

Minutes of a meeting of the Cabinet

on Wednesday 9 August 2023

Cabinet members present:

Councillor Brown	Councillor Aziz
Councillor Hunt	Councillor Railton

Officers present for all or part of the meeting:

Tom Bridgman, Executive Director (Development)
Alice Courtney, Scrutiny Officer
Caroline Green, Chief Executive
Emma-Louise Jackman, Head of Law and Governance
Nigel Kennedy, Head of Financial Services
Brendan Lewis, Senior Rough Sleeping Officer
Emma Lund, Committee and Member Services Officer
Megan McFarlane, Affordable Housing Supply Programme Officer
Peter Matthew, Interim Executive Director of People and Communities
Ossi Mosley, Rough Sleeping and Single Homelessness Manager
Malcolm Peek, Property Service Manager
Dave Scholes, Affordable Housing Supply Corporate Lead
Steve Stansfield, Building Compliance and Safety Manager
Mish Tullar, Head of Corporate Strategy
James Viljoen, Technical Services Manager
Richard Wood, Housing Strategy and Needs Manager

Apologies:

Councillors Turner, Chapman, Munkonge, Rehman, Linda Smith and Upton sent apologies.

33. Addresses and Questions by Members of the Public

Kaddy Beck, on behalf of the Save Bertie Park Campaign, had submitted a statement and questions relating to the Bertie Place Affordable Housing Scheme item to be considered later on the agenda. Her statement, and the response given to it by Councillor Susan Brown, Leader, are attached to these minutes.

34. Councillor Addresses on any item for decision on the Cabinet agenda

None.

35. Councillor Addresses on Neighbourhood Issues

None.

36. Items raised by Cabinet Members

None.

37. Scrutiny reports

The Housing and Homelessness Panel had met on 2 August 2023. Alice Courtney, Scrutiny Officer, presented the reports and recommendations from that meeting relating to:

- (i) Expansion of the Housing First Programme; and
- (ii) Update on Customer Complaints and Feedback

In relation to Expansion of the Housing First Programme, the Panel had had a wide ranging discussion which had included the equalities impact of the programme and how individuals were prioritised to receive Housing First support; how the Council quality assures the services delivered by St Mungo's and A2 Dominion; distribution of Housing First properties across the city; the impact of the Housing First programme on the availability of properties for other groups such as care leavers; the impact of expanding the programme on other wraparound support agencies across the city; how far Housing First would go towards meeting existing need in the city; and the information contained in the risk register.

The Panel had made one recommendation which had related to a review of the information contained within the risk register: the Panel had noted that the narrative around risks and whether they were deemed to be a threat or an opportunity did not appear to align.

In relation to the Update on Customer Complaints and Feedback, discussion had touched on areas such as the difference between Stage 1 and 2 complaints; oversight of the complaints process; and tracking emerging complaint trends. Whilst the Panel agreed that progress in collecting feedback from tenants was moving in the right direction, it considered that it would be of benefit to the Council to focus on gaining more information related to customer experience in terms of communication more broadly, both through Localz (the recently launched text messaging service) and other channels to ensure inclusivity. The Panel had made one recommendation on this theme.

In the absence of Councillor Linda Smith, Cabinet Member for Housing, the Leader responded that the recommendation relating to the risk register for the Housing First Programme was accepted and the register had subsequently been updated. The Panel was thanked for bringing the issue to Cabinet's attention. The recommendation relating to the Update on Customer Complaints and Feedback had also been accepted: it was understood that Localz had already improved communication with tenants who had booked repairs; and learning from complaints was being shared and would be publicised.

38. Bertie Place Affordable Housing Scheme

The Executive Director (Development) had submitted a report to seek approval to commence the appropriation process of Site A at Bertie Place and, subject to the completion of the statutory procedure to appropriate the land at Site A and a

subsequent decision of Cabinet to appropriate the land, to seek project approval and delegations to progress the development of 31 affordable homes at Bertie Place.

An addendum to this report had been published, to clarify the recommendations contained in the main report.

The Affordable Housing Supply Corporate Lead highlighted that the proposal to commence the appropriation process represented the first stage of the process and that progression of the project would be dependent, amongst other things, on the outcome of the appropriation process as well as planning consent. The intention was now to bring affordable housing project proposals to Cabinet at an earlier stage than previously, before planning consent had been secured, in order to improve internal contractual arrangements and bring increased certainty to the development programme.

The proposal for Bertie Place was considered to be a viable development which was relatively modest (31 homes) of which 100% would be affordable. 22 of these would be for social rent, with a property mix which would include 11 one-bedroom, 1 two-bedroom, and 10 three-bedroom houses. This matched the housing needs profile in a number of key ways. At c40% of private sector market rent, the social rent properties would provide housing which was much more affordable for those on the housing register. There would also be 9 two-bedroom properties for shared ownership.

It was acknowledged that the site was complicated: the development would require the re-provision of the play area and the MUGA and improved access into and around Site B. The Affordable Housing Supply Corporate Lead highlighted that proposals for the play area remained indicative at this stage and would be tested through the planning process; however, the current intention of the Council was to re-provide a play area which catered to a range of age groups. It was intended to further engage the community with regard to how the play area was set out and used.

Cabinet resolved to:

1. **Agree** to commence the appropriation process of Site A at Bertie Place as set out in the report, noting the intent to take a further report to October Cabinet; and
2. Subject to the completion of the statutory procedure to appropriate the land at Site A and the subsequent decision of the Cabinet to appropriate the land, to:
 - (a) **Grant project approval** for the build and acquisition of affordable homes developed by OCHL for which budgetary provision has been made in the Council's Housing Revenue Account in respect of Bertie Place; and
 - (b) **Delegate authority** to the Head of Housing in consultation with the Head of Law and Governance and the Head of Financial Services / S151 Officer to enter into a Development Agreement with OCHL to facilitate the development, secure the purchase of the completed affordable homes, to be held in the HRA, and to enter into any related agreements and contracts to facilitate the development within this project approval and budget for Bertie Place. Acquisition costs are specified within the confidential appendix.

39. Northfield Hostel Site Additional Affordable Housing

The Executive Director (Development) had submitted a report to seek project approvals and delegations to deliver a development of a further 10 affordable homes at the Northfield Hostel site.

The Affordable Housing Supply Corporate Lead reported that a decision by the County Council to sell a secondary site, adjacent to the main site, would enable the delivery of a further all-affordable scheme of 10 new homes. This would be in addition to the delivery of 51 all-affordable homes at the main Northfield Hostel site which had been approved by Cabinet in September 2020. The housing mix at the additional site would comprise 6 x 3- and 4 x 4-bedroom houses, providing 6 homes at social rent and 4 at shared ownership. This would help to meet the acute need for 4-bedroomed properties for those on the housing register.

Outline planning consent for the proposal had already been secured, and it was hoped that a full application could be taken to the planning committee in the autumn, with a start on site as soon as possible thereafter in order that the development could be moved forward in line with the development of the flats at the main site and with the aim of achieving completion at both sites at the same time in late 2025/early 2026.

Cabinet resolved to:

1. **Grant project approval** to the proposals to purchase land; enter into build contracts and any other necessary agreements or contracts and incur associated development cost spends, as set out in this report, and within the allocated Housing Revenue Account ("HRA") capital budget and business plan, for the purpose of delivering more affordable housing in Oxford at the Northfield Hostel site;
2. **Recommend to Council** that it approves a virement within the HRA capital budget for scheme costs. The virement will be from the Oxford City Housing Limited ("OCHL") purchase line into a new scheme line to be profiled to match the build programme across the three years from 2023/24 to 2025/26;
3. **Delegate authority** to the Executive Director (Development) in consultation with the Cabinet Member for Housing; the Head of Financial Services/Section 151 Officer; and the Council's Monitoring Officer to enter into agreements for the purchase of land; build contracts; and any other necessary agreements or contracts to facilitate the development (including a Development Services Agreement with OCHL) within the identified budget, for the provision of additional affordable housing.

40. Expansion of the Housing First Programme

The Executive Director (Communities and People) had submitted a report to seek approval for the expansion of the Housing First programme following a successful bid to the Single Homelessness Accommodation Programme.

The Leader welcomed the report, highlighting that the Housing First programme had been successful in Oxford and was a very important part of the housing offer. There was international evidence about how successful Housing First was. The Rough Sleeping and Single Homelessness Manager highlighted that in moving towards a housing-led approach it also represented a very important step in ending rough sleeping in the city and was in line with both the Council's Homelessness, Housing and Rough Sleeping Strategy and the Countywide Homelessness Strategy.

Cabinet resolved to:

1. **Approve** the Council's participation in the Single Homelessness Accommodation Programme (SHAP) in order to purchase 12 new units for Housing First alongside

- commissioning support for a total of 17 units, including 5 units drawn from general needs stock;
2. **Recommend to Council** the allocation of a £2,888,000 capital budget (of which £1,688,000 will be borrowed by the Housing Revenue Account) for the Council's investment to purchase the properties as part of the Single Homelessness Accommodation Programme as outlined in paragraph 19, the balance of which will be met by the SHAP grant;
 3. **Recommend to Council** a budget allocation of £600,000 to cover revenue costs to commission support providers to deliver support for the 17 units of Housing First. The funding equates to 3 years' worth of revenue but is spread over 4 financial years (para 18); and
 4. **Delegate authority** to the Executive Director (Communities and People) in consultation with the Cabinet Member for Housing; the Head of Financial Services/Section 151 Officer; and the Head of Law and Governance/Monitoring Officer, to enter into agreements and contracts to facilitate the purchase by the Council of housing (to be held in the HRA) within the identified budget and within the project approval, as well as to enter into or amend agreements or contracts in relation to support provision (revenue spend) in line with procurement requirements.

41. Fire Servicing and Maintenance Contract

The Executive Director (Communities and People) had submitted a report to seek: (i) approval to tender a contract for the provision, servicing and maintenance of fire safety systems; (ii) delegated authority to award a contract following the tender process; and (iii) approval for an annual budget expenditure as shown in Appendix 2.

Cabinet resolved to:

1. **Approve** the commencement of a procurement exercise for the provision, servicing and maintenance of fire safety systems for a 5-year term with an optional 12-month extension and an annual budget expenditure as shown in Appendix 2 for a period of 5 years (+1) for a total contract value as shown in Appendix 2; and
2. **Delegate authority** to the Executive Director (Communities and People) to award the contract for the provision, servicing and maintenance of fire safety systems to the successful supplier following completion of a compliant tender process and issue works to the approved annual value.

42. Minutes

Cabinet resolved to approve the minutes of the meeting held on 12 July 2023 as a true and accurate record.

43. Dates of Future Meetings

Meetings are scheduled for the following dates:

13 September 2023
18 October 2023

15 November 2023
13 December 2023
24 January 2024
7 February 2024

All meetings start at 6pm.

The meeting started at 6.00 pm and ended at 6.26 pm

Chair
2023

Date: Wednesday 13 September

When decisions take effect:

Cabinet: after the call-in and review period has expired

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

All other committees: immediately.

Details are in the Council's Constitution.

Cabinet 9 August 2023

Address by Kaddy Beck, Save Bertie Park Campaign:

"OCC is not above the law. Our email to you reproduce s122 of the 1972 [Local Government] Act in its entirety. We object to your use of this Act to appropriate the land on Bertie Park on the following grounds:

- Part 1 says that the Council may appropriate the land if it is no longer required. But OCC's planning department have told us that Bertie Park is not defined as surplus.
- It also states that appropriation is subject to the rights of other persons over the land concerned. Our community has by right enjoyed access to Bertie Park for 85 years.
- Part 2(a) states the land appropriated should not exceed 250 square yards. Bertie Park is 7,894 square yards.
- Part 2(b) requires you to advertise for two consecutive weeks in a local newspaper and consider any objections. To avoid legal challenge, you would need to give genuine consideration to all objections and be able to demonstrate that you have considered these with an open mind. But the background information makes it clear that nothing will change your mind. You think that this would be like any other OCC consultation, a formality used to justify what you already intend to do.

Your suggested timescale is therefore unrealistic as you do not take into account the likelihood of our legal challenge.

Perhaps it is worth reminding you:

- That the Local Plan says that planning permission will only be granted....if the existing Bertie Place recreation ground, including a replacement MUGA, is re-provided on land in Plot B.
- You have never suggested doing this.
- You have never explained why.
- Your effort at re-providing our recreation ground cannot reasonably be held to cater for existing residents, let alone new ones.

When summing up their judgement in the case of Day v. Shropshire County Council, Lady Rose explained the determination of the UK Supreme Court to uphold s123 of the 1972 Act:

'The importance for local communities of having spaces where they can take exercise and play sport and meet each other in the outdoors has long been recognised by Parliament. One way that Parliament has sought to protect green spaces is by passing laws which set conditions and limits on the power of local authorities to sell this type of land'

The same reasoning would also apply to s122 of the same Act.

We therefore think it's too early to grant approval for the build and acquisition of affordable homes on Bertie Park or to enter into a Development Agreement with OX Place.

We would like to know:

Whether you still intend to proceed with the appropriation under s122 and if you do intend to proceed, when will you put the notice in the paper and by which date would you like objections to be submitted.”

Response by Councillor Susan Brown, Leader of the Council

“Thank you very much for coming here today to make your representations. I will respond to you now and the response will also be published alongside the agenda and minutes for this meeting.

This report is not seeking to agree to an appropriation of the land at this stage, but agreeing to start the statutory process, including the opportunity for representations to be made. This will then be considered as part of a final decision report to Cabinet in October. This was set out in the report; however, for clarity, we have this afternoon issued an addendum which I believe has been sent to you which makes this very clear. It can be found on the Council’s website with the papers for this meeting.

At the time Cabinet is asked to make a formal decision on appropriation it will be considering all the relevant information being presented to it and, to that end, the approval of the project is clearly conditional upon the approval of appropriation. All the issues, such as the consideration of whether the land is surplus, will be considered and addressed in the subsequent report.”

[Note: The addendum referred to can be found at:

<https://mycouncil.oxford.gov.uk/documents/b23939/Agenda%20Item%208%20-%20Bertie%20Place%20Affordable%20Housing%20Scheme%20Addendum%20Wednesday%2009-Aug-2023%2018.00%20Cabinet.pdf?T=9>]