

MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 15 October 2015

www.oxford.gov.uk



COUNCILLORS PRESENT: Councillors Turner (Deputy Leader), Brown, Hollingsworth, Kennedy, Rowley, Simm and Sinclair.

OTHER MEMBERS PRESENT: Councillor Jean Fooks, Councillor Andrew Gant, Councillor Linda Smith, Councillor David Thomas and Councillor Craig Simmons

OFFICERS PRESENT: Peter Sloman (Chief Executive), Caroline Green (Assistant Chief Executive), Jackie Yates (Executive Director Organisational Development and Corporate Services), Nigel Kennedy (Head of Financial Services), Jeremy Thomas (Head of Law and Governance), Lindsay Cane (Law and Governance), Stephen Clarke (Head of Housing and Property), Ian Brooke (Head of Community Services), Ian Wright (Environmental Development), Richard J Adams (Community Services), Adrian Chowns (Team Leader HMO Enforcement Team), Niko Grigoropoulos (City Development), Ian Marshall (Team Leader Design, Heritage and Specialist Services), Fiona Piercy, Paul Wilding (Benefit Operations Manager) and Catherine Phythian (Committee Services Officer)

83. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Price, Cllr Lygo and Cllr Tanner.

The Chair welcomed Caroline Green, Assistant Chief Executive, to her first meeting of the City Executive Board.

84. DECLARATIONS OF INTEREST

There were no declarations of interest.

85. PUBLIC QUESTIONS

The City Executive Board noted the following public questions and the written responses (as published) on:

Agenda item 7: City Centre Public Space Protection Order

- Mr Jonny Walker, Founding Director of Keep Streets Live Campaign
- Mr Mark Thomas

Agenda item 8: Proposed lease and monitoring arrangements for Community Centres

- Mr Khan

86. SCRUTINY COMMITTEE REPORTS

The Chair of the Scrutiny Committee submitted the following reports for consideration by the Board:

4a: Report of the Scrutiny PSPO Panel on the City Centre PSPO

This report (previously circulated, now appended) was considered as part of the discussion of agenda item 7.

4b: Report of the Scrutiny Committee on Community Centre Leases

This report (previously circulated, now appended) was considered as part of the discussion of agenda item 8.

4c: Report of the Scrutiny Inequality Panel - Combatting inequality: Is Oxford City Council doing all it can to make Oxford a fairer, more equal place?

See minute item 87.

4d: Report of the Scrutiny Committee on the Financial Inclusion Strategy

This report (previously circulated, now appended) was considered as part of the discussion of agenda item 9.

4e: Report of the Scrutiny Housing Panel on HMO Licensing

This report (previously circulated, now appended) was considered as part of the discussion of agenda item 12.

4f: Report of the Scrutiny Housing Panel on the fitting of solar panels on council-owned housing stock

This report (previously circulated, now appended) was considered as part of the discussion of agenda item 11.

87. REPORT OF THE SCRUTINY INEQUALITY PANEL - COMBATTING INEQUALITY: IS OXFORD CITY COUNCIL DOING ALL IT CAN TO MAKE OXFORD A FAIRER, MORE EQUAL PLACE?

Cllr Simmons, Chair of the Scrutiny Committee, presented the report (previously circulated, now appended). He said that the Scrutiny Committee was pleased to note that 17 of the original recommendations of the Scrutiny Inequality Panel had been agreed in full and 3 had been agreed in part. He said that at the meeting on 6 October 2015 the Scrutiny Committee discussion had focused on the 9 original recommendations which had not been agreed or commented upon by the City Executive Board. He explained that the report before the Board provided supplementary information to support those 9 recommendations.

The Board noted the responses provided in the supplementary report. The Executive Director Organisational Development and Corporate Services provided the following comments on the 9 outstanding recommendations:

- Recommendation 3: Not agreed – metrics must be national to be comparative
- Recommendation 10d: Not agreed – although the Board confirmed its supports the social prescribing initiative it is the responsibility of the Oxfordshire Clinical Commissioning Group.
- Recommendation 13: Not agreed – the outcome of the bid will be monitored and the recommendation will be kept under review.
- Recommendation 14a: Agreed in part – The Board noted its appreciation of the work of Asylum Welcome.
- Recommendation 16: Agreed in part - The OCVA have a register of Charities and are funded by the Council. We will raise concerns about the register with OCVA and seek to address them with OCVA colleagues.
- Recommendations 17a and b: Not agreed - This proposal does have a cost implication, as whilst the Council has some information in relation to benefits claimants it does not hold any data on schools children attend and as the roll out of Universal Credit continues it will hold no relevant benefit data. A new grant programme is something to consider during the budget setting process.
- Recommendation 19: Agreed - The Council will lead by example and promote best practice.
- Recommendation 20: Agreed – the Council supports the sentiments behind the recommendation and will increase its efforts to promote the Oxford Living Wage.

88. COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA

Cllr Thomas addressed the Board with regard to:

- agenda item 7: City Centre PSPO

His comments were addressed during the discussion of that item.

Cllr Fooks addressed the Board with regard to:

- agenda item 7: City Centre PSPO
- agenda item 10: Changes for charges to planning and listed building pre-application advice
- agenda item 12: Review of additional licensing scheme for houses in multiple occupation (HMOs) in Oxford

Her comments were addressed during the discussion of those items.

89. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

There were no Councillor addresses on neighbourhood issues.

90. CITY CENTRE PUBLIC SPACES PROTECTION ORDER (PSPO)

The Executive Director Community Services submitted a report (previously circulated, now appended) which detailed the consultation regarding a Public

Spaces Protection Order for the city centre, and sought approval of a draft Order.

Cllr Sinclair, Executive Board Member for Crime, Community Safety and Licensing presented the report. She reminded the Board that the current draft PSPO was the result of a long period of intense scrutiny from early 2015 and that it had been revised following robust and thorough review and in response to representations.

The Environmental Protection Service Manager highlighted the main points of the report. He explained that it addressed each of the proposed prohibitions and offered evidence for its inclusion and commented on how the offence would be enforced.

The Head of Law and Governance briefed the Board on the supplementary report (previously circulated, now appended) which addressed the representations submitted by Liberty in their letter of 9 October 2015. The report also clarified the Council's intentions with regard to the issue of Fixed Penalty Notices (FPNs) for aggressive begging and detailed a proposed correction to the draft Order by replacing "make" with "complete" in Prohibition 1f).

The Chief Executive advised the Board that a representation had been received that afternoon from the University of Oxford stating that they did not wish the boundaries of the PSPO to include any University land. He informed the Board that the University had been one of the 3000 landowners consulted. He indicated that some of the prohibitions in the draft PSPO already had effect on University land. He recommended that, if the Board were minded to approve the PSPO, they should do so in its present form and task officers to speak to university/college landowners about the practical implementation and enforcement of it.

The Chief Executive said that he had personally spoken to front line Council staff to understand the sort of issues they faced in dealing with anti-social behaviour in the city centre. Based on their comments and on his own personal observations of incidents in the city centre he was confident that the powers afforded to the Council under the PSPO were necessary. He said that in the majority of cases the Council's enforcement code was the starting point to changing behaviours and addressing the underlying problems which caused that behaviour. The PSPO would provide Council officers with stronger powers to deal with the minority of cases who rejected the offers of support from the Council and other local organisations. He assured the Board that the effectiveness of the PSPO would be subject to close scrutiny and monitoring.

Cllr Gant, Chair of the Scrutiny City Centre PSPO Panel, presented the report of the Scrutiny Panel (previously circulated, now appended). He explained that the Panel had met on 5 October 2015 to consider the draft PSPO and that the Panel's conclusions had been presented to the Scrutiny Committee on 6 October 2015. He noted the City Executive Board responses to the Scrutiny Committee recommendations and reminded the Board that both the Scrutiny Panel and Committee had failed to reach a consensus with regard to Sections 1a and 1e of

the draft PSPO. He said that due to time constraints it was regrettable that the Liberty letter had not been received at the time of the Panel or the Scrutiny Committee meetings.

Cllr Fooks, commenting on behalf of the Liberal Democrat Group, made the following points:

- Anti-social behaviour in the city centre needed to be addressed but was the introduction of a PSPO the most appropriate measure
- The Board should give full consideration to the points raised by Liberty as stated in Recommendation 2 from the Scrutiny Committee
- Was it advisable to include busking in the PSPO in advance of the new “code of conduct for busking”?

Cllr Thomas made the following points:

- That vulnerable people would be criminalised not helped as a result of the PSPO
- That the Board should drop the begging component in the draft PSPO

In discussion the Board noted the importance of differentiating between people who were homeless and those who were begging. They heard that the PSPO replaced or updated existing public space restrictions such as alcohol Designated Public Place Orders and Dog Control Orders. Any change to the draft PSPO boundaries would mean that the areas excluded would have no such updated legal regulations in place.

The City Executive Board resolved to:

1. **Agree** to make a Public Spaces Protection Order under S 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 9 ‘the Act’) on the terms set out at Appendix One and subject to the amendments detailed at Recommendation 2, for the area of the city centre shown on the map at Paragraph 28 for the duration of three years from a date to be determined by the Executive Director Community Services by reference to the installation of adequate public signage and statutory notifications in accordance with the Act; and
2. **Agree** to revise the proposed Order, to replace the word ‘make’ in the first bullet point of Prohibition 1(f) with ‘complete’ and to insert the word ‘reasonably’ prior to the word ‘perceived’ in Prohibition 1(a).

91. PROPOSED LEASE AND MONITORING ARRANGEMENTS FOR COMMUNITY CENTRES

The Head of Community Services submitted a report (previously circulated, now appended) which detailed proposals for a framework for the determination of leases in respect of city council owned community centres occupied and operated by community associations.

Cllr Simm, Executive Board Member for Culture and Communities presented the report. She explained the reasons for the proposed changes and said that it had

been the original intention to present this report in parallel with the Community Centre Strategy report. However, in view of the concerns expressed by the Community Centre Associations it was felt that delaying the lease proposal report would be unreasonable. She assured the Board that there was nothing in the draft Community Centre Strategy that conflicted with the lease proposals.

Cllr Simmons, Chair of the Scrutiny Committee, presented the scrutiny recommendations. Commenting on the draft City Executive Board responses to the recommendations he said that Recommendation 2 was about developing some basic non-negotiable conditions which would give the Council grounds for termination. The Executive Board Member for Culture and Communities said that this would be something that would be pursued in more detail in future discussions with the Community Associations.

The Board noted that they would receive an update on the progress on the lease negotiations when they considered the Community Centre Strategy report at their November meeting.

The City Executive Board resolved to:

1. **Agree** that for community centres that currently have a licence to occupy a notice to quit be served in respect of that licence along with a proposed replacement lease on the terms broadly set out in paragraph 8 of this report.

92. FINANCIAL INCLUSION STRATEGY (FIS) - ACTION PLAN UPDATE

The Executive Director of Organisational Development & Corporate Services submitted a report (previously circulated, now appended) which detailed the delivery progress of the Financial Inclusion Strategy Action Plan and sought agreement to an update of the Action Plan.

Cllr Brown, Executive Board Member for Customer and Corporate Services presented the report, highlighting the generally positive and successful progress in most areas.

Cllr Simmons, Chair of Scrutiny Committee, said that the Committee had been pleased to note the success of many of the action plan initiatives and that the recommendations focused on areas where they felt there was scope for more to be done.

In response the Board Member for Customer and Corporate Services commented on the individual scrutiny recommendations as follows (the detailed written responses are appended):

- Recommendation 1: Agreed – as it already happens
- Recommendation 2: Agreed – there is no directory of affordable childcare but we can direct members to the County Council website.
- Recommendation 3: Not Agreed – the action plan already covers this.
- Recommendation 4: Not agreed – but the training would be monitored and reviewed.

- Recommendation 5: Agreed – the Housing Needs Team already produces performance data relating to this area.
- Recommendation 6: Not agreed – the Council is fully supportive of the principles behind the recommendation but must fully understand the budget implications of all such proposals.

That the City Executive Board resolved to:

1. **Approve** the updated Financial Inclusion Strategy Action Plan as set out at Appendix 2; and
2. **Delegate** authority to the Executive Director, Organisational Development and Corporate Services, in consultation with the Executive Member for Customer and Corporate Services, to further update the Action Plan as necessary.

93. CHANGES TO CHARGING FOR PLANNING AND LISTED BUILDING PRE-APPLICATION ADVICE AND APPLICATION FEES

The Executive Director, Regeneration and Housing submitted a report (previously circulated, now appended) which detailed proposals to increase the level of fees for pre-application planning advice, and to introduce charges for pre-application advice for listed buildings and householder developments.

Cllr Hollingsworth, Executive Board Member for Planning, Transport and Regulatory Services presented the report. He explained that the Council encouraged pre-application discussions with prospective developers, applicants and agents in order to identify and, where possible, resolve any potential issues, and improve the quality of the submitted applications. He reminded the Board that the Council already levied charges for some types of pre-application.

The Planning Officers briefed the Board on the average length of time for the drop-in advice sessions (15 minutes) and the pre-application meetings (60 – 120 minutes). The Board noted that planning legislation prevented local authorities from incorporating a pre-application charge into the planning application fee.

Cllr Fooks commented on the absence of any on-line or printed guidance on planning rules for conservation areas. The Board Member for Planning, Transport and Regulatory Services agreed that this omission should be remedied.

The City Executive Board resolved to:

1. **Approve** the proposed increase in the level of fees for pre-application planning advice, and the proposed introduction of charges for pre-application advice in respect of listed buildings and householder developments, effective from 1 November 2015.

94. ARRANGEMENTS TO FACILITATE THE FITTING OF SOLAR PANELS ON COUNCIL-OWNED HOUSING STOCK

The Head of Housing and Property submitted a report (previously circulated, now appended) which detailed proposals to facilitate the fitting of solar panels on Council-owned housing stock in such a way that it reduces the demands on the HRA capital programme.

Cllr Rowley, Executive Board Member for Housing presented the report and commended the initiative.

The Head of Housing and Property reminded the Board that the recent Government budget announcements and potential policy changes to the Feed-In-Tariff may impact on the viability of this project for either the Low Carbon Hub or the Council. He explained that the Council was currently pre-registering properties ahead of the anticipated tariff changes.

The Chair of the Scrutiny Housing Panel presented the Panel's report and recommendation. She said that the Panel were very supportive of the overall initiative and she was pleased to note that Board Member supported the recommendation to work with the Low Carbon Hub to maximise the benefits of fitting solar panels to Council-owned housing stock.

The Board welcomed the proposals to promote communications and engagement with tenants through the secondment of a tenant liaison officer, funded by the Hub, to work with the Council's housing and property officers and the tenants.

The City Executive Board resolved to:

1. **Grant project approval** to fit solar panels on Council-owned housing stock in the manner described in this report;
2. **Delegate authority to the Chief Executive**, in conjunction with the Head of Finance, to enter into an Agreement to Lease with the Low Carbon Hub IPS (on the basis that this would permit leases to the roof space of individual Council properties to be drawn up and executed if required) plus any ancillary agreement required; and to submit an appropriate VEAT notice to the EU; and
3. **Agree** that on the basis of the matters set out in this report, the proposed arrangement with the Low Carbon Hub IPS represents best value to the Council.

95. REVIEW OF ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION (HMOS) IN OXFORD.

The Executive Director, Regeneration and Housing submitted a report (previously circulated, now appended) which detailed the results from the consultation carried out for the HMO Licensing Scheme and sought approval to designate the whole of the City as subject to additional licensing under section

56(1) (a) of the Housing Act 2004 in relation to the size and type of HMO specified in the recommendations of this report for 5 years commencing the 25 January 2016.

Cllr Turner, Executive Board Member for Finance, Corporate Asset Management and Public Health presented the report, highlighting the Council's duty to be proactive in addressing the problems of poor quality accommodation in the private rented sector because the acute housing shortage in the city meant that tenants were often reluctant to complain about conditions. He commended officers for a clear report and for the thoroughness of the consultation process. In conclusion he informed the Board that he had agreed the scrutiny recommendations (appended).

The Chair of the Scrutiny Housing Panel presented the Panel's report and recommendations. She commended officers on the high level of community engagement in the consultation and was pleased to note that both of the Panel recommendations had been agreed by CEB, particularly the need to investigate the potential to increase the number of free bulky items collections for tenants living in HMOs. She said that the impact of HMOs on the local environment should not be underestimated especially in areas where there was a high density of HMOs and she urged the Council to consider all options to control and improve the problems of parking, waste collection and landscaping.

In response to questions the HMO Enforcement Team Manager explained that the Council had limited powers to deal with parking problems but that officers worked with the County Council to do what they could to minimise the situation in local areas. Officers were also developing a new on-line system which would simplify the application process.

The legal advisor said that there was no requirement for the proposals at Recommendations 5 and 6 to be referred to Council for approval. He confirmed that the proposals were within the powers of executive delegation of the City Executive Board.

The City Executive Board resolved to:

1. **Note** the report of the Consultation of Licensing of Houses in Multiple Occupation 2015 and its findings attached at Appendix 1;
2. **Agree** that having considered the report of the consultation, which shows that a significant proportion of HMOs in the City are being managed ineffectively, an additional licensing scheme is required for a further 5 years;
3. **Agree** to designate the whole of the City as subject to additional licensing under section 56(1)(a) of the Housing Act 2004 for all three storey Houses in Multiple Occupation that contain three or four occupiers and all two storey Houses in Multiple Occupation that contain five or more occupiers with the designation coming into force on 25 January 2016 for a period of 5 years;

4. **Agree** to designate the whole of the City as subject to additional licensing under section 56(1)(a) of the Housing Act 2004 in relation to all two storey or single storey Houses in Multiple Occupation that contain three or four occupiers and all self-contained flats that are Houses in Multiple Occupation, irrespective of the number of storeys, but, so far as concerns section 257, Houses in Multiple Occupation, limit the designation to those that are mainly or wholly tenanted, Including those with resident landlords. This second designation will come into force on the 31 January 2017 and will last for 4 years;
5. **Agree** to adopt the proposed fees and charges structure attached at Appendix 2; and
6. **Agree** to adopt the eligibility criteria for the new scheme as attached at Appendix 3.

96. OXPENS DELIVERY STRATEGY

The Executive Director, Regeneration and Housing submitted a report (previously circulated, now appended) which detailed the proposed revised arrangements and budgetary implications for the Oxpens Delivery Strategy following the withdrawal of the private sector partner.

The Partnership and Regeneration Manager presented the report. She explained that the main difference in the revised proposals was that the Council would now create a wholly owned investment vehicle to acquire the land at Oxpens and then seek a joint venture partner through a competitive exercise.

The Board noted that recent Government announcements regarding proposed changes to planning legislation added a degree of urgency to the project.

The City Executive Board resolved to:

1. **Note** the contents of this report;
2. **Delegate to** the Executive Director Regeneration and Housing authority to agree terms for the acquisition of land at Oxpens (in consultation with the Chief Executive, s151 Officer and Monitoring Officer) subject to Council agreeing the recommendation set out at number 4 below;
3. **Approve** the creation of a wholly owned investment vehicle and the commencement of a competitive exercise to secure a joint venture partner to become a Member of such a vehicle; and
4. **Recommend Council to resolve to** approve the establishment of a capital budget of £8.4m to progress the project through the next stages.

97. ITEMS RAISED BY BOARD MEMBERS

No items were raised by Board Members.

98. MINUTES

The Board resolved to APPROVE the minutes of the meeting held on 10 September 2015 as a true and accurate record.

99. CONFIDENTIAL APPENDIX: COMMUNITY CENTRES

The Board received and noted the contents of the not for publication appendix to the report at agenda item 8 (minute 91).

100. CONFIDENTIAL APPENDIX: OXPENS DELIVERY STRATEGY

The Board received and noted the contents of the not for publication appendix to the report at agenda item 13 (minute 96).

The meeting started at 5.00 pm and ended at 7.00 pm

This page is intentionally left blank