members of the Public

None.

93. Councillor Addresses on any item for decision on the Cabinet agenda

None.

94. Councillor Addresses on Neighbourhood Issues

None.

95. Items raised by Cabinet Members

None.

96. Scrutiny reports

None.

97. Exploring future options for Council owned land in the City centre

The Executive Director (Development) had submitted a report to seek approval to delegate to officers the process and selection of a preferred commercial partner for the potential redevelopment of Council-owned land in the city centre. This would enable the Council to make an informed choice about its next moves.

Cllr Ed Turner, Cabinet Member for Finance and Asset Management, highlighted that the Council owned a number of assets in the City centre. The approach outlined in the report formed part of a pro-active, medium term land-management plan for one of these sites and would involve an options evaluation, including possible redevelopment. It was noted that a further Cabinet decision would be required in the event that redevelopment was determined as the best option.

Cabinet resolved to:

1. **Delegate authority** to the Executive Director Development, in consultation with the Council's Section 151 Officer, the Head of Law and Governance, and the Cabinet Member for Finance and Asset Management, to agree the terms, route to market, and then select a preferred commercial partner for the potential redevelopment of council owned land in the city centre; and
2. **Note** that any decision to enter into contract with the preferred commercial partner for the redevelopment of the land would require a separate Cabinet decision. This would be taken in the round with consideration of other options, including the potential to renew the lease with existing lease holder.

98. Council Tax Reduction Scheme for 2022/23

The Head of Financial Services had submitted a report enabling Cabinet to consider the feedback from the recent consultation on the proposed changes to the Council Tax Reduction Scheme (CTR) for 2022/23 and to agree the principles of the new scheme to be drawn up for approval by Council.

Councillor Shaista Aziz, Cabinet Member for Inclusive Communities, reported that the proposal before Cabinet included a recommendation to continue to support a 100% Council Tax Reduction entitlement. This was an approach which had been managed by only a few local authorities in the country, and was to be welcomed given the

inflation pressures, particularly in relation to energy costs, which households were facing. The response to the consultation had been good, and it was considered that the proposal also addressed concerns which had been raised about keeping the scheme simple to navigate so that those who needed help could easily find it.

Cabinet Members spoke in support of the proposal and commented that it would support those who had been most adversely affected by the pandemic, helping communities to recover and promoting equal participation.

Cabinet resolved to:

1. **Note** the outcome of the consultation on the proposed Council Tax Reduction Scheme; and
2. **Delegate authority** to the Head of Financial Services to draft the details of the new Council Tax Reduction Scheme for 2022/23 in accordance with paragraphs 8 to 11 of this report which sets out the proposed implementation and changes to the Scheme; and
3. **Recommend** to Council to resolve to adopt the new Local Council Tax Reduction Scheme for 2022/23 taking into account the following:
 - To increase the Income Bands in line with paragraph 8 Table 1 using CPI for the Benefit Cap uprating;
 - To continue to support a 100% CTR entitlement;
 - To continue with a Banded Scheme based on Income rather than family composition;
 - To leave non dependant deductions as they are currently.

99. Proposal to remove and sell car parking decking from Oxpens car park

The Executive Director for Development had submitted a report to seek approval to remove and dispose of car park decking at Oxpens Car Park.

Cllr Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery, highlighted that the decking had been installed as a temporary fixture whilst the older, larger, Westgate Car Park was being demolished and prior to the opening of the new, smaller, car park. Planning permission for the decking had now expired, and the site on which it was located was due to be transferred to OxWED LLP to enable development. Whilst the option of relocating the decking elsewhere had been investigated, no viable option had been identified. It was therefore proposed that the decking should be dismantled and disposed of.

The Leader commented that the proposal before Cabinet represented a sustainable solution in that it involved recovering as much steel as possible for re-sale.

Cabinet resolved to:

1. **Grant** project approval for the removal of the car park decking located at Oxpens car park and sold for recoverable steel rather than stored for potential reuse; and
2. **Delegate** to the Director of Development in consultation with the Cabinet Member for Planning and Housing Delivery and the Head of Law and Governance and Head of Financial Services the authority to procure, and enter into all appropriate contracts to implement the recommended option.

100.Minutes

Cabinet resolved to approve the minutes of the meeting held on 15 December 2021 as a true and accurate record.

101.Decisions taken under Part 9.3(b) of the Constitution

The Head of Paid Service (Chief Executive) had submitted a report asking Cabinet to note a decision taken by the Head of Paid Service (Chief Executive) using the urgency powers delegated in Part 9.3(b) of the Constitution for the reasons set out in the report.

The decision had involved increasing the budget for the purchase of shares in the OxWED Limited Liability Partnership from £360,000 (agreed by Council on 29 November 2021) to £750,000,

Cabinet resolved to **note** the decision taken as set out in the report and **recommend** to Council to note the decision.

102.Dates of Future Meetings

Meetings are scheduled for the following dates:

9 February 2022

16 March 2022

13 April 2022

15 June 2022

13 July 2022

All meetings start at 6.00pm.

The meeting started at 6.00 pm and ended at 6.18 pm

Chair

Date: Wednesday 9 February 2022

Minutes of a meeting of the Cabinet on Wednesday 9 February 2022

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Cabinet members present:

Councillor Brown

Councillor Arshad

Councillor Walcott

Councillor Hollingsworth

Councillor Upton

Councillor Turner

Councillor Aziz

Councillor Clarkson

Councillor Rowley

Officers present for all or part of the meeting:

Caroline Green, Chief Executive

Susan Sale, Monitoring Officer and Head of Law & Governance

Stephen Gabriel, Executive Director for Communities and People

Tom Bridgman, Executive Director (Development)

Nigel Kennedy, Head of Financial Services

Tom Hudson, Scrutiny Officer

Jenny Barker, Regeneration Manager

Mish Tullar, Head of Corporate Strategy

Emma Lund, Committee and Member Services Officer

Also present:

Councillor Wade, Chair of Scrutiny Committee

Apologies:

Councillor Hayes sent apologies.

103. Declarations of Interest

None.

104. Addresses and Questions by Members of the Public

None.

105. Councillor Addresses on any item for decision on the Cabinet agenda

None.

106.Councillor Addresses on Neighbourhood Issues

None.

107.Items raised by Cabinet Members

None.

108.Scrutiny reports

Cllr Wade, Chair of the Scrutiny Committee, reported that it had been hoped to approve four reports and recommendations to Cabinet at the scrutiny meeting held on 1 February: Budget Review; Climate Emergency Review; Procurement Review and Oxfordshire Plan 2050. The Procurement Review and Climate Emergency Review were awaiting further contributions from either the Cabinet Member or a Scrutiny Committee Member and would therefore be reported to the next Cabinet meeting. With regard to the Oxfordshire Plan 2050, it had been decided that an extraordinary scrutiny meeting was needed in order to develop the recommendations. This would be held in March.

Tom Hudson, Scrutiny Officer, presented the main findings and recommendations of the Budget Review Group on behalf of its Chair, Councillor Fry. It was noted that the financial climate remained very difficult: the impact of the pandemic had led to reserves being reduced to half of their former level. The challenges of budget setting were identified as not only the legal duty of needing to achieve a balanced budget, but also the 'higher bar' of delivering core and strategic priorities for the benefit of residents. It was recognised that a significant amount of work had been done within the budget to develop funding streams and opportunities for income generation, identify efficiencies, and manage risk. The Council's financial risk profile had by necessity increased: however, the Budget Review Group had been generally supportive of the risk balance of the budget proposals. The majority of its recommendations had related to clarifications and minimising uncertainty rather than suggesting changes to budget allocations.

Councillor Fry had identified the Group's key recommendations as being that the Council reverses its proposals to make £25k cuts to advice centre base budgets, as well as two recommendations relating to regeneration and investment which were contained in the Part II report. It was also important to ensure that savings arising from transformation were clearly delineated and not 'double-counted'. The Budget Review Group had wished Cabinet well for delivery of the budget in the current challenging financial environment.

The Chair thanked the Budget Review Group and the Scrutiny Officer for their work in conducting a thorough review. The contribution of the Group to the budget process was appreciated by Cabinet.

109.Medium Term Financial Strategy 2023/24 to 2025/26 and 2022/23 Budget

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 2023/24 to 2025/26 and 2022/23 Budget for recommendation to Council.

Councillor Ed Turner, Deputy Leader (Statutory) – Finance and Asset Management introduced the report and thanked scrutiny for a clear, helpful and rigorous review. The scrutiny challenge had highlighted important points and had provided a useful independent sense check. Cabinet accepted the recommendation relating to advice centres, and a change had now been proposed. The recommendation which cautioned against double-counting was also accepted. The comments of scrutiny relating to the increase in risk to the Council (for example, through non-delivery of projects) were also accepted and agreed.

Councillor Turner commented that it had been pleasing to note that the responses to the budget consultation had been broadly supportive of key policies: in particular the 'Oxford model' of generating income from companies and other sources in order to avoid cutting services. Support had also been expressed for the proposed Council Tax increase of 1.99% in order to increase revenue and prevent service cuts. The Local Government Finance Settlement had been slightly better than anticipated; however, it was a one year settlement which would be partially off-set by a future reduction in the Council Tax base. The Council had needed to take £11m out of reserves to fund the impact of Covid: a level of expenditure which was not adequately compensated by the Government.

Councillor Turner drew attention to the 'steady state' elements of the budget, particularly discretionary services, which often drew little attention in budget discussions but which reflected Cabinet's priorities. These included youth ambition; providing a full network of community centres; rebuilding three community centres; leisure work such as free swimming sessions; support for the voluntary and cultural sectors; and supporting an inclusive economy.

Councillor Turner also highlighted how Local Government funding arrangements had changed over the years. Ten or fifteen years ago the Council's income had largely comprised a mix of commercial property income, car parks income, council tax income and government grants. Whilst it was exciting and appropriate that the Council was now more innovative in generating income, this did necessitate more complex arrangements and an associated increase in the risk profile.

Nigel Kennedy, Head of Financial Services, reported that the impacts of the pandemic were still being felt on the commercial revenue stream (for example commercial rents and car parking). The Finance Settlement had been confirmed a few days ago, and largely reflected what had been included in the consultation budget around business rates. A one year settlement had been provided, rather than the three years which had been hoped for. The settlement had also confirmed the referendum levels for council tax: 1.99% was the maximum increase, above which a referendum would be needed.

Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery, commented that in terms of how the budget was presented it could be difficult to convey exactly how services were funded, the importance of income streams from commercial activity, and the link between net budgets and the larger gross budgets which operated underneath. It was suggested that changes might be made to the presentation in order to show how reliant the Council was on other revenue streams. The Deputy Leader (Statutory) – Finance and Asset Management and the Head of Financial Services undertook to give consideration to this for future budget reports. The Head of Financial Services clarified that of the £65 million gross income for 2022/23, circa 57% would derive from fees and charges and from companies.

The Chair thanked the Head of Financial Services and his team, as well as the Deputy Leader (Statutory) – Finance and Asset Management, for all their work in achieving a balanced budget which also protected services.

Cabinet resolved to agree the amendments to the Consultation Budget and recommend that Council resolves to:

1. **Approve** the 2022-23 General Fund and Housing Revenue Account budgets and the General Fund and Housing Revenue Account Medium Term Financial Strategy as set out in appendices 1-10, noting:
 - a) the Council's General Fund Budget Requirement of £22.382 million for 2022/23 and an increase in the Band D Council Tax of 1.99% or £6.37 per annum representing a Band D Council Tax of £326.54 per annum;
 - b) the Housing Revenue Account budget for 2022/23 of £47.882 million and an increase of 4.10% (£4.51 per week) in social dwelling rents from 1 April 2022 giving a revised weekly average social rent of £112.00 as set out in Appendix 5;
 - c) the increase in shared ownership rental in accordance with the lease as shown in paragraph 44 and the discretion used by the Head of Housing in setting the initial rent for the unsold share of 2% and giving delegated approval to the Head of Housing to set this for future shared ownership rents up to 2.75%;
 - d) the General Fund and Housing Revenue Account Capital Programme as shown in Appendix 6;
 - e) the fees and charges shown in Appendix 7;
 - f) the delegation to the Section 151 Officer in consultation with the Cabinet Member for Finance and Asset Management 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;
 - g) the payment into the County Council Pension Fund of £5 million in 2023-24 as referred to in paragraph 20 of the report;
 - i) the disposal of 4 Housing Revenue Account properties in accordance with paragraph 44 subject to any necessary consents that are required;
 - j) the increase in the 'multiplier' for the use in Furnished Tenancy charges in accordance with paragraph 44;
 - k) the change in the Cabinet decision made in December 2021 and reinstatement of the £25k funding which was reduced by that decision.
2. **Approve** the appropriation of Alice Smith House from the Housing Revenue Account to the General Fund, subject to any consents which are required.

110. Capital Strategy 2022/23 - 2025/26

The Head of Financial Services had submitted a report which presented the Capital Strategy for approval.

Councillor Turner, Deputy Leader (Statutory) – Finance and Asset Management commented that production of a capital strategy was a requirement of the Constitution, and its contents linked to the budget. Changes which had been made to the Strategy this year related to how schemes were selected and added to the Capital Programme. Councillor Turner highlighted the importance of ensuring the delivery of the capital programme, as well as the challenges this involved.

Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery, questioned whether the presentation of capital programme items in the quarterly monitoring report might be split, for slippage assessment purposes, between those which related to construction projects and those which were large cash transactions and the Head of Financial Services agreed to look at this.

Cabinet resolved to:

1. **Recommend** that Council approves the Capital Strategy attached at Appendix 1 to the report.

111. Treasury Management Strategy 2022/23

The Head of Financial Strategy had submitted a report which presented the Council's Treasury Management Strategy for 2022/23 together with the Prudential Indicators for 2022/23 – 2025/26.

Councillor Ed Turner, Deputy Leader (Statutory) – Finance and Asset Management reported that it was proposed to maintain limitations on non-specified investments as currently. Some changes had been made to the Strategy in order to align with revised Cipfa and government guidance. Additionally, a new Environmental, Social and Governance Policy had been added. The Council's Treasury Management advisors would be providing information on risk ratings for counterparties with which the Council wanted to invest.

Although there was no change to the Minimum Revenue Provision (MRP) in 2022/23 it was subject to recent Government consultation, meaning that future changes were possible.

Cabinet resolved to:

1. **Recommend** that Council approves:

1. The Treasury Management Strategy 2022/23 as set out in paragraphs 22 to 63 of the report and the Prudential Indicators for 2022/23 – 2025/26 as set out in Appendix 2;
2. The Borrowing Strategy 2022/23 at paragraphs 38 to 40 of the report;
3. The Minimum Revenue Provision (MRP) Statement at paragraphs 41 to 43 of the report which sets out the Council's policy on charging borrowing to the revenue account; and
4. The Investment Strategy for 2022/23 and the investment criteria as set out in paragraphs 44 to 62 of the report and in Appendix 1.

112. Development of land at South Oxford Science Village (Land South of Grenoble Road)

The Executive Director for Development had submitted a report which sought agreement for the Council to enter into a joint venture Limited Liability Partnership with Thames Water and Magdalen College, as the three land owners of the land allocated for redevelopment off Grenoble Road known as the South Oxford Science Village site, and in doing so, to commit the land for development.

Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery, presented the report.

The Leader expressed support for the proposal, which is the next step towards enabling the delivery of homes adjacent to the city where they were both needed and wanted. Through the provision of housing it would help to support those currently in housing need, as well as those who had had to leave the city for economic reasons but wished to return.

Councillor Shaista Aziz, Cabinet Member for Inclusive Communities, also expressed support for the proposal and gave examples of residents within her ward who were currently in housing need and had been on the council house waiting list for a significant period of time.

Cabinet resolved to:

1. **Delegate** to the Director for Development, in consultation with the Cabinet Members for Finance and Asset Management and Planning and Housing Delivery, the Head of Law and Governance and the Head of Financial Services, the agreement to create a limited liability partnership with Magdalen College, Oxford, and Thames Water, its incorporation, and the agreement of the detailed drafting of the LLP agreement and any ancillary documents, and entering into it and any ancillary documents on behalf of the Council;
2. **Delegate** to the Director for Development, in consultation with the Cabinet Members for Finance and Asset Management and Planning and Housing Delivery, the Head of Law and Governance and the Head of Financial Services, the decision, following the receipt of advice, whether to pursue an option or conditional contract, the final drafting of any such option or contract, the granting of any such option or contract, or the entering into agreement on any such option or contract which commits the Council's land, within the SOSV allocation, to be available to be drawn down by the LLP when the land is needed for development. This will include ensuring the requirements of S123 of the Local Government Act 1972 are met and that any disposal is for the best consideration that can reasonably be obtained or otherwise in compliance with the requirements of section 123;
3. **Recommend** to Council the establishment of a revenue budget of £556k to enable the work to bring the site forward for development, and for internal and external resources its business. Where appropriate and agreed with the Head of Financial Services the costs will be capitalised and the appropriate budget vired from revenue to capital in line with the capitalisation;
4. **Recommend** to Council a loan of up to £500k to be made to the LLP to cover the council's share of running the LLP (% share based on % land ownership within the allocation) to be repaid with interest on terms agreed with the Head of Financial Services. The appropriate capital and revenue budgets to be established, to be agreed with the Head of Financial Services, based on the LLP Business Plan and Budget.

113.Minutes

Cabinet resolved to approve the minutes of the meeting held on 26 January 2022 as a true and accurate record.

114.Dates of Future Meetings

Meetings are scheduled for the following dates:

16 March 2022

13 April 2022

15 June 2022

13 July 2022

10 August 2022

All meetings start at 6pm.

115.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 to exclude members of the public from discussion of the following item on the grounds that their presence could involve the likely disclosure of exempt information as described in paragraph 3 of Schedule 12A of the Local Government Act 1972.

116.Medium Term Financial Strategy 2023/24 to 2025/26 and 2022/23 Budget

By way of clarification, Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery, drew attention to the confidential Budget Review Group discussions which had been included within its report. These referred at paragraph 6 to a 'Redbridge site' both in relation to the potential development of a depot and as part of an unrelated OCH business plan. Councillor Hollingsworth clarified that the 'Redbridge site' was in fact two different sites – the Redbridge Park and Ride (which was owned by Oxfordshire County Council) and Redbridge Paddock (which was a brownfield site).

The meeting started at 6.00 pm and ended at 6.41 pm

Chair

Date: Wednesday 16 March 2022

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To: Council

Date: 21 March 2022

Report of: Chair of the Scrutiny Committee

Title of Report: Scrutiny briefing to Council

Summary and recommendations	
Purpose of report:	To update Council on the activities of the Scrutiny function
Corporate Priority:	All
Policy Framework:	Council Strategy 2020-24
Recommendation:	That Council resolves to note the update report.

Appendices
None

Introduction

1. This report covers the activity of Scrutiny during the period from to 30 January 2022 to 11 March 2022. Within this timeframe there have been relatively few meetings of Scrutiny and its Panels. Owing to timetabling and other considerations the only Scrutiny report to have been taken to Cabinet during this period and received a response by the time of publication is the Scrutiny Budget Review Group report, which has already been noted by Council at its Budget Council meeting. As such, this update is very short.
2. This is not to say, however, that Scrutiny has not been working since the last update. A total of eight reports are set to be sent to Cabinet after publication of this report. In addition, the Child Poverty Review Group has completed its evidence-gathering, though the report is currently being drafted and, again, will be reported on in the next update, or perhaps later if a longer time is requested to make a response to its recommendations.

Scrutiny Committee

3. Since the last Scrutiny update to Council the Scrutiny Committee has met three times, on 01 February, an extraordinary meeting on 02 March, and 07 March 2022. Two reports from Scrutiny's meeting prior to the last update were expected to be reported in this update. For a number of reasons – redrafting, illness, Cabinet member absence and proximity to Cabinet meetings – none of the reports produced by Scrutiny to Cabinet have yet officially been responded to. Council will be updated on this in its next update instead.
4. These reports are:
 - Climate Emergency Review Group Update Report
 - Procurement Update
 - Oxfordshire 2050 Plan
 - Equality, Diversity and Inclusion Strategy
 - Allocation of Homelessness Prevention Funding
 - Housing Assistance and Disabled Adaptation Policy
 - Annual Business Plan Update
 - Oxfordshire Recovery and Renewal Framework

Housing and Homelessness Panel

5. The Housing and Homelessness Panel has met once during the reporting period, on 02 February. This meeting focused on the ongoing investigations into Tenant Involvement and Empowerment, specifically focusing on the Council's progress in responding to the STAR Tenant Satisfaction Survey and its preparation for the Social Housing White Paper being made law. The report on this is currently being drafted and is expected to be presented to Cabinet in April.

Finance and Performance Panel

6. The Finance and Performance Panel has not met during the reporting period. Its final meeting of the civic year was held on 28 January.

Companies Panel

7. Meetings of the Companies Panel are on a four-monthly cycle, meaning the Companies Panel has not met during this reporting period.

Review Groups

8. In February Scrutiny delivered its Budget Review Group report to Cabinet. Council has already noted this document at its Budget Council meeting so only a brief update is given. Of the 22 recommendations made, only one was rejected. This is largely a function of the recognition of the financial challenge the Council faces and the majority of recommendations seeking to clarify or mitigate risk rather than proposing alternative policy.

9. The Child Poverty Review Group has met six times since the last update to Council and has concluded its evidence-gathering. The report is currently being drafted and is scheduled to be presented to Cabinet's April meeting with a response sought after the election.

Planning for Next Year

10. As part of its work programme Scrutiny seeks to consider a balance of Cabinet reports and reports it commissions itself on topics of particular interest. The Committee seeks ideas not only from its own membership, but from all Councillors. Members will therefore be contacted with a request for ideas that Scrutiny should look at in due course. These ideas will then help form the longlist of possible topics adopted by Scrutiny for its 2022/23 work plan.
11. Feedback about Scrutiny has generally been positive over the year, and the general sense is that the Scrutiny function has been of value to the decision-making and governance processes of the Council. However, to test this and identify areas of potential improvement, in April all Scrutiny and Cabinet members will be asked to fill in a short evaluation form developed by the Centre for Governance and Scrutiny. It is important that Scrutiny add value to the work of the Council, so relevant members are asked to ensure they respond to it in order to provide a strong evidential base for possible changes. Feedback is of course also welcomed outside of this format. The Chair or the Scrutiny Officer are happy to take any feedback on board.

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