

MINUTES OF THE SCRUTINY COMMITTEE

Monday 2 November 2015



COUNCILLORS PRESENT: Councillors Simmons (Chair), Hayes (Vice-Chair), Coulter, Darke, Gant, Henwood, Lloyd-Shogbesan, Smith, Taylor, Upton, Pressel and Thomas.

BOARD MEMBERS PRESENT: Councillor Susan Brown, Councillor Alex Hollingsworth and Councillor Dee Sinclair

INVITEES AND OTHER MEMBERS PRESENT: Councillor Jean Fooks

OFFICERS PRESENT: Tim Sadler (Executive Director Community Services), Jeremy Thomas (Head of Law and Governance), Richard J Adams (Community Services), Mark Jaggard (City Development), Paul Wilding (Benefit Operations Manager), Pat Jones (Committee and Member Services Manager) and Catherine Phythian (Committee Services Officer)

53. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fry (substitute Councillor Pressel) and Councillor Hollick (substitute Councillor Thomas).

54. DECLARATIONS OF INTEREST

There were no declarations of interest.

55. CALL IN: CITY CENTRE PUBLIC SPACES PROTECTION ORDER (PSPO)

The Chair of the Scrutiny Committee explained that he had called in the CEB decision to approve the introduction of a City Centre Public Space Protection Order (PSPO) because he was concerned that the information raised by the University of Oxford and Liberty had not been fully considered. He asked the Committee to limit their discussion to the following issues:

- The University of Oxford proposal that their land be excluded from the City Centre PSPO
- the three points raised by Liberty in their letter dated 9 October 2015:
 - insufficient evidence of detrimental effect

- insufficient consideration of alternative and/or existing measures
- disproportionate breadth of PSPO terms
- the proposed use of Criminal Behaviour Orders (CBOs)

The Committee & Member Services Manager advised the Committee that it was required to review the City Executive Board decision in light of the call-in representations and, on a majority, decide to:

1. support the decision, which can then be acted on immediately; or
2. refer the decision back, with comments, to the City Executive Board to take a final decision.

The Chair of the City Centre PSPO Scrutiny Panel said that he supported the call-in as he was concerned that the Panel had not been in a position to fully scrutinise the City Centre PSPO and take account of the matters raised by the University of Oxford and Liberty. He acknowledged that the Head of Law & Governance and the Community Safety & Resilience Manager had kept the Panel informed of developments but felt that the role of the Panel had been constrained.

The Community Safety & Resilience Manager briefed the Committee on the key stages of the consultation process highlighting the fact that the general letter to University addresses had been supplemented by a targeted letter to University Bursars and by discussions with the University security services.

The Committee acknowledged that in retrospect it would have been better to send the consultation letter to the Director of Estates at the University of Oxford for internal dissemination. They also felt that the content of the letter could have been clearer about the implications of the proposed PSPO for the landowner. The Committee then considered the arguments for and against amending the boundaries of the City Centre PSPO, having particular regard to the likelihood that more restrictive boundaries would lead to displacement of the anti-social behaviours.

The Director of Community Services said that he had met with a representative from the University Estates team who had confirmed their wish for the University land to be excluded from the City Centre PSPO, despite the risk of displacement of activities from the city centre.

The Committee considered a proposal to change the boundaries of the City Centre PSPO to remove Oxford University land. This proposal was not agreed by the full Committee or by a majority:

- 5 in favour of changing the boundaries of the City Centre PSPO
- 7 not in favour of changing the boundaries of the City Centre PSPO

Cllr Thomas raised a number of concerns about the proposed use of Criminal Behaviour Orders (CBOs), in particular that

- CBO's were only mentioned at a very late stage in the debate without the opportunity to scrutinise
- the Council already has the power to request CBO's and has had numerous opportunities to deploy

- CBO's were very unlikely, based on academic research, to achieve the stated aim of moving people towards services and were consequently a high risk strategy
- CBO can only be issued once an individual has been prosecuted

The Head of Law and Governance acknowledged the points made by Cllr Thomas. He said that the City Centre PSPO was intended to set minimum standards of behaviour in the city centre. He reiterated the advice he had given to the City Executive Board explaining that although the preferred approach would be to direct people towards support services it had to be recognised that the PSPO also provided the Council with the powers to take enforcement action when necessary.

The Chair of the City Centre PSPO Panel observed that, in deciding to approve the introduction of the City Centre PSPO, the City Executive Board had been fully apprised of the issues raised by Liberty and of the corresponding legal advice from the Head of Law and Governance.

The Committee considered a proposal to refer the City Centre PSPO back to the City Executive Board to reconsider the issues raised in the 9 October letter from Liberty and the proposed use of CBOs. This proposal was not agreed by the full Committee or by a majority:

- 3 in favour of referring the PSPO back to the City Executive Board
- 9 not in favour of referring the PSPO back to the City Executive Board

The Chair of the Scrutiny Committee thanked the Board Member and officers for their time and said that the City Executive Board decision to introduce the City Centre PSPO was confirmed.

56. DISCRETIONARY HOUSING PAYMENTS

The Revenues & Benefits Programme Manager presented the report (previously circulated, now appended) which detailed the status of the Discretionary Housing Payments budget at 30 September 2015. He reminded the Committee that in March 2015 the City's Executive Board had agreed a new Discretionary Housing Payment (DHP) policy, which aimed to support people to find long term solutions to the reduction in their benefits.

The Board Member for Customer and Corporate Services said that the new policy was introduced in response to the reduced government grant for 2015/16 and that it was necessary because of the underlying problem of a lack of affordable housing in a city with high employment. In response to questions from the Committee she said she expected all of the DHP grant from the government would be spent in 2015/16.

In discussion the Committee noted the following points:

- that the recipients of long term DHP awards tended to face significant barriers to entering the job market not all of which (for example accessing

mental health support and affordable child care) were within the City Council's control

- that future DHP reports would provide more detailed information on the personal circumstances of the people who are refused DHP
- that there was probably a close correlation between DHP recipients and people in short term tenancies but this had not been tested
- that the Council was able to settle modest rent arrears and award DHP to customers
- that the reduction in the number of people claiming benefit and living in the private rented sector in 2015/16 compared to 2014/15 was in part due to the buoyant job market in the city but was also due to the significant number of people forced to move out of the city because of the difficulties of accessing a property in the private rented sector and the increasing gap between rental costs and Local Housing Allowance rates in the city

The Committee thanked the Revenues & Benefits Programme Manager for his report.

Cllr Pressel left the meeting during discussion of this item.

57. PLANNING - ANNUAL MONITORING REPORT (AMR)

The Board Member for Planning, Transport and Regulatory Services presented the Annual Monitoring Report (AMR) 2014-15 (previously circulated, now appended) which reported on the effectiveness of planning policies contained within Oxford's Local Development Plan against a range of performance indicators.

The Scrutiny Committee discussion focused on concerns about the red status of Indicator 13: Affordable Housing Completions (Gross) and Tenure. The Board Member explained whilst it was disappointing that only 17 affordable dwellings were completed in the 2014/15 monitoring year it was in part due to the phasing of the completion of residential developments. The situation would improve in future years as existing developments were completed. He advised the Committee that the 2015/16 report would include 107 (gross) affordable dwellings being provided through the City Council's own building programme.

The Committee also raised a number of comments relating to Indicator 22: Students and Purpose Built Student Accommodation and Indicator 23: Location of New Student Accommodation. The Board Member gave an assurance that the Council remained committed to working with the University of Oxford and Oxford Brookes to minimise the number of students living in private rented accommodation in the city.

In view of the large number of "green" status indicators in the report the Committee questioned whether there would be merit in reviewing the choice of measures. The Board Member agreed that this was something that should be kept under review.

The Spatial & Economic Development Manager gave the following responses to questions from the Committee:

- It was not possible to facilitate housing development by a “swap” of a suitable but protected employment site with another unprotected site
- Although there had been a relatively high turnover of staff within the planning department there remained a dedicated core of professional officers committed to meeting the needs of customers and communities in the city

The Scrutiny Committee RESOLVED that the following recommendation be put to the City Executive Board:

That the City Executive Board states whether it agrees or disagrees with the following recommendations:

1. That the Council includes the following two new indicators when considering the effectiveness of planning policies contained within the Oxford Local Development Plan
 - a. Number of units of affordable housing to rent built on Council owned land
 - b. The amount of land freed up for affordable housing development through change of use

58. EQUALITY AND DIVERSITY REVIEW - SCOPE

The Chair of the Equality and Diversity Review Panel presented the draft scoping document. He thanked panel members, the Scrutiny Officer and Chris Harvey and Jarlath Brine for their support in shaping the proposed terms of reference for the panel.

In discussion the Committee identified the following points for further consideration by the panel

- that Council representatives from Unison and Unite should be invited to participate in the panel either as members or as witnesses
- whether there were inequalities within particular types of job or grade levels within the Council which did not reflect the overall position
- when considering what barriers are faced by under-represented groups in the recruitment process it was important to look at the initial, application stages

The Committee resolved to AGREE the scoping document.

59. UPDATES SINCE THE LAST MEETING

The Chair of the Guest Houses Review Panel reported that they had completed the evidence gathering and were now formulating recommendations. The report

would be submitted to the Scrutiny Committee and City Executive Board in December.

The Chair of the Housing Standing Panel said she was pleased to report that the City Executive Board had accepted the recommendations on solar panels and HMO licensing.

The Chair of the Finance Standing Panel said that they had recently discussed financing options for affordable housing with representatives from the Low Carbon Hub. This had been a productive meeting and the Head of Financial Services intended to hold further discussions. He reminded the Committee that they were welcome to join the Panel at any of the budget review meetings scheduled for December and January. He encouraged any Committee members unable to attend the meetings to submit any budget related questions to himself or the Scrutiny Officer.

The Committee NOTED the dates of the future meetings of the standing panels.

60. WORK PROGRAMME AND FORWARD PLAN

The Committee reviewed the work programme and Forward Plan noting the slippage of two of the City Executive Board reports scheduled for pre-decision scrutiny in December.

The Committee resolved to AGREE that:

1. the City Executive Board reports on the ODEON, Gloucester Green Market development options and the Transfer Station for Recycled Material should remain on the work programme for pre-decision scrutiny at a future date;
2. the Asset Management Plan should be added to the agenda for the meeting on 2 February 2016.

61. REPORT BACK ON RECOMMENDATIONS

The Committee NOTED the report commenting on the high number of scrutiny recommendations that had been accepted by the City Executive Board.

62. MINUTES

The Committee resolved to APPROVE the minutes of the meeting held on 6 October 2015 as a true and accurate record.

63. DATES OF FUTURE MEETINGS

The Committee NOTED that further meetings were scheduled on the following dates:

9 December 2015 - Wednesday

12 January 2016

2 February 2016

7 March 2016

5 April 2016

All meetings being at 6.15 pm.

The meeting started at 6.15 pm and ended at 8.30 pm

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