

Minutes of a meeting of the Scrutiny Committee on Tuesday 16 January 2024

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Committee members present:

Councillor Pegg (Chair)	Councillor Rowley (Vice-Chair)
Councillor Altaf-Khan	Councillor Arshad
Councillor Aziz	Councillor Corais
Councillor Diggins	Councillor Douglas
Councillor Fry	Councillor Jarvis
Councillor Smowton	Councillor Thomas

Officers present for all or part of the meeting:

Caroline Green, Chief Executive
Peter Matthew, Executive Director of People and Communities
Ian Brooke, Head of Community Services
Emma Jackman, Head of Law and Governance
David Butler, Head of Planning and Regulatory Services
Richard Adams, Community Safety Service Manager
Liz Jones, ASBIT Manager & Domestic Abuse Lead
Gail Siddall, Regulatory Services Manager
Lucy Cherry, Policy and Partnerships Officer
Clare Keen, Policy and Partnerships Officer

Also present:

Councillor Susan Brown, Leader of the Council and Cabinet Member for Inclusive Economy and Partnerships
Councillor Chewe Munkonge, Deputy Leader and Cabinet Member for Leisure and Parks
Councillor Linda Smith, Cabinet Member for Housing
Councillor Mark Lygo, Cabinet Member for Inclusive and Safer Communities

Apologies:

No apologies were received

68. Declarations of interest

There were no declarations of interest made.

69. Chair's Announcements

There were none.

70. Minutes

The Committee resolved to APPROVE the minutes of the meeting held on 04 December 2023 as a true and accurate record.

The Committee agreed to take agenda items 8, 7, 9 and 10 next on the agenda, and return to items 5, 6 and 11 to make the best use of officer and Cabinet Member time.

71. Private Rented Sector Regulation Policies - Results of Consultation

Cllr Linda Smith, Cabinet Member for Housing introduced the report from the Head of Planning and Regulatory Services which sought Cabinet approval of three key Private Rented Sector Regulation Policies (Fit and Proper Person Policy; Banning Orders and & Rogue Landlord Database Entry Policy; and Civil Penalties in Relation to Residential Enforcement Policy) following consultation.

Gail Siddall, Regulatory Services Manager highlighted that the report was being taken to Cabinet following the Cabinet meeting of September 2023, where it was agreed to undertake a 4-week public consultation to review the above policies that were required either by the Government or statutory guidance to assist the Council when making decisions in relation to private rented sector enforcement.

Cllr Linda Smith, Cabinet Member for Housing, David Butler, Head of Planning and Regulatory Services and Gail Siddall, Regulatory Services Manager attended the meeting to speak to the item and answer the Committee's questions.

During discussions, the Committee noted the following:

- Any monies resulting from civil penalties issued would be ringfenced against the private rented sector budget and could not be used in the General Fund for wider Council activity.
- If a landlord was judged to be a 'rogue landlord' it would be likely for them to lose their 'fit and proper' status as well.
- The application of a clearer policy would provide better support for using the rogue landlord database, which was quite restrictive in terms of criteria to include an individual on it. The Council had made representations on lowering the threshold for entry onto the database to Central Government.
- Draft legislation had been published regarding housing asylum seekers, which if enacted, would exempt housing being used for housing asylum seekers procured by the Home Office, from the Selective or HMO licensing schemes.
- Any contraventions or breaches of licences would be investigated if complaints were brought forward in line with the current legislation in place.

The Committee resolved to make the following recommendations on the report to Cabinet:

1. That the Council clarifies how the principles of its private rented sector regulation policies apply to social housing providers and housing for asylum seekers.
2. That the Council explores the ways in which domestic abuse and the Council's work towards achieving Domestic Abuse Housing Alliance (DAHA) Accreditation

can feed into its private rented sector regulation policies to ensure alignment across the organisation.

72. DAHA Accreditation and Domestic Abuse Review Group Update

Cllr Mark Lygo, Cabinet Member for Inclusive and Safer Communities presented the report on the Domestic Abuse Housing Alliance (DAHA) Accreditation and an update on the recommendations made by the Domestic Abuse Review Group. He highlighted that Cabinet had agreed with the majority of the 48 Domestic Abuse Review Group recommendations, which were endorsed by the Scrutiny Committee on 02 March 2021, and provided an update on progress made against these recommendations since the previous update to the Committee on 05 April 2022. The report also included an update on progress made towards the DAHA accreditation. Cllr Lygo thanked former Cabinet Member, Cllr Shaista Aziz, for her previous work to get to this stage.

Liz Jones, ASBIT Manager & Domestic Abuse Lead provided further detail on the recommendations that had been agreed in part and the Committee was advised that, of the recommendations that had not been agreed, the majority were not agreed as there were practices or policies already in place.

The Scrutiny Officer advised the Committee that advice had been provided by the Head of Law and Governance in relation to recommendation 40, which had been agreed by Cabinet at the time but did not appear to have been actioned. She advised that the Constitution was a Council matter rather than a Cabinet matter and that the inclusion of a requirement that Members did not perpetrate domestic abuse was not something that the Council could add to the Constitution or the Code of Conduct, as it did not relate to Members' role as a councillor and the Council did not have the power to set requirements related to Members' personal capacity. Consideration had been given to the matter, in line with the recommendation, but it could not be taken forward.

Richard Adams, Community Safety Service Manager also attended the meeting to speak to the item and answer the Committee's questions.

During discussions, the Committee noted the following:

- Regarding recommendation 20, the safe accommodation project included refuge provision, the Sanctuary Scheme and Places of Safety. It did not include Temporary Accommodation, and when anyone was placed in a hotel. Some support was provided to those in hotels with an aim to move them out as quickly as possible within the constraints of available Council accommodation, however this still needs improving.
- Domestic abuse training was delivered to all staff as part of mandatory Safeguarding training. Training for staff had been delivered in the past two years, additional sessions were being rolled out in 2024. Training specifically for managers would also be available. There were also 23 Domestic Abuse Champions across the Council to provide support if required.
- Support was provided in collaboration with voluntary sector agencies, and any cases where there were concerns about the provision of support would be investigated on an individual basis if escalated to the Community Safety Team and/or Cabinet Member for Inclusive and Safer Communities.
- It was anticipated that the DAHA accreditation would be achieved by March 2025, before the Department for Levelling Up, Housing and Communities funding came to an end, and would therefore not be affected by any funding restrictions. However,

there would be ongoing costs to retain the accreditation, so this could be impacted dependent on the availability of funding.

The Committee resolved to make the following recommendations on the report to Cabinet:

1. That the Council investigates and assesses the adequacy and clarity of the support and signposting provided to victims and survivors of domestic abuse housed in safe and/or temporary accommodation.
2. That the Council proactively lobbies Central Government based on the horrific lived experiences of Oxford residents, stressing the urgent need for additional resources to support the Council in meeting its new statutory obligations relating to domestic abuse.
3. That the Council ensures that the lived experiences of children are captured and addressed by the Council through its domestic abuse work.
4. That the Council delivers domestic abuse training annually to Members going forward and appoints a Member as Domestic Abuse Champion.

73. Draft Corporate Strategy 2024-28 for Consultation

Cllr Susan Brown, Leader of the Council, presented the report from the Chief Executive which sought approval to publicly consult on the Council's Draft Corporate Strategy 2024 to 2028. She provided an overview of the draft strategic priority aims currently set out within the document and outlined the process to be carried out developing the revised Corporate Strategy.

Caroline Green, Chief Executive, Lucy Cherry, Policy and Partnerships Officer and Clare Keen, Policy and Partnerships Officer attended the meeting to speak to the item and answer the Committee's questions.

During discussions, the Committee noted the following:

- Site allocations set out in the local Plan would not set an explicit goal that could influence the price of open market housing, due to the low number of housing sites available in the city, and would not set an achievable pledge to include as a strategic priority for the Corporate Strategy document.
- The number of priorities within each strategy area had been reduced to enable the Council to focus its work in each priority area. Much of the work included in previous versions of the Corporate Strategy would continue but would not be monitored at the same level as those presented in the new Strategy.
- A comparison between the current iteration of the Corporate Strategy (2020-24) priority aims, and those presented for this version could be undertaken.
- There was interaction between the priorities and areas of focus within the draft strategy, and whilst not connected within the document, it was recognised that there was focus across all the priorities working together and these could be addressed in the foreword to the document.
- Collaborative working practices were taking place with anchor institutions across the city.

The Committee resolved to make the following recommendations on the report to Cabinet:

1. That the Council undertakes a comparative analysis to clearly set out what has changed between the current Corporate Strategy 2020-24 and the draft Corporate Strategy 2024-28 as a result of prioritisation.
2. That the Council incorporates references to community wealth building, or appropriate alternative language which reflects the principles of community wealth building, within the draft Corporate Strategy 2024-28 – to include explicit use of the phrase ‘shortened supply chains’ within the ‘Strong, Inclusive Economy’ section.
3. That the Council includes wording under the priorities within the ‘Zero Carbon Oxford’ section along the lines of ‘working in partnership with other institutions in Oxford to ensure a joined-up approach to tackling emissions’.
4. That the Council includes a glossary of key terms used throughout the Corporate Strategy 2024-28 in the final document.
5. That the Council draws out and emphasises the interaction and interconnectivity between the priorities of the Corporate Strategy 2024-28 within the foreword of the final document.

74. Leisure Management Contract

Cllr Chewe Munkonge, Cabinet Member for Leisure and Parks presented the report which sought Cabinet’s authority for the award of a new leisure management contract. He highlighted that the contract with the current leisure service provider was due to expire on 29 March 2024, and that it was not feasible for the Council to deliver this service in-house, therefore a formal procurement process had commenced, of which the outcomes were provided within the report.

A member of the public made an oral address to the Committee and expressed their concerns regarding the preferred bidder. The Chair of the Scrutiny Committee thanked the member of the public on behalf of the Committee, and advised that the Committee would take their comments into account during consideration of the item.

Emma Jackman, Head of Law and Governance, provided legal advice to the Committee regarding procurement legislation and the procurement process undertaken by the Council in relation to the contract.

Cllr Munkonge, Cabinet Member for Leisure and Parks, Peter Matthew, Executive Director (Communities and People), Ian Brooke, Head of Community Services and Emma Jackman, Head of Law and Governance responded to comments and questions from the Committee as follows:

- As per procurement legislation, reputational damage could not be considered as grounds for disqualification of potential suppliers from entering or winning the bidding process. Information regarding the mandatory grounds for disqualification was provided to the Committee.
- There were no discretionary grounds for exclusion found as specified in procurement legislation.
- Due diligence had taken place as part of the procurement process and would continue throughout the pre-contract and negotiation discussions between the Council and the recommended supplier. No significant areas of concern had been found to date.
- The Council had used the Sport England leisure procurement framework as part of the procurement process.

- A strengthened client function would be implemented to support the contract, with default regimes that would trigger direct payments to the Council.
- As part of the negotiation process, fees and charges would be reviewed to ensure that Council residents were provided value for money and accessibility in relation to leisure services across the city.
- The obligation to pay management fees would be built into the contract, with legal recourse as stated in the confidential appendices. The bidders had been tested in their history of making those payments, of which the preferred bidder had been successful in that criteria.
- There were a number of schedules built into the contract, these include default and termination which enable the Council to break the contact if triggers were hit around poor performance.
- The future of the Ice Rink could not be specifically considered within the contract as it had not yet been decided, however there would be some flexibility in the contract to account for this.

Cllr Shaista Aziz raised concerns about a lack of information provided to the Committee by officers in response to questions and did not consider that the legal advice provided was sufficient to address concerns raised by Members in the meeting.

The Committee recorded its grave concerns about the award of the contract to the proposed provider, however noted that there was no viable alternative option given the risk of legal challenge and associated financial risk if the Council did not award the contract to the winning bidder.

The Committee resolved to make the following recommendations on the report to Cabinet:

1. That the Council publishes, in the public domain, a more detailed breakdown of the higher costs in relation to the in-house proposal, particularly in respect of expenditure and staffing.
2. That the Council reports back to the Scrutiny Committee as soon as possible with an update on the arrangements established for the effective commissioning, delivery and management of the leisure services contract – including the arrangements established to ensure a smooth transition to the new provider.
3. That the Council takes account of lessons learned through the leisure services contract procurement process and takes measures to ensure that future procurement exercises for large-scale tenders are started sufficiently in advance so as to allow for adequate, meaningful and timely Member involvement and to allow the Council time to pause and reassess its options if required – including the option to abandon the process and re-tender.
4. That the Council makes representations to Central Government expressing the need for greater transparency in local authority procurement processes for Members, to better enable them to act in the best interests of the communities and residents that they represent.
5. That the Council publishes indicative evaluation matrices for future procurement exercises on the Council website, setting out what the Council is looking for from prospective bids.
6. That the Council publishes the principles of social value weightings in procurement exercises on the Council website.

7. That the Cabinet requests that Serco Leisure Ltd, if awarded the leisure services contract, attends a Q&A meeting with Members to explicitly respond to the concerns raised by the Scrutiny Committee; and follows this up in writing to be circulated to all Members for information.
8. That the Cabinet provides a written response to the public address delivered at the Scrutiny Committee meeting in relation to the report, which can be shared with the public speaker and the Scrutiny Committee.

Cllrs James Fry, Lizzy Diggins, Mike Rowley, Lubna Arshad and Mohammed Altaf-Khan left the meeting and did not return.

75. Work Plan and Forward Plan

The Committee noted the Forward Plan.

The Committee reviewed the Work Plan and confirmed its agreement to consider the following reports at the February meeting:

- Treasury Management Strategy 2024/25
- Capital Strategy 2024/25 to 2027/28
- Request for Exceptional Circumstances Relief from the Community Infrastructure Levy

The Scrutiny Officer informed the Committee that the Covered Market Roof Refurbishment item listed on the Forward Plan summary in the agenda pack had slipped to the March 2024 Cabinet meeting, and all items for the March Committee meeting would be agreed at the next Scrutiny Committee meeting in February.

76. Report back on recommendations and from Scrutiny Panel meetings

The Chair presented the report on recommendations.

The Committee noted that on 13 December 2023, Cabinet considered recommendations related to seven reports, responses to which were set out in the agenda pack:

- Authority Monitoring Report and Infrastructure Funding Statement 2022/23
- Equalities Update
- LGA Corporate Peer Review – Council Action Plan
- Review of Glyphosate Use by Oxford Direct Services to Manage Weeds on Behalf of Oxford City Council
- City of Sanctuary Accreditation
- Integrated Performance Report Q2 2023/24
- Treasury Management Mid-Year Report

The Scrutiny Officer advised that the Housing and Homelessness Panel met on 05 December 2023 and considered a number of reports including Building Safety and

Compliance within HRA Stock, Housing Performance Monitoring, Housing Complaint Handling Performance Q1 & Q2 2023-24 and the City of Sanctuary Accreditation. The Panel made one recommendation to Cabinet on the City of Sanctuary Accreditation.

The Finance and Performance Panel had met on 06 December 2023 and considered a large number of reports and prepared for the Budget Review process. The Panel made two recommendations on the Integrated Performance Q2 2023/24 Report, and one recommendation on the Treasury Management Mid-Year Report.

The Committee noted the updates from the Panel meetings.

77. Dates of future meetings

The dates of future meetings were noted.

The meeting started at 6.00 pm and ended at 8.50 pm

Chair **Date: Tuesday 6 February 2024**

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.