

CITY EXECUTIVE BOARD

Wednesday 13 April 2011

COUNCILLORS PRESENT: Councillors Price (Chair), Bance, Cook, Lygo, Malik, McManners, Smith, Tanner and Timbs.

169. APOLOGIES FOR ABSENCE

Councillor Turner.

170. DECLARATIONS OF INTEREST

None declared.

171. PUBLIC QUESTIONS

Full written questions with answers were distributed at the start of the meeting. These are attached to the minutes as appendix one.

As an additional point of information relating to question c11, the Leader added that a meeting with Spires Academy had been arranged to discuss leisure provision.

Councillor Bance advised that she had spoken to the member of the public asking question b4 to assure her that the number of Community Development Workers had not been reduced.

172. SCRUTINY COMMITTEE REPORTS

Scrutiny reports were taken with the corresponding agenda items.

173. DEMOCRATIC ARRANGEMENTS – PROPOSED CHANGES

The Head of Law and Governance submitted a report (previously circulated, now appended) analysing the outcome of consultation and providing recommendations and supporting detail on changes to the Council's democratic arrangements.

The Communities and Partnerships Scrutiny Committee also submitted a report making comments and recommendations on the proposals. The recommendations, as well as responses from the Leader, were as follows:-

	Recommendation	Response
1.	Any new system must be set as an improvement to current processes and in particular for better community engagement. The development of new systems and structures must have as key considerations issues of flexibility, broad engagement, and robustness of outcome for communities	<p>Accepted</p> <p>Linked to recommendation 3 below.</p> <p>Agreed that the systems had to be better than currently.</p> <p>Agreed that we needed criteria to review the new arrangement against. (officers would be setting these). The starting point for Area Forum success measures would be:</p> <ul style="list-style-type: none"> • The degree to which they engage with a broad cross section of communities in their area • What comes out from these in terms of community development and challenge for those areas
2.	To lay out clearly within a protocol the processes within which Area Forums operate detailing in particular any arrangements for them to be heard, responded to and rights of access	<p>Accepted with amendment</p> <p>Area forums would be linked to the structures of the Council in the way that Area Committees are now (CEB and Scrutiny). This will be made clear. In addition a Director will be allocated to and attend meetings so will be able to link forums into officers and groups. For those in regeneration areas there will be significant influence</p>
3.	To review in December the operation of all new process and structures within the changed democratic arrangement against criteria to be decided now	<p>Accepted</p> <p>A review will take place and the Board welcomes the work that scrutiny will do in considering the set up of the various area forum</p>

		<p>mechanisms with local members in their areas. This will be considered alongside this review</p> <p>See also recommendation 8 below.</p>
4.	To detail the amount of staff time and budget available within the Community Development and Local Regeneration Team to support the inputs and outputs from Area Forums and the administrative processes necessary when running “meetings”	<p>Accepted with amendment</p> <p>This will become clear in the current discussions with area councillor groupings. When a full picture is available of the requirements of local councillors an overall consideration of resources will be made. Scrutiny will be present at these meetings</p>
5.	Implementation must happen in June. The committee want planning discussions to begin now , running alongside consultation, to ensure administrative process are sound and can be built upon as decisions are made	<p>Accepted</p> <p>This will happen and these will be “real” meetings</p>
6.	To provide in May a range of member briefings aimed at familiarising them with the new Area Forum system alongside other changed democratic arrangements	<p>Accepted with amendment</p> <p>Outlines will be provided in the form of the papers in the report and protocols. Anything else will be at the request of members</p>
7.	To provide a broad consultation process using all opportunities to reach a wide group of people. To included within the consultation opportunities for residents to not only comment on the principle but make suggestions on ways of working	<p>Noted</p> <p>The current consultation will be further improved with the addition of detailed consultation with members in areas about what structures and mechanisms they believe will fit their areas. These outcomes will be reconsidered in June along with the scrutiny view on this by a member group (see recommendation 8 below)</p>
8.	To formally nominate Councillors Sanders and	Accepted

	<p>Wilkinson as members of the working group proposed and urge that this group meets as soon as possible</p>	<p>The two councillors' work is welcomed and they should actively take part in the discussions with councillor area groupings. These will lead into a members group (which they will be members of) to consider "area outcomes" and the interpretation of these into structures, resources and practical operation</p>
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Resolved

(1) To RECOMMEND to Council the following changes to democratic arrangements: -

A. On planning:-

1. That from the start of the 2011/12 Council Year three new committees be established as follows:-
 - (a) (i) Two area planning committees, consisting of nine members, politically balanced, meeting once a month.
 - (ii) The area planning committees to be responsible for reaching decisions on planning applications and associated matters as set out in the Appendix to Annex 2 to the report.
 - (iii) The area planning committees to be responsible for determining planning applications in the following Wards –
 - West Area Planning Committee – North, St Margaret's, Summertown, Wolvercote, Carfax, Hinksey Park, Holywell, Jericho and Osney, Iffley Fields, St Clements and St Mary's Wards.
 - East Area Planning Committee – Barton and Sandhills, Churchill, Headington, Headington Hill and Northway, Marston. Quarry and Risinghurst, Blackbird Leys, Littlemore, Northfield Brook, Rose Hill and Iffley, Cowley, Cowley Marsh and Lye Valley Wards
 - (iv) Where a planning application straddles area committee boundaries the area planning committee with the majority of the application site will determine the application.

- (v) The meetings of the committees generally to take place in the Town Hall.
- (b) (i) A Planning Review Committee consisting of nine members, politically balanced, meeting as and when required.
- (ii) The Planning Review Committee to be responsible for determining called in planning applications from the area planning committees.
- (iii) The Planning Review Committee meetings to be held in the Town Hall.

2. On call-in of planning applications :-

- (a) There will be no call in of decisions of the Planning Review Committee which will deal only with called in applications from the area planning committees.
- (b) Call ins to the area planning committees of applications to be determined by officers to be supported by four members (the caller in and three others) but no planning reasons will be needed; and call in to the Planning Review Committee, accompanied by relevant planning reasons, to be supported by twelve members (the caller in and eleven others).
- (c) That Council alters the Constitution with effect from 18th April by deleting all references to the ability to call in decisions of the Strategic Development Control Committee in order that Council is not required to determine any called-in planning applications, given that this report recommends that the final decision on planning applications be vested in the Planning Review Committee but that any call in of decisions reached by the April meeting of the Strategic Development Control Committee be considered and determined by the Planning Review Committee at its June meeting.

3. On membership of planning committees:-

Each of the three new committees to consist of a different set of members, with no member sitting on more than one of the new committees (substitutes excepted).

B. On area committees, community forums and Ward member budgets:-

1. That from the start of the 2011/12 Council Year:-

- (i) Area committees are not appointed.
- (ii) Area forums be introduced in the context of active neighbourhood management as described in Annex 3.

2. That Ward member budgets be spent subject to the conditions and restrictions set out in Appendix A to Annex 3, and that the Head of Law and Governance be authorised to amend the rules if it is considered necessary to protect the integrity of the Council.

C. On the remit of the Board and single executive members that from the start of the 2011/12 Council Year single Executive member decision making be adopted.

(2) To approve the split of functions as set out in Annex 4 and that the Executive scheme of delegation be amended accordingly to take effect as from the start of the 2011/12 Council Year

(3) On ward member budgets to note that, subject to the overall package of changes being substantially agreed by full Council, the Leader had agreed to delegate to individual Ward members the authority to spend up to £1,500 in the Council Year 2011/12 on anything that improves the economic, social or environmental wellbeing of their Ward.

174. CORPORATE PLAN 2011-2015

The Head of Policy, Culture and Communications submitted a report (previously circulated, now appended) introducing the Council's Corporate Plan for 2011-2015.

The Value and Performance Scrutiny Committee also submitted a report containing comments on the draft Plan. Full responses to comments of the Scrutiny Committee were included in the main report.

Resolved

- (1) To agree draft copy and targets for those sections of the Corporate Plan 2011-2015 that require extensive updating and to RECOMMEND Council to adopt the Corporate Plan update into the Policy Framework;
- (2) To delegate authority to the Head of Policy, Culture and Communications to make minor editorial changes or corrections post-approval and pre-publication;
- (3) In response to recommendations of the Scrutiny Committee, to request that officers include, as an appendix to the Plan, a report on achieved corporate targets up to 2011 and an update on agreed targets up until 2013; and
- (4) To request that the most up to date information on social deprivation indices is included in the document to reflect the current position.

175. BARTON AREA ACTION PLAN – PREFERRED OPTIONS

The Head of City Development submitted a report (previously circulated, now appended) seeking approval of the Barton Area Action Plan Preferred Options document for consultation.

Resolved to:-

- (1) Approve the Barton Area Action Plan Preferred Options document for consultation; and
- (2) Authorise the Head of City Development, in consultation with the Executive Board Member, to make any necessary editorial corrections to the document and to agree the design version before publication.

176. ELECTORAL REVIEW OF OXFORDSHIRE COUNTY COUNCIL DIVISION BOUNDARIES

The Head of Law and Governance submitted a report (previously circulated, now appended) summarising why the County Council was having an electoral review as well as a proposed scheme of Divisions for Oxford.

Resolved to endorse the submission of the scheme attached to the report to the Local Government Boundary Commission for England.

177. GRANTHAM HOUSE, CRANHAM STREET – DISPOSAL

The Head of Corporate Assets submitted a report (previously circulated, now appended) seeking approval to dispose of Grantham House, Jericho as a surplus asset.

Resolved:-

- (1) To approve the freehold disposal of Grantham House at a consideration as detailed in the confidential Appendix attached to the report; and
- (2) That in the event that the purchase does not proceed at the level agreed, to authorise the Head of Corporate Assets to select an alternative purchaser by reference to other bids received in descending order, at open market value.

178. FUTURE ITEMS

Nothing was raised under this item.

179. MINUTES

The minutes of the meeting held on 9 March 2011 were approved as a correct record and signed by the Chair.

180. MATTERS EXEMPT FROM PUBLICATION

Resolved to exclude the press and public from the meeting during consideration of the items in the exempt from publication part of the agenda in accordance with the provisions in Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972 and that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Summary of business transacted by the Board after passing the resolution contained in minute 180

The Board received and noted the contents of not for publication appendix to the reports at item 9 (minute 177 refers).

The Board also approved the not for publication section of the minutes of the meeting held on 9 March 2011

The meeting started at 5.00 pm and ended at 6.03 pm.

a) Question from Matthew Sellwood (Agenda item 6)

"Can the relevant Portfolio Holder please explain the administration's justification for going ahead with changes to the democratic structure of the Council, given the overwhelming opposition of those members of the public who were consulted?"

Answer: The reasons for the proposals are set out in the papers that are before CEB.

b) Questions from Sarah Lasenby (Agenda item 6)

1) "I would like to ask whether the Board to reconsider the arrangements for the new planning committees. St Clements and St Mary's wards have no connection with the north and west. Not even with the Central Wards. We may have students in common but most of ours are in private houses in multiple occupation not in University owned houses."

Answer: Development control decisions are guided by the Local Development Framework, and members from any part of the City have shown themselves capable of reaching decisions on applications which are not in their Wards. The old Planning Committee, the current Strategic Development Control Committee and, of course, the full Council, have all demonstrated a capacity to deal effectively with planning matters.

2) Question disallowed – not in the form of a question.

3) Question disallowed – not in the form of a question.

4) "You have already reduced the number of Community Development Team Officers involved in this area and I hope they will be effective in a way some of those who have left were not but there is a limit to what a few members of staff can do."

Answer: Area forums can be structured as local members wish in order to engage most effectively with their communities and neighbourhoods, and to 'shape' the ways in which the community develops. Representatives of local community groups can be invited to attend as well as being open to all those who live in the area. The agendas for discussion are entirely at the discretion of the Forum members.

5) Question disallowed – not in the form of a question.

6) "I am extremely concerned about the introduction of single member decision making. How this is democratic what checks and balances will there be?"

Answer: Single member decision-making is a feature of most local authorities across the country. It operates under the same rules of

transparency and scrutiny as any other executive decision, and decisions have to comply with all the standard rules in relation to conflicts of interest.

7) "I see the Area Forum will be meeting four times a year. I shall find this less easy to remember unless there are good posters etc. I see they are proposed 'to have a local partnership arrangement similar to the neighbourhood management model involving key local stakeholders and community representatives but covering a wider area.' Who will be the partners and who the local stakeholders?"

Answer: The Forums themselves will be able to select the key partners and stakeholders. Some suggested priority groups for consideration would be local schools, faith groups, residents' groups, tenants associations, youth groups, community associations, low carbon groups, environmental groups, friends of parks etc. The principal consideration should be the contribution that the group can make to developing the local area in ways that meet members' and residents' aspirations.

8) What powers will these Forums have and what influence on the life in local areas. Which wards will be meeting together?

Answer: The Area Forums will cover the same areas as the Area Committees. Their influence over the life of the locality will depend on the issues that they address and the channels that are available to tackle them. Matters within the City Council's authority can be taken up through direct contact with officers, through Scrutiny and through Council decisions.

c) Questions from Nigel Gibson

1) (Agenda item 3) "Over the course of the last few City Executive Boards, the Leader has broken with what appeared to be usual practice and sometimes refused to allow members of the public to read out their questions during the Public Question session, preferring instead to answer them informally. Will the Leader please explain his rationale regarding this change, as members of the public listening in the City Executive Board have no idea what question is being asked, and cannot always hear the answer?"

Answer: Many questions in recent times have strayed well beyond the intention of the procedure which is to seek and provide information. For reasons of length and because they involve statements of opinion I have chosen not to have them read out.

2) Question disallowed – does not relate to an agenda item

3) (Agenda Item 8) "South Oxfordshire District Council, with £80m in reserves, has announced that it will be building a new Olympic-size 50m swimming pool over the next few years. There is a real risk that the number of people visiting any new pool may not be enough to make it viable. Having such a facility so close to the 25m pool (with no diving) in Blackbird Leys is likely to mean that key stakeholders such as the elite Swimming Club may switch to using the bigger

pool, prejudicing the viability. Given that in comparison to SODC Oxford City Council has limited reserves, why not shelve plans to build a new swimming pool in Blackbird Leys, the initial costs of which are currently £13m and rising, and invest £3m in refurbishing and improving both Temple Cowley Leisure Centre and Blackbird Leys Swimming Pool, where the public actually want their facilities?”

Answer: The proposed new pool at Blackbird Leys will serve the people of Oxford and can be easily accessed by public transport, cycling and walking from many parts of the City. It would be inconsistent with our aspiration to reduce carbon usage to encourage residents of Oxford to drive to Didcot to swim.

4) Question disallowed – does not relate to an agenda item

5) Question disallowed – does not relate to an agenda item

6) (Agenda item 11) “In the last minutes, reference 146, the “Composite Answer form Councillor Price” (sic) in response to Question 1 states that “the proposed new pool facility would... ..deliver very substantial running cost savings year on year”. What is the value of this ‘very substantial’ saving, and why is it relevant since the council pays a fixed cost per year to Fusion to operate all leisure facilities?”

Answer: This was detailed in the affordability section of the September 2010 report on the pool which is still on the council’s website;-

- A pool extension to Blackbird Leys Leisure Centre has a running cost of £150k per year, saving £324,000 per year against the combined £474k running costs of Temple Cowley Pools and Blackbird Leys Pool.
- The current £474k running costs at Temple Cowley Pools and Blackbird Leys Pool exclude all repair and maintenance works which is an unbudgeted cost to the council. The £150k running cost for the pool extension at Blackbird Leys Leisure Centre includes all repair and maintenance costs.

These figures are clearly very substantial and relevant as the saving is used in the main to finance the proposed pool at Blackbird Leys.

7) (Agenda Item 11) “In the last minutes, reference 146, the “Composite Answer form Councillor Price” (sic) in response to Question 1 refers to a petition being discussed at Full Council. Under the Local Democracy, Economic Development and Construction Act 2009, the Council was required to debate the petition – in fact, the labour administration immediately moved an amendment that was debated, meaning that the petition itself was not – the council has therefore acted illegally – when will it move to comply with the law and debate the petition?”

Answer: The subject matter of this question has been dealt with in email correspondence with the Council's Monitoring Officer. The petition, together with the one presented to Council on 21 February, is referred to in the report to full Council on 18 April. The outcome of the Council

debate will be referred to the Executive when it considers both petitions early in the new Council Year.

8) (Agenda Item 11) “In the last minutes, reference 146, the “Composite Answer form Councillor Price” (sic) in response to Question 1 states that the proposed new Pool is “within easy walking distance of a very large local population in Blackbird Leys itself, Littlemore, and Cowley” – the Transport Assessment produced by Curtin Consultants for Mace identifies the acceptable walking distance to the proposed new pool as 800m, and shows clearly on Plan 90011/003 that this limit does not reach outside the boundary of the Blackbird Leys estate. What information do you have that means you can say that Littlemore and Cowley are “within easy walking distance”?”

Answer: The Transport Assessment prepared by Curtins Consulting makes reference to the Chartered Institution for Highways and Transportation (CIHT) document entitled ‘Providing for Journeys on Foot’. This suggests that an 800m walk to a local service such as a swimming pool is ‘Acceptable’. However, this is not an absolute figure and the document goes on to say that the ‘Preferred Maximum’ distance is actually 1200m. A 1200m walk distance does extend outside of the Blackbird Leys Estate boundary towards Littlemore and Cowley.

It should also be noted that the CIHT document is only guidance and planning policy documents such as PPG13 actually state that walking is the ‘most important mode of travel at the local level and offers the greatest potential to replace short car journeys, particularly under 2 kilometres’. This reference is also included within the Transport Assessment produced by Curtins Consulting. A 2000m catchment includes parts of Littlemore and Cowley.

9) “In the last minutes, reference 146, the “Composite Answer form Councillor Price” (sic) in response to Question 1 says that it is too early to know how many Galas will be held. Please explain this thinking – the elite Swimming Club has been quite clear in saying that they want the new pool simply to be able to hold more events than they do at present – you have produced a forecast of 400,000 visits a year to the new pool – surely you must be able to say with certainty at this stage when committing over £16m of taxpayers money how you anticipate the proposed facility being used?”

Answer: We have sufficient information at this stage to estimate usage figures of the new centre. A detailed programme within those broad estimates would take place nearer the time the centre opens in consultation with key stakeholders.

10) (Agenda Item 11) “In the last minutes, reference 146, the “Composite Answer form Councillor Price” (sic) in response to Question 1 asserts that the £8.5 million figure for the new pool remains correct. How can this be so, when the design includes a moveable floor which was an option separately costed at £295,000 on top of the £8.5million option 3C estimate shown on page 86 of the Mace report?”

Answer: As repeatedly stated the moveable floor has always been in the £8.5M scheme. The recent consultation merely confirmed whether there would be a longitudinal or latitudinal moveable floor.

11) (Agenda Item 11) "In the last minutes, reference 146, the "Composite Answer form Councillor Price" (sic) in response to Question 1 did not address question (d): At CEB on 1st September 2010, it was resolved "that work is continued to ensure Temple Cowley residents retain good access to leisure facilities". Can you please explain what work has been continued, and what will be done in future? Can you also please explain what work CEB is doing to ensure residents from other areas that regularly use Temple Cowley Leisure Centre, such as Headington, Rose Hill, Littlemore, Abingdon Road and Wood Farm also retain good access?"

Answer: While it is important to make clear that the proposed pool will be a City-Wide facility and is only 1.6 miles from Temple Cowley, our leisure team are continuing to work with local schools and other leisure providers such as the new Feel Fit gym in Templars Square to ensure a well coordinated leisure offer. Our leisure offer is shown on the leisure pages of the council's website and is updated on a regular basis.

12) (Agenda Item 11) "In the last minutes, reference 146, the "Composite Answer form Councillor Price" (sic) in response to Question 1 did not address question (e): What work has been carried out to analyse the forecast usage at the proposed new swimming pool in Blackbird Leys to demonstrate which parts of Oxford the users will come from?"

Answer: As previously stated this will be a City-Wide facility and users will come from the city and beyond. This has been confirmed by the council's ongoing work with Sport England and the detailed marketing analysis carried out by Fusion Lifestyle.

13) (Agenda Item 11) "In the last minutes, reference 146, the "Composite Answer form Councillor Price" (sic) in response to Question 1 did not address question (g): On the council's website there is a page headed "Consultation on Leisure Facilities". The information on there is misleading and biased, and does not provide members of the public with a balanced view of the issue. For example, stating that Temple Cowley Pools and Blackbird Leys Swimming Pool are "near the end of their operational lives" is simply incorrect, as both the Mace Study last year and the previous Condition Survey stated that Temple Cowley Leisure Centre is in "fair" condition and "midlife". Will the CEB please ensure that this and all other misleading or incomplete information on this page and other related pages is corrected as soon as possible?"

Answer: The information on the leisure pages has been developed by experts in their respective fields, in particular asset management and leisure facilities. This information is not misleading and provides a true and fair position of our facilities.

14) (Agenda Item 11) "Item 8 of the Agenda addresses the Core Strategy, which asserts the ambition to become a "world class city for everyone" – what does a

“world class city” look like, why do we want to become one, and how can this be for “everyone”?”

Answer: The Council’s vision for its future development is addressed in the Corporate Plan annually; the 2011-14 Plan is on the agenda for this meeting of the CEB

d) Questions from Mark Pitt (Agenda item 8)

1) “Given the Council’s legal obligations under:

Chapter 15 of the Equality Act 2010, Chapter 15 which stipulates:

1 Public sector duty regarding socio-economic inequalities

(1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

And:

EU COUNCIL DIRECTIVE of 27 June 1985 (85/337/EEC)

“on the assessment of the effects of certain public and private projects on the environment

Article 5

— an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects,” and given the recent identification of approximately 100 sites of various capacities by the Sites and Housing DPD,

Will the Council accept it has an legal obligation to include preferred options/policies that would allocate parts of Barton to be low carbon and cost developments such as keyworker, medium term, student/senior accommodation, and would allow poor families to live in sites such as Dorset House (lost), St Clements proposed development, in order to increase social mobility, spread and dilute poverty, poverty of expectations rather than concentrate them in a black arc of deprivation from Blackbird Leys to Barton West? Each with formal legal, scientific and financial assessment, rather the dismissing these in the Report “Development of Land at Barton/Next Steps of 10 Nov 2010” as “politically unacceptable?” with no further analysis?”

Answer: The Preferred Options report for the development at Barton is included on the CEB agenda and all members of public are invited to comment on the mix of housing types that is proposed and many other aspects of the community building elements of the report.

2) “The environmental management options for the Barton site are covered extensively in the report and the Council’s Core Strategy makes clear the

importance of enhancing the accessibility and quality of green spaces in and around the City.”

Answer: The environmental management options for the Barton site are covered extensively in the report and the Council's Core Strategy makes clear the importance of enhancing the accessibility and quality of green spaces in and around the City.

e) Question from Robert Grimley (Agenda Item 8)

“I would be grateful for clarification as to why Ruskin College's development proposal for fields within a Conservation Area has been included in the Barton Area Action Plan Preferred Options document at this very late stage of the BAAP, with minimal public consultation and no evidence of its implications in terms of traffic, sizes of community facilities required or integration with surrounding communities?”

Answer: The reasons for its inclusion in the document are covered in the report. It is made clear that while the Ruskin site forms part of the Barton Area Action Plan process, the status of the proposals from the College is different from those set out elsewhere in the AAP Preferred Options document. Any development proposals that come forward will be dealt with on their merits independently of the Barton site.

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